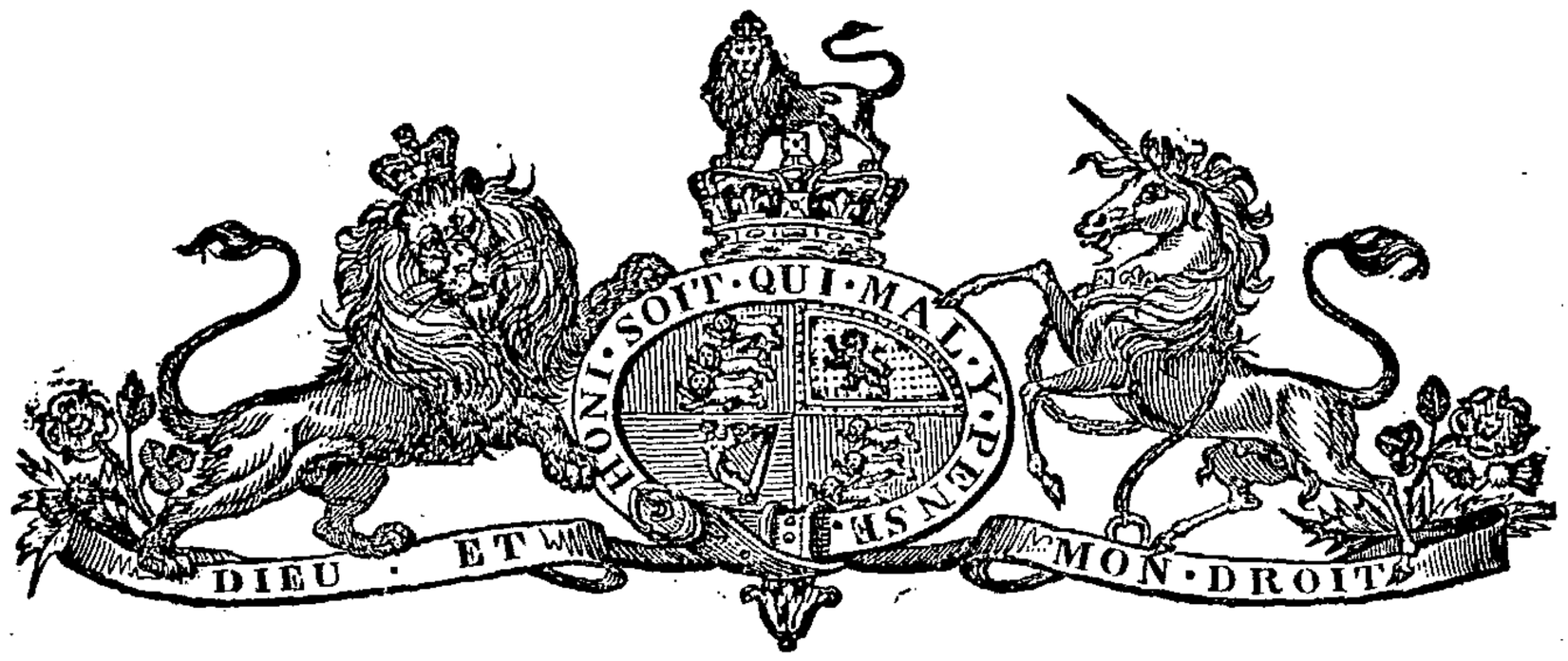


ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

***

Alphington, *Heavitree*, *St. Leonard*, *St. Thomas the Apostle*, and *Topsham*, all in the County of *Devon*: And whereas under the Powers of the herein-before recited Acts the old Gas Company established Gasworks in the City of *Exeter* for the Supply of Gas within the aforesaid Limits, and have supplied Gas accordingly: And whereas by the Local and Personal Act of Sixth and Seventh *William* Fourth, Chapter Four, the *Exeter Commercial* Gaslight and Coke Company, in this Act called the *Commercial* Gas Company, were incorporated for manufacturing and supplying Gas within the said City and the several Parishes aforesaid, and were authorized to raise a Share Capital of Ten thousand Pounds, and to borrow Four thousand Pounds: And whereas by the Local and Personal Act of One and Two *Victoria*, Chapter Fifty-one, the *Commercial* Gas Company were authorized to raise an additional Share Capital of Fourteen thousand Pounds, and to borrow an additional Sum of Eight thousand Pounds: And whereas under the Powers of the thirdly recited Act the *Commercial* Gas Company established Gasworks in the Parish of *Saint Thomas the Apostle* in the County of *Devon* for the Supply of Gas within the aforesaid Limits, and until the Arrangement herein-after mentioned supplied Gas accordingly: And whereas in the Year One thousand eight hundred and thirty-nine an Arrangement was entered into between the Two Companies for the Union of the Two Companies, and for the Sale and Transfer of the Gasworks and Undertaking of the *Commercial* Gas Company to the old Gas Company, in consideration of Four thousand eight hundred Pounds in Cash, and Twelve thousand seven hundred and thirty Pounds in Shares of that Company, and in pursuance of such Arrangement the old Gas Company in the same Year paid the Sum of Four thousand eight hundred Pounds in Cash to the Treasurer of the *Commercial* Gas Company, and divided and issued the Sum of Twelve thousand seven hundred and thirty Pounds in Shares of the old Gas Company to and among the then Shareholders of the *Commercial* Gas Company, in proportion and according to their respective Interests in that Company: And whereas soon after such Arrangement the Debts and Liabilities of the *Commercial* Gas Company were fully paid off, and its Affairs were wound up, and since that Arrangement no Directors of that Company have been appointed, and no Shareholders or Shares in that Company have existed: And whereas the old Gas Company have raised the whole of their Share Capital of Forty thousand Pounds in One thousand six hundred Shares of Twenty-five Pounds each, fully paid up, but have not borrowed any Money on Mortgage or Bond: And whereas the old Gas Company have expended the whole of the said Sum of Forty thousand Pounds on their Works, inclusive of the Works of the *Commercial* Gas Company, and have also out of their Profits, which they might have divided, expended a further Sum of more than Eleven thousand Pounds

1 & 2 Vict. c. li.

