ANNO QUARTO

GEORGII IV. REGIS.

Cap. v.

An Act for lighting with Gas the Town and Borough of *Plymouth*, and Places adjacent, in the County of *Devon*. [24th *March* 1823.]

WHEREAS the Town and Borough of *Plymouth* in the County of *Devon* are large and populous, and it would be of great Benefit to the Inhabitants thereof and to the Public at large if the Streets and other public Passages and Places therein were better lighted: And whereas Inflammable Air, Carburetted Hydrogen or Coal Gas, Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil may be procured from Coal, and such Inflammable Air and Gas may also be obtained from Oil or other Materials: And whereas the said Inflammable Air being conveyed by means of Pipes may be safely and beneficially used for lighting the several Streets, Highways, Roads, Lanes, Passages, Market Places, and other public Places within the said Town and Borough, and Places adjacent, and for lighting Dwelling Houses, Shops, Counting Houses, Warehouses, Manufactories, and other Buildings: And whereas the several Persons herein-after named, together with other Persons, are willing and desirous at their own Costs and Charges to effect the several Purposes aforesaid; but such beneficial Purposes cannot be carried fully and completely into Execution without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority

Proprietors. Authority of the same, That *Richard Bayly*, *John Bayly*, *William Harson Bayly*, *Charles Bostock*, *John Burnell*, *William Burnell* the younger, *John Burnett*, *Thomas Coates*, *Abraham Cole*, *William Curgenven*, *John Dickins*, *Charles Lock Eastlake*, Sir *William Elford* Baronet, *Jonathan Elford*, *Thomas Were Fox*, *James Fox*, *Samuel Fuge*, *Thomas Gill*, *John Edgcumbe Gill*, *John Harris*, *Christopher Harris*, *Joseph Hingston*, *William Hook*, *John Johnson*, *John Johnson* the younger, *Richard King*, *James King*, *Edmund Lockyer*, *Charles Christopher Lockyer*, *Edward Nettleton*, *Walter Prideaux*, *Joseph Pridham*, *John Drake Pridham*, *Sarah Ann Radcliffe*, *Richard Rosdew*, *John Saunders*, *John Tingcombe*, *John Warrick*, and *John Westcott*, and all and every such other Person or Persons as shall from Time to Time become Proprietors of the Undertaking hereby established as herein-after is mentioned, their respective Successors, Executors, Administrators, and Assigns, shall be and are hereby united into a Company for supplying the Town and Borough of *Plymouth*, and Places adjacent respectively, in the County of *Devon*, with Inflammable Air or Gas, and making and maintaining the Works necessary for that Purpose, under the Regulations herein-after contained, and shall be one Body Politic and Corporate, by the Name of "The *Plymouth* Oil Gas Light Company," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, plead and be impleaded at Law or in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment against any Person or Persons who shall commit any Felony, Misdemeanor, or other Offence indictable by the Laws of this Realm; and that the said Company shall be established for the Purpose of making Inflammable Air or Gas, and to sell and dispose of the same respectively in such Manner as they shall think proper; and shall have full Power from Time to Time to enter into and make any Contracts, or to agree with the Commissioners acting under Three several Acts of Parliament; (that is to say), the first made and passed in the Tenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for paving, lighting, and watching the Town of* Plymouth *in the County of* Devon, *and for regulating the Carmen and Porters within the said Town*; another made and passed in the Twelfth Year of the Reign of His said late Majesty, intituled *An Act to explain and amend an Act passed in the Tenth Year of His present Majesty's Reign, for paving, lighting, and watching the Town of* Plymouth *in the County of* Devon, *and for regulating the Carmen and Porters within the said Town*; and the other made and passed in the Fourteenth Year of the Reign of His said late Majesty, intituled *An Act to explain and amend Two Acts made in the Tenth and Twelfth Years of His present Majesty's Reign, for paving, lighting, and watching the Town of* Plymouth *in the County of* Devon, *and for regulating the Carmen and Porters within the said Town*, or any other Commissioners who for the Time being shall have the Controul, Direction, or Management of the lighting or otherwise improving the said Town and Borough and Places adjacent, or any Part thereof, under the Authority of any Act or Acts of Parliament which now is or are or hereafter shall be in force for that Purpose, or with any Person or Persons, Trustees, Bodies Politic, Corporate, or Collegiate, or Corporations Aggregate or Sole, who may be willing to contract with the said Company (and who are hereby respectively empowered to contract with the said Company,) for the lighting of the said Town and Borough of *Plymouth* and Places adjacent, or any

Company incorporated.

Their Style.

10 G. 3. c. 14.

12 G. 3. c. 8.

14 G. 3. c. 8.

Streets,

Streets, Highways, Roads, Lanes, Passages, Market Places, and other public Places therein, and also for lighting Dwelling Houses, Shops, Counting Houses, Warehouses, Manufactories, and other Buildings, or any of them, within the said Town and Borough and Places adjacent, or either of them, and also to sell and dispose of such Oil and other Produce and Materials as aforesaid.

Power to contract for the Purchase of Lands and Buildings.

