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said Company should have Power to raise a further Sum of Money, and that the Powers of the said Company should be enlarged, and the Provisions of the said recited Act in some respects altered, varied, and amended; but the same cannot be effected without the 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 it shall be lawful for the said Company to raise and contribute among themselves or by the Admission of new Subscribers, for the Purposes of the said recited Act and this Act, in addition to the Money which they were authorized to raise by the said recited Act, any Sum or Sums of Money not exceeding in the whole the Sum of Twenty-eight thousand Pounds, in such Proportions as they shall think fit, which said Sum or Sums and every or any Part thereof when raised shall be laid out in carrying the Purposes of the said recited Act and this Act into execution, and shall be divided into Shares of Twenty-five Pounds each; and such new or additional Shares so to be created by virtue of this Act, and the several Shares made or created by virtue of the said recited Act, shall to all Intents and Purposes be and they are hereby declared to be consolidated, and be One and the same Joint Stock and Property; and all Persons, Bodies Politic, and Parties whomsoever, their several and respective Successors, Executors, Administrators, and Assigns, who have severally subscribed or shall hereafter subscribe for One or more Share or Shares, or such Sum or Sums of Money as shall be called for or demanded by virtue of the said recited Act, and who shall severally subscribe for One or more Share or Shares, or such Sum or Sums of Money as shall be called for or demanded by virtue of this Act for the Purposes of the said recited Act and this Act, shall respectively be entitled to and receive the entire and net Distribution of an equal proportionate Part, according to the Monies so by them respectively paid, and the Time or Times at which the same shall have been so paid, of the Profits or Advantages that shall or may arise or accrue from the said Undertaking; and every Body Politic and Person having such Shares as aforesaid shall bear and pay a proportionable Sum towards carrying on the said Works respectively in the Manner directed by the said recited Act and this Act.

Company empowered to raise Money for the Purposes of this Act.

II. And be it further enacted, That so much of the said recited Act as provided that the Joint Stock or Capital of the said Company should be divided into Shares of Fifty Pounds each shall be and the same is hereby repealed.

Repeal of so much of recited Act as establishes 50*l.* Shares.

III. And be it further enacted, That each of the several Shares of the Joint Stock or Capital raised by virtue of the said recited Act shall be divided into Two Shares of Twenty-five Pounds each, in like Manner as is herein directed in respect of the Sum or Sums of Money to be raised by virtue of this Act.

Former Capital to be divided into Two Shares of 25*l.* each.

IV. And be it further enacted, That each and every Proprietor of each and every Share which shall or may be created by virtue of this Act shall be entitled to such and the same Powers, Privileges, and Advantages, and shall be subject to such and the same Rules, Regulations, Restrictions, Penalties, and Forfeitures, as in and by the said recited Act are expressed

Proprietors under this Act to be entitled to same Privileges as under recited Act.

and contained of and concerning the Shares created by virtue thereof, and now vested in the several and respective Proprietors of and in the said Undertaking, subject nevertheless to the Powers and Provisions in this Act contained; and the Admission of all and every Person and Persons to any such new Share or Shares by any Order or Direction of the said Company, or their Court of Directors, shall be and be deemed to be a good and effectual Title to such Body Politic, Person or Persons, and his, her, or their respective Successors, Executors, Administrators, or Assigns, on his, her, or their paying to the said Company, or their Treasurer or Treasurers for the Time being, the Sum or Sums of Money required to be paid for such Shares respectively, within the Time limited in such Order or Resolution for that Purpose: Provided always, that no Body Politic or Person shall be entitled to vote at any General or Special Meeting of the said Company in respect of any Shares created by virtue of the said recited Act or of this Act until he, she, or they shall have been possessed thereof for the Space of Three Calendar Months.

Purposes of the Company.

V. 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, and other Materials, and for lighting with Gas all Streets, Roads, Lanes, and public Passages and Places and Buildings, and also all Shops, Inns, Taverns, private Houses, Warehouses, and other Buildings, within the said City and County and the said neighbouring Parishes, 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.

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

VI. And be it further enacted, That the said Company 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 proper Number by which every Share shall be distinguished, to be distinctly entered in the Books of the 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 Subscriber or Proprietor, which Certificate shall be delivered to the Proprietor of such Share, or his or her Executors, Administrators, or Assigns, upon Demand, and shall be admitted in all Courts whatsoever as Evidence of the Title of such Proprietor, his or her Executors, Administrators, and Assigns, to the Share 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 such Share or Shares from selling or disposing of any such Share or Shares; and in case such Certificate shall not be produced or forthcoming, the said Entry, or a true Copy thereof certified by the Clerk or Clerks of the said Company, shall be deemed *primâ facie* Evidence of Title, and for which Certificate and Copy respectively the said Clerk or Clerks 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; *videlicet*,

Form of Certificate.

'*Exeter* Gas Light and Coke Company.

'Number

'THESE are to certify, That of is the Proprietor
'of the Share Number of the Capital or Joint Stock of
'"The *Exeter* Gas Light and Coke Company", subject to the Rules, Re-
'gulations, and Orders of the said Company, and that the said
'his [*or* her] Executors, Administrators, [*or* their Successors,] and
'Assigns, is and are entitled to such Proportion of the Profits and Ad-
'vantages arising or to arise to the said Company as shall belong to such
'Share. Given under the Common Seal of this Company the
'Day of in the Year of our Lord .'

Proprietors *not* to be disqualified from being Commissioners under 2 & 3 W. 4. c. 106.

VII. 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 under or by virtue of an Act passed in the 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.*

Proofs required where Rights accrue by Marriage or Death.

VIII. 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 or Affirmation, containing a Copy of the Register of such Marriage or the Purport of such Register, shall be made by some credible Person before a Master or Master Extraordinary in Chancery, or 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 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

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 Trust and all other Persons claiming Interest under such Testator or Intestate, any Rule of Law or Equity notwithstanding.

First and other General Meetings of Proprietors, and Mode of proceeding.

IX. And be it further enacted, That the said Company shall meet at the Guildhall in the said City of *Exeter*, or at some other convenient Place in the said City and County of the City of *Exeter*, within Thirty Days next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall and may then and there proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time either to the same Place or to such other convenient Place in the said City and County as the Proprietors present shall think proper; and from and after the First General Meeting of the said Company there shall be in each Year One General Meeting of the said Company, which shall be held in the Month of *July;* and it shall be lawful for any Number of Proprietors, not less than Ten, together holding not less than Fifty Shares, at any Time to call a Special General Meeting of the said Company; and Ten Days Notice at the least of such several General Meetings and Special General Meetings (except of the said First General Meeting and of any adjourned Meetings) shall be given by Advertisement in some One or more of the Newspapers circulated in the said City of *Exeter*, specifying the Place where and the Hour at which the same shall be intended to be held; and in the Case of any Special General Meetings a Notice thereof, which Notice shall specify the Object or Business for which such Special General Meeting shall be called, shall be sent by the Post or otherwise to the Place of Abode of each Proprietor, or to such Place as such Proprietor shall appoint, by the Clerk or Clerks to the said Company, Seven Days before the Day upon which such Special General Meeting shall be intended to be held; and all such General Meetings and Special General Meetings may be adjourned from Time to Time and from Place to Place as shall be found expedient; and at all such General Meetings and Special General Meetings to be held as aforesaid the Number of Proprietors then present, not being fewer than Ten, and together holding not fewer than Fifty Shares, shall and may proceed to Business and act in the Execution of the several Powers by this Act given to the said Company; and if it shall at any Time happen that Ten Proprietors together holding not fewer than Fifty Shares shall not appear at any of such General Meetings between the Hours aforesaid, then and so often as the Case shall happen the Intention of holding such Meeting shall be deemed to be abandoned, and no Adjournment of such Meeting shall be made or take place; and at every such General and Special General Meeting One of the Proprietors present shall be elected to preside as Chairman; and all Questions shall be decided by a Majority of Votes, each Proprietor to have One Vote for any Number of Shares not amounting to Ten, and to have Two Votes for any Number of Shares amounting to Ten and not amounting to Fifteen, and to have Three Votes for Fifteen or any greater Number of Shares, but no Proprietor shall have more than Three Votes, nor shall any Proprietor be allowed to vote by Proxy, except Bodies Politic, Corporate, or Collegiate, Idiots, Lunatics, and Minors, who may vote by their respective Committees or Guardians as herein-after mentioned; and no Proprietor shall vote at any such Meeting

Special General Meetings may be called.

