ANNO SEXTO

GULIELMI IV. REGIS.

****

Cap. iv.

An Act to establish a Company for more effectually lighting with Gas the City and County of the City of *Exeter*, and certain Parishes and Places in the County of *Devon*. [30th *March* 1836.]

WHEREAS it would be of great Convenience and Advantage to the Inhabitants of the City and County of the City of *Exeter*, and to the Public at large, if the Streets, Lanes, and other public Passages and Places therein were more effectually lighted with Gas: And whereas the Parishes of *Topsham*, *Heavitree*, *Alphington*, *Saint Leonard*, and *Saint Thomas the Apostle*, all in the County of *Devon*, are large, populous, and increasing Places, and it would be of great Advantage to the Inhabitants and to all Persons travelling through the Roads, Streets, and Ways thereof, if the same were lighted with Gas: And whereas the several Persons herein-after named, together with other Persons, have subscribed and are willing to subscribe all such Sum and Sums of Money as are necessary for the Erection of proper Works, laying down Pipes, and completing all proper Preparations for lighting all such Places with Gas; but the same cannot be effected 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 *Joshua Hickman Stabback*, *John Hayman*, *Henry Hooper*, *William Page Kingdon*, *William* Proprietors incorporated.

Kennaway,

Kennaway, John Dewdney, Thomas Hartnole, Thomas Edward Drake, Christopher Hill, Joseph Green Bidwell, William Western Snell, Joseph Sparkes, J. P. Wilkinson, Peter Lisson, John Greenway, Robert John Trewman, John Lang, Thomas Hussey, Samuel Nesbitt, John Manley, John Geare, W. B. Burne, James Clarke, John Dacie, George Copp, George Buckland, John Tyrrell, William Hooper, Charles Force, Henry Sparkes, Charles Coldridge, William Lyddon, William Wills Hooper, James Ridge, William Branscomb, William Stephens, Robert Thomas Head, William Presswell, Robert Partridge, Edward Rossiter, Edward Newberry, Robert Thomas Pierce, William Lang, John Tonar, Richard Evans, Thomas Hutchings, Charles May Coldridge, Thomas William Gray, Joseph Reep Beer, George H Julian, Thomas T. Sparkes, Charles Bowring, John Risdon, John Clampit Sercombe, and all and every such other Person or Persons, Body or Bodies Politic or Corporate, as shall or may from Time to Time be duly admitted a Proprietor or Proprietors as herein-after mentioned, and their respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby declared to be one Body Politic by the Name of "The *Exeter* Commercial Gas Light and Coke Company," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, plead and be impleaded, at Law and in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment against any Persons who shall commit any Felony, Misdemeanor, or other Offence punishable by the Laws of this Realm.

Purposes of the Company.

II. And be it further enacted, That the said Company shall be established for the Purpose of producing Inflammable Air or Gas from Coal, Oil, Tar, Pitch, or other Materials, and for lighting with Gas or otherwise all Streets, Roads, Lanes, Quays, Bridges, and public Passages and Places, Churches, Chapels, and Buildings, and also all Shops, Inns, Taverns, private Houses, Warehouses, and other Buildings, within the said City and County of the City of *Exeter*, and the said several Towns, Parishes, and Places of *Topsham*, *Heavitree*, *Alphington*, *Saint Leonard*, and *Saint Thomas the Apostle*, all in the County of *Devon*, and also for selling and disposing of Coke, and of all and every Product and Products, Refuse or Residuum arising or to be obtained from the Materials used in or necessary for the Manufacture of Gas, in such Manner as the said Company may think proper.

Company empowered to contract for the Purchase of Lands and Buildings;

and Bodies Politic, &c. empowered to sell.

III. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered from Time to Time to treat, contract, and agree for the absolute Purchase of Lands, Tenements, or Hereditaments within the said City and County of the City of *Exeter*, and the several Towns, Parishes, and Places aforesaid, for the Purposes of this Act (not exceeding Five Statute Acres in the whole), and to accept and take a Conveyance or Conveyances thereof; and for all Bodies Politic, Corporate, Collegiate, or Ecclesiastic, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and for Persons having any other partial or qualified Estate or Interest, Feoffees in Trust, Executors, Administrators,

Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves, and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, and for all and every Person and Persons whomsoever who are or shall be seised or possessed of or interested in any Lands, Tenements, or Hereditaments, or any Part thereof, to contract for, sell, and convey the same or any Part thereof unto the said Company; and all such Contracts, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company, and shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; (that is to say,)

Form of Conveyance.

'I [*or* We, *as the Case may be*,] of in consideration of the Sum of paid to me [*or* us, *or* into the Bank of *England*, *as the Case may be*,] by the *Exeter* Commercial Gas Light and Coke Company, established by virtue of an Act passed in the Year of the Reign of King *William* the Fourth, intituled [*here insert the Title of this Act*], do hereby grant and release [*or* assign, *as the Case may be*,] to the said Company and their Successors all [*here describe the Parcels to be conveyed*], and all my [*or* our] Right, Title, and Interest in and to the same and every Part thereof, to hold to the said Company and their Successors and Assigns for ever [*or*, *as the Case may be*, during all the Remainder of my [*or* our] Term, Estate, or Interest in the said Premises.] In witness whereof I [*or* we] have hereunto set my Hand and Seal [*or* our Hands and Seals] this Day of in the Year of our Lord One thousand eight hundred and .'

And all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and be as a Merger of all outstanding Terms of Years, and be a complete Bar of all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

Company to have a Right of Way across certain Property.

IV. And whereas the Mayor, Aldermen, and Burgesses of the said City and County of the City of *Exeter* have agreed to grant unto the said Company an uninterrupted Right of Way into, from, through, and over a certain Piece, Plot, or Portion of Ground situate, lying, and being on the Western Side of the Basin of the *Exeter* Canal in the Parish of *Saint Thomas the Apostle* aforesaid, to communicate with the said Basin, and with certain Lands and Premises of or claimed by *William Browning*, being a Pasture Field now in the Occupation of *Robert Hodge*, adjoining to the *Haven Banks* Inn, upon which it is intended to erect the Works of the said Company, but which Right of Way is only to be used for the Purposes thereof; be it therefore enacted, That an uninterrupted Use and Right of Way of the Width of Twenty Feet at the least into the said Pasture Field from the Northern Corner or Hedge thereof to the Basin of the said *Exeter* Canal

Canal in the said Parish of *Saint Thomas the Apostle*, over and across certain Lands, Wharfs, Quays, or Roads now claimed by the said Mayor, Aldermen, and Burgesses, shall be and the same is hereby vested in the said Company, so far as the said Mayor, Aldermen, and Burgesses are entitled to sell, dispose of, or grant the same, and no further or otherwise, upon Payment of such Compensation for the same as shall and may be agreed upon between the said Mayor, Aldermen, and Burgesses, and the said Company: Provided always, that nothing herein contained shall be deemed or construed to grant or extend any Right of Way, Benefit, or Advantage whatsoever except to and for the Purposes of the said Company, and that the said Grant or Right of Way hereby vested shall determine at the Expiration of Twelve Calendar Months next after the Works of the said Company at the Pasture Field or Place aforesaid may discontinue and cease to be in operation.

Lands to become vested upon Payment or Tender of Purchase Money.

V. And be it further enacted, That upon Payment or Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties for the Purchase of any Lands, Tenements, or Hereditaments, or as a Compensation for Damages, as hereinbefore mentioned, to the Person or Persons who shall be respectively interested therein or entitled to receive such Money or Compensation respectively, or upon Payment thereof into the Bank of *England* for the Purpose of being disposed of in manner herein-after directed, the Lands, Tenements, or Hereditaments, and the Fee Simple and Inheritance and actual Possession thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all and every Persons and Person therein, shall from thenceforth be vested in and become the sole Right and Property of the said Company to and for the Purposes of this Act for ever; and such Payment, Tender, or Investment shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and shall be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, and their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, or Investment as aforesaid it shall not be lawful for the said Company to dig or cut into any such Lands or Grounds, or pull down or damage any such Buildings as aforesaid, for executing any of the Works hereby authorized, without the Consent in Writing of the respective Owners and Occupiers thereof first had and obtained.

Restraining the Company from purchasing more than Five Statute Acres of Land from incapacitated Persons, &c.

VI. And whereas the said Company are by this Act enabled to purchase and hold Five Statute Acres of Land, and all Bodies Politic, Corporate, Collegiate, or Ecclesiastic, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and Persons having any other partial or qualified Estate or Interest, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, and all Femes Covert, who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments,

are

are empowered to sell such Quantity or Number of Acres of Land to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands, Tenements, and Hereditaments so purchased from any Corporation or Person or Persons under any Disability or Incapacity as herein-before mentioned, and again purchasing other Lands from the same or any other Corporation or Person or Persons under any Disability or Incapacity as aforesaid, in lieu or stead of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Company to purchase from any Corporation or Person or Persons under any Disability or Incapacity as aforesaid more than such Five Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Five Statute Acres so purchased, it shall not be lawful for the said Company to purchase of or from the same or any other Corporation or other Person or Persons under any Disability or Incapacity as aforesaid to sell to the said Company, any other Lands, Tenements, or Hereditaments in lieu or stead of those Five Statute Acres, or any Part thereof, so sold or disposed of by the said Company.

Application of Purchase Money when amounting to 200*l.*

VII. And be it further enacted, That if any Money shall be contracted or agreed to be paid for any Lands, Tenements, or Hereditaments, or any Estate or Estates, Interest or Interests therein, to be purchased by virtue of any of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation or Person or Persons under any Disability or Incapacity as aforesaid, such Monies shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* "The *Exeter* Commercial Gas Light and Coke Company," pursuant to the Directions of an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, signified by an Order made upon a Petition to be preferred in a summary Way by the Body or Bodies, Person or Persons, who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or in or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, 1 G. 4. c. 35.

Tenements, or Hereditaments which shall be purchased, taken, or used for the Purposes of this Act stood and were settled and 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 said Money shall, by Order of the said Court, upon Application thereto as aforesaid, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were then made.

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

VIII. And be it further enacted, That if any Money so contracted or agreed to be paid for any Lands, Tenements, or Hereditaments, or any Estate or Estates, Interest or Interests therein, to be purchased for the Purposes aforesaid, belonging to any Corporation or Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body or Bodies or Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, or Parts, Estates, or Interests, so purchased, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases of Infancy, Idiotcy, or Lunacy, (to be signified in Writing under their respective Hands,) be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be named by the Body or Bodies or Person or Persons making such Option, and approved of by Two or more of the Committee of the same Company, (such Nomination and Approbation to be signified by Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Dividends arising thereon may be applied in manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

When not exceeding 20*l.*

IX. And be it further enacted, That where such Money so contracted and agreed to be paid as last before mentioned shall be less than the Sum of Twenty Pounds, then in all such Cases the same shall be applied to the Use of the Body or Bodies or Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased for the Purposes of this Act, in such Manner as the Committee of the said Company or any Two or more of them shall think fit, or in case of Infancy, Idiotcy, or Lunacy, then to his, her, or their Guardian

Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of doubtful Title, the Person in Possession to be deemed the Owner.

X. And be it further enacted, That when any Question shall arise touching the Title of any Body or Bodies, Person or Persons, to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Body or Bodies or Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Body or Bodies, Person or Persons, or under the Possession of such Body or Bodies, Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, Parts, Estates, or Interests, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Body or Bodies, Person or Persons, was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or any Part or Parts thereof, or to some Estate or Interest therein.

Expences of Purchases by whom to be paid.

XI. And be it further enacted, That where, by reason of any Disability or Incapacity of the Body or Bodies, Person or Persons, entitled to any Lands, Tenements, or Hereditaments, or Part or Parts thereof, or Estates or Interests therein, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, it shall be lawful for the said Court to order the reasonable Costs, Charges, and Expences of or which may be incurred in consequence of all Purchases from Time to Time to be made in pursuance of this Act, and of the Re-investment of the Purchase Money in Land, or so much of such Costs, Charges, and 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 Costs, Charges, and Expences as the said Court shall direct.

Power to resell Lands, &c. not wanted.

XII. And be it further enacted, That it shall be lawful for the said Company and they are hereby required, within Seven Years after the passing of this Act, to sell and dispose of, and by Indenture under their Common Seal absolutely to grant and convey, such Part or Parts of the Lands, Tenements, or Hereditaments which shall be so purchased by and conveyed to the said Company as aforesaid, and shall not be wanted for the Purposes aforesaid; and all such Conveyances shall be good, valid, and effectual, any Law, Statute, or Custom

Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands, Tenements, or Hereditaments, or any Part or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company to sign and give Receipts for the Monies for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which the said Lands, Tenements, or Hereditaments shall be sold, or for so much thereof as in such Receipts shall be expressed to be received, and such Person or Persons shall not be answerable for any Loss, Misapplication, or Nonapplication of such Purchase Money or any Part thereof: Provided always, that the said Company, before they shall sell and dispose of such Lands, Tenements, or Hereditaments, or any Estate or Interest therein, shall first offer to sell the same to the Person or Persons whose Lands, Tenements, or Hereditaments shall immediately adjoin the Lands, Tenements, or Hereditaments so proposed to be sold as aforesaid; and in case such Offer shall not be accepted, then and in every such Case a Declaration, made in the Manner and Form prescribed in and by an Act passed in the last Session of Parliament for the more effectual Abolition of Oaths and to substitute Declarations in lieu thereof, before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said City of *Exeter* or County of *Devon* respectively, by some competent Person or Persons, stating that such Offer was made by or on behalf of the said Company, and was not then or thereupon agreed to by the Person or Persons to whom the same was so made, shall in all Courts be sufficient Evidence and Proof that such Offer was made and was not agreed to by the Person or Persons to whom it was made (as the Case may be).

First Offer of Lands, &c. to be sold to be made to Owners of adjoining Lands.

Capital or Joint Stock not to exceed 10,000*l.*

XIII. And be it further enacted, That it shall be lawful for the said Company to raise and contribute among themselves a Sum of Money by way of Capital or Joint Stock, to be applied and used in establishing and carrying on the said Undertaking and the Purposes aforesaid, not exceeding in the whole Ten thousand Pounds, the whole of which Sum shall be subscribed before the Powers of this Act shall be put in execution.

Capital or Joint Stock to be divided into Shares of 10*l.* each.

XIV. And be it further enacted, That the said Capital or Joint Stock of the said Company shall be divided into Shares of Ten Pounds each, and such Shares shall be numbered, beginning with Number One, in regular or arithmetical Progression ascending, whereof the common Excess or Difference shall always be One, and every such Share shall always be distinguished by the Number to be applied to the same; and the said Capital or Joint Stock of the said Company shall be and is hereby vested in the several Persons so raising or contributing to the same, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sum or Sums they shall severally subscribe for and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe

for One or more such Share or Shares, and who shall contribute or pay the same, or such Sum or Sums as shall be demanded in lieu thereof, for or towards carrying on and completing the said Undertaking and other the Purposes of this Act, shall be entitled to and receive, at such Time and Times as the said Company shall direct and appoint, the entire and net Distribution of an equal proportionable Part, according to the Money so contributed, of the net Profits and Advantages of the said Undertaking that shall and may arise and accrue to, or be raised, recovered, or received by the said Company; and every Body Politic, Corporate, or Collegiate, Person or Persons, having or holding any such Share or Shares as aforesaid, shall bear and pay a proportionable Sum towards carrying on the Purposes of this Act in manner herein directed and appointed; and all and every Body Politic, Corporate, or Collegiate, or other Person or Persons, who shall have subscribed for or agreed to advance any Money for the Purposes of this Act, or who shall hereafter subscribe for or agree to advance any Part of any such Money, or who shall become entitled to and shall be in the actual Possession of One or more Share or Shares in the Capital or Joint Stock of the said Company, and his or their Executors or Administrators, shall be deemed to be Proprietors or a Proprietor of the Undertaking hereby authorized to be carried into effect; and the Names of such Proprietors, with the Numbers of their respective Shares, shall be registered in the Books of the said Company.

