ANNO SECUNDO

# GULIELMI IV. REGIS.

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## *Cap.* xi.

## An Act to amend an Act for lighting the Town and Burgh of *Paisley*, and Suburbs and Places adjacent, with Gas; and to enable the Company thereby incorporated to increase their Capital Stock; and for other Purposes relating thereto. [24th *March* 1832.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for lighting the Town and Burgh of* Paisley, *and Suburbs and Places adjacent, with Gas, and for other Purposes relating thereto:* And whereas the *Paisley* Gas Light Company incorporated by the said recited Act were thereby authorized to raise the Sum of Sixteen thousand Pounds, and to borrow a further Sum, not exceeding Four thousand Pounds, for the Purposes thereof: And whereas the said Company have raised and borrowed the said Sums respectively, and have expended the same in defraying the Expences of obtaining the said Act, and in the Purchase of Lands, and Erection of Buildings and Apparatus necessary for the Purposes of the said Act, and have afforded a large Supply of Gas to the said Town and Burgh and Suburbs: And whereas, since the passing of the said Act, and the Establishment of the Works of the said Company, new Streets have been opened, and additional Buildings and public Works and Manufactories have been established in the said Town and Suburbs, and a larger Supply of Gas has been required, whereby it has become necessary to enlarge the Works of the said

4 G.4. c.72.

Company; and an additional Expence has thereby been incurred and a further Expence will yet necessarily be incurred for enabling the said Company to provide a suitable Supply, corresponding to the increasing Demands of the said Town, Suburbs, and Places adjacent, and otherwise to fulfil the Purposes of the said recited Act: And whereas, in order to enable the said Company to repay the borrowed Money, and to defray such Expence as may have been already or shall be hereafter incurred for the Purposes of the said recited Act and this Act, and to provide a Fund for necessary Repairs and Improvements, it is expedient and necessary that Power should be given to the said Company to raise a further Sum of Money, and that the Provisions of the said recited Act should in other respects be enlarged, amended, and altered: 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 and may be lawful to and for the said *Paisley* Gas Light Company to raise and contribute among themselves, or by the Admission of new Subscribers, as after provided, in addition to the Sum of Sixteen thousand Pounds authorized to be raised by the said recited Act, a further Sum or Sums of Money not exceeding Sixteen thousand Pounds, in Shares of Five Pounds each; which further Sum, or so much thereof as may be raised and contributed as aforesaid, shall be held to all Intents and Purposes to be Part of the Capital Stock of the said Company, and subject to the Provisions and Enactments of the said recited Act and of this Act.

Power to raise a further Sum.

Proprietors of original Stock to have a Preference in the Acquisition of new Stock.

II. And be it further enacted, That the Person or Persons, Bodies Politic, Corporate, or Collegiate, who shall at the Date of passing of this Act be Proprietors of original Stock of the said Company, and their Heirs, Executors, or Assignees, shall be entitled, in preference to any other Person or Persons, to subscribe for and acquire the said additional Capital Stock at the foresaid Rate of Five Pounds for each Share, and in Proportions not exceeding the Number of Shares of original Stock held by them respectively: Provided always, that if at the Expiration of Six Calendar Months after the passing of this Act the Whole or any Part of the said additional Capital Stock shall not have been subscribed for or acquired as aforesaid, then the said Preference in favour of Holders of original Shares shall cease, and it shall be lawful to and in the Power of the said Company or of their Committee of Management, as soon thereafter as they may think proper, to sell and dispose of the said additional Capital Stock or Shares, in so far as the same shall not have been taken and acquired as aforesaid, by public Roup, upon previous Advertisement in at least One *Glasgow* and One *Paisley* Newspaper, Once in each Week for at least Three Weeks previous to the Day of Roup, and to ascertain and fix the upset Prices of the Shares so to be sold from Time to Time as they shall think fit; and in case any of the said Shares, after being exposed to public Roup, shall not have been sold, then the same may be sold by private Bargain, at such Prices as can be obtained for the same, not being less than the last upset Prices at which the same were exposed to public Sale; and

the Purchaser of such Shares shall be entitled to draw Dividends corresponding to the Amount of the Capital Stock or Shares purchased only, whatever may be the Amount of the Purchase Money or Price thereof; and the Profit or Loss arising from such public or private Sales, after taking into account all necessary Costs and Charges, shall be added to or taken from the Fund to be raised by the said Company to meet Deteriorations hereinafter provided for.