Manner of voting.

ing in respect of any Shares which he or she may possess in the said Undertaking unless all Arrears due in pursuance of any Call or Calls which shall have been made by virtue of this Act upon or in respect of such Shares shall have been fully paid, nor shall any Proprietor vote at any such Meeting upon any Question in which such Proprietor shall be interested in any other Way than as being such Proprietor; and whenever Two or more Persons shall be jointly possessed of or entitled to any Share or Shares in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as one of the joint Proprietors of such Share or Shares shall be deemed to be the Proprietor of such Share or Shares for the Purpose of voting, and shall have the sole and entire Right of voting at all such Meetings in respect of such joint Share or Shares, and all Notices necessary to be given to the Proprietors of Shares in pursuance of this Act shall in such Cases of joint Ownership of any Share or Shares be given to such Person, and being so given shall be considered as a Notice given to all the Proprietors of such joint Share or Shares.

Votes of Corporate Bodies, Lunatics, and Minors.

X. And be it further enacted, That every Body Politic, Corporate, or Collegiate shall have full Power and Authority from Time to Time to give their Vote or Votes in respect of their Share or Shares in the said Undertaking by some Person to be by them named and appointed their Deputy for the Purpose of voting, in Writing under their Common Seal; provided always, that every such Appointment shall always be produced by the Person so appointed a Deputy before he shall be entitled to vote as such; and in case any Proprietor entitled to vote at any such Meeting as aforesaid shall be an Idiot, Lunatic, or a Minor, such Idiot or Lunatic shall or may vote at such Meeting or Meetings by his or her Committee or any one of such Committee, and such Minor shall and may vote by his or her Guardian or Guardians or any one of such Guardians; and the Appointment of such Committee or Guardian shall always be produced by the Person applying to vote as such Committee or Guardian before he shall be entitled to vote as such.

Notices of Meetings, &c. how to be given.

XI. And be it further enacted, That all Notices herein directed to be given of any General or Special General Meeting or Adjournments respectively, or to any of the said Proprietors upon any Occasion not herein otherwise provided for, shall be given by Advertisement to be published in some Newspaper printed or published within the said City of *Exeter*; and such Notices when so published shall be deemed and considered the same as or in lieu of personal Notices.

Directors to appoint a Treasurer and Clerk.

XII. And be it further enacted, That it shall be lawful for the Directors of the said Company, to be appointed as after mentioned, to elect and appoint a Treasurer or Treasurers and a Clerk or Clerks for transacting the Business of the said Company, and from Time to Time to remove and displace such Treasurer or Treasurers, Clerk or Clerks, or either of them, and from Time to Time to elect and appoint any other Person or Persons to act as Treasurer or Treasurers or Clerk or Clerks in the Room of such of the said Officers as shall happen to die or to resign, or be removed from their respective Offices, and to allow such Salaries or other Emoluments to the said Officers or any of them as such Directors shall from Time to Time fix upon and determine: Provided always, that the said Directors shall and they are hereby required to take sufficient Security

from every Person who shall be appointed Treasurer of or Clerk to the said Company for faithful Execution of his Office before he shall enter thereupon.

Offices of Clerk and Treasurer not to be held by the same Person.

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Directors to appoint the Person or Persons who may be appointed to act as their Clerk or Clerks in the Execution of the said recited Act and of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or any Person in the Service or Employ of any such Clerk or Clerks, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk or Clerks, to be the Treasurer or Treasurers for the Purposes of this Act, or to appoint the Person or Persons who may be appointed the Treasurer or Treasurers, or the Partner of any such Treasurer or Treasurers, or the Clerk or any Person in the Service or Employ of any such Treasurer or Treasurers, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer or Treasurers, to be the Clerk or Clerks to the said Company; and if any Person or Persons 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 Clerks, or the Clerk or any Person in the Service or Employ of any such Clerk or Clerks, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk or Clerks, shall accept the Office of Treasurer or Treasurers, or shall act as Deputy of any such Treasurer or Treasurers, or in any Manner officiate for such Treasurer or Treasurers, or being the Partner of any such Treasurer or Treasurers, or the Clerk or any Person in the Service or Employ of any such Treasurer or Treasurers, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer or Treasurers, shall accept the Office of Clerk or Clerks in the Execution of this Act, or shall act as Deputy of such Clerk or Clerks, or in any Manner officiate for such Clerk or Clerks, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Company other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, on the Case, or by Bill, Suit, or Information, whereon no more than One Imparlance shall be allowed.

If the Purchase Money of forfeited Shares be more than sufficient to pay the Arrears of Calls, Interest, and Expences, the Surplus to be paid to the Owner.

XIV. Provided also, and be it further enacted, That in case the Money produced by the Sale of any Share or Shares shall be more than sufficient to pay all such Arrears of Calls as aforesaid, and lawful Interest thereon, with the Expences attending such Sale or Sales, the Surplus of such Money shall be paid, on Demand, to the Person or Persons to whom such Share or Shares shall have belonged; but the said Company shall not sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be at the Time of such Call, 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, with the Interest and Expences as aforesaid, any Share or Shares so vested in such Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Person or

Persons,

Persons, or his, her, or their Executors or Administrators, 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.

Dividends to be declared at half-yearly Meetings.

XV. And be it further enacted, That it shall be lawful for the said Directors, at Two Half-yearly Meetings to be held in every Year within Three Weeks after the Twenty-fourth Day of *June* and the Twenty-fifth Day of *December* respectively, to call for and examine all or any of the Accounts of the said Company; and at every such Half-yearly Meeting or some Adjournment thereof a Dividend or Dividends shall be made out of the Interest, Profits, or Advantages of the said Undertaking, unless such Meeting shall otherwise declare; and such Dividend or Dividends shall be at and after the Rate of such a Sum upon or for every 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.

Appointment of Directors.