Pounds in permanent Additions to their Works, and it is expedient that Ten thousand Pounds, Part thereof, should be capitalized, as by this Act provided: And whereas the old Gas Company, out of Profits which they might have divided, have accumulated a reserved Fund, now represented by Six thousand one hundred and thirty-two Pounds Seventeen Shillings and Threepence Three Pounds *per Centum* Consolidated Bank Annuities, standing in the Name of the old Gas Company, and it is expedient that Provision be made with respect to the future Application of that Fund: And whereas the Demand for Gas within the Limits of the recited Acts is increasing, and it is necessary that further Powers for raising Monies by Shares and by borrowing should be granted for the Purposes of the Undertaking: And whereas it is expedient to place the Company hereby incorporated under "The Gasworks Clauses Act, 1847," and that the recited Acts should be repealed, and that Parts thereof should be re-enacted, with Amendments: And whereas the Objects aforesaid cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for any Purpose as "The *Exeter* Gas Act, 1865."

Commencement of Act.

2. This Act shall commence and have Effect on and from the Fourth *Wednesday* next after the passing thereof.

8 & 9 Vict. cc. 16. & 18., 10 & 11 Vict. c. 15., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 118. incorporated.

3. "The Companies Clauses Consolidation Act, 1845," and Part I. (relating to Cancellation and Surrender of Shares), Part II. (relating to additional Capital), and Part III. (relating to Debenture Stock), of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Gasworks Clauses Act, 1847," shall, save in so far as the same are repugnant to the Provisions of this Act, be incorporated with this Act: Provided always, that nothing in this Act contained shall authorize the Company to purchase, take, or use any Lands except by Agreement.

Interpretation of Terms.

4. In this Act and the Acts wholly or partially incorporated with this Act the Word "Company" shall mean the Company incorporated by this Act; the Expression "the Works," or "the Undertaking," or "the Gasworks," shall include the Gasworks and Works connected therewith by this Act vested in the Company, or which they may be authorized to make; and the Expression "the Undertakers" shall mean the Company; the Word "Street" shall include

any

any public Street, Highway, Footpath, Turnpike Road, Lane, Square, Court, Alley, Thoroughfare, Passage, or Place within the Limits of this Act; the Expression "Gas Rate," or "Gas Rent," shall mean the Charge for Gas supplied by the Company; the Expression "Meter Rent" shall mean the Charge for Hire of a Gasmeter; unless in any of the Cases aforesaid there be something in the Subject or Context repugnant to such Construction; and the Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression in this Act, or any Act incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Same Meanings to Words in incorporated Acts as in this Act.

5. The several other Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to such Construction.

Limits of Act.

6. The District comprised within the Limits of this Act for the Purposes of the Company shall be and include the whole of the City and County of the City of *Exeter* and the whole of the several Parishes of *Alphington*, *Heavitree*, *Saint Leonard*, *Saint Thomas the Apostle*, and *Topsham*, all in the County of *Devon*.

Recited Acts repealed.

7. On and after the Commencement of this Act, but subject to the Provisions of this Act, the recited Acts are by this Act repealed.

Incorporation of Company.

8. The several Persons and Corporations who immediately before the Commencement of this Act were Proprietors of Shares in the old Gas Company, and all other Persons and Corporations who have subscribed or who shall hereafter subscribe to the Undertaking of the Company, and their Executors, Administrators, Successors, and Assigns respectively, shall be incorporated into a Company by the Name of "The *Exeter* Gaslight and Coke Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Powers to sue and be sued, and to purchase, take on Lease, or rent and hold and sell Lands for the Purposes of their Undertaking.

Purposes of the Company.

9. The Purposes for which the Company shall be established shall be the supplying and lighting with Gas the several Turnpike Roads, Highways, public and private Roads, Streets, Lanes, Thoroughfares, Squares, Courts, Alleys, and private Passages or Places, and also the several Churches, Chapels, Shops, Taverns, private Houses, Manu-

Manufactories, Warehouses, and other Buildings within the Limits of this Act, also the dealing in Coke, Coal Tar, Pitch, Asphaltum, Ammoniacal Liquor, Oil, and other Matters the Products of the Coal or other Materials which may be employed in the Manufacture of such Gas, and also the letting and selling or dealing in Gas Fittings, Tubes, Meters, Pipes, and all other Articles and Things in any way connected with Gasworks, or with the Supply of Gas to the Consumers thereof, in such Manner as the Company may think proper.

Gasworks and Property vested in Company.

10. On the Commencement of this Act, the several Undertakings, and all the Gasworks, Buildings, Mains, Pipes, Meters, Plant, Works, and Conveniences, Easements, Lands, Estates, Monies, Property, and Effects, Choses in Action, Claims, and Demands whatsoever, of or to which the old Gas Company and the *Commercial* Gas Company (in this Act called the Two Companies) respectively were by or by virtue of the recited Acts respectively or otherwise howsoever immediately before the Commencement of this Act seised or possessed, or in any way entitled, at Law or in Equity, or otherwise howsoever, with the Appurtenances, are by this Act vested in the Company as their Undertaking, Gasworks, Property, and Effects.

Company to represent old Companies.

11. From and after the Commencement of this Act, and except only as is by this Act otherwise expressly provided, the Company shall to all Intents represent the Two Companies respectively, as if the Two Companies and the Company had originally been and had continued without Intermission to be One and the same Body Corporate.

Company to discharge Liabilities of old Companies.

12. From and after the Commencement of this Act, and except only as is by this Act otherwise expressly provided, the Company shall be subject to and shall satisfy or discharge all Obligations and Liabilities to which the Two Companies respectively immediately before the passing of this Act were or but for this Act would become subject, and shall indemnify their respective Directors, Shareholders, Officers, and Servants, and their respective Representatives, from all such Obligations and Liabilities, and all Expenses, Claims, and Demands in respect thereof.