Subscribers to be deemed Proprietors.

XV. And be it further enacted, That the being a Proprietor, or holding any Shares, or having any Interest in the said Company shall not disqualify any Person from being a Commissioner by virtue of an Act passed in the Second and Third Years of the Reign of His present Majesty, intituled *An Act for better paving, lighting, watching, cleansing, and otherwise improving the City of* Exeter *and County of the same City*; but no Commissioner being a Proprietor, or holding any Share, or having any Interest in the said Company, shall have any Vote upon any Question, Matter, or Thing which shall arise or be made at any Meeting of the said Commissioners touching or concerning the breaking up any of the Pavements in the said Town, or in the laying down any Main or other Pipes for the lighting of any of the Streets, Lanes, Ways, public Passages and Places within the said Town, or any Nuisance that may be occasioned thereby; and every such Proprietor, being a Commissioner, voting upon any such Question, Matter, or Thing, shall be liable to forfeit for every Offence the Sum of Fifty Pounds, with full Costs of Suit, to the Party who shall sue for the same, to be recovered by Action of Debt or on the Case, or Bill, Plaint, Suit, or Information, in any of His Majesty's Courts of Record at *Westminster*, in which no Essoign, Protection, Wager of Law, nor more than One Imparlance, shall be allowed.

Proprietors not disqualified from being Commissioners under Exeter Improvement Act, 2 & 3 W. 4. c. 106.

XVI. And be it further enacted, That the Shares in the said Undertaking, and in the net Profits and Advantages thereof, shall be deemed Personal Estate, and not of the Nature of Real Property, and as such Personal Estate shall be transmissible accordingly.

Shares to be deemed Personal Estate.

Lands, &c. of Company to be liable to its Debts and Contracts.

XVII. And be it further enacted, That the Lands, Tenements, and Hereditaments, Manufactories, Gasholders, Machinery, Apparatus, Pipes, Works, Chattels, and Effects of the said Company shall be answerable for and subject to all just Debts, Engagements, and Liabilities of the said Company, and to all just Demands of the Creditors of the said Company, and shall be answerable for the due Performance of every Contract entered into by the Committee of the said Company, and for all Damages which shall be recovered by reason of any Breach or Nonperformance thereof.

Subscribers liable to the Debts of the Company in proportion to their Share of the Stock.

XVIII. And be it further enacted, That the several Persons composing the said Company shall severally and respectively stand personally responsible and answerable for all just Debts of the said Company, to and for all just Demands of the Creditors of the said Company, and for the due Performance of all Contracts and Engagements entered into by the Committee of the said Company on behalf of the said Company, and for all Damages occasioned by the Execution of this Act, to the full Amount of the Call or Calls made as herein-after is directed in respect of their several and respective Shares in the said Capital or Joint Stock, but not further or otherwise: Provided always, that whenever Two or more Persons shall have jointly subscribed for or shall be jointly possessed of One or more Share or Shares in the said Undertaking, such Persons shall severally and respectively be answerable for the said Debts and Demands of the Creditors of the said Company, and other the Contracts and the Engagements aforesaid, to the full Amount of the Call or Calls made in respect of such Share or Shares, but not further or otherwise.

Power to raise a further Sum of 4,000*l.* by Mortgage.

XIX. And be it further enacted, That it shall be lawful for the said Company from Time to Time to raise any further Sum or Sums of Money for any of the Purposes of this Act, not exceeding in the whole the Sum of Four thousand Pounds, by way of Loan, on Security of the Property and Effects belonging to the said Company; and for such Purpose it shall be lawful for the said Company, or the Committee for the Time being, by and with the Advice and Direction of any General Meeting of the said Company, from Time to Time to borrow and take up at Interest for the Use of the said Company all or any Part of the said Sum of Four thousand Pounds, and thereupon, by Writing under the Common Seal, to mortgage or assign all or any Part of the Property and Effects of the said Company to such Person or Persons as shall lend or advance any such Money, or to his, her, or their Trustee or Trustees, Assignee or Assignees, as a Security for the Principal Money to be advanced, together with lawful Interest for the same; and the Charges and Expences of such Mortgage or Assignment shall be from Time to Time defrayed by the said Company out of the Monies so borrowed; and every such Mortgage or Assignment shall or may be in the Words or to the Effect following; (that is to say,)

Form of Mortgage.

'WE, the *Exeter* Commercial Gas Light and Coke Company, acting in pursuance of an Act passed in the Year of the 'Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], in consideration of the Sum of

'advanced and lent to the said Company by do
'hereby grant and assign unto the said of
'[*or* his *or* her Trustee *or* Trustees], his *or* her Executors, Administra-
'tors, or Assigns, such Proportion of the Property and Effects belong-
'ing to the said Company as the said Sum of
'doth or shall bear to the whole Sum which shall or may at any Time
'be borrowed by virtue of the said Act; to be had and holden from
'the Day of the Date hereof until the said Sum of
'with Interest after the Rate of *per Centum per Annum*
'for the same, shall be fully paid and satisfied. In witness whereof
'we the said Company have hereunto set our Common Seal the
'Day of in the Year of our Lord .'

And every such Mortgage or Assignment shall be good, valid, and effectual in the Law, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, or Assigns, to the Payment thereof, and to all Profits and Advantages thereof, according to the Form of Words of such Mortgage or Assignment, and the true Intent and Meaning of this Act, and without any Preference over each other by reason of the Priority of Date of any such Mortgage or Assignment, or on any other Account whatsoever.

Power to Mortgagees to transfer their Securities.

XX. And be it further enacted, That it shall be lawful for the several Persons entitled to any such Mortgages or Assignments, and their respective Executors, Administrators, or Assigns (as the Case may be), at any Time by Writing under their respective Hands and Seals to transfer the same to any Person or Persons whomsoever; and every such Transfer shall or may be in the Words or to the Effect following; (that is to say,)

Form of Transfer of Mortgage.

'I *A. B.*, being entitled to the Sum of under or by
'virtue of a Mortgage or Assignment bearing Date the
'Day of under the Common Seal of the *Exeter* Com-
'mercial Gas Light and Coke Company, in pursuance of an Act
'passed in the Year of the Reign of His Majesty King
'*William* the Fourth, intituled [*here set forth the Title of this Act*],
'do hereby assign and transfer all my Right and Interest in and to
'the same, and in and to the Property and Effects assigned to me
'for securing the same, unto his [*or* her] Executors,
'Administrators, and Assigns. Dated the Day of
'in the Year of our Lord .'

And a Copy of every such Mortgage or Assignment, and an Extract or Memorial of every Transfer thereof respectively, shall be entered into a Book to be kept for that Purpose by the Clerk of the said Company, which Extract or Memorial shall specify and contain the Date, Names of the Parties, and Sums of Money thereby secured and transferred; to which Book any Person interested shall at all seasonable Times have Access, and shall have free Liberty to inspect the same, without Fee or Reward; and for the entering of every such Transfer the said Clerk shall be paid by the Person or Persons to whom such Transfer shall be made the Sum of Two Shillings and Sixpence, and no more; and every such Transfer, after the entering thereof as aforesaid, shall entitle the Person to whom such Transfer

shall

shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred, without any other Registry or Enrolment thereof.

No Priority of Mortgages.

XXI. And be it further enacted, That all Persons to whom any such Assignment shall be made shall be equally entitled one with the other to the said Undertaking and Property and Effects of the said Company, and the Profits and Advantages thereof so to be assigned, in proportion and according to the respective Sums in such Securities mentioned to be advanced, without any Preference by reason of the Priority of any such Assignment, or on any other Account; and it shall not be lawful for any Person or Persons who shall have made any such Transfer to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof; but neither such Mortgagee or Mortgagees, nor his or their Assignee or Assignees (he or they not being previously a Proprietor or Proprietors of Shares in the said Undertaking), shall be deemed a Proprietor of the said Undertaking, or be capable of acting in any respect as such.

Payment of Interest on Mortgages.

XXII. And be it further enacted, That the Interest of the Money which shall be borrowed by Mortgages as aforesaid shall be paid half-yearly to the several Persons entitled thereto, in preference to any Interest or Dividends due and payable by virtue of this Act to the said Company of Proprietors or any of them, and shall from Time to Time be fully paid and discharged or provided for before the yearly or other Interest or Dividends due to the said Proprietors or any of them shall be paid, made, or provided; and in case the same or any Part thereof shall be behind and unpaid by the Space of Thirty Days next after the same shall become due and payable as aforesaid, and after Demand made thereof, it shall be lawful for any Two or more Justices of the Peace acting in and for the said City and County of the City of *Exeter* or County of *Devon* respectively, and they are hereby required, on Request to them being made by any Creditor whose Interest shall be in arrear, by an Order under their Hands to appoint One or more Person or Persons to receive the Whole or such Part or Parts of the said Rates as were or shall be liable to pay such Interest so due and unpaid as aforesaid; and the Money so to be received by such Person or Persons is hereby declared to be so much Money received by or to the Use of such Person or Persons to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the Rates, shall be fully satisfied and paid; and after such Interest and Costs shall be paid and satisfied the Power and Authority of such Receiver and Receivers for the Purposes aforesaid shall cease and determine; or otherwise the said Interest so due and unpaid as aforesaid shall be sued for and recovered, with Costs, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Power to make Calls.

XXIII. And be it further enacted, That the said Company at any General Meeting or Special General Meeting to be called for that Purpose, or at any Adjournment thereof respectively, or the Committee

mittee of Management for the Time being, shall have full Power and Authority from Time to Time to make such Call or Calls for Money from the several Subscribers or Proprietors of Shares in the said Undertaking, their Executors, Administrators, Successors, or Assigns, as the said Company or Committee shall from Time to Time find expedient for the Purposes of the said Undertaking, so that no such Call do at any One Time exceed Two Pounds Ten Shillings upon each Share of Ten Pounds, and so that no Call or Calls shall be made but at the Interval of One Calendar Month at least from each other, and so that the total Amount of such Call or Calls shall not exceed the Sum of Ten Pounds in respect of each Share held by the several Proprietors, and so that Seven Days Notice at the least shall be given of every such Call as aforesaid in some Newspaper published in the City of *Exeter* or usually circulated in the said City of *Exeter*, or by Letter sent by Post addressed to each Proprietor at his or her Residence, or left for him or her there; and the respective Proprietors shall pay their entire Proportions of the several Sums of Money which shall be so called for into the Hands of the Treasurer or Treasurers of the said Company for the Time being at such Times and Places as shall from Time to Time be appointed by the said Company or Committee in such Advertisements, Notices, or Letters.

Power to enforce Payment of Subscriptions.

XXIV. And be it further enacted, That the several Persons, or Body or Bodies Politic, Corporate, or Collegiate, who have subscribed for and towards the said Undertaking, or who shall at any Time hereafter subscribe for and towards the said Undertaking, or who shall at any Time hereafter have or hold any Share or Shares in the Capital or Joint Stock of the said Company, shall and they are hereby respectively required to pay the Sum or Sums of Money by them respectively subscribed or to be subscribed, or such Parts or Portions thereof as shall from Time to Time be called for pursuant to the Powers and Directions of this Act, at such Times and Places, to such Person or Persons, and in such Manner as shall from Time to Time be ordered and directed by any General or Special General Meeting of the said Company to be held for that Purpose, or by the Committee for the Time being of the said Company; and in case any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, shall refuse or neglect to pay any such Money at such Time or Times and in such Manner as shall be ordered and directed by the said Company or their Committee as aforesaid, it shall be lawful for the said Company to sue for and recover the same from him, her, or them by Action of Debt or otherwise in any of His Majesty's Courts of Record at *Westminster*, together with lawful Interest for the same from the appointed Time or Times of Payment, and full Costs of Suit; and in like Cases of Refusal or Neglect, where Two or more Persons shall have jointly subscribed for or be jointly possessed of One or more Share or Shares in the said Undertaking, then in like Manner to sue for and recover the same from all or any of such joint Subscribers.

Shares to be forfeited on Nonpayment of Calls.

XXV. And be it further enacted, That if any Subscriber to or Proprietor of any Share or Shares in the said Undertaking, his, her, or

or their Executors, Administrators, Successors, or Assigns, shall refuse or neglect to pay his, her, or their Proportion of the Money so called for as aforesaid during the Space of One Calendar Month next after the Time appointed for Payment thereof, with lawful Interest for the same from such appointed Time of Payment, then and in every such Case such Person or Persons so refusing or neglecting shall (whether the same shall have been sued for in any Court of Law or Equity, or not,) absolutely forfeit all his, her, or their Share or Shares in the said Undertaking and Capital Stock, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her, or them on account thereof, unless otherwise determined by a Special General Meeting; and all Shares which shall be so forfeited shall be vested in the said Company, and be sold at a public Sale to the highest Bidder for the same, and the Produce thereof shall be applied and disposed of in manner by this Act directed: Provided always, that no Advantage shall be taken of any such Forfeiture until after Fourteen Days Notice in Writing shall have been given by the Chairman of the said Company, or by Five of the Committee for the Time being, or by the Clerk of the said Company, to the Proprietor or Proprietors thereof, or left at his, her, or their last or usual Place of Abode, if he, she, or they reside within the Limits of this Act, and if not then by Letter sent by Post, nor unless the same Share or Shares shall be declared to be forfeited at some General Meeting or Special General Meeting of the said Proprietors held not sooner than One Calendar Month next after the Day on which Notice of such Forfeiture shall have been given as aforesaid; and every such Forfeiture when so declared shall be an absolute Indemnification and Discharge to and for the Proprietor who shall have incurred such Forfeiture, and his, her, or their Executors, Administrators, Successors, and Assigns, against all Actions, Suits, and Proceedings whatsoever, at Law or in Equity, for any Breach of Contract between such Proprietor so forfeiting and the said Company for or on account of not paying such Call or Calls, or in regard to the future prosecuting of the said Undertaking; and every Share so sold shall be transferred to the Purchaser or Purchasers thereof by the said Company or Committee under the Common Seal of the said Company; and the Name or Names of the Purchaser or Purchasers shall be registered in the Books of the Company; and such Purchaser and Purchasers shall be subject to all the same Liabilities as if he, she, or they had been a Subscriber or Subscribers to the said Undertaking, and to all the Rules and Directions of this Act; and thereupon the Proprietor or Proprietors of such Shares so sold and transferred shall be and be deemed a Member or Members of the said Company to all Intents and Purposes whatsoever, and shall be entitled to all the same Privileges and Advantages as if he, she, or they had been a Subscriber or Subscribers to the said Undertaking.

Forfeited Shares to be sold.

If the Purchase Money for such Shares shall be more than sufficient to

XXVI. Provided also, and be it further enacted, That in case the Money produced by the Sale of any Share or Shares as aforesaid shall be more than sufficient to pay all such Arrears of Calls as aforesaid, and legal Interest thereon, and the Expences attending the Sale or Sales thereof, the Surplus of such Money shall be paid, on Demand,

Demand, to the Person or Persons to whom such Share or Shares shall have belonged: Provided also, that the said Company or the Committee of Management shall not, by virtue of this Act, sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient as near as may be at the Time of such Sale to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after the Payment of all such Calls, and the Interest and Expences attending the same, any Share or Shares so vested in the same Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

pay the Arrears of Calls and Interest, and Expences thereon, the Surplus to be paid to the Owner on Demand.