XVI. And be it further enacted, That the said Company shall, at their First Meeting to be held next after the passing of this Act, or at some Adjournment thereof, elect and choose from the Proprietors of Shares in the said Company Fifteen Persons who shall respectively be Proprietors of not less than Four Shares in the said Company, and who shall be and they are hereby constituted and appointed Directors for managing the Affairs and Business of the said Company in lieu of the Committee of Management appointed in pursuance of the said recited Act, until other Directors shall be chosen in their Stead as herein-after mentioned; and the several Directors so to be appointed as before mentioned shall continue in Office until the General Annual Meeting to be held in the Month of *July* One thousand eight hundred and thirty-seven, and until others of the Proprietors shall be appointed Directors in their Stead in pursuance of this Act, and at the Expiration of the said Term, and also at the Expiration of every succeeding Year, Five of the said Directors shall go out of Office, and Five Proprietors of Shares in the said Undertaking shall in manner herein-after mentioned be elected and appointed Directors for managing the Affairs of the said Company, who shall continue in their respective Offices for the Space of One Year, to be computed from the Day of Election, and until others shall be duly elected in their Stead: Provided always, that every Director so as aforesaid going out of Office shall, if qualified as before mentioned, be immediately re-eligible: Provided also, that the Directors who shall go out of Office in the Years One thousand eight hundred and thirty-seven and One thousand eight hundred and thirty-eight shall be chosen by Lot, and that afterwards the Five Directors who shall annually go out of Office shall be those who have been Directors for the longest Period of Time without Re-election.

Disqualification of Directors.

XVII. Provided always, and be it further enacted, That if any Person appointed or elected a Director shall, by himself or his Partner or Partners, hold any Place or Office of Profit under the said Company, or shall either directly or

or indirectly offer to take and succeed in taking any Contract, or shall participate in any Manner in any Work to be done for the said Company, or be interested, except as being a Proprietor, every such Person shall be disqualified from interfering and voting in any Matter to be discussed and argued by the said Directors; and if any Director shall refuse or neglect, unless prevented by Illness or Absence from Home, to attend any Three successive Meetings of the said Directors, every such Person shall thereby be disqualified and cease to act and vote at the Meetings of Directors, and thereupon another Proprietor duly qualified shall be elected a Director in his Stead.

Election of future Directors.

XVIII. And be it further enacted, That at the General Annual Meeting which shall be held in the Month of *July* which will be in the Year of our Lord One thousand eight hundred and thirty-six, or at some Adjournment thereof, and at every General Meeting which shall be held in every subsequent Year in the said Month of *July*, or at some Adjournment thereof, Five of the Proprietors of Shares in the said Undertaking shall be elected to be Directors in the Place of the Directors going out of Office as before mentioned, nevertheless any of the former Directors whose Office shall then have expired shall (if otherwise eligible) be again immediately re-eligible; and every Vacancy in the Directorship by Death, Resignation, or Disqualification shall or may be filled up at the first General or Special General Meeting of the said Company which shall be held next after such Vacancy shall happen or be known; and the Person or Persons so to be chosen to fill such Vacancy or Vacancies shall continue in Office upon the same Terms and only for the same Period as the Person whose Place he shall supply would have continued if his Office had not been vacated before the Time at which he would according to the Provisions of this Act have gone out of Office.

Vacancies, how to be filled up.

Meetings of Directors.

XIX. And be it further enacted, That the Directors shall or may hold their First Meeting at such Time and Place within the said City and County of the City of *Exeter* as they shall think proper, and shall have full Power and Authority to adjourn such Meeting, and again to meet and adjourn from Time to Time and from Place to Place as they shall think fit; and the said Directors shall from Time to Time appoint One of the Directors present to preside as Chairman; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Directors at any of their Meetings shall be decided and determined by a Majority of Members present (the Number present not being less than Five); and in case of an equal Number of Votes upon any Question, including the Vote of the 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 Directors Five Members qualified to vote shall not attend, then and in every such Case the Meeting shall be adjourned to the same Day in the following Week, or until such Time as the Director or Directors then present shall appoint; and any Three or more of the Directors may, at any Time when they shall think fit, call a Meeting of the Directors by Notice in Writing signed by such Three or more Directors, to be sent by the Post or otherwise to the Residence or Place of Abode of every Director then in Office, or to such other Place as he shall appoint.

Powers of Directors.

XX. And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power and Authority at any Time to call Special General Meetings of the said Company for any Purpose they may think proper, and to direct the Affairs and Business of the said Company 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 Purpose of the said Company, as in contracting for and purchasing Messuages, Lands, Tenements, Hereditaments, Materials, Goods, and Chattels for the Use of the said Undertaking, and entering into Agreements or Contracts for lighting with Gas the said City and County of the City of *Exeter*, and also the aforesaid several Parishes of *Alphington*, *Heavitree*, *Saint Leonard*, *Saint Thomas the Apostle*, and *Topsham*, and all and every or any such Streets, Roads, Lanes, and other public Passages and Places, Shops, Inns, Taverns, private Houses, Warehouses, Manufactories, Churches and other Places of Worship, and other Buildings as aforesaid; and in nominating, electing, appointing, placing, or displacing any Clerk, Treasurer, and other Officer, Agent, or Servant of the said Company, and fixing such Salaries, Gratuities, or other Recompence as to them shall seem proper; and in ordering, directing, and employing the Works and Workmen; and in selling and disposing of all Articles provided, produced, or manufactured under the Authority of the said recited Act and of this Act; and in bringing and maintaining any Action or Actions at Law, or Suit or Suits in Equity, in the Name of the Company, for the Recovery of any Debt or Debts to become due to the said Company in respect of any such Sale or Sales, or otherwise; and in making, enforcing, and rescinding, compounding, and compromising all Contracts and Bargains touching or in anywise concerning the same; and the Directors shall require such Security to be given to the said Company from any Clerk, Treasurer, or other Officer or Officers, or other Person, for the faithful Execution of their respective Duties, as they may think proper or reasonable.

Company may contract for lighting any public or private Places with Gas, and may sell their Coke, &c.

XXI. And be it further enacted, That it shall be lawful for the said Directors to enter into or make any Contract or Contracts or Agreements on behalf of the said Company, either in their own Names or any Five or more of them, or under the Common Seal of the said Company, with the Commissioners acting in execution of an Act of Parliament for better paving, lighting, watching, cleansing, and otherwise improving the City of *Exeter* and County of the same City, and also with any Body or Bodies Politic, Corporate, or Collegiate, or Corporation Aggregate, or any other Person or Persons whomsoever, for lighting with Gas the said City and County of the City of *Exeter*, and all or any of the Streets, Highways, Lanes, Passages, and Places in the said City and County of the City of *Exeter*, and for lighting with Gas the said several Parishes of *Alphington*, *Heavitree*, *Saint Leonard*, *Saint Thomas the Apostle*, and *Topsham*, or any of them, or any Part or Parts of any of them, and for supplying with Gas any Dwelling Houses, Shops, Inns, Taverns, Warehouses, Manufactories, Churches and other Places of Worship, and other Buildings in the said City and County of the City of *Exeter*, and in the said several Parishes or any of them, or any Part or Parts thereof, upon such Terms, or for such Rents, Payments, or Sums of Money, as shall be agreed upon by the said Directors and the respective Parties and Persons desirous of being supplied

with Gas; and it shall also be lawful for the said Directors to sell and dispose of all or any of the Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, Essential Oil, and other Matters and Things produced in the Process of making Gas.

Power to purchase Land extended to additional Parishes.