Proprietors of new Stock to have the same Profits and Privileges as Proprietors of old Stock.

III. And be it further enacted, That the Parties who shall become Proprietors of Shares in the said new Stock shall, in proportion to the Amount of such Stock, in so far as called up, be entitled to the same Profits and Privileges, and be subject to the same Losses, Restrictions, and Conditions, as the Proprietors of Shares in the old Stock of the said Company are at present subject and liable to; and the new Capital Stock shall also be deemed to be personal Property, and sold, transferred, and recorded, entered, administered upon, and held, in the same Manner in all respects as is provided for the old Capital Stock of the said Company in the said recited Act.

Qualifications for voting and of being elected into Management.

IV. And be it further enacted, That the Qualifications for voting and of being nominated Governor, Deputy Governor, Director or Extraordinary Director, in virtue of holding Shares in the Stock created by the said recited Act, or in the new Stock created by this Act, shall be according to the Provisions of the said recited Act, and such Qualifications shall be ascertained and depend, not by or upon the Amount of Stock subscribed for, but of Stock actually paid, whether held in any of the Stocks created by the said recited Act or this Act, separately or in all conjointly.

Power to pay off former Debt of 4,000*l.* and again to borrow 8,000*l.*

V. And be it further enacted, That by the Consent and Direction of any General Meeting of Proprietors called for the Purpose the Committee of Management shall have it in their Power to pay off the present Debt of Four thousand Pounds borrowed under the Authority of the said recited Act, out of new Stock to be raised under the Authority of this Act; and in the event of the new Capital being exhausted, or being insufficient for the future necessary Operations of the Company, it shall be lawful to and in the Power of the said Company or their Committee of Management for the Time, by and with the Advice and Direction of a Majority of any General Meeting of Proprietors called in Terms of the said recited Act, of new to borrow, at such legal Rate of Interest as may be agreed on, any Sum or Sums of Money not exceeding the Sum of Eight thousand Pounds in whole, for the Use and Behoof of the said Company; and also, by the Consent and Direction of a Majority of any General Meeting of Proprietors so called, to pay off the Sum or Sums of Money so borrowed, in such Manner as such Meeting shall deem most expedient, out of the Rates and free Profits of the Company, and to grant, execute, and deliver, for such additional Sums so borrowed, similar Bonds, Obligations, Deeds, and Conveyances of the Estate, Property, and Effects of the Company as are prescribed by the said recited Act.

Power to raise a fur-

VI. And be it further enacted, That in the Event above mentioned of the new Capital to be raised by this Act being found insufficient to

ther additional Capital of 16,000*l.*

to defray the Expence of any farther Extension or other Operations of the Company which may be found necessary, it shall also be lawful to and for the Power of the said Company of Proprietors, with the Advice and Direction of any General Meeting called in Terms of the said recited Act, to raise a farther additional Capital not exceeding Sixteen thousand Pounds, in Shares of Five Pounds each, which shall be appropriated and allocated to the several Proprietors who may be possessed of Shares of the Stock of the Company created by the said recited Act and by this Act, in proportion to the Shares which they may hold in either or both of the said Stocks of the Date of the first Annual General Meeting at or after which such farther Extension of the Capital Stock of the Company shall have been found and declared to be necessary; and such additional Stock shall be entitled to the same Benefits, and be held in the same Manner, and be subject to the same Restrictions, and disposed of in the same Manner in so far as it may not be subscribed for, as the previously created Stocks of the Company, and the Funds arising therefrom shall be wholly applied to the Purposes of the said recited Act and of this Act.

Power to provide a Fund to meet gradual Deterioration of Company's Works.

VII. And whereas the Buildings, Machinery, Apparatus, and Utensils belonging to the said Company, and in particular the Iron Work, are continually subject to Deterioration and Decay; be it further enacted, That at each Annual Balance not less than One Pound *per Centum* on the Money which shall have been expended upon the whole Works of the Company from their Commencement shall be annually set aside from the Profits of the said Company as a Fund to meet the Expences of providing for such Deterioration and Decay of the said Company's Works, Apparatus, Pipes, Houses, Buildings, and Erections, which shall be invested and the Interest thereof applied in the same Manner as is directed by the said recited Act in reference to the contingent Fund therein mentioned, and the Whole or any Part thereof may from Time to Time be laid out, under the Directions of a General Meeting of the said Company, called as aforesaid, in making such Repairs, Additions, and Improvements as may be found necessary or expedient, over and above the ordinary annual and occasional Repairs which are necessarily chargeable against the Revenue of the said Company.