II. And be it further enacted, That in order to enable the said Company to construct or make Gasometers and other necessary Works, and to erect any Manufactory or Manufactories or other Buildings for the Purposes of this Act, it shall and may be lawful to and for the said Company, or their Committee of Management herein-after mentioned, and they are hereby empowered to treat, contract, and agree for the absolute Purchase of any Lands, Tenements, or Hereditaments, not exceeding in the Whole Two Acres, within the said Borough of *Plymouth*, with any Body Politic, Corporate, or Collegiate, or any Tenant or Tenants for Life, or in Fee Tail General or Special, or with any Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, or other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves, and also with all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or with any Person or Persons whomsoever who shall be willing to sell the same, or his, her, or their Right and Interest in the same, for the Uses and Purposes of this Act, and upon Payment of the Purchase Money for any such Lands, Tenements, or Hereditaments to the Parties or Persons respectively entitled thereto, or upon Payment thereof into the Bank of *England* in manner by this Act directed (as the Case may be) such Lands, Tenements, and Hereditaments may be taken and used for the Purposes of this Act; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title, Claim or Reversion to such Lands, Tenements, or Hereditaments, and the same Lands, Tenements, or Hereditaments shall vest in the *Plymouth* Oil Gas Light Company, and it shall and may be lawful to and for the said Company to hold such Lands, Tenements, and Hereditaments, and any Term, Right, and Interest therein so purchased, without incurring or being subject or liable to any of the Penalties or Forfeitures of the Statutes of Mortmain, or any other Law or Statute whatsoever; and also to sell or dispose of the said Lands, Tenements, or Hereditaments or any of them, as they shall think proper, and purchase and hold other Lands, Tenements, or Hereditaments in like Manner.

Bodies Politic empowered to sell.

III. And be it further enacted, That it shall and may be lawful to and for 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 respectively,

ively, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves; and also to and for all Femes Covert, who are or shall be seised, possessed of, or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, or any Part thereof, which shall be thought necessary by the said Company to be purchased for the Uses and Purposes of this 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 for the Purposes of this Act; and all Contracts, Bargains, Sales, and Conveyances which shall be so made by virtue and in pursuance of this Act, shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, and without Enrolment, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of their said several Cestuique Trusts, and all Persons whomsoever claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion, expectant on any such particular Estate; and the same shall be deemed and considered to bar the Dower and Dowers of such Person and Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons claiming under them, as effectually as Fines or common Recoveries would do if levied or suffered by the proper Parties in due Form of Law; any Law, Statute, or Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies 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, Trustees, and all and every other Person and Persons is and are and shall be indemnified for what he, she, or they shall lawfully do by virtue and in pursuance of this Act.

Application of Compensation Money exceeding 200*l*.

IV. And be it further enacted, That if any Money shall be contracted and agreed to be paid for any Lands, Tenements, or Hereditaments, purchased by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Corporate, Collegiate, or Ecclesiastical, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as aforesaid, such Money 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 High Court of Chancery, to be placed to his Account *ex parte* "The *Plymouth* Oil Gas Light Company," to the Intent that such Money may be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Heredita-

ments, in the Purchase of Land Tax, 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 said Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing and being settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, and 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 Messuages, Lands, Tenements, and Hereditaments which shall be purchased 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, 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 Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were then actually made.

When less than 200l. and exceeding 20l.

V. Provided always, and be it further enacted, That if any Money so contracted and agreed to be paid for any Lands, Tenements, or Hereditaments, to be purchased for the Purposes aforesaid, and belonging to any Body Corporate, Collegiate, or Ecclesiastical, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, or of his, her, or their Guardian or Guardians, Committee or Committees, in cases of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner hereinbefore directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be named by the Person or Persons making such Option, and approved of by Three or more of the Committee of Management of the said 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 to arise 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 High Court of Chancery.

When not exceeding 20*l*.

VI. Provided also, and be it further enacted, That where such Money so contracted and agreed to be paid as last before mentioned, shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased for the Purposes of this Act, in such Manner as the said Committee of Management, or any Three 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.

Persons in Possession deemed presumptively entitled.

VII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the High Court of Chancery, 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 so 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 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 Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn 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 appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Expences of Purchases to be allowed by the Court of Chancery.

VIII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporations, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and 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, and the said Court is hereby directed to order the Expences of all Purchases, and of all Applications to the said Court from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said 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.

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

IX. And be it further enacted, That upon Payment of the Money so contracted or agreed to be paid for the Purchase of such Lands, Tenements, or Hereditaments, or any Estate, Right, or Interest therein, by the said Company, to the Party or Parties, or Person or Persons respect-

ively entitled to such Monies, or their Agents, or upon Payment thereof into the Bank of *England*, for the Purpose of being disposed of in manner herein-before directed, as the Case may be, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law or Equity, of the Party and Parties, and Person and Persons respectively, to whom or for whose Use the same shall be paid, into and out of such Lands, Tenements, or Hereditaments, shall vest in the said Company and their Successors for ever, for effecting the Uses and Purposes of this Act.

Form of Conveyance.

X. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments to be made to the said Company and their Successors, shall be made in the Form or to the Effect following; (that is to say),

'I, [*or* We, *as the Case may be*] of in Consideration 'of the Sum of to me [*or* us] paid by the *Plymouth* 'Oil Gas Light Company, established under an Act passed in the Fourth 'Year of the Reign of King *George* the Fourth, intituled *An Act* [*here* '*insert the Title of this Act,*] do hereby grant and release [*or* assign, *as* '*the Case may be*] to the said Company of Proprietors, and their Succes- 'sors, all [*here describe the Premises to be conveyed*], and all my [*or* our] 'Right, Title, and Interest in and to the same, and every Part thereof; 'to hold to the said Company of Proprietors, and their Successors and 'Assigns for ever, [*or as the Case may be*] during all the Remainder of 'my [*or* our] Term, Estate, or Interest in the said Premises. In Witness 'whereof, I [*or* we] have hereunto set my Hand and Seal, [*or* our 'Hands and Seals] this Day of in the Year of our 'Lord One thousand eight hundred and .'

Re-sale of Lands not wanted.

XI. And be it further enacted, That it shall and may be lawful for the said Company to sell and dispose of, and by Indenture or Indentures under their Common Seal to grant and convey, by way of absolute Sale in Fee Simple, for a Consideration in Money, all or any Part or Parts of the Lands, Tenements, or Hereditaments which may have been so purchased, and which shall not be wanted for the Purposes 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 and may be lawful for the Treasurer 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 and thereby expressed or acknowledged to be received; and such Person or Persons, having *bonâ 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.