XXII. And be it further enacted, That all and every the Powers and Authorities in the said recited Act contained, enabling the said Company to purchase and hold Lands, Tenements, and Hereditaments within the City and County of the City of *Exeter* (not exceeding Ten Acres in the whole), for the Purposes of the said recited Act, shall be applicable and extend to enable the said Company to purchase and hold Lands, Tenements, and Hereditaments in the City and County of the City of *Exeter*, and in the said several Parishes of *Alphington*, *Heavitree*, *Saint Leonard*, *Saint Thomas the Apostle*, and *Topsham*, in the County of *Devon*, or any or either of the said Parishes, for the Purposes of the said recited Act and of this Act, so as the same do not in the whole exceed Ten Acres; and also that all and every the Powers and Authorities in the said recited Act contained enabling all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all 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 all 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, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, who were or should be seised, possessed of, or interested in their own Right, and all and every Person and Persons whomsoever who were or should be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, or any Part thereof, which should be thought necessary by the said Company of Proprietors to be purchased for the Uses and Purposes of the said recited Act, to treat, contract, and agree with the said Company for the Sale thereof or of any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever of, in, and to the same, to the said Company, shall be applicable and extend to authorize the Sale and Conveyance to the said Company of all such Lands, Tenements, and Hereditaments as shall be thought necessary by the said Company for the Purposes of this Act as well as for the Purposes of the said recited Act.

So much of Act as directs Investment of Money in the Name of the Accountant General repealed.

XXIII. And be it further enacted, That so much of the said recited Act as directs that where any Money shall be contracted or agreed to be paid for any Lands, Tenements, or Hereditaments belonging to any Person or Persons under any Disability or Incapacity, and which Money is directed to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the *Exeter* Gas Light and Coke Company, shall be and the same is hereby repealed.

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

XXIV. 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

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* Gas Light and Coke Company," pursuant to the Directions of an Act passed in the First Year of the Reign of His
1 G. 4. c. 35. 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, 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.*

XXV. 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,

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.*

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

In case of not making a good Title, &c.

XXVII. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded or ordered to be paid as aforesaid shall not be able to make a good Title to the Premises to the Satisfaction of the said Company, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded or ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Buildings, or Grounds be not known or discovered, then and in every such Case it shall be lawful for the said Company to order the said Sum or Sums of Money so awarded as aforesaid to 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 to the Credit of the Parties interested in the said Lands, Buildings, or Grounds, (describing them,) subject to the Order, Control, and Disposition of the said Court; which said Court, upon the Application of any Person or Persons making claim to any such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same

is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

XXVIII. 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.

XXIX. 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, to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Costs, Charges, and Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such 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 Purposes as the said Court shall direct.

For the Sale of Land not wanted.

XXX. And be it further enacted, That it shall be lawful for the said Company from Time to Time to sell and dispose of, either by public Auction or private Contract, and by Indenture or Indentures under their Common Seal to grant and convey or assign and transfer, for a Consideration in Money, for all their Estate and Interest therein, all or any Part or Parts of the Lands, Tenements, or Hereditaments which may have been purchased and taken or which shall have been purchased by the said Company under the said recited Act or this Act, and which shall not be wanted for the Purposes of the said recited Act or of this Act; and upon Payment of the Money which shall arise by or from the Sale or Sales of such Lands, Tenements, or Hereditaments, or of any Part or

Parts thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company to sign and give a Receipt or Receipts for the Money for which the same shall be sold, which Receipt or Receipts shall be a sufficient Discharge or sufficient Discharges to any Person or Persons for the Money therein or thereby expressed or acknowledged to be received, and such Person or Persons, having *bona fide* paid the same, shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money or any Part thereof.

Company may make Works and lay Pipes,

XXXI. And be it further enacted, That it shall be lawful for the said Company and they are hereby fully authorized and empowered, subject to the Limitations, Conditions, Regulations, and Restrictions mentioned and contained in the said recited Act of the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, by their Servants, Agents, or Workmen, and others, from Time to Time to make and erect such Retorts, Gasometers, Receivers, and other Buildings, Cisterns, Engines, Machines, or other Apparatus, Cuts, Drains, Sewers, Watercourses, Reservoirs, and other Works and Devices, and to sink and lay Pipes, of such Construction and in such Manner as the said Company shall think necessary or proper, within the said City and County of the City of *Exeter*, and also within the said several Parishes of *Alphington*, *Heavitree*, *Saint Leonard*, *Saint Thomas the Apostle*, and *Topsham*, in the County of *Devon*, or any of them, for carrying the Purposes of the said recited Act and of this Act into execution, and also to break up (doing as little Damage as may be) the Soil and Pavements of any Streets, Highways, Roads, Lanes, Quays, Bridges, and other Passages and Places, or Land or Ground, or any Part thereof, within the said City and County of the City of *Exeter*, and also subject as is herein-before mentioned, within the said several Parishes of *Alphington*, *Heavitree*, *Saint Leonard*, *Saint Thomas the Apostle*, and *Topsham*, and to dig and sink Trenches and Drains, and lay Mains or Pipes, and put Stopcocks, Syphons, Plugs, or Branches from such Pipes, in, under, across, and along such Places as aforesaid, and in such Manner as shall be necessary for the Purpose of carrying the said recited Act and this Act into execution, or supplying any such Gas as aforesaid, and to erect, put, and place any Posts, Pillars, Pilasters, Lamp Irons, Lamps, and other Apparatus in the same Streets, Highways, Roads, Lanes, Quays, Bridges, and other Passages and Places, and against any Wall or Walls, House or Houses, Railing or Railings 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, Syphons, and Plugs, or Branches, and also to carry, fit up, or furnish any Pipe or Pipes, Cocks, or Branches, or other necessary Apparatus, from any Main or Pipe belonging to the said Company which may from Time to Time be laid in any Highway, Street, Road, Lane, Passage, or Place in the said City and County of the City of *Exeter*, or in the said several Parishes of *Alphington*, *Heavitree*, *Saint Leonard*, *Saint Thomas the Apostle*, and *Topsham*, or any of them, in, to, or through any Houses, Manufactories, public or private Buildings, Land, Ground, or Premises, for the Purpose of supplying Gas to or lighting such Houses, Manufactories, Buildings, or Premises, or any public or private Lamp, from any such Mains or Pipes, and to erect and set up any Machine or other Apparatus necessary or requisite for securing to any Dwelling House or Houses, Manufactories, public or private Buildings, a proper and competent

competent Supply of Gas, or for measuring or ascertaining the Extent of such Supply, and also to alter or amend any bad or imperfect Works which shall have been placed or which shall be injured or damaged in such Dwelling 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 and convenient for completing, amending, repairing, improving, supplying, and using the same.

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

XXXII. 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 into 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.

Company to reinstate Pavement, &c. after laying or altering Pipes.

XXXIII. 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, Pavements, Ground, or Soil, and for the Space of Six Calendar Months then 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, Pavements, 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

surplus Earth, Filth, and Rubbish 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 each and 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 of 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 Surveyors 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 the 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* or the County of *Devon*, within their respective Jurisdictions,) 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.

Company not to damage Drains.

XXXIV. Provided always, and be it further enacted, That the said Company hereby incorporated, or their Servants, Agents, Workmen, or others, shall not, by any Work to be done by virtue of this Act, damage or injure any Sewer or Drain within the said City and County of the said City of *Exeter*, or the said several Parishes of *Alphington*, *Heavitree*, *Saint Leonard*, *Saint Thomas the Apostle*, and *Topsham*, in the County of *Devon*; and if any Damage or Injury shall unavoidably be done to any such Sewer or Drain the said Company shall forthwith well and sufficiently repair and make good every such Damage or Injury to the Satisfaction of the Surveyors of Highways for the Time being of the Parish or Parishes where such Damage or Injury shall be done, and in default thereof Compensation for such Damage or Injury shall be recoverable by such Surveyors, by Action of Debt or otherwise, in any of His Majesty's Courts of Record at *Westminster*; and in case there shall be a Verdict in favour of such

Surveyors, such Verdict shall entitle such Surveyors to and they shall thereby recover against such Company Double Costs of Suit.