Summary Form of Proceeding for Rates.

VIII. And be it further enacted, That in case any Person or Persons who shall have contracted with the said Company or otherwise agreed to take, or shall have taken, used, or enjoyed, the Benefit of the said Gas in their private Dwelling Houses, Manufactories, Shops, Inns, Taverns, or otherwise, shall refuse or neglect, for the Space of Fourteen Days after Demand, to pay the Sum or Sums then due for the same to the said Company or others acting by their Authority, according to the Terms and Stipulations of his, her, or their Contract or Agreement with the said Company, it shall be competent to the said Company, by their Clerk or Treasurer, or any Person or Persons acting by or under their Authority, to certify that the same is due and in arrear after such Demand made, and thereafter by Warrant under the Hand and Seal of the Sheriff of *Renfrewshire* or any of his Substitutes, the Provost or Baillies of *Paisley*,

*Paisley*, or any One or more Justices of the Peace for the County of *Renfrew*, not being Partners or Shareholders of the said Company, which such Judge or Judges are hereby empowered and required to grant, to levy the said Sum or Sums of Money so due by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus, if any, to such Person or Persons, after the necessary Charges attendant on such Distress and Sale shall be first deducted; and the Amount of such Charges and Expences shall be liable from Time to Time to be regulated and controlled by the Justices of the Peace of the said County in Quarter Sessions assembled.

**Summary Form for Prosecution for Penalties.**

IX. And be it further enacted, That it shall be lawful for the said Sheriff or any of his Substitutes, Provost or Baillies of *Paisley*, or any Justice of the Peace for the County of *Renfrew*, to whom Complaint shall be made of any Offence against the said recited Act or this Act, and they are hereby required, to summon the Offender before him, and on such Summons for such Judge or Judges to hear and determine the Matter of such Complaint, and on Proof of such Offence, by the voluntary Confession of the Party or Parties accused, or by the Oath of the Manager, Engineer, or Inspector of the Company, or of any credible Witness or Witnesses, to convict the Offender or Offenders, and to adjudge him or them 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 Judge or Judges, provided that in the Conviction and Warrant he or they shall record the Date and Nature of the Offence, and the Nature of the Evidence on which such Conviction proceeds; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information or Complaint in Writing was or had been exhibited; and such Judge or Judges are hereby authorized and required to issue his or their Warrant to levy such Penalties or Forfeiture, and such Costs as may be awarded, by Distress and Sale, in manner aforesaid, of the Goods and Chattels of the Person or Persons so convicted.

**For recovering Rates, &c.**

X. And be it further enacted, That the Warrants for recovering Arrears of any Rates, or of any Penalty or Penalties imposed by the said recited Act or this Act, may include more Persons than One, and shall be in the Words or to the Effect mentioned in Schedules (A.) and (B.) annexed to this Act; and the Clerk to the said Judge or Judges respectively issuing such Warrants shall be at liberty to charge, and to recover from the Person or Persons liable in such Arrears or Penalty, Sixpence and no more for the Name of each and every Person included in such Warrants; and it shall be optional to or in the Power of the said Company, or of their Clerk or Treasurer, or other Person authorized by the said Company, to recover such Rates or Penalties, either according to the Forms and in the Manner prescribed by the said recited Act or by this Act, or according to the Forms of the Common Law of *Scotland*.

Annual Allowance to Committee of Management.

XI. And be it further enacted, That a Sum not exceeding One hundred and twenty Pounds annually shall be paid to and among the Committee of Management, for their Trouble and Attention in managing the Affairs of the said Company, according to such Regulations as shall be determined by any annual or other General Meeting of the Company.

Expence of Act.

XII. And be it further enacted, That the Expence attending the applying for, obtaining, and passing this Act shall be defrayed out of the Profits of the said Company in Portions annually of Twenty Pounds *per Centum* of the whole Amount.

Authority to lend or hire out Meters, which shall not be subject to Lien or Hypothec.