XXVII. And be it further enacted, That the said Company or their Committee of Management shall and they are hereby required to cause the Names and Designations of the several Persons who are or shall be hereafter Subscribers to or Proprietors of Shares in the said Undertaking, with the Number of Shares possessed by each of the Subscribers and Proprietors, and also the proper Number by which every Share shall be distinguished, to be distinctly entered in a Register Book to be kept by the Clerk to the said Company; and after the making of such Entry, a Certificate under the Common Seal of the said Company shall be made out in respect of each and every Share in the said Undertaking, specifying therein the proper Number of such Share, and the Name and Designation of the Proprietor or Proprietors thereof, which Certificate shall be delivered to the Proprietor or Proprietors of such Share, or his, her, or their Executors, Administrators, or Assigns, upon Demand; and such Certificate shall be admitted in all Courts and Proceedings whatsoever as Evidence of the Title of such Proprietor or Proprietors, his, her, or their Executors, Administrators, or Assigns, to the Shares therein specified, and to the Profits and Advantages accruing in respect of the same, but the Want of such Certificate shall not hinder or prevent the Proprietor or Proprietors of any of the said Shares from selling or disposing thereof; and in case any such Certificate shall not be produced or forthcoming, the said Entry, or a true Copy thereof certified by the Clerk of the said Company, shall be deemed *primâ facie* Evidence of Title; and for which Certificate and original Certificate respectively the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and which said Certificate may be in the Words or to the Effect following; (that is to say,)

Shares to be registered, and Certificates granted.

Form of Certificate.

'*Exeter* Commercial Gas Light and Coke Company.
'Number
'THESE are to certify, That of is a
'Proprietor of the Share Number of the Capital
'or Joint Stock of the *Exeter* Commercial Gas Light and Coke
'Company, subject to the Rules, Regulations, and Orders of the
'said Company; and that the said his [*or* her]
'Executors, Administrators, or Assigns, is [*or* are] entitled to such
'Proportion

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

Shares may be transferred.

XXVIII. And be it further enacted, That it shall be lawful for the several and respective Proprietors of any Share or Shares in the said Undertaking, their Executors, Administrators, Successors, and Assigns, to sell and transfer any Share or Shares of which they shall respectively be possessed; and every such Transfer shall be by Writing and may be in the Form or to the Effect following; (that is to say,)

Form of Transfer of Shares.

'I [*or* We] of in con-
'sideration of paid to me [*or* us] by
'of do hereby bargain,
'sell, and transfer unto the said the Sum of
'Part of the Capital Stock of and in the
'Undertaking called the *Exeter* Commercial Gas Light and Coke
'Company, being my [*or* our] Share [*or* Shares] Number [*or*
'Numbers] in the said Capital Joint Stock and
'Property and Effects of the said Company, to hold to the said
'Executors, Administrators, and Assigns, subject
'to the same Rules, Regulations, and Orders, and on the same Con-
'ditions, that I [*or* we] held the same immediately before the Exe-
'cution hereof; and I [*or* we] the said do
'hereby agree to take and accept the said Share [*or* Shares], subject
'to the same Rules, Regulations, Orders, and Conditions. As witness
'my Hand and Seal [*or* our Hands and Seals] this
'Day of in the Year of our Lord .'

Transfers to be registered.

And every such Transfer shall be produced and notified to the Clerk of the said Company, and shall be entered and registered by him in the Books of the said Company, and the Entry or Registry thereof shall specify the Dates, Names of the Parties, and Number of Shares transferred; for which Entry and Registry the Sum of Two Shillings and Sixpence, and no more, shall be paid to the Clerk or other Officer making the same by the Person requiring such Transfer; and a Copy of such Registry signed by the Clerk or other Officer of the said Company duly authorized thereto shall be sufficient Evidence of every such Sale and Transfer, and received as such in all Disputes, and in all Trials before any Court of Judicature; and until such Transfer shall be entered or registered in the Books of the said Company as aforesaid no Purchaser or Purchasers of any Share or Shares, or his, her, or their Executors, Administrators, Successors, or Assigns, shall have any Part or Share in the said Undertaking, or in the Profits and Advantages thereof, or shall receive any Interest or Dividend for or in respect of such Share or Shares so purchased, or be entitled to any Vote at any Meeting or Meetings as Proprietor or Proprietors of the said Undertaking in respect of such Share or Shares.

No Shares to be sold after a Call until the Money is paid.

XXIX. Provided always, and be it further enacted, That after any Call for Money shall have been made by virtue of this Act no Proprietor or Proprietors shall sell or transfer any Share or Shares which he, she,

or they shall possess in the said Undertaking after any Day appointed for the Payment of the said Call, until the Money so called for in respect of his, her, or their Share or Shares intended to be sold shall be paid; and until such Money so called for shall have been paid every such Sale or Transfer of any Share or Shares shall be void.

For ascertaining Proprietorship of Shares in certain Cases.

XXX. And whereas by reason of Death, Insolvency, or Bankruptcy, or by the Absence from this Kingdom of the said Proprietors or any of them, or by Transfer of their, his, or her Right and Interest to some other Person or Persons without any Registry being made thereof with the Clerk of the said Company, it may not be in the Power of the said Company to know who is or are the Proprietor or Proprietors of such Share or Shares; be it therefore further enacted, That in all Cases where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original Subscriber or Subscribers, or any Proprietor or Proprietors thereof, to any other Person or Persons by any other legal Means than by a Transfer or Conveyance thereof in the Form and Manner herein-before specified, a Declaration in Manner and Form aforesaid shall be made by Two credible Persons before any One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns, and such Declaration shall be delivered to the Clerk of the said Company, to the Intent that he may enter and register the Name or Names of every such other Proprietor or Proprietors in the Register Book to be kept in the Office of the Clerk to the said Company; and in all or any of the said Cases the Person or Persons who for the Time being shall appear by the Registry to be kept by the Clerk of the said Company as aforesaid to be the Owner or Owners of any Share or Shares in the said Undertaking shall, for all the Purposes of Notice and Liabilities, be deemed and considered as the Proprietor or Proprietors thereof; and all the Parties interested under the Provisions of this Act shall be bound and concluded by the said Registry, and the said Company shall be fully and effectually indemnified in paying the Dividends, Interest, or Income arising from or in respect of such Share or Shares to the Person or Persons whose Name for the Time being shall appear in the said Registry.

Proofs required where Rights accrue by Marriage or Death.

XXXI. And be it further enacted, That when any Person or Persons shall claim any Part or Share in the Joint Stock of the said Company or the Profits thereof in right of Marriage, a Declaration in Manner and Form aforesaid, containing a Copy of the Register of such Marriage, or the Purport of such Register, shall be made by some credible Person before One of His Majesty's Justices of the Peace, and shall be delivered to and left with the Clerk or Clerks for the Time being to the said Company, who shall preserve the same, and make an Entry thereof in the Books of the said Company, and the said Clerk or Clerks shall be paid for every such Entry the Sum of Two Shillings and Sixpence, and no more, before such Person or Persons shall be entitled to sell and assign such Share or Shares, or to claim Payment of any Dividend or Dividends in respect thereof; and when any Person or Persons shall claim any Part or Share in

the Joint Stock of the said Company or the Profits thereof under or by virtue of any Will or Bequest, or in a Course of Administration, the Probate Copy of the Will, or the Letters of Administration in case the Proprietor shall have died intestate, shall be produced and shown to the said Clerk or Clerks, who shall make an Entry of such Will, or of so much thereof as shall relate to the Disposition of the Share or Shares of the Testator, or of the Letters of Administration in case the Proprietor shall have died intestate, in the Books of the Company, and the said Clerk or Clerks shall be paid for every such Entry the Sum of Two Shillings and Sixpence, and no more, before any Person or Persons shall be entitled to sell and assign such Share or Shares, or to claim Payment of any Dividend or Dividends in respect thereof: Provided nevertheless, that no Bequest or Clause in any such Will contained shall bind or affect, or be construed to bind or affect, the said Company with Notice of any Trust or Disposition of any Share or Shares in the Joint Stock of the said Company or the Gains and Profits thereof, but the Registry of any such Share or Shares shall be in the Name or Names of the Executor or Executors who shall prove the Will of such Testator, or the Administrator or Administrators of his Effects, whose Receipt or Receipts to the said Company for the Gains and Profits thereof, and to any Purchaser or Purchasers for the Amount of the Purchase Money paid upon the Sale and Conveyance of such Share or Shares, shall be good and effectual, and shall bind the Cestuique Trusts and all other Persons claiming Interest under such Testator, any Rule or Law of Equity to the contrary notwithstanding.

General Meetings may examine Accounts. Dividends to be declared.

XXXII. And be it further enacted, That it shall be lawful for the said Company at any General or Special General Meeting from Time to Time to call for and examine all or any of the Accounts of the said Company; and at some General or Special General Meeting, or some Adjournment thereof, once at least in every Six Calendar Months, a Dividend or Dividends shall be made out of the Interest, Profits, or Advantages of the said Undertaking (unless such Meeting shall declare otherwise), and such Dividend or Dividends shall be at and after the Rate of such a Sum *per Centum* upon or for any Share in the said Undertaking as such Meeting or Meetings shall think fit to order and determine, and the same shall be paid to the respective Proprietors by the Treasurer or Treasurers of the said Company; but no Dividend shall be made whereby the Capital of the said Company shall be reduced, nor shall any Dividend be paid in respect of any Share or Shares until all Calls for Money then made in respect thereof by virtue of this Act shall have been paid.

First and other General Meetings.

XXXIII. And be it further enacted, That it shall be lawful for the said Company, or any Seven or more of the Subscribers or Proprietors of Shares in the said Undertaking, to meet from Time to Time, when and where they shall find convenient, in the said City and County of the City of *Exeter*, or any of the Parishes or Places mentioned in this Act, and the First General Meeting of the said Company shall be held at the Guildhall in the said City of *Exeter*, or at the Office for the Time being of the said Company, or at some other convenient House or Place within the said City and County of *Exeter*, or

within either of the Parishes aforesaid, on the Second *Thursday* after the Day of the passing of this Act, or as soon after as conveniently may be; and the said Company so assembled at such First General Meeting or at any subsequent General Meeting shall have Power to adjourn any such General Meeting and Meetings, and to order and appoint such future General Meetings of the said Company, to be holden from Time to Time, to and at such Place or Places within the said City or Suburbs as shall at any such General Meeting be thought proper and convenient; and One General Meeting at the least shall be held in every Year after the passing of this Act on the First *Thursday* in the Month of *May*, or within Ten Days then next after, or on such other Day as shall be ordered and appointed pursuant to the Provisions of this Act; and all such Meetings shall be assembled before the Hour of Two of the Clock in the Afternoon, and not earlier than Ten of the Clock in the Forenoon, unless some other Hour shall be appointed under the Provisions of this Act: Provided always, that Notice of the Day and Hour for holding all such General Meetings (except Meetings to be held on any Day specifically mentioned in this Act) and Meetings by Adjournment shall be given by the Clerk of the said Company, or in case there shall be no Clerk then by any Two or more of the Subscribers or Proprietors, by Advertisement to be inserted in some Newspaper published or circulated in the said City of *Exeter* Ten clear Days at least before the intended Day of Meeting, or by Letter addressed to the several Members of the said Company at their usual Residence respectively, and put into the Post Office at the said City of *Exeter*, or left for them at their usual Residence, Ten clear Days at least before the intended Day of Meeting; and at such First and other General Meetings the said Company shall and may proceed to carry this Act into execution; and in case on any Day on which any such General Meeting shall be appointed or ought to be held in pursuance of this Act a sufficient Number of Proprietors to constitute a General Meeting shall not be assembled before the Hour of Two of the Clock in the Afternoon, or in case at any such General Meeting no Adjournment shall be made, then every such Meeting shall be deemed to be and is hereby declared to be adjourned to that Day Seven-night, and so on from Time to Time weekly until a due Number shall be assembled.

Powers for calling and holding Special General Meetings.

XXXIV. And be it further enacted, That in case at any Time after any Adjournment of any General Meeting any Five or more of the Proprietors in the said Undertaking shall think proper that a Special General Meeting of the said Company should be holden on an earlier Day than the Day to which any such General Meeting shall stand adjourned, then it shall be lawful for them, by Writing under their Hands, left at the Office of the said Company, or given to any Member of the Committee of Management of the said Company, or left at his last or usual Place of Abode, to require the said Committee of Management to call a Special General Meeting to be held on such Day as shall be specified in such Requisition, and such Requisition shall fully express the Objects for which such Special General Meeting is required to be called; and thereupon such Committee shall give or cause to be given Notice thereof accordingly in some Newspaper

Newspaper published or circulated in the said City of *Exeter*; and in case the Committee for the Time being shall refuse to call such Meeting, or neglect to publish such Notice, for the Space of Three Days after such Requisition given as aforesaid, then it shall be lawful for such Proprietors to call such Special General Meeting by Publication of such Notice in some such Newspaper as aforesaid, and such Meeting shall be held at such Time and Place within the said City of *Exeter* as they shall think fit; or it shall be lawful for the Committee of Management for the Time being, if they shall think it necessary, without any such Requisition from the Proprietors, at any Time or Times to call any such Special General Meeting by Notice to be published in some such Newspaper as aforesaid: Provided always, that whether such Special General Meeting shall be called by the said Committee or by the said Proprietors Ten Days Notice of the Intention to hold such Special General Meeting shall be given by the Persons calling the same by Advertisement in some Newspaper published or circulated in *Exeter*; and such Notice shall specify the Reason and Intention and Purpose or Purposes for which such Special General Meeting shall be so convened, and the Time when and the Place where the said Meeting shall be held; and the said Company are hereby authorized to meet in pursuance of such Notice; and at each Special General Meeting it shall be lawful for the said Company, or any Seven or more Subscribers or Proprietors of Shares in the said Undertaking then and there assembled, to proceed in the Execution of the Powers by this Act given to the said Company with respect to the Matters specified in such Notice only; and such Proprietors assembled at every such Special General Meeting shall have the same Powers, and the Acts of them or the Majority of them shall be as valid and effectual, with respect to the Matters specified in such Notice, as if the same had been done at a General Meeting at the Time by this Act appointed for holding a General Meeting of the said Company; and any such Special General Meeting may be adjourned from Time to Time if such Meeting shall find it necessary or convenient; or in case a competent Meeting shall not be assembled in due Time, according to the Provisions herein-before contained respecting the assembling of General Meetings of the said Company, then such Special General Meeting shall in like Manner stand adjourned to the same Day Seven-night at the same Place, from Time to Time, until a competent Meeting shall be assembled; provided that no other Business shall be transacted at any such adjourned Special General Meeting except the Business specified in the Notice for calling such Special General Meeting as aforesaid, or such Part thereof as shall have been left undecided.

Mode of proceeding, voting, &c. at Meetings of the Company.