Surveyors empowered to require Pipes to be altered.

XXXV. 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 City of *Exeter*, or the said other Parishes in the County of *Devon*, to require the said Company 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 a Demand shall be made by or on behalf of such Surveyors, (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* or the County of *Devon*, within their respective Jurisdictions,) all such reasonable Costs and Charges, and any Sum not 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 or Justices is and are hereby empowered to grant, and such Costs and Charges shall be paid to the said Surveyors.

Injuries done by Surveyors to Pipes to be made good by them.

XXXVI. Provided always, and be it further enacted, That if, by raising; sinking, or altering any of the said Mains, Pipes, Stopcocks, Plugs, Syphons, or Branches, any Damage or Injury shall be wilfully or negligently done to the same by such Surveyors, or their Agents, Servants, or Workmen, then and in every such Case such Damage or Injury shall be repaired and made good by the said Surveyors as soon as Circumstances will permit, and the Costs, Charges, and Expences thereof shall be paid by such Surveyors to the said Company or their Treasurer or Treasurers; and in case they cannot agree touching the Amount thereof the same shall be ascertained and settled by Two Justices of the Peace for the said City and County of the City of *Exeter*, or Two Justices of the Peace for the County of *Devon*, within their respective Jurisdictions, who are hereby authorized to determine the same, and their Declaration thereon shall be final and conclusive; and such Damages and Expences, together with the Costs and Charges

Charges of ascertaining and recovering the same, may, in default of Payment for the Space of Three Days after a Demand thereof in Writing, be recovered from such Surveyors, together with the Costs of Suit, by Action of Debt or otherwise, in any of His Majesty's Courts of Record at *Westminster*.

Position of Pipes in private Grounds may be altered.

XXXVII. Provided also, and be it further enacted, That in all Cases where any Main or Pipe for the Conveyance of Gas the Property of the said Company shall be laid down or placed in any private Ground, Road, or Way, and the Owner or Owners, Occupier or Occupiers of the Premises shall at any Time or Times thereafter deem it necessary or expedient to alter or vary the Position of such Main or Mains, Pipe or Pipes, the said Company shall and they are hereby required (although such Main or Pipe may have been so laid or placed with the Consent of any such Owner or Occupier, or of any former Owner or Occupier of the Premises,) at the Expence, Costs, and Charges of such Owner or Owners, Occupier or Occupiers respectively, within Ten Days next after being required so to do by Notice in Writing to them given by the said Owner or Owners, 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 Costs 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 Branch Pipes, &c. on private Property upon Notice given.

XXXVIII. 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 the said recited Act or 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 way, 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 the Receipt of such Notice, alter or remove and take away, or cause to be altered or removed and taken away, all or any of such Pipes, Cocks, and Branches as shall have been so introduced and laid therein or thereupon from any such Main or Pipe of the said Company as aforesaid, and in default thereof it shall be lawful 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 Cocks, Pipes, or Branches to be altered or removed and taken away, as the Case may require:

Company to remove Pipes when Tenants quit, if required.

XXXIX. Provided always, and be it further enacted, That on the Expiration or Determination of the Tenancy or Tenancies of any Occupier or Occupiers of any Dwelling House or Dwelling Houses in which any Gas

Gas Pipe or Branch Pipe shall be laid, placed, or fixed, or within Ten Days after receiving Notice in Writing from or on behalf of the Owner or Owners, Occupier or Occupiers, or the succeeding Owner or Owners, Occupier or Occupiers of any such Dwelling House or Houses or any other Buildings, that such Tenancy or Tenancies will expire and determine or is expired and determined, and requiring the said Company to remove any such Pipes, Cocks, and Branches, the said Company shall, at their own Expence, remove, take, and carry away, or cause to be removed, taken, and carried away, any Pipe or Pipes, Cocks, or Branches from any Main Pipe or Main Pipes which shall have been introduced or laid by the said Company in or through any such Dwelling House or Houses or other Buildings as aforesaid, and also repair and make good such Dwelling House or Houses or other Buildings where the same shall have been introduced, any thing herein contained to the contrary thereof notwithstanding; and in default thereof it shall be lawful for such Owner or Owners, Occupier or Occupiers, or such new Owner or Owners, Occupier or Occupiers, as the Case may require, or any other Person or Persons acting under their, his, or her respective Authorities or Authority, to cause such Pipes, Cocks, or Branches to be removed, taken, and carried away, and the Dwelling House or Houses or other Buildings where the same shall be introduced to be repaired and made good, the reasonable Costs and Charges attending which shall be immediately paid by the said Company or their Treasurer or Treasurers to such Owner or Owners, Occupier or Occupiers, as the Case may require; and if the same Costs and Charges be not paid within Ten Days next after Demand shall be made by such Owner or Owners, Occupier or Occupiers, (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* or the County of *Devon*, within their respective Jurisdictions,) such Costs and Charges shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, together with the Costs and Charges of such Distress and Sale, by Warrant under the Hands and Seals of One or more Justice or Justices of the Peace for the City and County of the City of *Exeter* or the County of *Devon*, within their respective Jurisdictions, and which Warrant such Justice or Justices is or are hereby empowered to grant.

For the Protection of Water Pipes.

XL. And whereas it is essential to the Health and Comfort of the Inhabitants of the City and County of the City of *Exeter* and the said neighbouring Parishes, and of others resorting to and frequenting the same, that the fresh Water supplied to them should at all Times be preserved in a pure and wholesome State; and in order to prevent such Water being impregnated with Gas from the Pipes to be laid and used for the Conveyance of Gas through the Streets, Roads, Lanes, or other public Passages and Places within the Limits of this Act, be it enacted, That when and so often as the said Company, 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 shall open any Ground for the Purposes of the said recited Act or of this Act, in, upon, or near to which any Water Pipe or Pipes belonging to the Company of Proprietors of the *Exeter* Waterworks for conveying Water into, through, or about the said City and County of the City of *Exeter*, or the said Parishes of *Alphington*, *Heavitree*, *Saint Leonard*, *Saint Thomas the Apostle*, and *Topsham*, or any of them,

them, or any Branch or Service Pipe or Pipes for the Supply of any Dwelling House or Building, shall be laid, the said Company, their Servants, Agents, or Workmen, shall and they are hereby required to give Twenty-four Hours previous Notice thereof in Writing to the Manager or Chief Clerk for the Time being of the said Company of Proprietors of the *Exeter* Waterworks, to be left at the Dwelling House or Office of the said Manager or Chief Clerk; and on every such Occasion the said Company, their Servants, Agents, and Workmen, shall, under the Inspection of the Manager, Chief Clerk, or Engineer for the Time being of the said Waterworks, or some Person to be appointed by him, protect and secure such Water Pipe or Pipes from any Injury or Damage, and shall also repair and make good any Damage that shall or may be done to any such Pipe or Pipes on any such Occasion; and in default of giving such Notice, or of repairing and making good any such Damages, the said Company shall for each and every such Default pay to the Manager or Chief Clerk for the Time being of the said Company of Proprietors, for the Use of the said Proprietors, any Sum not exceeding Five Pounds, and also the Costs and Expences which shall have been incurred by the said Water Company in and about the protecting and securing of any such Water Pipe or Pipes, or in and about the repairing and making good of any Injury or Damage that shall have been done thereto by the Means aforesaid; such Costs and Expences to be ascertained by any Justice of the Peace for the City and County of the City of *Exeter* or the County of *Devon*, within their respective Jurisdictions, and to be recovered with the said Penalty in the same Manner as any Costs and Expences or Penalty under this Act may be recovered.