Capital Stock to be 5,000*l.*

XII. And be it further enacted, That the Capital or Joint Stock of the said Company, to be applied and used in establishing and carrying on the said Undertaking and the Purposes aforesaid, shall be the Sum of Five thousand Pounds; and that the said Company shall not be authorized to enter upon the Execution of any of the Works for which Powers are hereby given, until the Whole of the said Sum of Five thousand Pounds shall have been subscribed for that Purpose.

XIII. And

Subscribers to share in the Stock in proportion to their Subscriptions.

XIII. And be it further enacted, That all and every Person and Persons by or for whom any Subscription hath been made or accepted, or by or for whom any Subscription shall be made or accepted, or any Payment made pursuant to the Orders of any General Meeting or Meetings to be held by the said Company for that Purpose, for or towards the raising of the said Capital Sum of Five thousand Pounds as aforesaid, his, her, or their Executors, Administrators, and Assigns respectively (no such Subscription being less than Fifty Pounds,) shall have and be entitled to a Share of and in the said Capital Joint Stock of the said Company, in proportion to the Monies which he, she, or they shall contribute, or shall have so contributed towards making up the same, and shall have and be entitled to a proportionable Share of the Profits and Advantages attending the Capital Stock of the said Company, and shall be admitted to be a Proprietor or Proprietors of and in the same.

Stocks to be divided into Shares of 50*l.* Sterling each, and to be Personal Estate.

XIV. And be it further enacted, That the said Sum of Five thousand Pounds shall be divided into Shares of Fifty Pounds Sterling each; and that no Person or Persons shall be a Subscriber or Subscribers for a less Sum than Fifty Pounds Sterling; and that all Shares in the said Undertaking, and in the net Profits and Advantages thereof, shall be deemed Personal Estate, and not of the Nature of Real Property, and as such Personal Estate shall be transmissible accordingly: Provided nevertheless, that no Person shall at any Time hereafter hold more than Ten Shares in the said Undertaking, otherwise than by Devise, or by virtue of the Statutes of Distribution of Intestates Effects.

Power to raise more Money, if necessary, by Loan or new Shares.

XV. And be it further enacted, That in case the aforesaid Sum of Five thousand Pounds shall be found insufficient for the Purposes of this Act, then it shall be lawful for the said Company from Time to Time to raise any further Sum or Sums of Money for completing or extending their Undertaking, and defraying all necessary Charges relating thereto, not exceeding in the whole the Sum of One thousand Pounds, either by Way of Loan on Security of the Property and Effects belonging to the said Company, or by raising and creating new and additional Shares in the said Concern, or by both of the said Ways and Methods; and in case it shall at any Time or Times be deemed advisable by the said Company to raise any Part or Parts of the said further Sum of One thousand Pounds by way of Loan, then it shall be lawful for the said Company, or their Committee of Management for the Time being, by and with the Advice and Direction of any General Assembly of the said Company, to borrow and take up the same at Interest for the said Company, and thereupon to grant, execute, and deliver to or in favour of the Lenders thereof, such Mortgages, Bonds, Obligations, or other Securities, in Writing, as may be required, thereby binding the said Company, and the Estate, Stock and Trade thereof, for the Repayment of the Sum or Sums so borrowed, with Interest for the same; and in case it shall at any Time or Times be deemed advisable by the said Company to raise any Part or Parts of the said further Sum of One thousand Pounds by the Creation of new and additional Shares in the said Undertaking, then it shall be lawful for the said Company to raise the same amongst themselves, in such Proportions as to them shall seem meet, or by the Admission of new Subscribers into the said Concern, and for that Purpose to create such Number of new and additional Shares of Fifty Pounds each as may be deemed expedient; and

every Subscriber towards raising such further Sum by Shares shall be a Proprietor in the said Undertaking, and shall have a like Vote for himself or herself, or his or her Proxy, in respect of every Share in the said additional Sum so to be raised, and shall also be liable to such Forfeitures, and stand interested in all the Profits, Privileges, and Advantages of the said Undertaking, and shall be liable to the like Burthens, in proportion to the Amount of his, her, or their Subscriptions, as generally and extensively to all Intents and Purposes as if such further Sum had been originally part of the said Capital Stock of Five thousand Pounds; any thing herein contained to the contrary thereof in anywise notwithstanding.

To compel Payment of Subscriptions.

XVI. And be it further enacted, That the several Persons who have subscribed for or towards the said Undertaking, or who shall at any Time hereafter have or hold any Share or Shares in the same, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, and to be subscribed for, or such Parts or Portions thereof as shall from Time to Time be called for, pursuant to or by virtue of the Powers and Directions of this Act, at such Times and Places, to such Person or Persons, and in such Manner as shall be ordered and directed by the Committee of Management herein-after mentioned; and in case any Person or Persons shall refuse to pay any such Money at such Times and in such Manner as shall be ordered and directed by the Committee of Management as aforesaid, it shall be lawful for the said Company to sue for and recover the same by Action of Debt, or otherwise, in either of His Majesty's Courts of Record at *Westminster*, together with lawful Interest for the same from such appointed Time of Payment, and all Costs of Suit, from such Person or Persons; or in Cases where Two or more Persons shall have jointly subscribed for or be jointly possessed of any One or more Share or Shares in the said Undertaking, then from all, any, or either of such Persons.

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

XVII. 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 have subscribed for, or may at any Time hereafter be entitled to, a Share or Shares in the said Undertaking, with the Number of such Share or Shares, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Register Book to be kept by their Clerk; and after such Entry, a Certificate, under the Common Seal of the said Company, shall be delivered to every Proprietor upon Demand, specifying the Share or Shares to which he or she is entitled in the said Undertaking, and such Certificate shall be admitted in all Courts whatsoever as Evidence of the Title of such Proprietor, his or her Executors, Administrators, or Assigns, to the Share or Shares therein specified, but the Want of such Certificate shall not hinder the Owner from selling or disposing thereof; and in case such Certificate shall not be produced or forthcoming, the said Entry, or a true Copy thereof, shall be deemed sufficient *prima facie* Evidence of Title.