XXXV. And be it further enacted, That at all General Meetings and Special General Meetings of the said Company to be held under the Authority of this Act One of the Proprietors then present shall be elected to preside as Chairman; and all Questions shall be decided by the Majority of Votes; and in case the Number of Votes (to be reckoned as herein-after mentioned) on any Question, including the Vote or Votes of the Chairman, shall at any Time be equal, then and in every such Case the Chairman shall have and give the casting Vote; and the several Proprietors or Members of the said Company shall

shall be entitled to vote according to their respective Number of Shares, that is to say, every Proprietor of less than Four Shares shall be entitled to give One Vote, and every Proprietor of Four Shares and less than Eight shall be entitled to give Two Votes, and every Proprietor of Eight and less than Twelve Shares shall be entitled to give Three Votes, and every Proprietor of Twelve and less than Twenty Shares shall be entitled to give Four Votes, and every Proprietor of Twenty Shares shall be entitled to give Five Votes, but no Proprietor shall be entitled to give more than Five Votes in respect of any Number of Shares he, she, or they may be entitled to: Provided always, that no Proprietor shall be entitled to vote at any such Meeting of the said Company in respect of any Share or Shares which he or she may possess in the said Undertaking, unless such Proprietor shall have fully paid all Arrears due in pursuance of any Call or Calls which shall have been made as by this Act is directed or authorized upon or in respect of such Share or Shares, although the Time limited for Payment thereof, as herein is mentioned, may not have expired; nor shall any Proprietor vote at any Meeting of the said Company upon any Question in which such Proprietor shall be interested in any other way than as being a Proprietor in the said Undertaking.

Proprietors to vote according to the Number of their Shares.

Proprietors in arrear not to vote.

XXXVI. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to any Shares in the said Undertaking, the Person whose Name shall stand first in the Register Book of the said Company shall be deemed to be the Proprietor of such Share or Shares for the Purposes next herein-after mentioned, (that is to say,) for the Purpose of voting on any Question as aforesaid such Person shall have the sole and entire Right of voting in respect of such joint Share or Shares, and for the Purpose of addressing and sending any Letter or serving any Notice to be sent or served in pursuance of this Act, the addressing and sending or Service upon or leaving at the last or usual Place of Residence of such Person shall, in respect of such joint Share or Shares, be deemed and considered to be a sufficient Notice given to all the Proprietors of such joint Share or Shares: Provided also, that it shall be lawful for any Body or Bodies Politic or Corporate, or Trustees or Commissioners, or Persons, having the Control or Management of the Pavements, Streets, Markets, or Places within the Limits of this Act by virtue of any Act of Parliament or otherwise, to hold any Share or Shares in the said Undertaking, and to vote and act in respect thereof at any Meeting or Meetings of the said Company or of the Committee of Management, this Act or any Law or Custom to the contrary notwithstanding.

In case of joint Proprietors.

XXXVII. And be it further enacted, That in case any of the Proprietors entitled to vote as aforesaid shall be a Lunatic or Lunatics, Idiot or Idiots, or Minor or Minors, such Lunatic or Lunatics, Idiot or Idiots, may vote by any One of his, her, or their Committee, and such Minor or Minors shall or may vote by his, her, or their Guardian or any One of such Guardians.

Lunatics and Minors to vote by their Committee or Guardians.

Empowering Proprietors of Shares to vote by Proxy.

XXXVIII. And be it further enacted, That the several and respective Proprietors of any Share or Shares in the said Undertaking entitled to vote in respect of such Share or Shares at any General Meeting or Special General Meeting of the said Company shall have full Power and Authority to vote at such General Meetings or Special General Meetings as aforesaid, either in Person, or by Proxy (every such Proxy being a Proprietor of Shares in the said Undertaking, and entitled to vote in respect of his own Share or Shares,) duly constituted under his or her Hand, or, in Cases of joint Possession of any Share or Shares, under the Hand of the Person whose Name shall stand first in the Register Book of the said Company, or in Cases of Minors, Lunatics, or Idiots, under the Hand or Hands of his, her, or their Guardian or Guardians or Committee or Committees, or in Cases of any Bodies Politic, Corporate, or Collegiate, under their Common Seal; and the Appointment of such Proxies shall not be subject to any Stamp Duty, and may be made in the Form or to the Effect following; (that is to say,)

Form of Proxy.

'I of one of the Proprietors of Shares in the *Exeter* Commercial Gas Light and Coke Company, do hereby nominate, constitute, and appoint of to be my Proxy, in my Name and in my Stead to vote or give my Assent to or Dissent from any Business, Matter, or Thing relating to the said Undertaking that shall be mentioned or proposed at the General Meeting or Special General Meeting of the said Company to be holden on the Day of or any Adjournment thereof, if I shall not be present, in such Manner as the said shall think proper, according to his Opinion and Judgment, for the Benefit of the said Undertaking or any thing relating thereto. In witness whereof I have hereunto set my Hand the Day of .'

Notices of Meetings how to be given.

XXXIX. And be it further enacted, That all Notices requisite or necessary to be given for the Purposes of this Act, the Publication or Service of which is not by this Act specially provided for, shall be given by Advertisement to be inserted in some Newspaper published or circulated in the said City of *Exeter*, or by Letters from the Clerk or from some other Officer duly authorized by the said Company, sent by the Post, addressed to the several Proprietors of Shares in the said Undertaking at their last or usual Place of Residence, or left at such last or usual Place of Residence, or so sent, addressed to, or left at the last or usual Place of Residence of the individual Proprietor entitled to such Notice (as the Case may be); and any Notice or Notices so given shall be deemed and considered the same as personal Notice.

Appointment of Committee of Management.

XL. And be it further enacted, That Ten Persons being respectively Proprietors of at least Five Shares in the said Undertaking shall be elected and appointed at the First General Meeting of the said Company, or at some Adjournment thereof, to be a Committee for managing the Affairs and Business of the said Company; and such Ten Persons, or such Persons as shall be elected and appointed pursuant

pursuant to the Provisions herein-after contained, shall be and are hereby constituted the Committee of Management of the Affairs and Business of the said Company; and the several Members of the said Committee (not being disqualified as herein-after mentioned) shall continue in Office until others shall be chosen in their Stead from Time to Time as herein-after mentioned.

Disqualifications of Committee-men.

XLI. Provided always, and be it further enacted, That it shall not be lawful for any Person being a Member of the said Committee of Management to take or to enter into any Contract for, or to undertake or to do or perform any Work, or to hold or take any Place or Office of Profit under, the said Company, or under or by virtue of this Act; and if any Person who shall be elected and appointed a Member of the said Committee of Management shall hold any Place or Office of Profit under the said Company, or shall be or become a Dealer either directly or indirectly in any of the Articles to be provided or manufactured by the said Company, or shall participate in any Manner in any pecuniary Advantage to be derived from the said Company further than as a Proprietor, or shall be or become a Proprietor or Shareholder in the *Exeter* Gas Light and Coke Company, every such Person shall be disqualified from interfering and voting in any Matter to be discussed and argued by the said Committee of Management, and shall cease to be a Member of the said Committee; and if any Person to be elected and appointed by virtue of this Act a Member of the said Committee shall at any Time cease to be a Proprietor of Ten Shares at the least in the said Undertaking, every such Person shall thereupon cease to act or vote at such Committee, and shall cease to be a Member thereof; and thereupon in any such Case, or on the Death of any Member of the said Committee, it shall be lawful for the said Company, at any General Meeting or Special General Meeting to be held pursuant to the Directions of this Act, to elect and appoint some other Proprietor who shall be duly qualified in the Stead of such Person so disqualified or ceasing to be a Member of the said Committee, or dying as aforesaid; and every such Proprietor so elected shall continue in Office as one of such Committee so long as the Person in whose Place or Stead he was elected would have been entitled to have continued in Office if such Disqualification, or Death, or otherwise, had not happened.

Annual Election of Committee.

XLII. And be it further enacted, That at the General Annual Meeting to be held on the First *Thursday* in the Month of *May* or within Ten Days next after, or on such other Day as shall be ordered and appointed in pursuance of this Act for such General Annual Meeting, or at some Adjournment thereof, in the Year One thousand eight hundred and thirty-eight, and in every succeeding Year, Five of the Members of the said Committee of Management shall go out of Office, and Five other Proprietors of Shares in the said Undertaking, being duly qualified, shall be elected and appointed in their Place or Stead; and at the First of such new Elections (that is to say) in the Year of our Lord One thousand eight hundred and thirty-eight, it shall be determined by Ballot which Five of the Ten Members shall then go out of Office; and at every subsequent new

new Election the Five Members who shall then have been longest in Office shall go out of Office: Provided always nevertheless, that all the Members of the said former Committee whose Office shall then have expired, or any of them, may (if otherwise qualified) be again immediately re-chosen.

Meetings of Committee.

XLIII. And be it further enacted, That the Committee of Management, or any Five or more of them, shall hold their Meetings at such Time and Place within the said City and County of the City of *Exeter*, or any of the Parishes or Places mentioned in this Act, as they shall from Time to Time think proper and appoint, and shall choose from among themselves a Chairman and Deputy Chairman of the Meeting of the said Committee; and if it shall so happen that at any Meeting of the said Committee neither the Chairman nor Deputy Chairman so to be chosen as aforesaid shall attend, one of the Members of the said Committee then present shall be elected to preside as Chairman for that Occasion; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Committee at any of their said Meetings shall be decided and determined by a Majority in Number of Members present (the Number present being not less than Five); and in case of there being an equal Number of Votes upon any Question, including the Vote of the Person acting as Chairman for the Time being, such Chairman shall have the decisive and casting Vote; and if on the Day appointed for any Meeting of the said Committee Five Members thereof shall not attend, then and in every such Case the Meeting shall be adjourned till such Time and to such Place as the Member or Members then present, or if none be present, then as the Clerk of the said Company, or such other Person as shall attend in his Place, shall appoint; and any Two or more Members of the Committee may at any Time when they shall think fit call a Meeting of the Committee by Notice in Writing, signed by such Two or more Members, to be sent by the Post, or otherwise, to the Residence or Address of every Member of such Committee, and also may renew the Meetings of the Committee, although they may have been discontinued for want of Adjournment, or may institute a new Meeting independent of any Meeting appointed by Adjournment.

Chairman to have the casting Vote, besides his own Vote.

Two Members of the Committee may call a Meeting.

Powers of Committee.

XLIV. And be it further enacted, That the Committee for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power and Authority to use the same, (subject nevertheless to any Order which may be made at any General or Special General Meeting of the said Company respecting the Custody or Use thereof,) and to meet and adjourn from Time to Time and from Place to Place, and also at any Time to call Special General Meetings of the said Company for any Purpose they may think proper, and to appoint the Times and Places in the said City and County of the City of *Exeter*, and the several Parishes and Places mentioned in this Act, of holding such General Meetings and Special General Meetings, to direct the Affairs and Business of the said Company, as well in issuing, receiving, and laying out and disposing of all Sums of Money to be issued or received, laid out or disposed of, for the Purposes of the said Company, as in contracting

for and purchasing Lands, Tenements, or Hereditaments, Materials, Goods, and Chattels, for the Use of the said Undertaking, and to enter into Agreements or Contracts for supplying with Gas all or any of the said Roads, Streets, Ways, Lanes, and other public Passages and Places, and all or any Quays, Bridges, Shops, Inns, Manufactories, Warehouses, private Houses, Churches, and other Places of Public Worship, and other Buildings or private Places within the Limits of this Act, and all Persons whomsoever, and in nominating, electing, appointing, placing, or displacing any Accountant, Assistant, Collector, Agent, Tradesman, Workman, Servant, or other Officer of the said Company, (not being a Treasurer or Clerk of the said Company, who are to be elected and appointed at a General Meeting or Special General Meeting of the said Company as herein mentioned, and not by the said Committee, except for a temporary Purpose as herein is mentioned,) and with such Salaries, Gratuities, or other Recompence as to the said Committee shall seem proper, and in ordering, directing, and employing the said Works and Workmen, and in selling and disposing of all Articles produced as aforesaid in the manufacturing of such Gas, and in making, enforcing, and rescinding, compounding and compromising, all Contracts and Bargains touching or in anywise concerning the said Undertaking, subject to any special Regulations or Resolutions of the said Company in Restraint, Control, or Regulation of the Powers and Authorities by this Act granted, and to all which Regulations and Resolutions, not being contrary to any express Provisions or Directions in this Act, the said Committee shall pay due Obedience; and the said Committee may require and take such Security from any Officer or Officers (not being a Treasurer or Clerk of the said Company) or other Person for the faithful Execution of their respective Offices or Duties as they may think proper or reasonable.

Committee not to be personally liable.

XLV. And be it further enacted, That no Member of the Committee of Management for the Time being shall be personally answerable for the Performance of any Contract or Agreement into which he shall or may have entered as one of such Committee on behalf of the said Company, but all Persons with whom any Contracts or Agreements shall from Time to Time be entered into by the said Committee shall have full Power to resort to and proceed against the said Company, either at Law or in Equity, for the Performance of every such Contract or Agreement, or for Damages occasioned by any Breach or Nonperformance thereof.

General Meetings to appoint a Treasurer and Clerk.

XLVI. And be it further enacted, That the said Company shall, at their First General Meeting or at some Adjournment thereof, elect and choose a Treasurer or Treasurers to the said Company, and also a Clerk for transacting the Business of the said Company; and it shall be lawful for the said Company, at any subsequent General Meeting or Special General Meeting to be holden as herein-before directed, from Time to Time to remove and displace such Treasurer or Treasurers and Clerk, or any or either of them, or any other Person or Persons who shall be hereafter elected and appointed to their respective

tive Offices, and from Time to Time to elect, choose, and appoint in manner aforesaid any other Person or Persons to act as Treasurer or Treasurers or Clerk of the said Company in the Room of such of the said Officers who shall be so removed from their respective Offices; and whenever any such Treasurer or Clerk shall die, or resign, or otherwise quit the Service of the said Company, it shall be lawful for the Committee for the Time being of the said Company from Time to Time to appoint some other Person or Persons in the Place of the Treasurer or Treasurers or Clerk so dying, resigning, or otherwise quitting the Service of the said Company, until the next General Meeting or Special General Meeting of the said Company, when such Appointment of Treasurer or Treasurers or Clerk by the said Committee shall be confirmed under the Common Seal of the said Company, or some other Treasurer or Treasurers or Clerk shall be elected and appointed as aforesaid; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Officers or any of them as at any such General Meeting or Special General Meeting shall from Time to Time be fixed upon and determined: Provided always, that the said Company shall and they are hereby required to take sufficient Security from every Person or Persons who shall be appointed Treasurer or Treasurers of the said Company, for the faithful Execution of his or their Office, before he or they shall enter thereupon.

Treasurer to give Security.

Clerk and Treasurer not to be the same Person.

XLVII. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk 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 being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under this Act other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts

of Record at *Westminster*, by Action of Debt or upon the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Treasurer, &c. not to issue Money without an Order.

XLVIII. And be it further enacted, That no Sum or Sums of Money shall beissued by the Treasurer or Treasurers or other Officer or Officers to be appointed by the said Company, on account of the said Company, without an Order or Orders in Writing made at a General Meeting or Special General Meeting of the said Company, and signed by the Chairman of such Meeting, or without an Order or Orders in Writing signed by the Chairman of any Meeting of the Committee for the Time being, or by any Three or more Members of the said Committee; and the Receipt or Receipts of such Treasurer or Treasurers for all Monies payable to the said Company shall be effectual Discharges for the same.

Accounts to be kept of Receipts and Disbursements.

XLIX. And be it further enacted, That the said Company shall and they are hereby required from Time to Time to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book or Books shall, at all reasonable Times, be open to the Inspection of the Proprietors of Shares in the said Undertaking, and all Persons and Bodies respectively possessing or entitled to any Security affecting or charged upon the Estate and Effects, Rents and Profits of the said Company by virtue of this Act, who may take Copies thereof or Extracts therefrom without Fee or Reward; and in case the said Clerk shall refuse to permit or shall not permit the said Proprietors or other Persons as aforesaid to inspect the same at all reasonable Times, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Forty Shillings.