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

XLI. And be it further enacted, That all and every the Pipes or other Conduits laid or to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Highway, Street, or other Passage or Place within the Limits of this Act shall be laid at the greatest practicable Distance, and, whenever the Width of the Carriageway or Footway will allow thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe, Sough, or Watercourse 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 Highways, Streets, or other Passages or Places within the Limits of this Act, and when unavoidably nearer than Four Feet then in no Case at a lower Level than such Water Pipe; and that where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, Soughs, or Watercourses, the said Gas Pipes shall be laid over the said Water Pipes, Soughs, or Watercourses at the greatest practicable Distance therefrom, and shall form a Right Angle therewith; and the Gas Pipes so crossing the said Water Pipes, Soughs, and Watercourses 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, Soughs, or Watercourses than Four Feet at least; and such Gas Pipes so crossing the said Water Pipes shall for the whole Length thereof be sufficiently bedded in with good sound Clay of a proper Consistence, and well worked and rammed into the Trenches all round the said Gas Pipes; and in laying down the said Gas Pipes the Contractor or other Persons to whom the same shall belong shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such

such Trench form the Jointing with the other Pipes which may be added thereto with proper and sufficient Materials, and also, whenever practicable, lay and well and sufficiently bed each and every of the Joints of the said Main Gas Pipes, and also the Joints or Screws of the Branch or Service Gas Pipes connecting with the Main Gas Pipes, and also the Joints of the Service or Branch Pipes for conveying Gas from the Main Gas Pipes to the Houses or other Buildings, and all other Joints, Inlets, Apertures, or Openings which are or shall or may be made in any of the said Gas Pipes, with such Clay as aforesaid all round the said several and respective Joints, Inlets, Apertures, or Openings, and for Twelve Inches in Length each Way from the Centre of each and every of the Caps or Joints in the Main Pipes, and of the Inlets, Apertures, Screws, or Joints connecting the Service Pipes with the Main Pipes, and all other Joints, Inlets, Apertures, or Openings therein, and for Six Inches at least from the Centre of each of the Joints in the Service Pipes, so as to make and keep all and every such Pipes, and all the Screws, Joints, Inlets, Apertures, or Openings therein, respectively Air-tight, and in every respect prevent the Gas from escaping therefrom, upon pain of forfeiting for every Default in any of the Cases above mentioned the Sum of Five Pounds, to be recovered in the same Manner as any Penalty under this Act may be recovered.

For preventing Contamination of Water.

XLII. And be it further enacted, That whenever the Water to be supplied by any Company of Proprietors, or Body or Bodies Politic or Corporate, or by any other Party or Persons, by Pipes or Conduits in, under, through, along, across, or round any of the said Streets, Roads, Lanes, or other public Passages or Places within the Limits of this Act, or the Water or Waters of a 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, they 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 in every such Case the said Company shall within Twenty-four Hours next after Notice thereof in Writing signed by any Inhabitant of the said City or Neighbourhood, or any Person or Persons whomsoever, to be left at the usual Office or Place of transacting Business of the said Company, cause the most proper and effectual Measures to be taken to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting any such Water; and in case the said Company shall not within Twenty-four Hours next after each and every such Notice so left as aforesaid effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Company shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which such Water shall be and remain contaminated, tainted, or affected by such Gas, to be sued for and recovered as any Penalty is by this Act directed to be sued for and recovered.

For ascertaining if Water be contaminated.

XLIII. And be it further enacted, That in case it shall at any Time or Times be or become a Question upon such Complaint as aforesaid whether any such Water be contaminated or affected by the Gas of the said Company,

pany, then and in every such Case it shall be lawful to and for the Inhabitants or Person or Persons so complaining, after giving Notice in Writing to the Commissioners, Surveyors, or other Persons under whose Control or Superintendence any public Streets, Highways, Roads, Lanes, and other public Passages and Places may be, or to the Party or Person having the Property of or in any Ground, Stones, Soil, or Pavement, as the Case may be, and having an Order signed by any Justice or Justices of the Peace for the City and County of the City of *Exeter* or the County of *Devon*, within their respective Jurisdictions, which Order such Justice and Justices is and are hereby required to grant on Oath made before him or them that such Water is believed to be contaminated, to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Company for the Purpose of ascertaining whether such Contamination proceeds from or be occasioned by the Gas of the said Company; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Company, the Costs and Expences of the said digging, Search, and Repair of the Pavement of the Street or Streets or other public Place, or such Part or Parts thereof which shall be so taken up or disturbed, and the filling in of the said Soil so broken up, shall be borne and paid by the said Company; which Costs and Expences shall be ascertained and determined, if necessary, by such Justice or Justices, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Company, then and in such Case the said Inhabitant or Party or Person so complaining shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also forthwith pay and make good to the said Commissioners, Surveyors, or other Persons respectively under whose Control or Superintendence any such public Streets, Highways, Roads, Lanes, and other public Passages and Places, or any Part thereof, shall be, or to the Party or Person having the Property of or in the Ground, Stones, Soil, or Pavement (as the Case may be) which shall or may have been so broken up for the Purpose aforesaid, all Costs, Charges, and Expences which shall or may be incurred by such Commissioners, Surveyors, or Parties or Persons respectively in repairing, restoring, and making good any public Street, Highway, Road, Lane, or other public Passage or Place, or any Part thereof which may have been so broken up; and such Inhabitant, Party, or Person so complaining shall also in the Case aforesaid forthwith pay and make good to the said Company any Loss, Injury, or Damage which may be occasioned by the said Mains, Pipes, Conduits, or Apparatus of the said Company in and by such Search and Examination, the Amount of such Costs, Charges, and Expences, and of such Injury, Loss, or Damage, to be ascertained and determined in the said Cases respectively, if necessary, by any Justice or Justices of the Peace for the City and County of the City of *Exeter* or the County of *Devon*, within their respective Jurisdictions, and to be recovered in like Manner as any Penalty may be recovered by virtue of this Act.

For stopping the Escape of Gas.

XLIV. 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, the said Company shall, at their own Expence, immediately after receiving Notice by Parol or in Writing of any such Escape of Gas from

from any Person or Persons whomsoever, cause the most speedy and efficient 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 being given of any such Escape of Gas, effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Company shall for every such Offence forfeit and pay the Sum of Ten 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 of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the City and County of the City of *Exeter* or the County of *Devon*, within their respective Jurisdictions, and shall and may be recovered and levied, with all reasonable Costs and Charges, by Distress and Sale of the Goods and Chattels of the said Company by the Warrant of any such Justice or Justices of the Peace.

Penalty for conveying Washings into any River, &c.

XLV. And be it further enacted, That if the said Company, or any Body or Bodies Politic or Corporate, or any Person or Persons, making, finishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings or other waste Liquids, or any Nuisance or offensive Liquids, Substances, or Things whatsoever, which shall arise or be produced in the Prosecution of any Gas Works, or in the Manufacture or Process of making or procuring Gas, into any River, Brook, or Running Stream, Reservoir, Canal, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch, whereby the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in every such Case the said Company, 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 otherwise, 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 shall 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 always, 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, or 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 as aforesaid, and the said Company, or Body or Bodies Politic or Corporate, or Person or Persons whomsoever, shall not within Twenty-four Hours after

after such Notice shall have been given to them or him as aforesaid, stop, hinder, and prevent all and every such Washings, waste Liquids, 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, Person or Persons whomsoever, 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 emptied, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in such and the like Manner as any other Penalty or Forfeiture is 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 Act so done or committed.