The Person whose Name stands first for divided Shares to be deemed the Owner.

XVIII. And be it further enacted, That 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 a Proprietor of such Share or Shares shall, for the Purposes of this Act, be deemed and taken to be the Owner or Proprietor

prietor of such Share or Shares; and all Notices hereby required to be given to the Owner or Proprietor of any Share or Shares in the said Undertaking shall and may be given to such Person whose Name shall so stand first in the Books of the said Company; and such Notice to such Person shall be deemed and taken to be a Notice to all the Owners or Proprietors of such Share or Shares, for all the Purposes for which such Notice is intended to be given to the Owner or Proprietor of any such Share or Shares; and such Owners or Proprietors shall be entitled to give their Vote or Votes in respect thereof by the Person whose Name shall stand first in the Books of the said Company, as Proprietor of such Share or Shares, and his or her Vote shall, on all Occasions, be deemed and allowed to be the Vote for or in respect of the whole Property in such Share or Shares, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share or Shares.

For ascertaining the Proprietorship of Shares in certain Cases.

XIX. And whereas, in case any original Holder or Proprietor of One or more Share or Shares in the said Undertaking shall die, become Insolvent or Bankrupt, or go out of the Kingdom, or shall transfer his or her Right and Interest to some other Person, and no Register shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of any Officer acting for the said Company to ascertain who is or are the Owner or Proprietor or Owners or Proprietors of such Share or Shares, in order to give him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, Notice or Notices of Calls to be made on such Share or Shares, or to maintain any Action or Actions, Suit or other Proceedings, against him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, for the Recovery of the same, or for the Purpose of safely paying to him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, the Interest or Dividends to which he, she, or they may be entitled by virtue thereof; be it therefore enacted, That in all Cases where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the Original Subscriber or Subscribers, or any Proprietor or Proprietors thereof, to any other Person or Persons, by any other legal Means than by a Transfer and Conveyance thereof, in the Form and Manner herein specified, an Affidavit shall be made and sworn to by Two credible Persons, before a Master Extraordinary of His Majesty's High Court of Chancery, or One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns; and such Affidavit shall be delivered to and left with the Clerk of the said Company, to the Intent that he may preserve the same, and enter and register the Name or Names of every such other Proprietor or Proprietors in the Register Book or List of Subscribers and Proprietors in the said Undertaking, to be kept in the Office of the said Company or of their Clerk; and in all or any of the said Cases, after Three Calendar Months Notice in Writing shall have been given by the said Clerk to the Owner or Owners of such Share or Shares, or left at his, her, or their last or usual Place or Places of Abode, to pay his, her, or their Proportion of Money so to be called for, and such Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns, shall not have paid such his, her, or their Proportion as aforesaid, it shall

be lawful for the said Company, at any General Meeting after the Expiration of such Notice, to declare the same Share or Shares to be forfeited; and in such Case the same shall be and become forfeited, and shall and may be sold and disposed of in such Manner as the said Company at any Meeting or Meetings shall direct; or otherwise become consolidated in the General Fund of the said Company.

Proofs required where Rights accrue by Marriage or Death.

XX. 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, an Affidavit containing a Copy of the Register of such Marriage, or the Purport of such Register, shall be made and sworn to by some credible Person, before a Master or a Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be delivered to and left with the Clerk for the Time being of the said Company, who shall preserve the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers and Sales of Shares in the said Undertaking; and the said Clerk 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 shewn to the said Clerk, 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; and the said Clerk shall be paid for every such Entry the Sum of Two Shillings and Sixpence, and no more, before any Person or Persons shall be entitled to sell and assign such Share or Shares, or to claim Payment of any Dividend or Dividends in respect thereof: Provided nevertheless, that no Bequest or Clause in any such Will contained shall bind or affect or be construed to bind or affect the said Company with Notice of any Trust or Disposition of any Share or Shares in the Joint Stock of the said Company, or the Gains and Profits thereof, but the Registry of any such Share or Shares shall be in the Name or Names of the Executor or Executors who shall prove the Will of such Testator, or the Administrator or Administrators of his Effects, whose Receipt or Receipts to the said Company for the Gains and Profits thereof, and to any Purchaser or Purchasers for the Amount of the Purchase Money paid upon the Sale and Conveyance of such Share or Shares, shall be good and effectual, and shall bind the Cestuique Trusts, and all other Persons claiming Interest under such Testator; any Rule of Law or Equity to the contrary notwithstanding.

Shares may be transferred.

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

Form of Transfer.

'I Sum of of in consideration of the Sum of paid to me by of do hereby bargain, sell, assign, and transfer to the said the Sum of Capital Stock of and in "The *Plymouth* Oil Gas Light Company," being my Share [*or* Shares] Number [*or* Numbers] therein; to hold to the said his Executors, Administrators, and Assigns, subject to the same Rules, Orders, and Restrictions, and on the same Conditions, that I held the same immediately before the Execution hereof: And I the said do hereby agree to take and accept the said Share [*or* Shares], subject to the same Rules, Orders, Restrictions, and Conditions. As witness our Hands this Day of in the Year of our Lord One thousand eight hundred and .'

Transfers to be registered.

And every such Transfer shall be registered in the Books of the said Company, by an Entry of the Date, Names of the Parties, and the Number of Shares transferred, for which Entry or Registering the Sum of Two Shillings and Sixpence, and no more, shall be paid to the Clerk or other Officer making the same; and a Copy of such Register, signed by the Clerk or other such Officer of the said Company, shall be sufficient Evidence of every such Sale and Transfer, and shall be accounted as such in all Disputes, and in all Trials before any Court, and by all Judges, Justices and others, in the United Kingdom; and that until such Transfer shall be entered or registered in the Books of the said Company as aforesaid, no Purchaser or Purchasers of any Share or Shares in the said Undertaking, or in the Profits and Advantages thereof, shall receive any Interest or Dividend for or in respect of such Share or Shares so purchased, nor be entitled to vote at any Meeting or Meetings as Proprietor or Proprietors of the said Undertaking.