Officers to render Accounts when required.

L. And be it further enacted, That all such Officers appointed by the said Company or Committee of Management shall from Time to Time when thereunto required deliver to the said Company or to such Committee, or to such Person or Persons as the said Company or such Committee shall for that Purpose appoint, true, exact, and perfect Accounts in Writing under their respective Hands of all Monies which they and every of them respectively shall have received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their respective Hands to the said Company or to the said Committee, or to such Person or Persons as the said Company or the said Committee shall appoint to receive the same; and if any such Officer shall refuse or neglect to deliver up or produce such Accounts and the Vouchers relating to the same in manner aforesaid, or shall refuse or neglect to pay the Money due on such Accounts, or if any such Officer shall refuse or neglect to deliver up to the said Company or such Committee, or to such Person or Persons as they shall appoint

appoint, within Ten Days after being thereunto required, all the Books, Papers, or Writings in his Custody or Power relating to the Execution of this Act, then and in every or any of the said Cases it shall be lawful for any Justice of the Peace of the said City of *Exeter*, or for any Two or more of His Majesty's Justices of the Peace for the County of *Devon*, within their respective Jurisdictions, upon Complaint made before him or them by or on behalf of the said Company or Committee, and such Justice or Justices is and are hereby required, to summon such Officer to appear before him or them, and upon his or her appearing or not being to be found to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced; and if upon Confession of the Officer against whom any such Complaint shall be made, or by the Oath or Oaths, Affirmation or Affirmations (as the Case may require) of any Witness or Witnesses, which Oath or Affirmation such Justice or Justices is and are hereby empowered and required to administer and take without Fee or Reward, or upon Inspection of the said Accounts, if produced, it shall appear to such Justice or Justices that any of the Money which shall have been collected or received shall be in the Hands of such Officer, such Justice or Justices may and is or are hereby authorized and required, on Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods and Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if such Officer shall not appear before the said Justice or Justices at the Time and Place appointed for that Purpose, unless for some sufficient Reason, or if appearing shall refuse or neglect to give and deliver to such Justice or Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to such Justice or Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, then and in any or either of the Cases aforesaid such Justice or Justices may and he and they is and are hereby authorized and required, by a Warrant under his or their Hand and Seal or Hands and Seals, to commit such Officer to the Common Gaol or House of Correction for the City of *Exeter* or County of *Devon*, there to remain without Bail or Mainprize, in case he or she should be committed for Nonpayment of any Money received by him or her or in his or her Hands, until he or she shall have accounted for and paid the full Amount thereof, or compounded with the said Committee, and paid such Composition in such Manner as the said Committee shall appoint (which Composition the Committee are hereby empowered to make), or in case he or she shall be committed for not delivering any Accounts, Books, Papers, or Writings as aforesaid, until he or she shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Company or Committee; provided that no Person who shall be so committed for Want of sufficient Distress shall be detained in Prison by virtue of this Act for a longer Space of Time than Six Calendar Months.

LI. And

Executors or Administrators of deceased Officers to account.

LI. And be it further enacted, That in case of the Death of any Officer of the said Company before he or she shall have paid and fully satisfied all the Monies which he or she shall have received by virtue of this Act, or made such Composition for the same as aforesaid, then and in every such Case the Executors or Administrators of such Officer so dying shall pay and satisfy the same out of the Estate and Effects of such Officer unto the said Company or Committee or any Person appointed by them in that Behalf in like Manner as other Debts are directed by Law to be discharged by such Executors or Administrators, and also shall deliver up all Deeds, Papers, Writings, and other Things belonging to the said Company, or concerning his or her Office, or relating to the Execution of this Act, which shall have come to the Hands of such Executors or Administrators, who shall and may plead such Payments in any Action or Suit which may be brought against them on account of the said Estate and Effects, and give the same in Evidence; and in case of the Nonpayment of such Monies, or the Non-delivery of such Deeds, Papers, Writings, and other Things, for the Space of Fourteen Days after Demand made thereof in Writing by or on behalf of the said Company or Committee, it shall be lawful for the said Company or Committee to commence and prosecute an Action or Actions in any of His Majesty's Courts of Record at *Westminster* against such Executors or Administrators for the Recovery of the said Monies, or for the Recovery of Damages for the Detention of such Deeds, Papers, Writings, and other Things, in which Action or Actions full Costs of Suit shall be recoverable by the said Company or Committee.

Not to prejudice Remedies against Sureties of Officers.

LII. And be it further enacted, That nothing herein contained or any thing to be done by virtue hereof shall extend or be construed to extend to deprive the said Company of any Action or Actions, Suit or Suits, against the Surety or Sureties of any Officer or Person whomsoever to be appointed in execution of this Act, for the Payment of any Monies remaining due to the said Company, or for the Nonperformance of any Covenant or Agreement entered into by such Officer or Person to be appointed as aforesaid, or his or her Surety or Sureties, touching any thing to be done under or in pursuance of this Act.

Books to be kept, and Orders, &c. to be entered by the Clerk.

LIII. And be it further enacted, That Books shall be provided and kept by the said Company for the Purpose of entering therein all Orders and Proceedings of the said Company and of the Committee of Management made at the respective Meetings of the said Company and Committee, and the Names and Designations of the Subscribers to the said Undertaking and of all Holders of Shares therein, and of all Transfers of such Shares, and all Mortgages of the Undertaking, or Securities for Money borrowed, and all Transfers thereof, and all other Proceedings, Matters, and Things to be done in pursuance of the Directions of this Act, and such Book shall be kept by the Clerk to the said Company (subject to the Orders of the Company and the Committee of Management); and the Clerk to the said Company shall make fair and regular Entries thereof in such Books accordingly, and such Entries in such Books shall be signed by the Chairman for the Time being of each respective Meeting, or for the Purposes of

Adjournment only by the Clerk to the said Company; and the Orders and Proceedings of the said Company so entered and signed shall be deemed and taken to be original Orders and Proceedings, and such Books, and the several Entries therein, so signed as aforesaid, shall be admitted in Evidence before all Judges, Justices, and others, and in all Courts and Places whatsoever, and any Person interested shall at all reasonable Times be allowed to inspect such Books and Entries without Fee or Reward.

Power to make and erect Retorts, and to break up the Soil and Pavement of the Streets, &c. for laying Pipes, &c.

LIV. And be it further enacted, That it shall be lawful for the said Company, and they are hereby fully authorized and empowered, from Time to Time to make, erect, and fix, or cause to be made, erected, and fixed, such Retorts, Gasometers, Receivers, Cisterns, Engines, Pipes, Machines, and other Erections, Buildings, and Works, upon any of the Lands, Tenements, or Hereditaments which the said Company may purchase under the Powers or Provisions of this Act, in such Manner as the Company shall think necessary or proper for lighting with Gas the Streets, Roads, Ways, Lanes, Docks, Quays, Bridges, and other public Passages and Places within the Limits of this Act, and any Manufactories, Docks, Quays, Warehouses, Shops, Inns, Taverns, private Houses, and other Buildings and Premises therein, and for carrying the Powers or Provisions of this Act into execution; and for such Purposes also from Time to Time (in a careful and workmanlike Manner, and doing as little Damage as may be,) to break up the Pitchings and Pavement of the Footways or Carriageways of any Roads, Streets, Ways, Lanes, Quays, Bridges, and other public Passages and Places, or any of them, or any Part thereof, within the Limits of this Act; and also to break up the Soil of any private Grounds, Ways, Passages, and other Places, or any Part of them, within the Limits aforesaid; and also to dig, sink, and make or construct any Culverts, Tunnels, Trenches, Soughs, or Drains, and to lay, put, or place any Main Pipes, Branch Pipes, and other Pipes, with all necessary Drain-boxes, Syphons, Plugs, Stopcocks, and other Apparatus from such Gasometers or other Works, in, under, across, and along such public and private Places as aforesaid, or within or through any such Culverts, Tunnels, Trenches, Soughs, or Drains which the said Gas Company may at any Time hereafter make, or on, along, or over, aside, or under any Bridge or Bridges aforesaid, in such Manner as shall be necessary for the Purpose of supplying any Gas Lights and carrying this Act into execution; and to erect, put, and place any Posts, Pillars, Pilasters, Lamp Irons, Lamps, and other Apparatus in the same Roads, Streets, Ways, Lanes, Docks, Quays, Bridges, and other public Passages and Places, or any of them, and against any Wall or Walls erected on or adjoining to them or any of them, and from Time to Time to alter the Position of, and to repair, relay, and maintain such Pipes, Stopcocks, Drain-boxes, Syphons, and Plugs or Branches; and also to carry, place, fit up, and furnish any Pipe or Pipes, Cocks or Branches, or other necessary Apparatus, from any Main or Branch Pipes so laid in any Road, Street, Way, Lane, Dock, Quay, Bridge, Passage, or other Place, public or private, into, through, or against any Dwelling House or Houses, Manufactories, public or private Buildings or Grounds, for the Purpose of lighting the same or any public or

private Lamp from any of such Main or other Pipes; and to erect and set up any Machine or Apparatus necessary or requisite for securing to any Dwelling House or Houses, Manufactories, public or private Buildings, a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply; and also to alter or amend any bad or imperfect Work which shall have been placed, or which shall be injured or damaged, in such Dwelling House or Houses, Manufactories, public or private Buildings; and to do all such other Acts, Matters, and Things as the said Company shall from Time to Time think necessary for completing, amending, repairing, improving, supplying, and using the same, and necessary and convenient for the Purposes of carrying this Act into execution, reasonable Compensation being made for any Damage occasioned thereby: Provided always, that no Gas Pipes shall be laid down in any of the Streets or Places aforesaid at a less Depth than Two Feet at least from the Surface of the Street to the upper Part of the Pipe, except in passing over Bridges or Vaults.

Pipes, &c. not to be carried or continued in Houses without Consent.

LV. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company to carry or lay any Pipe or Pipes in, to, or through any Dwelling House, Houses, Manufactories, public or private Buildings, for the Purpose of lighting any other Dwelling Houses, Manufactories, public or private Buildings, or so to continue the same without the Consent of the Owner and Occupier of every Dwelling House, Manufactory, public or private Building, through which any such Pipe or Pipes may be carried or laid for the Purposes aforesaid.

Notice to be given of breaking up Pavement, Roads, &c.

LVI. And be it further enacted, That it shall not be lawful for the said Company to break or take up or disturb any of the Pavements or Ground in any Road, Street, Way, Lane, or other public Passage or Place, for the Purpose of laying down or repairing any Main Pipe or Pipes, or of altering the Position of any such Main Pipe or Pipes, unless Notice in Writing of their Intention to break or take up such Pavement or Ground, signed by the Clerk to the said Company, specifying the Road, Street, Way, Lane, or other Passage or Place intended to be broken up or taken up, shall have been given to the Surveyor of the said Commissioners or of the Turnpike Trustees, or to the Surveyors, Waywarden, or other Person or Persons under whose Jurisdiction, Care, or Management such Road, Street, Way, Lane, or other Passage or Place may happen to be, or in case of private Property to the reputed Owner or Owners thereof, or shall have been left for him or them at his or their Dwelling House or last Place of Abode for the Space of Twenty-four Hours at the least before such Pavement or Ground or any Part thereof shall be so broken or taken up, except in Cases of Emergency, when such Notice shall be given as soon as possible after such Pavements or Ground or any Part thereof shall be broken or taken up; and if the said Company shall break or take up or disturb, or cause to be broken or taken up or disturbed, any such Pavements or Ground without such Notice being given or left as aforesaid, then and in every such Case the said Company shall forfeit and pay to the Body or Bodies, Trustees or Commissioners, Surveyors, or other Person having the Control of such

Road,

Road, Street, Way, Lane, or other public Passage or Place which shall be so broken or taken up or disturbed, any Sum of Money not exceeding Twenty Shillings for every Foot of such Road, Street, Way, Lane, or other Passage or Place which shall be so broken or taken up without such Notice as aforesaid, the Amount of such Penalty to be adjudged, recovered, and levied in such Manner as other Penalties and Forfeitures by this Act imposed are directed to be recovered and levied.

Liberty to proceed after Notice.

LVII. Provided always, and be it further enacted, That in case such Commissioners, Turnpike Trustees, Surveyors, Waywardens, or other Person or Persons, or their Surveyor or other Officers or Agents, shall neglect or refuse to inspect or superintend any of the Works herein-before authorized to be executed under their Inspection and Superintendence as aforesaid, after being thereunto required by Notice in Writing from the Clerk or any Engineer of the said Company given to or left at the Office of the said Commissioners or Trustees, Surveyors, Waywardens, or other Person or Persons, at least Twenty-four Hours before any such Work shall be commenced (except in case of Emergency), then the said Company are hereby fully authorized to do and perform the Works specified in such Notice without the Inspection of such Commissioners, Turnpike Trustees, Surveyors, Waywardens, or other Person or Persons, or their Officers or Agents.

Empowering Surveyor to require Alteration of Pipes.

LVIII. And be it further enacted, That if at any Time or Times hereafter it shall be deemed necessary or expedient by the Surveyors for the Time being, or other Person or Persons having the Control, Direction, or Superintendence of any Streets, Highways, Roads, Lanes, Passages, or Places within the said City and County of the said City of *Exeter*, or the said other Parishes in the County of *Devon*, to require the said Company hereby incorporated to raise, sink, or otherwise alter the Situation of any of the Mains, Pipes, Stopcocks, Plugs, Syphons, or Branches which shall be laid down for the Purposes of this Act, the said Company shall at their own Expence, within One Calendar Month next after being required so to do by Notice in Writing to them given by or on behalf of the said Surveyors or other Person as aforesaid, raise, sink, or alter such Mains, Pipes, Stopcocks, Plugs, Syphons, or Branches according to such Notice, in such Manner and in such Place or Places as such Surveyors shall think right and proper, and in default thereof it shall and may be lawful to and for the said Surveyors or other Person as aforesaid, and their Agents, or any other Person or Persons acting by their Order or under their Authority, to cause such Mains, Pipes, Stopcocks, Plugs, Syphons, or Branches to be raised, sunk, or altered, and the reasonable Costs and Charges of doing the same shall immediately thereafter be paid by the said Company or their Treasurer, to the said Surveyors or other Person as aforesaid: Provided nevertheless, that if such reasonable Costs and Charges shall not be paid within Ten Days next after Demand shall be made by or on behalf of such Surveyors or other Person as aforesaid, (Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace for the City and County of the City of *Exeter*,) all such reasonable Costs and Charges, and any Sum not exceeding

exceeding Five Pounds by way of Penalty, shall and may be recovered by Distress and Sale of the Goods and Chattels of the said Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices of the Peace as aforesaid, and which Warrant such Justice and Justices is and are hereby empowered to grant, and such Costs and Charges shall be paid to the said Surveyors or other Person as aforesaid.

Position of Pipes in private Grounds may be altered if Owners and Occupiers desire.