General Saving of Rights under recited Acts.

13. Notwithstanding the Repeal of the recited Acts, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done, suffered, and confirmed respectively under or by the said recited Acts respectively shall be as valid as if the Repeal had not happened, and the Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which

which if the Repeal had not happened would be incident to and consequent on any and everything so done, suffered, and confirmed respectively, and with respect to all such Things so done, suffered, and confirmed respectively, and all such Rights, Liabilities, Claims, and Demands, the Company shall to all Intents represent the Two Companies, provided that the Generality of this Provision shall not be restricted by any other of the Sections and Provisions of this Act.

Provisions of other Acts continued.

14. Notwithstanding the Repeal of the recited Acts, all the Provisions of any and every Act of Parliament (other than the repealed Acts) relating to the Two Companies or either of them, and their respective Directors, Officers, and Servants respectively, and on the Commencement of this Act in force, shall be of the like Force as if the Repeal had not happened, and may be exercised, enforced, and enjoyed by and against the Company and their Directors, Officers, and Servants respectively accordingly.

Conveyances, Contracts, &c. preserved.

15. Notwithstanding the Repeal of the recited Acts, all Purchases, Sales, Conveyances, Grants, Demises, Securities, Agreements for the Supply of Gas and Meters, and for Permission to lay Pipes in Lands, and all other Contracts and Agreements before the Commencement of this Act made by or under the repealed Acts respectively, or under any Power contained therein respectively, or with reference to the Purposes thereof respectively, or to the Business of the Two Companies respectively, shall be as effectual to all Intents for, against, and with respect to the Company as if the same had been made by, to, or with respect to the Company, instead of the Two Companies or either of them, and may be proceeded on and enforced in like Manner to all Intents as if the Company had been party or privy thereto or referred to therein, instead of the Two Companies or either of them, actually party or privy thereto or referred to therein.

Certificates, &c. of Shares.

16. Notwithstanding the Repeal of the recited Acts, all Certificates, Sales, Transfers, and Dispositions before the Commencement of this Act made or executed under the recited Acts or either of them, of or with respect to any Shares in the Capital of the old Gas Company, and on the Commencement of this Act in force, shall for the Purposes of this Act remain in force and continue to be available in all respects.

Debts to be paid.

17. Notwithstanding the Repeal of the recited Acts, all Persons who immediately before the Commencement of this Act owed any Money to the Two Companies respectively, or to any Person on their respective Behalf, shall pay the same to the Company, and all Monies which immediately before the Commencement of this Act were

were owing by or recoverable from the Two Companies respectively, or for the Payment of which they were or but for this Act would be liable, shall be paid, with all Interest (if any) due and payable or accruing for the same, by or be recoverable from the Company.

Actions, &c. not to abate, &c.

18. Notwithstanding the Repeal of the recited Acts, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Two Companies respectively before the Commencement of this Act shall not abate or be discontinued, or prejudicially affected by this Act, but, on the contrary, shall continue and take effect, both in favour of and against the Company, in the same Manner to all Intents as if this Act were not passed, save only that the Company shall be substituted therein for the Two Companies.

Penalties to be recoverable.

19. Notwithstanding the Repeal of the recited Acts, all such Penalties, Damages, Monies, Costs, and Expenses as if the Repeal had not happened would under the recited Acts respectively be or become payable to or recoverable by any Person shall, after the Commencement of this Act, be payable by and recoverable in like Manner and by like Ways and Means as if the Repeal had not happened.

Resolutions, &c. continued.

20. Notwithstanding the Repeal of the recited Acts, all Resolutions, Orders, and Proceedings of General Meetings and Boards of Directors which immediately before the Commencement of this Act were binding on the Two Companies respectively, or their respective Shareholders, Directors, Officers, or Servants, or any of them, shall continue in full Force, and be in like Manner binding on the Company and their Shareholders, Directors, Officers, and Servants accordingly.

Books to be Evidence.

21. Notwithstanding the Repeal of the recited Acts, all Books, Writings, and Documents by the repealed Acts respectively directed or authorized to be kept or made, and which, if the Repeal had not happened, would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly.

Officers continued.

22. Notwithstanding the Repeal of the recited Acts, every Officer and Servant appointed by virtue of or acting under the repealed Acts respectively shall hold and enjoy his Office and Employment, with the Salary thereto annexed, and be deemed an Officer and Servant of the Company, until he be removed from the Office and Employment, and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Regulations, Pains, and Penalties, as if he were appointed under this Act.

23. The

Capital.

23. The Capital of the Company shall be Fifty thousand Pounds, consisting of Forty thousand Pounds Stock to be called Original Stock, and Ten thousand Pounds Stock to be called Four Pounds *per Centum* Preference Stock, but such Capital may from Time to Time be increased by the Creation of new Shares as herein-after provided.

Dividend on the 10,000*l.* 4*l.* per Cent. Preference Stock.

24. The Ten thousand Pounds Four Pounds *per Centum* Preference Stock created by this Act shall be entitled in perpetuity to a preferential Dividend after the Rate of Four Pounds *per Centum per Annum*, out of the Profits of the Company, in priority to the Dividend on the Original Stock of Forty thousand Pounds, or on the new Shares to be created under the Authority of this Act, and such Dividend shall be payable half-yearly on the Fifteenth Day of *January* and the Fifteenth Day of *July* in every Year, the First Payment to be made on the Fifteenth Day of *January* One thousand eight hundred and sixty-six: Provided always, that if in any Year ending on the Thirty-first Day of *December* there are not Profits available for the Payment of the full Amount of such preferential Dividend for that Year, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company.

Stock vested in Shareholders of old Gas Company.