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

XXII. Provided always, and be it further enacted, That after a Call for Money shall have been made by virtue of this Act, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, after the Day appointed for Payment of the said Call, until the Money called for in respect of his, her, or their Share or Shares intended to be sold shall be paid; and that until such Money so called for shall be paid every such Sale or Transfer of any Share or Shares shall be void; and such Share or Shares shall be liable to Forfeiture under the Provisions herein contained in such and the same Manner as if no such Sale and Transfer had been made.

Regulations for Meetings of the Company.

XXIII. And be it further enacted, That the Affairs and Concerns of the said Company shall be conducted and managed under and subject to the several Rules and Regulations herein-after contained; that is to say, the Proprietors of Shares in the said Undertaking shall assemble together at the Guildhall of the Borough of *Plymouth*, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, within Twenty-one Days next after the passing of this Act, or as soon after as conveniently may be, and shall then and there proceed in the Execution of this Act, and shall and may adjourn to or shall assemble at such other Times and Places as they shall be duly convened in manner herein-after mentioned; and every such Assembly shall be styled a General Meeting, and

Lamps, unless from unavoidable Necessity; in any or either of which Cases the said Commissioners or Trustees respectively shall make Compensation to the said Company for such Damage or Obstruction.

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

XLVIII. Provided also, and be it further enacted, That in case the said Company shall at any Time hereafter break up the Soil, Pitchings, Gutters, or Pavements of any private Ground, Road, or Way, for the Purpose of laying and shall lay any Pipe or Main along, under, or across the same, with the Consent of the Owner or Owners, and Occupier or Occupiers thereof for the Time being; and such Owner or Owners and Occupier or Occupiers shall, at any Time or Times thereafter, deem it necessary or expedient to alter and vary the Position of such Pipe or Pipes, Main or Mains, the said Company of Proprietors shall, at the Expence, Costs, and Charges of such Owner or Owners and Occupier or Occupiers respectively, within One Calendar Month next after being required so to do by Notice in Writing to them given by the said Owner or Owners and Occupier or Occupiers, alter and vary the Position of such Pipe or Pipes, Main or Mains, 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 Pipe or Pipes, Main or Mains, to be altered, varied, and relaid as aforesaid, so that no Damage be done thereby to the said Company or their Successors; and so that they be not thereby, during the Time of making such Alteration or afterwards, prevented from or obstructed in lighting any public or private Lamp or Lamps, unless from unavoidable Necessity; in any or either of which Cases the said Owner or Owners and Occupier or Occupiers shall make Compensation to the said Company for such Damage or Obstruction.

Non-attendance of Surveyor of Commissioners not to retard the Works.

XLIX. Provided always, and be it further enacted, That in case the Surveyor for the Time being of the said Commissioners or Trustees respectively, shall refuse or neglect to attend to inspect any of the Works hereby directed to be done under his Inspection, and which shall have been consented to by the said Commissioners or Trustees respectively, after being thereunto required for the Space of Twenty-four Hours, by Notice in Writing from the said Company or their Clerk, given to or left at the Place of Abode of the said Surveyor, the said Company are hereby fully authorized to do and perform such Works without the Inspection of such Surveyor; any thing herein contained to the contrary thereof notwithstanding.

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

L. Provided always, and be it further enacted, That in case any Pipe, Cock, or Branch shall be carried or laid from any Main or Pipe of the said Company into or through or against any private Dwelling House or Houses, Shops, Counting Houses, Warehouses, Manufactories, and other Buildings, for the Purpose of lighting the same or any other Dwelling House or Houses, Shops, Counting Houses, Warehouses, Manufactories, and other Buildings, in pursuance of and conformably to the Powers and Authorities

Authorities in this Act contained, and the Owner or Owners or Occupier or Occupiers of any such private Dwelling House or Houses, Shops, Counting Houses, Warehouses, Manufactories, and other Buildings into or through or against which such Pipe, Cock, or Branch shall pass or be laid, shall be desirous that the same Pipe, Cock, or Branch shall be altered or removed and taken away, and of such their Desire shall give Notice in Writing to the said Company, then and in every such Case the said Company shall, at the Costs and Charges of the Parties requiring the same, within Ten Days after Receipt of such Notice, alter or remove and take away or cause to be altered or removed and taken away all or any such Pipes, Cocks, and Branches as shall have been so introduced and laid therein or thereupon from any such Main or Pipe of the said Company as aforesaid; and in Default thereof it shall and may be lawful to and for such Owner or Owners or Occupier or Occupiers, or any other Person or Persons acting under their Authority, to cause such Pipes, Cocks, and Branches to be altered or removed and taken away as the Case may require.

Power of Commissioners of Pavements, &c. not to be affected.

LI. Provided always, and be it further enacted, That nothing in this Act contained shall have the Effect of depriving the said Commissioners for carrying into Execution the said Three several Acts made in the Tenth, Twelfth, and Fourteenth Years of His late Majesty's Reign, or their Successors, or any other Commissioners who for the Time being shall have the Controul, Direction, or Management of the paving, lighting, and otherwise improving the said Town and Borough, and Places adjacent, or any Part thereof, under the Authority of any Act or Acts of Parliament which now is or are or hereafter shall be in force for that Purpose, or any other Person or Persons, of any Right, Power, or Authority which they or any of them possess, or of interfering with any Right, Power, or Authority, which they or any of them may hereafter acquire, of lighting the Streets, Highways, Roads, Lanes, Passages, Market Places, and other Public Places within the said Town and Borough, and Places adjacent, with Gas Lights, or in any other Manner; or to defeat, abridge, alter, obstruct, or in any Manner interfere with the Rights, Powers, and Authorities of the said Commissioners, or to remove any of the Disabilities or Restrictions, or to take away any of the Penalties or Forfeitures contained in the said Three several Acts of Parliament, or imposed thereby; but that the said Acts, and all and every the Matters, Powers, Authorities, Privileges, Disabilities, Restrictions, Provisions, Articles, Rules, Penalties, Forfeitures, and Clauses therein contained, shall be and continue in full force and effect, to all Intents and Purposes whatsoever, so far as the same are not expressly varied, altered, or affected by the Provisions herein contained, or any of them, in such and the like Manner as if this Act had not passed:

For protecting the Water Works and Pipes.