LIX. Provided also, and be it further enacted, That in case the said Company shall at any Time hereafter break up the Soil, Pitchings, Gutters, or Pavements of any private Ground, Road, or Way, for the Purpose of laying and shall lay any Main or Pipe along, under, or across the same, with the Consent of the Owner or Owners and Occupier or Occupiers thereof for the Time being, and such Owner or Owners and Occupier or Occupiers shall at any Time or Times thereafter deem it necessary or expedient to alter and vary the Position of such Main or Mains, Pipe or Pipes, the said Company shall, at the Expence, Costs, and Charges of such Owner or Owners and Occupier or Occupiers respectively, within One Calendar Month next after being required so to do by Notice in Writing to them given by the said Owner or Owners and Occupier or Occupiers, alter and vary the Position of such Main or Mains, Pipe or Pipes, and relay the same according to such Notice, in such Manner and in such Place or Places as the said Owner or Owners and Occupier or Occupiers shall think right or proper; and in default thereof it shall be lawful to and for the said Owner or Owners and Occupier or Occupiers, or their Agents, Servants, or Workmen (at the like Cost and Charges of the said Owner or Owners and Occupier or Occupiers), to cause the Position of such Main or Mains, Pipe or Pipes, to be altered, varied, and relaid as aforesaid.

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

LX. Provided always, and be it further enacted, That in case any Pipe, Cock, or Branch shall be fixed, carried, or laid from any Main or Pipe of the said Company into or through or against any Dwelling House or Houses or other Buildings, for the Purpose of lighting the same or any other Dwelling House or Houses or other Buildings, in pursuance of this Act, and the Owner or Owners or Occupier or Occupiers of any such Dwelling House or Houses or other Buildings into or through or against which such Pipe, Cock, or Branch shall be fixed, carried, or laid shall be desirous that the same Pipe, Cock, or Branch shall be altered or removed and taken away, and of such his, her, or their Desire shall give Notice in Writing to the said Company, then and in every such Case the said Company shall, at the Costs and Charges of the Party or Parties requiring the same, within Ten 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, or 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 Owners or Occupier or Occupiers, or any other Person or Persons acting under his, her, or their Authority, to cause such

Pipes, Cocks, and Branches to be altered or removed and taken away, as the Case may require.

Company to remove Pipes, &c. when Tenants quit, if required.

LXI. Provided always, and be it further enacted, That in all Cases where it shall not have been otherwise stipulated by an Agreement in Writing, the said Company shall, at their own Expence, on the Expiration or Determination of the Tenancy or Tenancies of any Occupier or Occupiers whose Dwelling House or Houses, Manufactories, public or private Buildings, or Yards, shall be supplied with Gas in pursuance of this Act, or of any Occupier or Occupiers who shall have given such Consent as aforesaid, within Ten Days next after the Expiration or Determination of such Tenancy or Tenancies, upon receiving Two Days Notice in Writing for that Purpose for or on behalf of the Owner or Owners or the succeeding Occupier or Occupiers of any such Dwelling House or Houses, Manufactories, public or private Buildings, or Yards, as aforesaid, remove, take, and carry away, or cause to be removed, taken, or carried away, any Pipe or Pipes, Cocks, or Branches from any Main or other Pipes which shall have been introduced or laid by the said Company through, into, or against any such Dwelling House or Houses, Manufactories, public or private Buildings, or Yards, as aforesaid, pursuant to the Power for that Purpose in this Act contained, and shall repair and make good any such Dwelling House or Houses, Manufactories, public or private Buildings, or Yards, where the same shall have been so introduced or have been placed, any thing herein contained to the contrary thereof in anywise notwithstanding; and in default thereof it shall be lawful for such Owner or Owners, or such new or succeeding Occupier or Occupiers, as the Case may require, or any other Person or Persons acting under his, her, or their respective Authority, to cause such Pipes, Cocks, and Branches to be removed, taken, and carried away, (without being thereby subjected to any Penalty or Penalties or Costs for thereby unavoidably damaging the Works of the said Company,) and the Dwelling House or Houses, Manufactories, public or private Buildings, or Yards, where the same shall have been introduced or placed, to be repaired; and the reasonable Costs and Charges for so doing the same shall be immediately paid by the said Company or their Treasurer for the Time being to such Owner or Owners, Occupier or Occupiers, as the Case may require; and if such reasonable Costs and Charges be not paid within Twenty Days next after Demand shall be made by such Owner or Owners, Occupier or Occupiers, (Proof of such Demand being made by the Oath or Affirmation, as the Case may require, of a credible Witness before One or more Justice or Justices of the Peace for the said City and County of the said City of *Exeter* or County of *Devon*, acting within their respective Jurisdictions,) all such reasonable Costs and Charges shall and may be levied and recovered by such Owner or Owners, Occupier or Occupiers, as the Case may require, by Distress and Sale of the Goods and Chattels of the said Company, together with the Costs and Charges of the Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace aforesaid, which Warrant such Justice or Justices aforesaid is and are hereby empowered to grant.

LXII. Pro-

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

LXII. Provided always, and be it further enacted, That in all Cases in which it shall be lawful for the said Company to cut off and take away the Supply of Gas from any House or Houses, Shops, Inns, Taverns, or other Buildings or Manufactories, Grounds or Premises, under the Provisions of this Act, it shall also be lawful for the said Company, their Agents and Workmen, to enter into or upon any such House or Houses, Shops, Inns, Taverns, or other Buildings or Manufactories, Grounds or Premises, in the Daytime, for the Purpose of removing, taking, and carrying away, and to remove, take, and carry away, any Pipe, Meter, Cock, Branch, or Apparatus, the Property of and belonging to the said Company, and also for the Purpose of repairing and making good any such House or Houses, Shops, Inns, Taverns, Buildings, or Manufactories where such Pipe or Apparatus shall have been so introduced.

Company to reinstate Pavement, &c.

LXIII. And be it further enacted, That when and as often as the Stones, Pavement, Ground, or Soil in or of any Street, Highway, Road, Lane, Passage, or Place, or any Part thereof, shall have been lawfully broken up or removed under the Provisions of this Act and the said recited Act, the said Company shall and they are hereby required immediately thereafter, at their own Costs and Charges, to fill in and effectually ram all Trenches and Drains, and to relay, reinstate, and make good such Stones, Pavement, Ground, or Soil; and for the Space of Six Calendar Months thence next ensuing, from Time to Time, and so often as thereunto required, to keep and renew the said Stones, Pavement, Ground, or Soil, and such Parts of the said Streets, Highways, Roads, Lanes, Passages, or Places as shall have been so broken up or removed as aforesaid, in good Repair, Order, and Condition, and of a level Surface, to the Satisfaction of the Surveyors of the Highways, or other Person or Persons having the Control, Direction, or Superintendence of such Stones, Pavements, Ground, or Soil, Streets, Highways, Roads, Lanes, Passages, or Places respectively, as well when the same shall have been broken up or removed, for the Purpose of first laying down, as for the Purpose of repairing, relaying, and amending, any Mains, Pipes, Cocks, or Plugs, or for any other Purpose authorized by this Act; and the said Company shall, at all Times and on all Occasions, at their own Costs and Charges, remove and carry away all surplus Earth, Filth, and Rubbish occasioned thereby, and during the Time that the Works hereby authorized are carrying on; and until such Stones, Pavement, Ground, or Soil shall be relaid, reinstated, or made good as aforesaid, the said Company shall provide and place Men with necessary Lights at Night, and shall guard and fence off the said Works, so as to prevent any Damage or Inconvenience happening to Passengers, Cattle, or Carriages; and in case the said Company shall make default in filling in and ramming such Drains and Trenches, or in relaying and from Time to Time within the Period aforesaid reinstating and making good such Stones, Pavement, Ground, or Soil, or in putting and for the Space herein-before mentioned keeping the said Stones, Pavement, Ground, or Soil, and the said Parts of the said Streets, Highways, Roads, Lanes, Passages, or Places, in such good Repair, Order, and Condition, and of such level Surface as aforesaid, or in removing and carrying away all such surplus Earth, Filth, and Rubbish

as

as aforesaid, or in providing and placing such Men with Lights at Night, or in guarding and fencing off the said Works, so as to prevent Accidents to Passengers, Cattle, and Carriages, then and in every such Case the said Company shall forfeit and pay for every such Offence the Sum of Ten Pounds, one Half whereof shall be paid to the Informer, and the other Half to the Surveyors of the Highways of the Parish, or other Person having the Control, Direction, or Superintendence of such Highway, Street, or Road where any such Default shall happen; and it shall be lawful for such Surveyors of Highways, or other Person or Persons having such Control, Direction, or Superintendence as aforesaid, or their or his Servants or Agents, to fill in and ram such Drains and Trenches, and to relay and from Time to Time to reinstate and make good such Pavements, Stones, Ground, or Soil, and to put and for the Space aforesaid to keep the same, and also the said Parts of the said Streets, Highways, Roads, Lanes, Passages, or Places which shall have been so broken up or removed as aforesaid, in such good Repair, Order, and Condition, and such level Surface as herein-before is mentioned, and to remove and carry away all surplus Earth, Filth, and Rubbish, and during the Time that such Works are carried on to provide and place Men with necessary Lights at Night, and to guard and fence off the said Works, so as to prevent any such Damage or Inconvenience as aforesaid; and the Expence of doing all and every or any of the Matters aforesaid shall be repaid by the said Company or their Treasurer to such Surveyor of Highways, or other Person or Persons as aforesaid; and in default of Repayment for Ten Days next after Demand thereof in Writing shall have been made on the said Company for and on behalf of such Surveyors, or other Person or Persons, (Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace for the City and County of the City of *Exeter*,) all such Sum and Sums of Money as shall have been so paid as and for the Expence of doing all and every or any of the Matters aforesaid, shall and may be levied and recovered, for the Use of such Surveyors or other Person or Persons, by Distress and Sale of the Goods and Chattels of the said Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices, who is and are hereby empowered to grant the same.

Damages to any public Sewer or Drain to be made good by the Company.

LXIV. Provided always, and be it further enacted, That the said Company, or their Servants, Agents, Workmen, or others, shall not, by any Work to be done by virtue of this Act, damage or injure any public Sewer or Drain within the said City and County of the said City of *Exeter*, or the said several Parishes and Places mentioned in this Act; and if any Damage or Injury shall be done by them or any of them to any such Sewer or Drain the said Company shall forthwith well and sufficiently repair and make good, under the Direction of the Surveyor to the Commissioners for the Time being of the *Exeter* Improvement Act, all and every such Damage or Injury; and on default thereof the Amount of such Damage or Injury, together with the Costs, Charges, and Expences of recovering the same, shall be recoverable by the Surveyor or Surveyors of the Highways, or the Person or Persons under whose Jurisdiction and

Care such Sewer or Drain shall be, by Distress and Sale of the Goods and Chattels of the said Company by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said City and County of the said City of *Exeter* or County of *Devon*, acting within their respective Jurisdictions, and which Warrant such Justice or Justices is or are hereby empowered to grant, or in case the Amount claimed shall exceed Twenty Pounds, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Notice to be given to the Exeter Gas Light and Coke Company when any Ground is opened near to their Pipes.

LXV. And be it further enacted, That when and so often as the Company hereby incorporated, their Successors or Assigns, or their Servants, Agents, or Workmen, shall dig or sink any Trench or Trenches for laying any Pipe or Pipes for the Conveyance of Gas, or for laying other Apparatus, or shall open any Ground for the Purposes of this Act, or any of them, in or upon or near to which any Main or Conduit Pipe or Pipes belonging to the said *Exeter* Gas Light and Coke Company shall be laid, the said Company hereby incorporated, their Successors or Assigns, shall and they are hereby required to give Three Days previous Notice thereof in Writing to the Clerk of the said *Exeter* Gas Light and Coke Company, to be left at the Office for the Time being of the said *Exeter* Gas Light and Coke Company; and on every such Occasion the said Company hereby incorporated, their Servants, Agents, and Workmen, shall protect and secure such Pipes of the said *Exeter* Gas Light and Coke Company from any Injury or Damage, and shall forthwith repair and make good any Damage that shall or may be done to any such Pipes on any such Occasion; and in default of giving such Notice as aforesaid, and also of forthwith repairing and making good any such Damage, the said hereby incorporated Company, their Successors or Assigns, shall for each and every such Default forfeit and pay to the said *Exeter* Gas Light and Coke Company any Sum not exceeding Five Pounds for each and every Day, and for each and every such Default, and also the Costs and Expences which shall have been incurred or sustained by the said *Exeter* Gas Light and Coke Company in and about securing and protecting of any such Pipes, or in repairing or making good any Injury or Damage that may have been done to any such Pipes, or repairing or making good the Pavement over or adjoining the same by the Ways or Means aforesaid, and any Loss or Damage which may be sustained by the said *Exeter* Gas Light and Coke Company by reason or means or in consequence of any Injury done to such Pipes; and all which Damages, Costs, Charges, and Expences shall be ascertained by any Justice of the Peace for the said City and County of the City of *Exeter*, or for the said County of *Devon*, and be recovered in the same Manner as any Expences or Penalties under this Act may be recovered.

Indicators of the new Company's Mains.

LXVI. And be it further enacted, That the said Company hereby incorporated shall cause Indicators made of Cast Iron or other durable Material, having impressed thereon the Letters "E. C. G. C. P.," to denote *Exeter* Commercial Gas Company Pipe, placed in the Ground on

on a Level with the Horsetread or Footpath, directly over their Main Pipes to denote where they are laid, and such Indicators shall be placed at the Angle of each Street; and where any Mains shall extend more than One hundred and fifty Yards in a straight or direct Line under any Street between one Angle or Corner of a Street and another, then such Indicators shall be so placed that there may not be a greater Distance between one Indicator and another than Seventy-five Yards.

Power to the Company to contract for lighting Streets and Houses.

LXVII. And be it further enacted, That it shall be lawful for the said Company to contract with any Body or Bodies Politic, Corporate, or Collegiate, Trustees, Commissioners, Surveyors, Person or Persons having the Control, Direction, or Management of the several Roads, Streets, Ways, Lanes, Quays, Bridges, and other public Passages and Places, or any of them, within the Limits of this Act, for lighting or supplying the same or any Part thereof with Gas, and also to contract with any Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, Person or Persons, for lighting or supplying with Gas, and to provide with Lamp Pillars and Posts, Lamps, Glass, and Repairs thereof, any such Bodies or Persons, or any Roads, Streets, Ways, Lanes, or other Passages or Places, and all or any Quays, Bridges, Churches, Chapels, Manufactories, Shops, Warehouses, Houses, or Buildings belonging to them or any of them, or in which they or any of them are interested, or over which they or any of them have the Direction or Control, in such Manner and under such Stipulations as the said Company shall think proper; and it shall also be lawful for the said Company to sell and dispose of all or any of the Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, Essential Oil, and all other Matters and Things produced in the Process of making Gas.

Powers to light Houses, &c. from the Mains.

LXVIII. And be it further enacted, That it shall be lawful for the said Company and they are hereby fully authorized and empowered, in such Cases as to them shall seem meet and convenient, to carry, fit up, and furnish any Pipe or Pipes, Cocks, or Branches, or other necessary Apparatus, from any Main Pipe laid in any Road, Street, Way, Lane, or other public Passage or Place by the said Company by virtue of this Act, in or through any Dwelling House or Houses, Manufactories, public or private Buildings, for the Purpose of lighting the same, or any public or private Lamp, from any such Main, with the Consent of the Owner and Occupier of such Dwelling House or Houses, Manufactories, public or private Buildings, but not otherwise.

Penalty on Washings draining into Rivers, Wells, &c.