XIII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, or their Committee of ordinary Directors, or their Quorum, to lend or hire out any Meter or Meters for ascertaining the Quantity of Gas consumed or supplied, for such Rate of Premium or Hire as shall be agreed upon, and such Premium or Hire shall be recoverable in the same Manner as the other Rates due to the said Company; and such Meter or Meters shall not be subject to the Rights of Hypothec of the Landlords or Setters of the Premises where such may be used, for Rent, nor for any Lien or Hypothec known in the Law of *Scotland;* any Law or Practice to the contrary notwithstanding.

Power to place Pipes.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, or any Person or Persons acting by and under their Authority, to lay Pipes in Roads common to different Persons, where no Damage can be sustained excepting by the temporary Inconvenience of laying such Pipes, the Amount of such Damage, if any, being to be fixed by the Sheriff of *Renfrewshire* or any of his Substitutes, on the Application of any Person having Interest in such Roads; and also to ereet such Pipes in common Stairs, and on the Outside of the back Walls of any Tenements or Buildings, as may be necessary for lighting the upper Floors of such Tenements, the said Pipes to be carried up in the Place most convenient for that Purpose, and so as to do as little Damage as possible; and in case of any Dispute between the said Company and the Proprietors or Possessors of the said Tenement, as to the Place most convenient, the Place shall be determined by the Court of Lyners of the Burgh of *Paisley*, if within the Burgh, and if in the Suburbs, by the Sheriff of *Renfrewshire* or any of his Substitutes; and the Determination of such Court of Lyners, Sheriff, or his Substitutes shall be final, and shall not be subject to Review or Reduction.

Penalty for the Injury of Meters.

XV. And be it further enacted, That it shall be lawful for the Clerk, Engineer, or other Officer duly appointed for that Purpose by the said Company, to inspect all and every Building or Buildings, and Place or Places lighted with Gas supplied by the said Company; and if in any such Building or Buildings, Place or Places, any Meter or Meters which may be used for ascertaining the Quantity of Gas consumed or supplied shall be in any way injured, destroyed, or fraudulently altered, the Person or Company making use of such

Meter or Meters which shall be so injured, destroyed, or fraudulently altered shall for every such Offence forfeit and pay to the said Company a Penalty not exceeding Ten Pounds, to be recovered summarily as aforesaid.

Penalties on improper Consumption of Gas.

XVI. And be it further enacted, That if any Person or Persons shall place or cause to be placed any Burner or Burners, or Pipe or Pipes, to communicate with any Pipe belonging to the said Company, without the Consent of the said Company first had and obtained, or shall use any Burner or Burners of larger Dimensions or of a different Form, or more in Number, or for a greater Space of Time than he or she or they respectively shall contract or pay for, or shall wilfully enlarge the Aperture of any Burner so as by any Means to waste or improperly increase the Consumption of Gas, or shall attach any Wire or Wires or other Substances above or across the Orifice of any Burner or Burners, every such Person shall either forfeit his, her, or their Contract, and all Benefit therefrom, and any Payment he, she, or they may have made to account thereof, or be held still bound, to implement the same, in the Option of the said Company, and shall also forfeit and pay to the said Company the Sum of One Pound for every Day or Part of a Day that such Burner or Burners, or Pipe or Pipes, shall so communicate, or that such Burner or Burners of larger Dimensions, or of a different Form, or more in Number than contracted for, shall be used, or such Waste or improper Use or Increase of the Consumption of Gas shall continue, to be recovered summarily as aforesaid.

For preventing Contamination of Water.

XVII. And be it further enacted, That whenever the Water of any Owner or Company of Proprietors of Waterworks shall be contaminated or affected by the Gas of the said Company, such Company shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and shall be applied to and for the Use and Benefit of the said Owner or Company of Proprietors of the Waterworks affected thereby; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case and Cases the said Company shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Clerk or Surveyor to the said Owner or Company, or by any Person or Persons consuming the Water, 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 effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting the Water of the said Owner or Company of Proprietors; 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 to the Treasurer for the Time being, or to any One of the Directors for the Time being

being of the said Owner or Water Company, for the Use and Benefit of the same Proprietors, over and above the before-mentioned Penalty of Twenty Pounds to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which the said Water shall be and remain contaminated tainted, or affected by the Gas of the said Company, and in default of Payment thereof as aforesaid such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath of One credible Witness, by and in the Name of any One or more of the Directors of any such Water Company prosecuting such Information against the said Company, before any Justice of the Peace, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties, and Costs, when so levied, shall be paid to the Treasurer or to the Directors for the Time being of the said Company the Water of which shall be contaminated or affected by Gas.