LII. And be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Company in any Way whatsoever to interfere with or abridge the Rights or Privileges of the Mayor and Commonalty of *Plymouth*, or any Person or Persons whomsoever having the Right, Privilege, and Power to supply the Inhabitants of the said Borough, or the Neighbourhood thereof, or His

Majesty's Navy, with Water, and the said Company shall be and they are hereby made answerable for any Damage, Spoil, Injury, or Mischief, which shall be done to any of the Pipes, Works, or Property of the said Mayor and Commonalty, or the Pipes or Branches of any Person or Persons communicating with such Pipes, Works, or Property, or which shall or may be sustained by them, or any or either of them, by reason or in consequence of any Act, Matter, or Thing to be done or executed by the said Company, or any of their Agents, Servants, or Workmen; and the said Company shall and they are hereby required to pay the Amount of such Damage, Spoil, Injury, or Mischief on Demand, such Amount to be ascertained by any Justice of the Peace for the said Borough or County, and to be recovered in the same Manner as any Expences or Penalty under this Act may be recovered.

Company to be subject to all Acts of Parliament relating to Roads.

LIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Company, or any other Person or Persons whomsoever, to break, take up, or disturb the Ground, Stones, Soil, or Pavement, in or of any Road or Highway within the Limits of this Act, without the Consent in Writing of the Commissioners, Trustees, or other Persons, in whom the Superintendence, Property, or Controul of any such Road or Highway is by Authority of Parliament or otherwise howsoever vested, under the Hand or Hands of their proper Officer or Officers; and that all and every the Works, Matters, and Things at any Time hereafter to be done or performed by the said Company, or their Servants, Workmen, or others, in, upon, through, or over any such Road or Highway, shall be subject to the Provisions, Regulations, Penalties, and Notices, and all and every the Powers, Authorities, Provisions, Rules, Directions, Forfeitures, Claims, Matters, and Things, contained in any Act or Acts of Parliament for the making, amending, repairing, or improving any such Road or Highway, or otherwise relating thereto, so far as the same or any of them are applicable to Gas Light Companies, as fully and effectually as if the same had been amply re-enacted therein.

Gas Light Proprietors, being Commissioners of Paving, not to vote on Contracts with the Company.

LIV. Provided always, and be it further enacted, That no Person being a Proprietor of the said Company shall be entitled to be present and vote at any Meeting to be holden by the Commissioners acting under the said recited Acts of the Tenth, Twelfth, and Fourteenth Years of the Reign of His late Majesty, or any Commissioners to be appointed by any future Act for lighting the said Town of *Plymouth*, upon any Question which shall arise relative to any Contract to be entered into between the said Commissioners and the said Company for lighting the said Borough of *Plymouth* with Gas, or upon any other Matter or Question which shall relate to or in anywise concern the said Company in which such Proprietor shall be beneficially interested, upon pain of forfeiting for every Offence the Sum of Fifty Pounds, to be recovered with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*.

No Pipes of Communication to be

LV. Provided always, and it is hereby further enacted, That no Person shall lay, or cause to be laid, any Iron, Leaden, or other Pipe or Tube to communicate

laid without the Consent of the Company.

communicate with any Pipe belonging to the said Company, without the Consent of the said Company under their Common Seal first had and obtained, or use any other Burner or Burners than such as shall be provided by the said Company, or use Burners of larger Dimensions, or of a different Form, nor more in Number than he, she, or they shall respectively contract or pay for, or supply any Inhabitant or other Person with any Part of such Gas, on pain of forfeiting and paying to the said Company the Sum of Forty Shillings a Day for every Day such Pipe shall so remain, or such Burner or Burners which shall not have been provided by the said Company, or Burners of larger Dimensions, or of a different Form, or more in Number as aforesaid shall be used, or such Supply furnished, to be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the said Borough of *Plymouth* (or the said County of *Devon*, as the Case may be), and which Warrant such Justice or Justices is and are hereby required and empowered to grant; and the Surplus, after such Penalty or Forfeiture, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand to the Owner of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Forfeiture shall not be forthwith paid, it shall be lawful for such Justice or Justices to cause such Offender or Offenders to be committed to the Common Gaol of the said Borough or County, there to remain without Bail or Mainprize for such Time as such Justice or Justices shall direct, not exceeding Three Calendar Months, unless such Forfeiture and all reasonable Charges shall be sooner paid and satisfied; and it shall be lawful for the said Company of Proprietors, if they shall so think fit, also to take off the Supply of Gas from the House and Premises of the Person so offending, notwithstanding any Contracts or Agreements which may have been previously entered into.

Penalty on Company for conveying Washings into any Leat, Stream, &c.