25. The Forty thousand Pounds Original Stock and the Ten thousand Pounds Four Pounds *per Centum* Preference Stock respectively created by this Act shall respectively be deemed to be fully paid up Stock, and are by this Act respectively appropriated to and vested in the several Corporations and Persons who immediately before the Commencement of this Act were the registered Holders of the One thousand six hundred Shares of Twenty-five Pounds each in the Capital of the old Gas Company, and each of those Sums of Forty thousand Pounds Stock and Ten thousand Pounds Stock is so appropriated to and vested in such Corporations and Persons respectively in rateable Proportion to their respective Shares in the Capital of the old Gas Company.

Original and Preference Stock to be subject to the same Trusts as existing Shares.

26. All Corporations and Persons in whom any of the Original Stock or Four Pounds *per Centum* Preference Stock created by this Act shall be so vested shall stand and be possessed thereof upon the same Trusts, and subject to the same Powers, Provisions, Declarations, and Agreements, Charges and Encumbrances, upon or to which their respective Shares in the Capital of the old Gas Company in respect whereof such Original and Preference Stock respectively are so vested were subject and liable immediately before the Commencement of this Act, and so as to give Effect to and not revoke any Will or other Testamentary Instrument disposing of or affecting such respective Shares in the Capital of the old Gas Company.

27. The

Company may call in and cancel existing Certificates.

27. The Company from Time to Time, when thereunto requested, shall call in and cancel the existing Certificates of Shares in the old Gas Company, and shall issue in lieu thereof, to the Holders of the Portions of Original and Preference Stocks respectively by this Act vested and appropriated, Certificates of such Portions of Stock: Provided always, that the Company shall not be bound to issue to the Holder of such Portions of Stock any Certificate thereof until he shall have delivered up to the Company to be cancelled or shall have proved to the reasonable Satisfaction of the Directors the Loss or Destruction of the Certificate of the Share in the Capital of the old Gas Company in respect of which the Portions of Stock are so appropriated and vested.

Power to raise additional Capital by new Shares.

28. The Company, from Time to Time as they think fit, may raise by the Creation of new Shares of Twenty-five Pounds each, in addition to their said Capital of Fifty thousand Pounds, any further Sum or Sums of Money not exceeding in the whole Twenty thousand Pounds, and any additional Shares so created shall be called "New Shares," and shall be considered as Part of the general Capital of the Company.

New Shares may be ordinary or preferential.

29. The new Shares to be created under this Act may be wholly or partially ordinary or wholly or partially preferential, as the Company at the Time of the Creation thereof shall determine.

Sale and Distribution of new Shares.

30. The Company shall, on every Issue of the new Shares to be created by virtue of this Act sell by public Auction, in Lots of not more than Two Shares each Lot, One Half of the Number issued; and the Residue of the said new Shares so from Time to Time issued may be distributed in such Manner, at such Times, to such Persons, and upon such Terms as any General Meeting of the Company shall direct.

Sales by Auction to be advertised, and Premiums not to be entitled to Dividend.

31. The Intention to sell any new Shares by Auction shall be advertised for Two successive Weeks in Two Newspapers published in the City of *Exeter;* and any Sum of Money which shall arise from any such Sale by way of Premium shall not be considered as Profits of the Company, but shall be carried to and form Part of the reserved Fund of the Company.

New Shares not to issue until One Fifth paid up.

32. It shall not be lawful for the Company to issue any new Share to be created under this Act, nor shall any such new Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such new Share shall have been paid in respect thereof.

Calls on new Shares.

33. Twenty *per Centum* on the nominal Amount of a Share shall be the greatest Amount of any One Call which the Directors may make on or in respect of the new Shares to be created under this Act, and Three Months at the least shall be the Interval between successive Calls, and the aggregate Amount of Calls on any One new Share in any One Year shall not exceed Four Fifths of the nominal Amount of such Share.

As to Dividends on Shares.

34. The several Persons from Time to Time registered as the Holders of Original Stock created by this Act, or of new Shares to be created under this Act (except such of the new Shares (if any) to be created under this Act as shall have any Preference or Priority in the Payment of Interest or Dividend attached thereto, pursuant to the Power for that Purpose in this Act contained), shall be entitled to Dividends out of the Profits of the Undertaking in proportion to the Amount from Time to Time paid up, or, in accordance with this Act, deemed to be paid up on such Stock or Shares.

Prescribed Rates of Dividend on Shares.

35. The prescribed Rates of Profits under the Provisions, "with respect to the Amount of Profit to be received by the Undertakers when the Gasworks are carried on for their Benefit," of "The Gasworks Clauses Act, 1847," are as follows:

On the Forty thousand Pounds Original Stock created by this Act, Ten Pounds *per Centum per Annum*;

And on the additional Capital represented by the new Shares to be created under this Act, Seven Pounds *per Centum per Annum*:

Provided that if in any Year ending on the Thirty-first Day of *December* there are not Profits available for the Payment of a Dividend on the additional Capital created under this Act at the Rate of Seven Pounds *per Centum per Annum* for that Year, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company, other than the reserved Fund provided for by Section 31 of "The Gasworks Clauses Act, 1847," and actually in existence in the Year in which such Deficiency occurs.

No Transfer of Stock less than 1*l.*

36. Except for the Transfer of all the Stock for the Time being held by any Shareholder, it shall not be lawful for the Company to transfer any Portion of Stock which is not One Pound or a Multiple of One Pound, or which is less than One Pound.

Application of reserved Fund.