LXIX. And be it further enacted, That if the said Company, or any Body or Bodies Politic or Corporate, or Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, shall at any Time empty, drain, conduct, or convey, or cause or suffer to be emptied, drained, conducted, or conveyed, or to run or flow, any Washings or other waste Liquids, or any noisome or offensive Liquids, Substances, or Things whatsoever, which shall arise or be produced in the Prosecution of any Gasworks, or in the Manufacture or Process of

making or procuring Gas, into any River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any other Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Springhead, Well, Drain, Sewer, or Ditch, whereby the Water or any Part thereof shall or may be soiled or contaminated, then and in every such Case the said Company, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlance shall be allowed, and the whole thereof shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within 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, Waterway, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Body or Bodies Politic, Corporate, or Collegiate, or Person or Persons, to whom the same shall belong, or by any other Person or Persons whomsoever, to the said Company, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, and the said Company, or Body or Bodies Politic or Corporate, or Person or Persons, shall not, within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being emptied, drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Company, or Body or Bodies Politic or Corporate, or Person or Persons, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so emptied, drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and the Amount of such last-mentioned Penalty shall and may be adjudged, recovered, and levied in such and the like Manner as any other Penalty or Forfeiture

feiture is in and by this Act directed to be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

For stopping the Escape of Gas.

LXX. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Company in pursuance of this Act, the said Company shall at their own Expence, immediately after receiving Notice by Parol or in Writing of any such Escape of Gas from any Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Company shall not, within Twenty-four Hours next after such Notice by Parol or in Writing as aforesaid being given, effectually stop and prevent the Gas from further escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Company shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day, after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to escape as aforesaid, which Penalty shall from Time to Time be recoverable in a summary Way, on the Oath (or Affirmation, as the Case may require,) of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said City and County of the said City of *Exeter* or County of *Devon*, acting within their respective Jurisdictions, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Company, by the Warrant of any Justice or Justices of the Peace as aforesaid, to be granted in like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered by virtue of this Act.

For the Protection of Water Pipes.

LXXI. And be it further enacted, That when and so often as the said Company, their Servants, Agents, or Workmen, shall dig or sink any Trench or Trenches for laying any Main or Mains, Pipe or Pipes, or other Apparatus, or shall open any Ground, for the Purposes of this Act or any of them, in, upon, or near to which any Water Pipe or Water Pipes shall have been laid or placed for the Purposes of conveying Water into or about the said City and County of the said City of *Exeter*, or within the Limits of this Act, or any Branch of any such Water Pipe, for the Service or Supply of any Dwelling House or Houses, Manufactories, public or private Buildings within the Limits of this Act, the said Company, their Servants, Agents, or Workmen, shall and they are hereby required to give previous Notice thereof to the Proprietor or Proprietors or Person or Persons having the Control of such Water Pipes for the Time being, or to the Occupier of such Dwelling House, Manufactory, public or private Building supplied by such Branch or Service Pipe, as the Case may be; and on every such Occasion the said Company, their Servants, Agents, and Workmen, shall, under the Direction and Inspection of such Proprietors or Persons or Occupiers, or their, his, or her Surveyor or Agent, as the Case may be, protect and

secure

secure such Pipe or Pipes from any Injury or Damage, and shall also repair and make good any Damage that shall and may be done to any such Water Pipe or Pipes on any such Occasion; and on default being made in any of the Matters aforesaid, the said Company shall forfeit and pay to such Proprietors or Persons or Occupiers, as the Case may be, any Sum not exceeding Five Pounds, and shall also pay to such Proprietors or Persons or Occupiers, as the Case may be, the Costs and Expences which shall have been incurred by them, him, or her in the securing and protecting, or in repairing and making good any Injury or Damage that may be done to such Pipe or Pipes by the Means aforesaid, such Costs and Expences, and also the Amount of such Penalty as aforesaid, to be ascertained and fixed by any Justice of the Peace for the said City and County of the said City of *Exeter* or for the County of *Devon*, acting within their respective Jurisdictions, and to be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said City and County of the said City of *Exeter* or County of *Devon*, acting within their respective Jurisdictions, and which Warrant such Justice or Justices is and are hereby empowered to grant.

Gas Pipes to be laid Four Feet from Water Pipes, and in a particular Manner.

LXXII. 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 Road, Street, Way, Lane, or other public Passage or Place within the Limits of this Act, 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 Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Roads, Streets, Ways, Lanes, and other public Passages and Places, unless in Cases where it shall be unavoidably necessary to lay the said Gas Pipes or other Conduits across any of such Water Pipes, in which Cases the said Gas Pipes or other Conduits shall be laid at the greatest practicable Distance from, and either over or under, the said Water Pipes, and shall form therewith a Right Angle; and in such Cases the said Gas Pipes or other Conduits so crossing any such Water Pipes shall be at least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least; and in laying down any such Gas Pipes or Conduits no Two or more such Gas Pipes or Conduits shall in any Case be joined together previous to their being laid in the Trench, but each Pipe shall be laid as near as may be in its Place in the Trench, and the Jointing with the other Pipes to be added thereto shall be done and completed after such Pipes shall be so laid or placed in the Trench, with proper and sufficient Materials; and all and every such Pipes or Conduits, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, shall be made and kept and continued Air-tight, so that in all and every respect the said Gas shall be prevented from escaping therefrom and from every

Part thereof at all Times, upon pain of Forfeiture by the said Company or Person or Persons offending for every such Offence of the Sum of Ten Pounds.

Gas Company liable for, and to prevent, the Contamination of Water.

LXXIII. And be it further enacted, That whenever the Water of any Company of Proprietors, or other Owners or Proprietors of Waterworks, or of any other Person or Persons, or any Water in any Well or Pond belonging to or used by any Party or Person whomsoever, shall be contaminated or affected by the Gas of the said Company, or of any Body Politic or Corporate, or any Person or Persons whomsoever, such Company, or Body Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered; and the same shall be applied to and for the Use and Benefit of the Body or Party or Person whose Water shall be so contaminated, or the Party or Person using any such Water and suing for such Penalty; and in case any such Water shall be contaminated or affected by the said Gas in any Way whatsoever, then and in every such Case the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, shall, within Twenty-four Hours next after Notice thereof in Writing signed by the Clerk or other Officer of any Corporation, or by any Person whose Water shall be so contaminated or affected, or by any Person or Persons consuming such Water, to be left at the usual Office or Place of transacting Business of the said Company, or Body Politic or Corporate, or Person or Persons aforesaid, cause the most proper and effectual Measures to be taken effectually to stop and prevent Gas from contaminating or affecting any such Water; and in case the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, 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 Committee for the Time being of any Company of Proprietors of Waterworks, or other Body Politic or Corporate, or to the Owners or Proprietors of any Water Pipes, Well, or Pond, or to the Person or Persons consuming any such Water and making such Complaint as aforesaid, for the Use and Benefit of the same Body or Bodies, Owners or Proprietors, or Person or Persons, over and above the before-mentioned Penalty of Twenty Pounds, any Sum not exceeding Ten Pounds for each and every Day during which the said Water shall be and remain contaminated, tainted, or affected by any such Gas as aforesaid; 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 (or Affirmation, as the Case may require,) of One credible Witness, or of the Person or Persons consuming any such Water and making such Complaint as aforesaid against the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, before any Justice of the Peace for

the said City and County of the said City of *Exeter* or County of *Devon*, acting within their respective Jurisdictions, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Company, or Body Politic or Corporate, or Person or Persons aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties and Costs, when so levied, shall be paid to the Person complaining for the Use of the Body or Bodies or Person or Persons whose Water shall be so contaminated, or to the Person or Persons consuming any such Water and making such Complaint as aforesaid.

For ascertaining if the Water be contaminated.

LXXIV. 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 Company, or Body Politic or Corporate, or Person or Persons manufacturing or furnishing any Gas as aforesaid; be it therefore enacted, That in every such Case it shall be lawful for any Company of Proprietors, or any Owners or Proprietors of any Waterworks, Well, or Pond, or other Person or Persons using or consuming any such Water, to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Company, or of the said Body Politic or Corporate, or Person or Persons aforesaid, for the Purpose of ascertaining whether such Contamination proceeds from or that the said Water has been contaminated by any Escape of Gas of the said Company, or of the said Body Politic or Corporate, or Person or Persons aforesaid; and if it shall appear that such Water has been contaminated by any Escape of Gas of the said Company, or of any Body Politic or Corporate, or Person or Persons as aforesaid, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the Road, Street, Way, Lane, or other public Passage which shall be taken up or disturbed, shall be borne and paid by the said Company, or by the said Body Politic or Corporate, or Person or Persons as aforesaid, which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and 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 Company, or of such Body Politic or Corporate, or Person or Persons as aforesaid, then and in such Case the Person or Persons so digging or searching, or causing such digging or searching as aforesaid, shall bear and pay all the Expences of such Examination, Repair, and Search, and also shall make good to the said Company, or such Body Politic or Corporate, or Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Company, or of such Body Politic or Corporate, or Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavement or Ground of the said Roads, Streets, Ways, Lanes, or other public Passages or Places so broken or disturbed in such Search or Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined (if necessary) by such Justice or Justices of the Peace as aforesaid,

aforesaid, and recoverable in like Manner as any Penalty may be recovered by virtue of this Act.

The Company liable to be indicted for Injury sustained by means of their Works.

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

Providing for the Expence incurred in discovering an Escape of Gas in certain Cases.

LXXVI. And be it further enacted, That in case any Escape of Gas shall occur or take place in any Street, Road, Way, Lane, or other public Passage or Place in which the Mains and Pipes of the Company hereby incorporated, and also any Mains and Pipes of the *Exeter* Gas Light Company already established, shall be laid and placed; and if, in order to discover from whence such Escape shall arise, either of the said Companies shall take up any Pavement, or do any other necessary Work, to ascertain whether such Escape arises from their own Pipes and Mains, and it shall afterwards turn out that such Escape has taken place from a Main or Pipe or other Work belonging to the other of the said Companies, then and in such Case the said Company from whose Mains or Pipes such Escape shall be proved to proceed shall pay to the said other Company all the Costs, Charges, and Expences which such other Company have necessarily incurred in the Examination of their own Mains and Pipes for the Purpose of discovering such Escape as aforesaid; and in case such Costs, Charges, and Expences shall not be paid within Two Days after a Statement in Writing of the Amount thereof, signed by the Clerk of the Company claiming the same, shall have been left at the Office of the said other Company, then, upon Proof of the Correctness of such Amount, upon the Oath or Affirmation of One or more credible Witness or Witnesses, before One Justice of the Peace for the City and County of the City of *Exeter* or the said County of *Devon*, (which Oath or Affirmation the said Justice is hereby empowered and required to administer,) the same may be levied, by Warrant of such Justice, by Distress and Sale of the Goods, Chattels, and Effects of the Company from whose Mains and Pipes such Escape shall have been proved to have proceeded; and the Surplus arising from such Sale, after deducting the Amount of such Costs, Charges, and Expences, and the Charges of such Distress and Sale, shall be returned to the said last-mentioned Company: Provided nevertheless, that nothing herein contained shall extend to authorize either of the said Companies to interfere with the Mains and Pipes of the other of them.

LXXVII. Pro-

No Pipes of Communication to be laid without the Consent of the Company.

LXXVII. Provided always, and be it further enacted, That no Person shall lay or cause to be laid any Pipe to communicate with any Pipe belonging to the said Company, nor fit or alter any of the Fittings of any Pipes or Lamps belonging to the said Company, without the Consent of the said Company in Writing first had and obtained, nor use Burners of a larger Dimension than he, she, or they shall contract to pay for, or supply any Inhabitant or other Person with any Part of such Gas, on pain of forfeiting and paying to the said Company and their Successors the Sum of Ten Shillings *per* Day for every Day such Pipe shall so remain, or such Excess be so committed, or such Supply furnished, to be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the City, County, Place, or District where the said Offence shall be committed, and which Warrant such Justice or Justices is and are hereby empowered and required to grant; and the Surplus, after such Penalty or Forfeiture and the Charges of such Distress and Sale are deducted, shall be returned, upon Demand, to the Owner of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Forfeiture shall not forthwith be paid, it shall be lawful for such Justice or Justices to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the said City, County, Place, or District, there to remain without Bail or Mainprize for such Time as such Justice or Justices shall direct, not exceeding Three Calendar Months, unless such Forfeiture and all reasonable Charges be sooner paid and satisfied: Provided always nevertheless, that nothing herein contained shall extend to prevent any Person supplied with Gas by the said Company hereby established from discontinuing to use such Supply after having given Two Days Notice of his Desire to discontinue the Use of such Supply at the Office of the said Company, and the same shall not have been discontinued by the Officers of the said Company, but so as not to prejudice the Rights of the said Company under any Contract to any Rent or Payment.

Pipes to be kept fully charged with Gas.

LXXVIII. Provided always, and be it further enacted, That the Branch or Service Pipes which shall be put down by the said Company for lighting with Gas the Roads, Streets, Ways, Lanes, and other Passages and Places within the Limits of this Act, under any Contract or Agreement, shall be kept fully charged with Gas, and the Stop-cocks shall be so formed and 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.

Rents to be payable in advance.

LXXIX. And be it further enacted, That the Rent or Rates payable to the said Company under or by virtue of this Act shall be payable quarterly on the Four usual Quarter Days of Payment of Rent, and be payable and become due in advance immediately upon the Commencement of the Period for which Persons using the said Gas may contract or agree with the said Company or their Committee of Management; and in case any Body or Bodies, Trustees, Commissioners, Surveyors, or other Person or Persons who shall contract with the said Company as aforesaid, or who shall agree to take or use or enjoy the Benefit of the said Gas, either in their

In case of Default may be recovered by Distress.

their private Dwellings, Shops, Inns, Taverns, or other Buildings or Manufactories, Grounds or Premises, or otherwise, shall refuse or neglect for the Space of Fourteen Days next after Demand made thereof to pay the Sum or Sums then due for the same to the said Company, or to the Person or Persons authorized to receive the same, according to the Terms and Stipulations between the said respective Parties and the said Company, it shall be lawful for the said Company, or their Clerk or Clerks, or any Person or Persons acting by or under their Authority, by Warrant under the Hand of the said Clerk or Clerks, to levy the said Sum or Sums of Money in respect whereof such Refusal or Neglect shall happen by Distress and Sale of the Goods and Chattels of the Body or Bodies, Trustees, Commissioners, Surveyors, or other Person or Persons so refusing or neglecting to pay the same, by the same Means and in the same Manner as Rents due and in arrear are by Law recoverable, rendering the Overplus (if any), upon Demand, to the Person or Persons so refusing or neglecting, after the necessary Charges of making such Distress and Sale shall be first deducted; and it shall also be lawful for the said Company to cut off and take away the Supply of Gas from the House or Houses, Shops, Inns, Taverns, or other Buildings or Manufactories, Grounds or Premises of every such Person or Party so making default in Payment of such Sum or Sums of Money then due by him, her, or them to the said Company, for the Space of Fourteen Days after such Demand as aforesaid, and thenceforth to discontinue the Supply of Gas contracted for with the said Company by such Person or Party.

Penalty on wilfully damaging Pipes, &c.