LVI. Provided always, and be it further enacted, That if the said Company shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings, or other waste Liquids, Substances, or Things whatsoever, which shall arise or be produced in the Prosecution of the Works of the said Gas Light Company, or in the Process of obtaining the said Gas, into any Leat, Brook, or running Stream, Reservoir, Aqueduct, Feeder, Pond, or Spring Head, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such Leat, Brook, or running Stream, Reservoir, Aqueduct, Feeder, Pond, or Spring Head, or Well, Drain, Sewer, or Ditch, whereby the said Water, or any Part thereof, shall or may be soiled, fouled, or corrupted, then in each and in every such Case the said Company shall forfeit and pay for every such Offence the Sum of Two hundred Pounds, and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlance shall be allowed; and the whole of such Penalty shall be paid to the Person or Persons who shall sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months

and one such Meeting shall be held on the First *Tuesday* in *July* in every Year, or within Ten Days next after such Day, which shall be styled the Yearly General Meeting; and that Ten or more of the said Proprietors, not holding collectively less than Twenty Shares, may, by Notice in Writing under their Hands, call a Special General Meeting, so as the Object for which such Meeting shall be called be expressed in such Notice, and so as such Notice be given Fourteen Days at least before the Day of Meeting; and every such General Meeting may be adjourned from Time to Time, and from Place to Place, as shall be found expedient; and at least Six Days previous Notice of every General Meeting, and Three Days previous Notice of the Day to which every General Meeting shall be adjourned, shall be given; and at every such General or Special Meeting a Chairman shall be appointed, and all Questions shall be decided by a Majority of Votes of the Proprietors present (in Person or by their respective Proxies, to be appointed as herein mentioned), and not declining to vote, according to their respective Number of Shares; and every Proprietor shall be entitled to One Vote for and in respect of every Share of which he shall be possessed, but no Proprietor shall be entitled to vote for or in respect of more than Ten Shares; nor shall any Person be entitled to vote at any General or Special Meeting of the said Company, or any Adjournment thereof, in respect of any Share or Shares which he or she may possess in the said Undertaking, unless such Person shall have fully paid and satisfied all Arrears of Money which shall or may have become due in pursuance of any Call or Calls made or to be made by the Committee of Management, for or in respect of such Share or Shares, nor unless such Person, not being one of the Persons named in this Act, shall have been a Proprietor of the said Company for the Space of Three Calendar Months or upwards, previously to any such Meeting or Adjournment; nor shall any Person vote at any of the Meetings of the said Company upon any Question or Questions relating to the Concerns of the said Undertaking, in which such Person or Persons shall be interested, otherwise than as a Subscriber or Subscribers, Proprietor or Proprietors, to or of the said Undertaking; and that upon any Difference of Opinion any Proprietor present may require the Votes at any General or Special Meeting of the said Company to be taken by Ballot, but no Ballot shall be kept open for more than One Hour, and that the Chairman of every such Meeting shall be entitled to vote; and in case the Number of Votes, including the Chairman's Vote, shall be equal, such Chairman shall also have the casting Vote; and if at any Special or General Meeting a sufficient Number of Proprietors to act or adjourn (Five Proprietors being hereby declared sufficient in all Cases to proceed to Business, and Two Proprietors being hereby declared sufficient for the Purpose of Adjournment only), shall not assemble and proceed to Business in One Hour from the Time appointed for such Meeting, or if Five Proprietors be not present when the Whole or any Part of the Business shall be to be decided upon, the Meeting shall adjourn to the same Day in the following Week, or to some other Day, to be appointed by the Members present, or in Default thereof, by the Committee of Management, or any Two or more of them.

Manner of voting.

XXIV. And be it further enacted, That any Proprietor of any Share or Shares in the said Company's Stock, entitled to vote in respect of such Share or Shares at any General Meeting of the said Company, shall have full

Power for the Proprietors to vote by Proxy.

full Power and Authority to give his or her Vote or Votes at such General Meetings as aforesaid, either in Person or by Proxy (every such Proxy being a Proprietor in the said Undertaking, and entitled to vote in respect of his, her, or their own Share or Shares) duly constituted under his, her, or their Hand or Hands, or in Cases of Infancy or Lunacy, under the Hand or Hands of his, her, or their Guardian or Guardians, or Committee or Committees: Provided nevertheless, that no one Person shall deliver in Proxies for more than Nine Shares, but he may also vote in Right of his own Share or Shares on the same Occasion, provided that in his own Right and by Proxy he shall not vote for more than Ten Shares in the Whole on any one Occasion; and the Appointment of such Proxies shall be produced at every such Meeting, and shall be made in the Form or to the Effect following; (*videlicet*),

'I *A. B.* of One of the Proprietors of and in the *Plymouth* Oil Gas Light Company, do hereby nominate, constitute, and appoint *C. D.* of to be my Proxy, in my Name, on my Behalf, and in my Absence to vote, to give my Assent to or Dissent from any Business, Matter, or Thing relating to the said Undertaking, that shall be mentioned or proposed at any General Meeting of the said Company, in such Manner as he the said *C. D.* shall think proper, according to his Opinion and Judgment, for the Benefit of the said Undertaking, or any thing relating thereto. In witness whereof I have hereunto set my Hand the Day of '

Notice of Meetings, &c. to be given by the Clerk of the Company.

XXV. Provided always, and be it further enacted, That all Notices herein-before directed to be given of any General Meetings or Adjournments respectively, and all Notices to be given to any of the said Proprietors upon any particular Occasion, and not hereby otherwise provided for, shall be given to the said several Proprietors, by Letters from the Clerk of the said Company, sent by Post to each and every of the said Proprietors, entitled to vote at such Meetings respectively, or to the individual Proprietors entitled to such Notice (as the Case may be), or by the Delivery of such Letters to such respective Proprietors, either in Person, or by leaving the same at the last or usual Places of Abode of the said Proprietors respectively; and that such Notices shall be deemed and considered the same as personal Notices.

In case of Death of Proprietor, not necessary to give Notice of Meeting in respect of his Share until after Proof.

XXVI. Provided always, and be it further enacted, That in case of the Death or Bankruptcy of any Proprietor, it shall not be necessary to give Notice of any Meeting in respect of the Share or Shares of such Proprietor, to the Person or Persons legally entitled to such Share or Shares, until after satisfactory Proof shall have been given to the Clerk to the Company, of the Names and Residence of the Person or Persons legally entitled to the Share or Shares of the Proprietor so dying or becoming bankrupt.