37. The reserved Fund represented by Six thousand one hundred and thirty-two Pounds Seventeen Shillings and Threepence Three Pounds *per Centum* Consolidated Bank Annuities standing in the Name of the old Gas Company, and by any Money arising by way of Premium on any Sale by Auction of new Shares created by this Act,

Act, shall from and after the Commencement of this Act be deemed to be a reserved Fund of the Company established by them under Section 31 of "The Gasworks Clauses Act, 1847," but the Directors shall apply a competent Part of that reserved Fund first in Payment of the Costs, Charges, and Expenses of and incident to or otherwise incurred by them in reference to the obtaining and passing of this Act and preparatory thereto; and if there shall be any Surplus of the reserved Fund, after making those Payments, beyond the Amount of the reserved Fund, which under Section 31 of "The Gasworks Clauses Act, 1847," the Company are authorized to provide, the Surplus shall be applied to such of the Purposes to which the Capital of the Company is applicable as the Directors from Time to Time think fit, but shall not form Part of the Capital of the Company entitled to Dividend, and subject thereto the reserved Fund shall be applied in making up any Deficiency of future Dividends of the Company below the Rates of Dividend respectively prescribed by this Act.

Debenture Stock.

38. The Company may create and issue Debenture Shares and Debenture Stock.

Power to borrow on Mortgage.

39. And whereas the existing Share Capital of the old Gas Company is Forty thousand Pounds, and the total further Capital of the Company created by or authorized to be created under this Act is Thirty thousand Pounds: Therefore the Company may, at any Time, and from Time to Time after the Commencement of this Act, by the Order of a General Meeting, borrow on Mortgage of their Undertaking not exceeding the Sums following; (that is to say,) in respect of the existing Capital of Forty thousand Pounds the Company may borrow Four thousand three hundred Pounds; and in respect of the said further Capital of Thirty thousand Pounds, when the Company have created Fifteen thousand Pounds, Part of the further Capital (including the Ten thousand Pounds Preference Stock created by this Act), and the whole of that Fifteen thousand Pounds has been paid up, the Company may borrow a further Sum of One thousand six hundred Pounds; and when the Company have created the remaining Fifteen thousand Pounds, and the whole thereof has been taken up, and One Half the Amount thereof has been paid up, the Company may borrow a further Sum of One thousand six hundred Pounds; but no Part of the first-mentioned Sum of One thousand six hundred Pounds shall be borrowed until the Company shall have proved to the Justice who is to certify, under the Provisions of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Stock or Shares created by or under this Act for all the further Capital in respect of which such Power of borrowing is to be exercised have been issued, and have been fully paid up; and no

Part of the secondly-mentioned Sum of One thousand six hundred Pounds shall be borrowed until the Company have proved to such Justice that the Shares in the further Capital in respect of which such Power of borrowing is to be exercised have been subscribed for *bonâ fide*, and have been issued, and that not less than One Fifth Part of the Amount thereof was paid on account of each separate Share before or at the Time of the Issue or Acceptance thereof, and that such Shares are held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, and that One Half of such further Capital is so paid up as aforesaid, of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence: Provided always, that the total Amount owing by the Company at any one Time on Mortgage under this Act shall not exceed Seven thousand five hundred Pounds.

Arrears may be enforced by Appointment of a Receiver.

40. The Mortgagees of the Company under this Act may enforce the Payment of the Arrears of Interest, or of Principal and Interest, due on their Mortgages, by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver is Two thousand five hundred Pounds.

Receipt for Monies payable to Persons under Disability.

41. If any Money be payable to any Shareholder, being a Minor, Idiot, Lunatic, or *non compos mentis*, the Receipt of the Guardian of such Minor, or of the Committee of such Idiot, Lunatic, or Person *non compos mentis*, shall be a sufficient Discharge to the Company for the same.

Application of Money.

42. All Money to be raised under the Provisions of this Act, whether by means of Shares or by the Exercise of the Power of borrowing, or by the Creation and Sale of Debenture Shares or Stock, shall be applied to the Purposes of the Undertaking, and to no other Purpose.

First and other Meetings.

43. The First General Meeting of the Company shall be held in the Months of *September* or *October* immediately succeeding the passing of this Act, and all subsequent General Meetings of the Company shall be held in the Month of *July* in each Year, or at such other stated Period as shall be appointed for such Purpose by an Order of any General Meeting; and all Meetings, whether ordinary or extraordinary, shall be held at *Exeter*, or at such other Place as the Directors from Time to Time appoint.

Power to Directors to declare in

44. The Directors may, without the Direction or Sanction of a General Meeting of the Company, from Time to Time declare and pay

pay in the Interval between any Two Annual General Meetings a Half Year's Dividend out of the Profits of the Company, Intermediate Dividend.

45. The Quorum for every Meeting of the Company shall be Ten Shareholders holding in the aggregate not less than Five thousand Pounds nominal Amount in the Capital of the Company. Quorum of General Meetings.

46. The Number of Shareholders who may convene an Extraordinary Meeting of the Company shall not be less than Ten, holding in the aggregate not less than Three thousand Pounds nominal Amount in the Capital of the Company. Extraordinary Meetings.

47. Subject to the Provisions of this Act for increasing and reducing the Number of Directors, the Number of Directors shall be Fifteen, and the Qualification of a Director shall be the Possession by him in his own Right of the aggregate nominal Amount of Two hundred Pounds in the Capital of the Company. Number and Qualification of Directors.

48. The several Persons who on the Commencement of this Act are the Directors of the old Gas Company shall be the First Directors of the Company, and they shall continue in Office until the Close of the First Ordinary Meeting of the Company, when they shall retire from Office, and at that Meeting Fifteen Directors shall be elected, a Director appointed by this Act being, if qualified, eligible for Re-election by the Meeting. First Directors.