LXXX. And be it further enacted, That if any Person shall carelessly, accidentally, or negligently, or wilfully or maliciously, destroy, damage, or injure, or cause to be destroyed, damaged, or injured, any Pipe, Pedestal, Post, Plug, Lamp, or other Apparatus, Matter, or Thing, or any Part thereof, respectively belonging to the said Company, or shall wilfully or maliciously extinguish or put out any One or more of the public Lamps or Lights, or wilfully or maliciously waste or improperly use any of the Inflammable Air or Gas supplied by the said Company, or shall alter, exchange, or remove the Burners from the Pipes of Supply, or shall wilfully, maliciously, or negligently do or commit, or cause to be done or committed, any Injury or Damage to the Main Pipes or Service Pipes of the said Company, every Person so offending in any of the respective Premises, and being thereof convicted on the Oath (or Affirmation, as the Case may require,) of One credible Witness before One or more Justice or Justices of the Peace for the said City and County of the said City of *Exeter* or County of *Devon*, acting within their respective Jurisdictions, shall for each and every separate Act and Offence forfeit and pay to the aforesaid Company any Sum not exceeding Ten Pounds, and the Amount of the Damage done or occasioned, as the same shall be ascertained by such Justice or Justices, such Penalty and Damage, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any), on Demand, to the Owner of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Forfeiture or Damage shall not be forthwith paid, such Offender

Offender shall and may be committed to the said House of Correction in the said City and County of the City of *Exeter* or County of *Devon*, there to remain for any Time not exceeding Six Calendar Months, or until such Forfeiture, Damages, and Costs shall be paid or tendered to the Keeper of the said House of Correction for the Use of the said Company:

Satisfaction to be made for accidental Damages of Lamps, &c.

LXXXI. And be it further enacted, That if any Person or Persons shall carelessly or accidentally break, destroy, throw down, damage, or injure any Lamp or Lamps hung out, set up, or belonging to the said Company, or by any Person or Persons at his, her, or their private Expence, or any Pipe, Pedestal, Post, Plug, Lamp, or other Apparatus, Matter, or Thing belonging thereto or to the said Company, or belonging to any Person or Persons, and set up by him, her, or them at his, her, or their private Expence, or waste any Inflammable Air or Gas supplied by the said Company, or keep the Light or Lights burning for a longer Time than he, she, or they shall have contracted to pay for, and shall not, upon Demand by the said Company or their Committee, or their Clerk or Superintendent, or other Person or Persons authorized by them, make Satisfaction for the Damage done, or the Excess of Gas obtained and used, by keeping the Lights burning longer than they shall have contracted for as aforesaid, then and in every such Case it shall be lawful for any One or more Justice or Justices of the Peace for the said City and County of the said City of *Exeter* or County of *Devon*, acting within their respective Jurisdictions, and he or they is and are hereby empowered and required, upon Complaint to him or them made, to summon before him or them the Party or Parties against whom such Complaint shall be preferred, and upon hearing the Allegations and Proofs on both Sides, or on Nonappearance of the Party or Parties so complained against, to proceed *ex parte*, and to award such Sum or Sums of Money by way of Satisfaction to the said Company or to such other Person or Persons (as the Case may be and require), for such Damage or Excess, as such Justice or Justices shall think reasonable; and in case of Refusal or Neglect to pay any Sum or Sums so awarded within Fourteen Days next after Demand, it shall be lawful for such Justices or any One of them, and he and they is and are hereby required, to cause the same to be raised and levied in such and the like Manner as any Fine, Penalty, or Forfeiture is by this Act directed to be raised and levied.

Penalty for interrupting Company's Workmen.

LXXXII. And be it further enacted, That if any Person shall wantonly or maliciously hinder or interrupt the said Company or the Committee of Management, or their Officers, Agents, Workmen, or Servants, or any of them, in doing or performing any of the Works or in exercise of any of the Powers and Authorities by this Act granted, or shall in anywise cause or procure such Interruption or Hindrance to take place, and shall be thereof convicted before One or more Justice or Justices of the Peace for the said City and County of the City of *Exeter* or County of *Devon*, acting within their respective Jurisdictions, either on Evidence or on Confession, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum, to be adjudged by such Justice or Justices, not exceeding Five Pounds,

and

and also the full Amount of the Damage which shall be sustained by such Hindrance or Interruption; and such Sum so adjudged as Penalty and Damages shall be recovered in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered; or the said Company may at their own Option sue for Damages sustained by them by such Hindrance or Interruption.

Damages and Charges, in case of Dispute, to be settled by Justices.

LXXXIII. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace as aforesaid by or before whom any Offender or Offenders shall be convicted of any such Offence or Offences, who is and are hereby authorized and required on Nonpayment thereof to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels in manner directed by this Act for levying of any Penalties or Forfeitures.

Justices may proceed by Summons in the Recovery of Penalties.

LXXXIV. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before some Justice or Justices of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint in a summary Way, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons, without Information in Writing, shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was or had been exhibited.

In case of Nonpayment of Compensation for Damages.

LXXXV. And be it further enacted, That when and so often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made from the Clerk of the said Company or their Treasurer in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby

authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in every such Case such Overplus shall be returned, on Demand, to the said Company or their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain out of any Monies which he shall have received or shall receive in pursuance of this Act all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant or other Proceedings as aforesaid.

Recovery and Application of Penalties.

LXXXVI. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted, or by any Rule, Order, Bye Law, or Regulation to be made in pursuance thereof authorized to be imposed, (the Manner of levying, recovering, and applying whereof is not herein otherwise directed,) shall be adjudged by and recovered before any Justice of the Peace for the said City and County of the said City of *Exeter* or County of *Devon*, acting within their respective Jurisdictions, upon Proof of the Offences respectively before any such Justice, either by Confession of the Party offending, or by the Oath (or being a Quaker by the Affirmation) of any credible Witness or Witnesses, which Oath or Affirmation such Justice is in every Case hereby fully authorized to administer and take; and such Justice is hereby authorized to convict the Party offending; and in default of Payment of such Penalties or Forfeitures or Fines, the same shall be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which such Justice is hereby empowered to grant); and the Surplus (if any), after such Penalties, Forfeitures, and Fines, and the Costs of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case such Penalties, Forfeitures, and Fines shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereon to levy such Penalties, Forfeitures, or Fines, and the Costs of such Distress and Sale as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the

Satisfaction of such Justice, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, and Costs may be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the said City and County of the City of *Exeter* or County of *Devon*, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties, Forfeitures, and Fines respectively, and all reasonable Costs attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, may be from Time to Time paid and applied in manner following, that is to say, one Moiety thereof shall be paid to the Overseers of the Poor of the Place where the Offence shall have been committed, to be by such Overseers applied for the Use of the Poor of the said Place, or the same may be paid and applied to such public Charity of and in the said City and County of the City of *Exeter* or County of *Devon* as the said Justice shall think proper, and the other Moiety thereof shall be paid to the Informer.

For securing transient Offenders.

LXXXVII. And be it further enacted, That it shall be lawful for the said Company or any of them, or for any of their Surveyors, Collectors, and other Officers, and such Person or Persons as they or any of them shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons, being unknown to such Company, Surveyors, Collectors, and other Officers, who shall commit any Offence or Offences against this Act, and to deliver him, her, or them into the Custody of any Peace Officer, in order to be secured and conveyed before any Justice or Justices of the Peace for the County or Place wherein the Offence shall be committed; and such Justice or Justices is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Form of Conviction.

LXXXVIII. And for the more easy Conviction of Offenders against this Act, be it further enacted, That a Conviction in the Form or to the Effect following shall be good, without alleging more than the Substance of the Offence; (that is to say,)

'BE it remembered, That on the Day of in the Year of our Lord is [*or* are] convicted before me, One [*or* us, Two, *or more, as the Case may be,*] of His Majesty's Justices of the Peace for the said City and County of the said City of *Exeter*, [*or* for the said County of *Devon, as the Case may be,*] by virtue of an Act passed in the Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*], of having [*specifying the Offence, and the Time and Place when and where the same was committed,*

'*mitted, as the Case shall be,*] contrary to the said Act; and for which
'Offence I [*or* we, *as the Case shall be,*] do adjudge the said
' to have forfeited the Sum of
'Given under my Hand and Seal [*or, as the Case may be,* our Hands
'and Seals] the Day and Year first above written.'

Complaints to be lodged within Six Calendar Months.

LXXXIX. And be it further enacted, That no Person or Persons, Body or Bodies Politic or Corporate, shall be subject or liable to the Payment of any Penalty, Forfeiture, or Fine imposed by virtue of this Act for any Offence or Offences against the same, or any Rule, Order, Bye Law, or Regulation made in pursuance thereof, herein-before made cognizable before a Justice or Justices of the Peace as aforesaid, unless the Complaint respecting such Offence or Offences shall have been made before such Justice or Justices within Six Calendar Months next after committing such Offence or Offences.

Power of Appeal to General or Quarter Sessions.

XC. And be it further enacted, That any Body or Bodies Politic, Corporate, or Collegiate, or any Person or Persons whomsoever, thinking himself, herself, or themselves aggrieved by any Rule, Order, Bye Law, or Regulation to be made by virtue of this Act, or by any Repeal or Alteration thereof, or by any Order or Judgment made or given in pursuance of any such Rule, Order, Bye Law, or Regulation, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may within Six Calendar Months after the Cause of Complaint shall have arisen, or next after any Determination shall have been had or made thereon in pursuance of this Act, appeal to the Justices of the Peace of the said City and County of the said City of *Exeter* or County of *Devon* at their General or Quarter Sessions of the Peace to be holden for the said City and County of the said City of *Exeter* or County of *Devon*, or any Adjournment thereof, the Person or Persons appealing having first given at the least Ten Days Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person or Persons so appealed against, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for the said City and County of the City of *Exeter* or the said County of *Devon*, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace or Adjournment thereof, or if they think proper may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for the said City and County of the City of *Exeter* or the said County of *Devon*, and if they see Cause may mitigate any Penalty, Forfeiture, or Fine, and may order any Money to be returned, which shall have been levied in pursuance of such Rule, Order, Bye Law, or Regulation, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the Justices at such Sessions shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

XCI. And

Compelling Attendance of Witnesses.

XCI. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses before any Justice or Justices of the Peace as aforesaid touching any Matter contained in any Information or Complaint for any Offence against this Act, either on behalf of the Prosecutor or on behalf of the Person or Persons accused, and shall refuse or neglect (without a reasonable Excuse) to appear from Time to Time at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum of Money for his, her, or their Costs and Expences, or appearing shall refuse to be examined upon Oath, or, in case of a Quaker or Quakers, on solemn Affirmation, (which Oath or Affirmation such Justice or Justices is and are hereby required to administer,) and to give Evidence before such Justice or Justices of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in the same Manner as any Penalty imposed by this Act is recoverable.

Distress not unlawful for Want of Form.

XCII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied under the Authority of this Act, or any Rule, Order, Bye Law, or Regulation made in pursuance thereof, the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceedings relating thereto, nor a Trespasser or Trespassers *ab initio* on account of any subsequent Irregularity in the prosecuting of such Distress, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for special Damages by an Action on the Case.

Proceedings not to be quashed for Want of Form, or removed by Certiorari.

XCIII. And be it further enacted, That no Proceeding to be had touching the Conviction of any Offender against this Act, or against any Rule, Order, Bye Law, or Regulation made in pursuance thereof, nor any Judgment or Determination to be made or any other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form only, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Directing what shall be deemed Service of Notices, &c. on the Company.

XCIV. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons or Party or Parties to serve any Summons or Notice or Notices upon the said Company, or any Writ or Writs or other Proceedings either at Law or in Equity, the Service thereof upon the Clerk of the said Company, or at any of the Offices of the said Company, or delivered to some Inmate at the last or usual Abode of the Clerk to the said Company, and in case the Residence of the said Clerk be not known, then Service upon any Agent or other Officer employed by the said Company, or upon any One of the Committee for the Time being of the said Company, or delivered to some Inmate at the last or usual Place of Abode of any such Person, shall be deemed good and sufficient Service of the same respectively on the said Company.

XCV. And

Expences of this Act how to be paid.

XCV. And be it further enacted, That all Costs, Charges, and Expences attending the applying for, obtaining, and passing of this Act shall be paid and discharged by the said Company out of the Monies already subscribed or to be subscribed by virtue of this Act, in preference to all other Payments whatsoever.

Rules for Construction of certain Terms of the Act.

XCVI. And be it further enacted, That wherever in this Act any Word or Words is or are used in the Singular Number or Masculine Gender only, such Word or Words shall extend to and shall be construed to include the Plural as well as the Singular Number, and Females as well as Males, and a Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations Aggregate or Sole, as well as Individuals, unless it be otherwise specially directed or provided for.

Saving Rights of Commissioners of Improvement.

XCVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to take away, lessen, diminish, or affect the Rights, Powers, or Privileges of the *Exeter* Improvement Commissioners or their Successors, or any Person or Persons acting by or under their Authority, which they at present possess under and by virtue of an Act made and passed in the Second and Third Year of the Reign of His present Majesty, intituled *An Act for better paving, lighting, watching, cleansing, and otherwise improving the City of* Exeter *and County of the same City*, subject nevertheless to the several Powers expressly vested in the said Company by this Act.

2 & 3 W. 4. c. 106.

Saving Rights of Trustees of Turnpikes.

XCVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to take away, lessen, diminish, or affect the Rights, Powers, or Privileges of the *Exeter* Turnpike Trustees, or their Successors, or any Person or Persons acting by or under their Authority, which they at present possess under and by virtue of an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repairing, widening, and improving the several Roads leading to and from the City of* Exeter, *and for making certain new Lines of Road to communicate with the same, and for keeping in repair* Exe Bridge *and* Countess Wear Bridge; also an Act passed in the Second Year of the Reign of His present Majesty, intituled *An Act to amend an Act of His late Majesty King* George *the Fourth, for repairing the several Roads leading to and from the City of* Exeter, *and for making certain new Lines of Road to communicate with the same; and for keeping in repair* Exe Bridge *and* Countess Wear Bridge; *and to make and maintain other Roads communicating with the said Roads*, subject nevertheless to the several Powers expressly vested in the said Company by this Act.

7 G. 4. c. 25.

2 W. 4. c. 62.

Saving the Rights of the Corporation.

XCIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, alter, prejudice, lessen, or diminish any of the Rights or Privileges of or belonging to the Mayor, Aldermen, and Burgesses of the said City of *Exeter*, other than and except such as are meant and intended to be by this Act taken away, but that the said Mayor, Aldermen, and Burgesses shall continue to use, exercise, and enjoy the

the same (except as aforesaid) as if this Act had not been made, any thing herein-before contained to the contrary thereof notwithstanding.

General Saving of Rights of the Duchy of Cornwall.

C. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Estate, Right, Title, Interests, Privileges, or Authority of the King's most Excellent Majesty, His Heirs and Successors, in right or in respect of His Duchy of *Cornwall*, or of the Duke of *Cornwall* for the Time being, nor at any Time or Times be admitted in any Court of Law or Equity, or otherwise considered as Evidence upon any Occasion to affect in any Manner such Rights of His Majesty, His Heirs and Successors, in right or in respect of His said Duchy of *Cornwall*, or of the Duke of *Cornwall* for the Time being.

The Act not to extend to the Precinct of the Close without the Assent of the Dean and Chapter.

CI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to the Precinct of the Close of the Cathedral Church of *Saint Peter*, or to the Lands, Houses, Streets, Ways, Passages, or Places within the same, except only and so far as the Powers by this Act granted may be exercised within the said Precinct with the Assent of the Dean and Chapter of the said Cathedral Church, to be testified from Time to Time by some Instrument under their Common Seal, for such Term and Time and under such Restrictions and Regulations as shall be in and by such Instrument expressed.

For preserving the Rights of the Dean and Chapter in their Manor of Saint Sidwell.

CII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to take away, lessen, or diminish any Right, Property, Soil, Liberty, Power, Privilege, or Franchise of the Dean and Chapter of the said Cathedral Church within their Manor and Fee of *Saint Sidwell*, saving all Powers and Authorities granted to the said Company by virtue of this Act.

This Act to be a Public Act.

CIII. 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.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1836.