For ascertaining if Water be contaminated.

XVIII. And whereas it may be or become a Question upon such Complaint as aforesaid whether the said Water be contaminated or affected by the Gas of the said Company; be it therefore enacted, That in every such Case it shall be lawful for any such Company of Proprietors for supplying with Water to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said *Paisley* Gas Light Company, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Company, and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Company, the Costs and Expences of the said Digging, Search, Examination, and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed shall be borne and paid by the said Company, which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Gas Light Company, then and in such Case, such Company of Proprietors for the supplying with Water shall bear and pay all the Expences of such Examination, Repair, and Search, and also make good to the said Gas Light Company any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Gas Light Company in and by such Search and Examination, and also to the Pavement of the said Streets so broken or disturbed in such Search or Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined (if necessary) by such Justice or Justices of the Peace as aforesaid, and recoverable in like Manner as any Penalty may be recoverable by virtue of this Act.

Saving Rights of the Public to proceed

XIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from proceeding, by Indictment or otherwise,

wise, against any of the Officers, Servants, or Workmen of the said Company, in respect of any Works, or the Means which shall be employed by them in making the said Gas, or using the same, or furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Action or Actions against the said Company, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury shall proceed from the Preparation or the Use of the same Gas, or Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever. against the Company.

XX. And be it further enacted, That all the Powers, Authorities, Provisions, Regulations, Directions, Privileges, Penalties, Forfeitures, Clauses, Restrictions, Limitations of Responsibility of Shareholders, and other Matters and Things contained in the said recited Act, so far as the same are not altered or varied by this Act, shall extend, and be construed to extend, and be in force and be put in execution, for the Purposes of this Act, as fully and effectually as if the same and every Part thereof were repeated and re-enacted in this Act. Former Act to be construed with this Act.

XXI. And be it further enacted, That any Action or Prosecution to be brought by any Person or Persons against the said Company, for or in respect of any Act, Matter, or Thing done by the said Company under the Powers of the said recited Act or this Act, shall and may be so brought within Three Months after the Act, Matter, or Thing complained of shall have been done, but not thereafter. Limitation of Actions.

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

## Schedule (A.)

*Paisley.* Sums owing.

*A. B.*
*C. D.*

WHEREAS the Persons above named [*or* described], residing in *Paisley*, [*or* in the Abbey Parish of *Paisley*, *as the Case may be*,] are owing the Sums above mentioned to the *Paisley* Gas Light Company for Gas Light used by them, which they have refused or neglected to pay for at least Fourteen Days after being demanded, as is certified to me [Sheriff, Provost, Bailie, *or* Justice, *as the Case may be*,] by the subscribed List of , Clerk or Treasurer to the said Company: These are therefore ordering you Officers or Constables of the said County to levy the said several Sums hereinbefore mentioned, and the reasonable Costs, by Distress and Sale of the respective Goods and Chattels of the Persons aforesaid, rendering to them respectively the Overplus (if any), the reasonable Charges of such Warrants, Distress, Sales, and Keeping being first deducted. Given under our Hands and Seals, this Day of

## Schedule (B.)

WHEREAS *A. B.* was brought before me, [Sheriff *or* Sheriff Substitute of *Renfrewshire*, Provost *or* Bailie of *Paisley*, *or* One of His Majesty's Justices of the Peace of the County of *Renfrew*, *as the Case may be*,] and accused of [*here mention the Offence*], in contravention of the Acts of Parliament in favour of the *Paisley* Gas Light Company, and having judicially admitted the same in my Presence [*or* the same having been satisfactorily proved by Witnesses], he was convicted of the said Offence by me, and fined in the Sum of payable to the *Paisley* Gas Light Company; These are therefore ordering you Officers or Constables of the said County to levy the said Fine by Distress and Sale of the Goods and Chattels of the said rendering to him the Overplus (if any), the reasonable Charges of such Warrant, Distress, Sale, and Keeping being first deducted. Given under our Hands and Seals, this Day of

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