49. Before the Close of the Ordinary Meeting of the Company to be held in the Year One thousand eight hundred and sixty-eight the Number of Directors shall be reduced from Fifteen to Nine; and in order thereto, at the Ordinary Meeting of the Company to be held in the Year One thousand eight hundred and sixty-six, Five of the Fifteen Directors then in Office shall retire from Office, and only Three Directors shall be appointed in their Place; and at the Ordinary Meeting to be held in the Year One thousand eight hundred and sixty-seven other Five of such Fifteen Directors shall retire from Office, and only Three Directors shall be appointed in their Place; and at the Ordinary Meeting to be held in the Year One thousand eight hundred and sixty-eight the remaining Five of such Fifteen Directors shall retire from Office, and only Three Directors shall be appointed in their Place, and thereafter the Number of Directors shall be Nine; and at the Ordinary Meeting of the Company to be held in the Year One thousand eight hundred and six-nine, and in every subsequent Year, One Third of the Directors, being those who have been longest in Office, shall retire from Office, and their Places shall be supplied in manner prescribed by "The Companies Clauses Consolidation Act, 1845:" Provided always, that the Company from Time to Time after Reduction of Number of Directors, and Rotation of Directors.

the Year One thousand eight hundred and sixty-eight may reduce and increase the Number of Directors, but not below Six or above Nine.

Quorum of Directors and Committees.

50. The Quorum of a Meeting of Directors shall be Three, and the Quorum of a Committee of Directors shall be so many as the Directors, at the Time of appointing the Committee shall determine.

Voting.

51. The registered Holders of Original Stock created by this Act, and the registered Holders of new Shares created by this Act, shall respectively be entitled to vote in respect of the Stock and Shares so held by them according to the Scale prescribed by "The Companies Clauses Consolidation Act, 1845," the Sum of Twenty-five Pounds of Stock, and Shares to the nominal Amount of Twenty-five Pounds, being respectively for the Purposes of voting deemed One Share: Provided always, that any Portion of Stock less than Twenty-five Pounds, or any Amount of Shares of less nominal Amount than Twenty-five Pounds, shall not confer on the Holder thereof any Right of voting.

Regulations as to Votes.

52. No Debenture Shares or Stock, or Preference Shares or Stock, shall confer any Qualification or entitle the Holder thereof to vote in respect of such Shares or Stock; and no Shareholder shall be entitled to vote in respect of any Shares or Stock until he shall have been the registered Holder thereof for Three Months at least preceding the holding of the Meeting of the Company at which the Vote is to be taken.

Directors to appoint and remove Officers.

53. The Directors from Time to Time may appoint and employ a Treasurer, Secretary, or Clerk, Manager, Collector, and all such other Officers and Servants as they shall think necessary and proper, and may remove any such Officers and Servants, and appoint others in the Room of such as shall be removed, or as may die, resign, or discontinue their Offices, and may, out of the Funds of the Company, pay such Salaries and Allowances to the said Officers and Servants as the Directors shall from Time to Time think reasonable.

Power to purchase Lands by Agreement.

54. And whereas the Two Companies respectively were by the recited Acts respectively authorized to purchase by Agreement for the Purposes of their respective Undertakings any Quantity of Land within the Limits of those Acts respectively not exceeding in the whole Fifteen Statute Acres: Therefore the Company may purchase, but only by Agreement, any Quantity of Land within the Limits of this Act, not exceeding in the whole, inclusive of Lands vested in them by this Act, the said Quantity of Fifteen Acres, but shall not upon

upon any Lands to be purchased under this Enactment erect any Works for the Manufacture of Gas.

Power to sell Lands not required.

55. The Company from Time to Time may sell and dispose of, either by Public Auction or Private Contract, and on such Terms and Conditions as they think fit, all or any of the Lands vested in or acquired by them by or under this Act, and which shall not be required for the Purposes of this Act.

Power to maintain and improve Works.

56. The Company may continue, maintain, and use, for the Purposes of this Act, the Gasworks, Gas Mains, Pipes, and Lands which immediately before the Commencement of this Act belonged to the Two Companies respectively, and which are by this Act vested in the Company, and the Company from Time to Time may improve and enlarge those Gasworks respectively, and erect and provide on those Lands respectively all such necessary and proper Buildings, Retorts, Gasometers, Machinery, Apparatus, and Conveniences connected therewith as the Company from Time to Time think requisite, and may maintain, improve, alter, discontinue, pull down, and re-erect any of their Works and Conveniences, and may lay down and renew Gas Mains, Gas Pipes, and other Works for the Supply of Gas within the Limits of this Act, and may do all such other Acts as they shall think proper for manufacturing, storing, and supplying Gas within the Limits of this Act, and for the other Purposes authorized by this Act: Provided always, that the Company shall not erect any Works for the Manufacture of Gas on any Lands other than the Lands herein-after described; (that is to say,) on Lands situate in the Parish of *Saint Edmund on the Bridge* in the County of the City of *Exeter*, bounded on the North by a Waste Water Leat from *Smith's Weir*, on the East by *Tudor's Lane* or *Tudor's Street*, on the South by Lands belonging to *Richard Dewdney Worthy* Esquire, *William Whitfield*, and others, and on the West by *Sadler's Lane*, and also on other Lands situate in the Parish of *Saint Thomas the Apostle* in the County of *Devon*, bounded on the North and North-east by Lands belonging to the Mayor, Aldermen, and Citizens of *Exeter*, adjoining the *Exeter* Basin, and partly on the East by Lands belonging to *George Turner* and *Marianna Browning*, on the South and South-west by Lands belonging to *George Turner* and *Marianna Browning* and by *Marsh Lane* or *Water Lane*, and on the North-west and West by Lands now or late belonging to *Mary Wotton Copp*.

Power to contract with public Bodies.

57. The Company from Time to Time may enter into and carry into effect all such Contracts with Corporations, public Bodies, Commissioners, Companies, and Persons, with respect to a Supply of Gas

Gas or Fittings or Meters by the Company, on such Terms and Conditions as they think fit.

Regulating Supply of Gas, and Price for public Lamps.

58. After the Expiration of any Contract for the Time being existing for the Supply of Gas to any public Lamps within the Limits of this Act, the Company shall afford such Supply from any Main situate within Eighty Yards of any such Lamp, at a Price not exceeding the lowest Price charged for the Time being by the Company to any private Consumer, and the Company shall also, at a like Rate, supply Gas for public Clocks within the Limits of this Act, provided that the Price to be charged for the Supply of Gas for the public Lamps shall not in any Case exceed the Sum of Three Shillings for every Thousand Cubic Feet thereof.