Satisfaction to be made for accidentally injuring Pipes, &c.

XLVI. And be it further enacted, That if any Person or Persons shall carelessly, negligently, or accidentally break, throw down, destroy, damage, or otherwise injure any or any Part of any Pipe, Plug, Lamp, Lamp Post, Lamp Iron, or other Apparatus, Matter, or Thing set up by or belonging 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 of their Inflammable Air or Gas supplied by the said Company, and shall not immediately upon Demand by the said Company, or their Directors or Superintendant, or other Person or Persons authorized by the said Company or their Directors, make Satisfaction for the Damage done or the Gas so wasted, then and in every such Case it shall and may be lawful to and for any One or more Justice or Justices of the Peace for the City and County of the City of *Exeter* or the County of *Devon*, within their respective Jurisdictions, and he or they is and are hereby 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 Non-appearance of the Party or Parties so complained against, 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 require, for such Damages or Waste, as such Justice or Justices shall think reasonable; and in case of Refusal or Neglect to pay any Sum or Sums of Money so awarded within Ten Days after Demand, it shall and may be lawful to and for such Justice or Justices, and he and they is and are hereby required, to cause the same, with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, returning the Overplus (if any), on Demand, to the Party or Parties against whom the Complaint shall be preferred.

Penalty for interrupting Company's Workmen.

XLVII. And be it further enacted, That if any Person shall wantonly or maliciously hinder or obstruct the said Company or their Deputies, Agents, Workmen, or Servants, or any of them, in doing and performing any of the Works, or in exercise of any of the Powers and Authorities by this

this Act granted, or shall in anywise cause or procure the same to be done, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Five Pounds, and also the full Amount of the Damage which shall be sustained by such Hindrance or Interruption.

Recovery of Rents.

XLVIII. And be it further enacted, That in case any Body or Bodies Politic or Corporate, Commissioners, Trustees, Surveyors, or other Person or Persons, who shall contract with the said Company, or agree to take or shall use or enjoy the said Gas, shall refuse or neglect for the Space of Ten Days after Demand to pay the Sum or Sums of Money then due under their, his, or her Contract or Agreement for the same to the said Company, according to the Terms and Stipulations of the said respective Parties with the said Company, it shall be lawful for the said Company or their Directors, or any other Person or Persons acting by or under their Authority, to levy the said Sum or Sums of Money in respect whereof such Refusal or Neglect shall happen upon the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, and proceed therein in the same Manner as any Landlord or Landlords may by Law proceed for the Recovery of any Rent or Rents due on common Demises; or the same Sum or Sums of Money, with the Costs of Suit, may be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, wherein no more than One Imparlance shall be allowed; 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, Inn, Tavern, Shop, Warehouses, or other Buildings, Grounds, or Premises of every such Person so making default in Payment of such Sum or Sums of Money then due by his, her, or their Contract to the said Company for the Space of Ten Days after such Demand as aforesaid, and thenceforth to discontinue the Supply of Gas contracted or agreed for by such Person or Persons.

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

XLIX. And be it further enacted, That when and so often as the *Exeter* Gas Light and Coke Company, 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 *Exeter* Commercial Gas Light and Coke Company shall be laid, the said *Exeter* Gas Light and Coke Company, their Successors or Assigns, shall and they are hereby required to give Three Days previous Notice thereof in Writing to the Clerks of the *Exeter* Commercial Gas Light and Coke Company, to be left at the Office for the Time being of the said *Exeter* Commercial Gas Light and Coke Company, and on every such Occasion the said *Exeter* Gas Light and Coke Company, their Servants, Agents, and Workmen, shall protect and secure such Pipes of the said *Exeter* Commercial 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 *Exeter* Gas Light and Coke Company, their Successors or Assigns, shall for each and every such Default forfeit and pay to the said *Exeter* Commercial Gas

Light

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* Commercial 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* Commercial 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*, within their respective Jurisdictions, and be recovered in the same Manner as any Expences or Penalties under this Act may be recovered.

Indicators of the Company's Mains to be placed at certain Distances.

L. And be it further enacted, That the said *Exeter* Gas Light and Coke Company shall cause Indicators, made of Cast Iron or other durable Material, having impressed thereon the Letters "E. G. C. P.," to denote *Exeter* Gas Company Pipe, to be placed in the Ground on a Level with the Horse-tread 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.

Recovery of Compensation for Materials or Damage against the Company.

LI. Provided always, and be it further enacted, That when and so often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid in pursuance of the Directions of this Act or as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company or by any Person 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, stating the Order of such Justice or Justices, and delivered to the said Company or to their Treasurer, in pursuance of the Direction or Order made by such Justice, then and in every such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Action at Law against the said Company or their Treasurer for the Time being, or by Distress and Sale of the Goods and Chattels of the said Company or of their Treasurer for the Time being, or of the Goods and Chattels of the Party or Person required to pay the same Sum or Sums of Money (as the Case may be), under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any Justice or Justices of the Peace for the City and County of the City of *Exeter* or the County of *Devon*, within their respective Jurisdictions, 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;

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 such Case such Overplus shall be returned, on Demand, to the said Company or their Treasurer for the Time being, or to such Party or Person (as the Case may be).

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

LII. 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 by or before whom any Offender shall be convicted of any 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 the levying of any Penalties or Forfeitures.

Justices may proceed by Summons in the Recovery of Penalties.

LIII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace (not being a Shareholder in the Company hereby incorporated) 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, 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 shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was or had been exhibited: Provided always, that in case the Justices of the Peace for the City and County of the City of *Exeter* shall be disqualified from acting by reason of holding Shares in the said Company, it shall be lawful for any Justice or Justices of the Peace for the County of *Devon* (not being a Shareholder in the said Company) to do all such Acts and Things for carrying the Provisions of the said recited Act and of this Act into full Effect as the said Justices of the Peace for the City and County of the City of *Exeter* could or might have done if they had not been disqualified by being such Shareholders as aforesaid.

Recovery and Application of Penalties.

LIV. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in the said recited Act and this Act mentioned, or by any Rule, Order, or Bye Law inflicted or imposed, in relation to which the Manner of convicting the Offenders is not particularly mentioned or directed, shall be adjudged by and recovered before any Justice or Justices of the Peace for the said City and County of the City of *Exeter* or the County of *Devon*, within their respective Jurisdictions, in and by the Oath or Affirmation of One or more Person or Persons, or on the Confession of the Party offending, which Oath or Affirmation any such Justice is hereby authorized to administer; and in default of Payment of such Penalties or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the

Overplus (if any), on Demand, to the Party whose Goods and Chattels shall be so distrained, the reasonable Charges of such Distress and Sale being first deducted, and (except where it is otherwise directed) Half of the Penalties or Forfeitures shall be paid to the Informer, and the other Half thereof to the Overseers of the Poor of the Parish or Place in which the Offence shall be committed, to be by them applied in aid of the Poor's Rate of such Parish or Place; and in case sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his, her, or their Appearance before him or them on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security such Justice or Justices is or are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no such Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, and Charges can be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his Hand and Seal or their Hands and Seals to commit such Offender or Offenders to the Common Gaol of the said City and County of the City of *Exeter*, to be imprisoned and kept to hard Labour for any Time not exceeding Two Calendar Months.