Penalty for Failure to supply Gas to public Lamps.

59. The Company shall keep their Mains and Pipes constantly charged with and shall afford a continuous Supply of Gas, and if and whenever they wilfully fail to supply Gas, as by this Act required, to all or any of the public Lamps, they shall be liable to a Penalty not exceeding Five Pounds for each Default.

Mode of consuming Gas supplied to public Lamps.

60. The Gas supplied to the public Lamps with the Limits of this Act shall be consumed during the Period of any Contract either by Meter or otherwise, as to the City and County of the City of *Exeter* at the Option of the *Exeter* Improvement Commissioners, and as to other Places at the Option of the Trustees or other Persons having the Control of the Streets for lighting the same with Gas in those Places respectively, and in case of its being consumed by Meter the Meters shall be provided and fixed by the *Exeter* Improvement Commissioners, or, as the Case may be, such Trustees or other Persons as aforesaid, at their Expense.

Illuminating Power and Purity of Gas.

61. All the Gas supplied by the Company shall be of such Quality as to produce from an Argand Burner having Fifteen Holes and a Seven-inch Chimney, and consuming Five Cubic Feet of Gas an Hour, a Light equal in Intensity to the Light produced by Fourteen Sperm Candles burning One hundred and twenty Grains an Hour, and shall be so far pure from Sulphuretted Hydrogen as not to discolour moistened Test Paper imbued with Acetate or Carbonate of Lead when the Test Paper is exposed for One Minute to a Current of Gas issuing under a Pressure of Five Tenths of an Inch of Water.

Experimental Meter.

62. The Company shall erect in some fit and convenient Part of each of their existing and future Works an Experimental Meter connected with a Main from the Company's Works, and furnished with an

an Argand Burner having Fifteen Holes and a Seven-inch Chimney, and with proper and sufficient Apparatus for testing the illuminating Power and Purity of the Gas, and so placed as to test all the Gas of the Company at such respective Works; and the Company shall at all Times keep and maintain the Experimental Meter and Apparatus in good Repair and working Order, and if and when necessary renew the same.

Testing illuminating Power.

63. The Town Council of the City of *Exeter* from Time to Time shall, by Order in Writing under their Common Seal, appoint some competent Person, not being a Member of such Town Council or an Officer or Servant of such Town Council or of the Company, or of the Improvement Commissioners, to test the illuminating Power and Purity of the Gas; and the Person so appointed may, at any reasonable Hour in the Daytime, on producing the said Order, and in the Presence of the Superintendent or other Officer of the Company, if he so require, and by means of the Testing Meter and other Apparatus by this Act required to be provided by the Company, test the illuminating Power and Purity of the Gas then flowing through the Mains of the Company; and the Company and their Officers and Servants shall afford all proper and sufficient Facilities for the testing.

Penalty for supplying Gas of inferior illuminating Power or Purity.

64. If and whenever it is proved to the Satisfaction of any Two Justices, not being Shareholders of the Company, after hearing the Parties, that the illuminating Power and Purity of the Gas supplied by the Company did not when so tested equal the illuminating Power and Purity by this Act prescribed, or that the Company or their Officers failed, on being thereunto reasonably requested, to afford the prescribed Facilities, or prevented or hindered the testing of the Gas, then and in any such Case the Company shall forfeit any Sum not exceeding Twenty Pounds, as the Justices determine.

Cost of testing Gas by whom to be paid.

65. In the event of any such Penalty being imposed on the Company, then the Costs of all Parties of and attending the testing of the Gas, including the Remuneration to be paid to the Person so testing the Gas, and the Costs of the Proceedings before the Justices, shall be ascertained by the Justices, and shall be paid with the Penalty by the Company; but in the event of no such Penalty being imposed on the Company, then the Costs shall be ascertained by the Justices, and shall be paid by the Town Council of the City of *Exeter*, and in either event the Costs so ascertained shall be paid or levied accordingly.

Limiting Charge for Supply of Gas by Meter.

66. The maximum Price at which Gas shall be sold by the Company to all Persons who shall burn the same by Meter shall not exceed Four Shillings *per* Thousand Cubic Feet.

Consumer to burn by Meter.

67. Every private Consumer of Gas of the Company shall, upon the Request of the Company, consume Gas by Meter.

Consumer to keep his own Meter in order.

68. Every Consumer of Gas of the Company shall at all Times, at his own Expense, keep all Meters belonging to him, whereby any Gas of the Company is registered, in proper Order, and of sufficient Size for correctly registering such Gas, in default whereof the Company may cease to supply Gas through such Meter; and the Company shall have Access to and be at liberty to take off, remove, test, inspect, and replace the same at all reasonable Times, such taking off, Removal, testing, inspecting, and replacing to be done at the Expense of the Company, if the Meter be found in proper Order, but otherwise at the Expense of the Consumer.

Power to the Company to let Meters.

69. The Company may let for Hire any Meter for ascertaining the Quantity of Gas consumed or supplied, and any Fittings thereto, for such Remuneration in Money, and on such Terms with respect to the Repair of such Meter and Fittings, and for securing the Safety and Return to the Company of such Meter, as may be agreed upon between the Hirer and the Company, and such Remuneration shall be recoverable in the same Manner as the Rents or Sums due to the Company for Gas; but the Price to be charged to the Consumer for the Use of any Meter provided by the Company by way of Rent shall not, in regard to the Meters mentioned in the Schedule hereunto annexed, exceed the Rate therein named.

Register of Gas Meter to be primâ facie Evidence.

70. The Register of the Meter shall be *primâ facie* Evidence of the Quantity of Gas consumed by any Customer of the Company, and in respect of which any Rent is charged and sought to be recovered by the Company.

Power to remove Meters and Fittings.

71. It shall be lawful for the Company, after Twenty-four Hours Notice in Writing, under the Hand of the Secretary of the Company to the Occupier, or if unoccupied then to the Owner or Lessee of any Land, House, or Building in which any Pipes, Mains, Meters, or Fittings belonging to the Company are laid or fixed, and through or in which the Supply of Gas shall, from any Cause other than the Neglect or Default of the Company, be discontinued, to enter such Land, House, or Building between the Hours of Eight in the Morning and Six in the Afternoon, for the Purpose of removing and to remove such Pipes, Meters, or Fittings, repairing all Damage caused

caused by such Entry or Removal; and every such Notice shall be served by being delivered to the Person for whom it is intended, or left at his usual or last known Place of Abode, or sent by Post addressed to such Person: Provided that if the Owner or Lessee of any such unoccupied House or Building be unknown to the Company, after due Inquiry, the Notice may be given by affixing it for Three Days to some conspicuous Part of the House or Building.

Penalty for damaging Meters.

72. If any Person shall wilfully, fraudulently, or by culpable Negligence injure or suffer to be injured any such Pipes, Mains, Meters, or Fittings, or other Things connected therewith belonging to the Company, or shall alter the Index to any Meter, or fraudulently alter any Part of such Meter, or any Pipes connected therewith, or in any way fraudulently, wilfully, or knowingly prevent such Meter from duly registering the Quantity of Gas supplied, or by any Means fraudulently, obstruct, consume, or use the Gas of the Company, every Person so offending shall for every such Offence forfeit to the Company any Sum not exceeding Five Pounds; and the Company may in addition thereto recover the Amount of any Damage sustained by them, which shall not be satisfied by the Amount of the Penalty recovered, and may also discontinue, until the Act complained of is remedied, but no longer, the Supply of Gas to the Person or Company so offending, and that notwithstanding any Contract previously existing; and the Existence of artificial or irregular Means for causing such Alteration or Obstruction, when such Meter shall be under the Custody or Control of the Consumer, shall be *primâ facie* Evidence that the same has been knowingly, wilfully, and fraudulently caused by the Consumer using such Meter: Provided always, that this Enactment shall not prejudice any Right of the Company to institute any Criminal Proceedings in reference to such Offence in any Case where they shall not proceed summarily under this Act.

Gas Rates and Meter Rents may be levied by Distress.

73. All Sums of Money due to the Company for the Supply of Gas, or for the Supply or Hire or fixing of Meters, Pipes, or other Fittings, may be levied by Distress; and any Justice, on Application, may issue his Warrant accordingly, after the Return of a previous Summons to the Debtor to show Cause why such Warrant should not be issued.

Costs of Distress.

74. Any Justice who issues any Warrant of Distress for any of the Purposes of this Act may order that the Costs of the Company of and incident to the Recovery of the Money to be levied shall be paid by the Person liable to pay the Money, and the Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of the Money.

75. Any

Several Names in One Summons or Warrant.

75. Any Summons or Warrant issued for any of the Purposes of this Act may contain in the Body thereof, or in a Schedule thereto, several Names and several Sums.

Justices or Judges of County Courts not disqualified from acting.

76. No Justice or Judge of a County Court shall be disqualified from acting in the Execution of this Act by reason of his being liable to any Gas Rent, Meter Rent, or other Charge by this Act authorized, or of his being a Shareholder of the Company.

Shareholders not disqualified from being Commissioners under Exeter Improvement Act.

77. No Person shall be disqualified from being a Commissioner under an Act passed in the Third Year of the Reign of *William* IV., intituled *An Act for the better paving, lighting, watching, cleansing, and otherwise improving the City of* Exeter *and County of the same City*, by reason of his being a Shareholder of the Company.

Penalties on Company not to be cumulative.

78. Penalties imposed on the Company for one and the same Offence by several Acts of Parliament shall not be cumulative, and for this Purpose this Act and the Acts incorporated therewith shall be deemed several Acts.

Saving Rights of the Crown.

79. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights, of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose, which Consent such Commissioners are hereby respectively authorized to give; neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving Rights of the Duchy of Cornwall.

80. Nothing contained in this Act or in any Act or Acts incorporated herewith, or herein mentioned or referred to, shall extend to authorize the Company to take, use, enter upon, or interfere with any Land, Soil, or Water, or any Rights in respect thereof, belonging to Her Majesty, Her Heirs or Successors, in right of the Duchy of *Cornwall*, without the Consent in Writing of some Two or more of such of the regular Officers of the said Duchy, or of such other Persons as may be duly authorized under the Provisions of "The Duchy of *Cornwall* Management Act, 1863," Section 39, to exercise all or any of the Rights, Powers, Privileges, and Authorities by the said Act made exerciseable, or otherwise for the Time being exerciseable

exerciseable in relation to the said Duchy, or belonging to the Duke of *Cornwall* for the Time being, without the Consent of such Duke testified in Writing under the Seal of the Duchy of *Cornwall* first had and obtained for that Purpose, or to take away, diminish, alter, prejudice, or affect any Property, Rights, Profits, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors, in right of the Duchy of *Cornwall*, or in or by the Duke of *Cornwall* for the Time being.

81. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act, and preparatory thereto, shall be paid by the Company. Expenses of Act.

SCHEDULE referred to in the foregoing Act.

Rates to be charged by the Company for Meters supplied by them.

	s.	*d.*	
For a Two-light Meter, after the Rate of - - -	3	0	per Annum.
For a Three-light Meter, after the Rate of - -	3	4	per Annum.
For a Five-light Meter, after the Rate of - -	4	0	per Annum.
For a Ten-light Meter, after the Rate of - -	5	0	per Annum.
For a Twenty-light Meter, after the Rate of - -	8	0	per Annum.
For a Thirty-light Meter, after the Rate of - -	10	0	per Annum.
For a Fifty-light Meter, after the Rate of - -	15	0	per Annum.

And for any other Meter, such Rates as may be agreed upon.

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