Form of Conviction.

LV. 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,)

'to wit. } BE it remembered, That on the Day of in the Year of our Lord is [*or* are] convicted before me [*or* us, *as the Case may be*,] of His Majesty's Justices of the Peace for by virtue of an Act passed in the Sixth Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*], of having [*specify the Offence, and the Time and Place when and where the same was committed, as the Case may be*,] contrary to the said Act, and for which 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 shall be*, our Hands and Seals] the Day and Year first above written.'

Proceedings to be within Six Calendar Months.

LVI. 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

of any of the Penalties or Forfeitures inflicted by virtue of the said recited Act or of this Act, for any Offence or Offences against the said recited Act or this Act, unless Information respecting such Offence shall have been lodged before some Justice of the Peace within Six Calendar Months next after such Offence committed.

No Action to be brought against Company after Six Months from the Cause of Action.

LVII. And be it further enacted, That no Action or Suit shall be commenced or brought against the said Company, or any Person or Persons, for any thing done in pursuance of the said recited Act or of this Act, or of the Powers hereby given, or in anywise relating to the Premises, after sufficient Satisfaction or Tender of Amends shall have been made to the Party aggrieved, or after the Expiration of Six Calendar Months next after the Cause of Action shall have arisen; and every such Action or Suit shall be brought in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in any such Action or Suit shall and may plead the General Issue, and give the said recited Act and this Act, or either of them, and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall be brought after such sufficient Satisfaction or Tender of Amends shall have been made as aforesaid, or after the Time herein-before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuit, or shall discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover his, her, and their Costs, and have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases of Law.

Compelling Attendance of Witnesses.

LVIII. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to appear and give Evidence before any Justice or Justices of the Peace 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 authorized and 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 Fifty Pounds, which may be recovered, together with full Costs of Suit, by the Prosecutor or by the Person or Persons accused as aforesaid, by an Action of Debt in any of His Majesty's Courts of Record; and the Person or Persons so summoned and neglecting to appear before any Justice or Justices as aforesaid shall be liable in a special Action at the Suit of the Prosecutor, or of the Person or Persons accused as aforesaid, to make good

the Damage or Injury sustained by the Prosecutor, or by the Person or Persons accused, by reason of such Person or Persons refusing or neglecting to appear to give Evidence as aforesaid, in such and the same Manner as Parties subpœnaed to give Evidence in Actions in any Courts at *Westminster* are now liable.

Distress not unlawful for Want of Form.

LIX. 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 the said recited Act or of this Act, or any Order or Bye Law 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 Proceeding 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 Action on the Case.

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

LX. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender against this Act, or any Order or Bye Law made in pursuance thereof, or 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*, any Law or Statute to the contrary notwithstanding.

As to Service of Notices upon the Company.

LXI. And be it further enacted, That in all Cases wherein it may be requisite to serve any Notice or Notices upon the said Company, or any Writ or Writs, or Summons or Summonses, or any Proceedings at Law or Proceedings in Equity, the Service of a Copy thereof upon the Clerk or Clerks to the said Company, or delivered to some Inmate at the Office of such Clerk or Clerks, or at his or their last or usual Place or Places of Abode, or left at the Office of the said Company, or upon any One of the said Directors, or delivered to some Inmate at his last or usual Place of Abode, or upon any known Agent or other Officer employed by the said Company, or delivered to some Inmate at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

So much of recited Act as indemnifies Executors, &c. paying Calls repealed.

LXII. And whereas it is by the said recited Act enacted, that if any Person or Persons, Proprietor or Proprietors of any Share or Shares in the said Undertaking, shall die before Payment shall have been made by him or her of the full Sum to be called for or in respect thereof as aforesaid, without having made any subsequent Provision as aforesaid by Will or otherwise how such Share or Shares shall be disposed of, and how the future Calls in respect thereof shall be answered, that then and in such Case the Executors or Administrators of such Proprietor, and the Trustee or Trustees, Guardian or Guardians of any Infant or other Person entitled to the Estate and Effects of such Proprietor or Proprietors, shall be indemnified against such Infant and all other Persons whomsoever for paying any Money which shall be called for as aforesaid in respect of the Share

or

or Shares of such deceased Proprietor; be it therefore enacted, That from and after the passing of this Act so much of the said recited Act shall be and the same is hereby repealed.

So much of recited Act as directs General Meetings to make Bye Laws repealed.

LXIII. And be it further enacted, That so much of the said recited Act as directs that the said Company shall have full Power and Authority from Time to Time at any of their General Meetings as aforesaid to make such Rules, Orders, and Bye Laws as to them shall seem meet and proper for the good Government of the said Undertaking, and for regulating the Proceedings of the said Committee of Management, and for the regulating of all Officers, Workmen, and Servants to be employed in and about the Affairs and Business of the said Company, and for the Superintendence and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Rules, Orders, and Bye Laws, or any of them, and to make others, and impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against such Rules, Orders, and Bye Laws, or any of them, not exceeding the Sum of Five Pounds for any One Offence, as to the said Company at a General Meeting shall seem meet and expedient; and all Rules, Orders, and Bye Laws so made as aforesaid, being reduced into Writing, and the Common Seal of the said Company thereto affixed, shall be printed, and be binding upon all Persons, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same; provided always, that such Rules, Orders, and Bye Laws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or any of the express Directions or Provisions of the said Act; provided also, that Copies thereof shall be fixed and continued in the Guildhall of the said City, and all such Rules, Orders, and Bye Laws shall be subject to Appeal in manner by the said Act directed, shall be and the same is hereby repealed.

Expences of Act.

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

Recited Act and this Act to be construed as One Act.

LXV. And be it further enacted, That all Powers, Authorities, Regulations, Directions, Privileges, Penalties, Forfeitures, Clauses, Restrictions, Matters, and Things whatsoever contained in the said recited Act, so far as the same were in force at the passing of this Act, and except so far as the same are not expressly altered or repealed by this Act, shall extend and be construed to extend and operate and be in force with respect to the Sum of Money allowed to be raised, and to the additional Shares to be made and created, under this Act, and also with respect to all Matters and Things whatsoever which may happen or arise in the Execution of this Act, as fully and effectually to all Intents and Purposes as if the same and every Part thereof were repeated and re-enacted in this Act, and were made Part thereof; and the said recited Act and this Act shall, as to all Matters and Things whatsoever (except as aforesaid), be construed as One Act.

LXVI. Pro-

For the Protection of the Exeter Turnpike Trustees.

LXVI. 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 of Parliament made and 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 made and 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.

For the Protection of the Exeter Improvement Commissioners.

LXVII. 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 of Parliament made and passed in the 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.

3 W. 4. c. 106.

General Saving of Duchy Rights.

LXVIII. 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.

General Saving of the Rights of the Mayor, Aldermen, and Burgesses, and the Dean and Chapter.

LXIX. 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 Mayor, Aldermen, and Burgesses of the City of *Exeter* and County of the same City, and their Successors, or of the Venerable the Dean and Chapter of the Cathedral Church of *Saint Peter* in *Exeter*, and their Successors; saving all Powers and Authorities granted to the said Company by virtue of this Act.

This and the recited Act deemed Public Acts, and admitted as Evidence.

LXX. And be it further enacted, That this Act and the said recited Act shall be deemed and taken to be Public Acts; and that a Copy of this Act and of the said recited Act, printed by the King's Printer, shall be admitted as Evidence of the same respectively, and the Contents thereof respectively, by all Judges, Justices, and others.

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