Accounts to be settled yearly.

Meetings to declare Dividends.

XXVII. And be it further enacted, That at every yearly General Meeting, and at every Special Meeting called for the Purpose, the Proprietors shall have full Power to call for, examine, and settle the Accounts of the said Company; and at such yearly General Meeting, or some Adjournment thereof, to be held in *July* as aforesaid, a yearly Dividend or Dividends shall be made out of the Interest, Profits, or Advantages of the said

Undertaking, unless such Meeting shall declare otherwise; and such Dividend shall be at and after the Rate of so much *per Centum* for every Share, upon all and every the Sum and Sums of Money paid to the said Company by the said Subscribers, their Successors, Executors, Administrators, or Assigns, as such Meeting or Meetings shall think fit to appoint and determine; provided that no Dividend shall be made whereby the Capital of the said Company shall in any Degree be reduced or impaired, nor within Twelve Calendar Months after the passing of this Act, nor shall any Dividend be paid in respect of any Share or Shares after the Day appointed for Payment of any Call for Money in respect thereof, until such Call shall have been paid.

Payment of Dividends, &c. to the Person in whose Name the Share shall stand in the Company's Books to be good.

XXVIII. And be it further enacted, That the Receipt or Receipts of the Person or any One of the Persons, in whose Name or Names any Share or Shares in the said Undertaking shall stand in the Books of the said Company, or his, her, or their authorized Agent or Agents, shall from Time to Time be a good and sufficient Discharge to the said Company and their Treasurer, for any Dividend or Dividends, Sum or Sums of Money, which shall become due and payable, and be paid for or in respect of such Share or Shares, notwithstanding any Uses, Trusts, Intents or Purposes, upon or to which such Share or Shares shall be then settled, limited, conveyed, or assured.

Receipt of Parents or Guardians of Minor Subscribers to be a sufficient Discharge to the Company.

XXIX. And be it further enacted, That in all Cases where Money shall be payable under the Provisions of this Act, to any Proprietor in the said Undertaking, who shall be a Minor under the Age of Twenty-one Years, or Lunatic, the Receipt of the Parent or Guardian, or Committee, for the Time being of such Minor or Lunatic, shall be a sufficient Discharge to the said Company and their Treasurer for the same.

General Meetings may make Bye-Laws.

XXX. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time at any of their yearly or other 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 Committee of Management, and for the regulating of all Officers, Workmen, and Servants to be employed in or 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 to 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 yearly or other 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 thereunto affixed), shall be binding upon all Persons connected with or acting under the Directions of the said Company, 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 this Act: Provided also, that Copies thereof

shall

shall be printed, fixed, and continued in the Office of the Clerk, or other the Buildings and Premises of the said Company; and all such Rules, Orders, and Bye Laws shall be subject to appeal in manner by this Act directed.

Officers of the Company to be appointed at General Meetings.

XXXI. And be it further enacted, That it shall and may be lawful for the said Company, at any yearly or other General Meeting of the said Company, to nominate, elect, and choose by Ballot, and to appoint, under the Common Seal of the said Company, a Treasurer and a Clerk for transacting the Business of the said Company; and it shall be lawful for the said Company, at any subsequent General or Special Meeting to be holden as herein-before directed, from Time to Time to remove and displace such Treasurer and Clerk, or either of them, or any other Person or Persons who shall be hereafter elected and appointed to those respective Offices; and also from Time to Time to nominate, elect, choose and appoint, in manner aforesaid, any other Person or Persons to act as Treasurer and Clerk of the said Company, in the Room of such of them as shall happen to die or resign, or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Officers, or either of them, as at any such General or Special Meeting shall from Time to Time be fixed and determined: Provided always, that the said Company of Proprietors shall, and they are hereby required to take sufficient Security from every Person who shall be appointed such Treasurer, for the faithful Execution of his Office, before he shall enter thereupon.

Treasurer, &c. to give Security.

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

XXXII. And be it further enacted, That no Sum or Sums of Money shall be issued by the Treasurer or Treasurers, or other Officer or Officers to be appointed by the said Company, or the Committee of Management on account of the said Company, without an Order or Orders made at a General Meeting, or without an Order or Orders in Writing, signed by the Chairman of the Committee of Management for the Time being, and Two Members at least of the said Committee present at some Meeting of the said Committee of Management.

Committee of Management.

XXXIII. And be it further enacted, That at the First General Meeting of the said Company, or at some Adjournment thereof, Seven Members of the said Company shall be elected and chosen a Committee of Management for managing the Affairs of the said Company, and such Committee of Management shall continue in Office and be respectively Members of the said Committee, until the Yearly Meeting, which shall be held in *July* in the Year of our Lord One thousand eight hundred and twenty-four, or until others or another be appointed in their or either of their Stead in pursuance of this Act; and at the said yearly Meeting, or some Adjournment thereof, and also at the Expiration of every succeeding Year thereafter, a new Committee of Seven Members shall be elected and appointed out of the Proprietors of Shares in the said Undertaking, to be the Committee of Management for managing the Affairs of the said Company, who shall continue in their Offices for the Space of One Year to be computed from the Day of Election, or until others or another shall be duly elected into their or any of their Places; provided that nothing herein contained shall render any One of the Committee, whose Office shall have expired, ineligible to be re-elected a Committee-man, if other-

wise duly qualified: Provided also, that no Person shall be qualified to be elected, nor to serve or act as a Member of the said Committee, who shall hold any Place of Profit under the said Company, or who shall be concerned or interested in any Contract or Contracts under this Act, or who shall take or shall participate in any manner in any Work to be done for the said Company, whether by Contract or otherwise.

For supplying Vacancies in Committee.

XXXIV. And be it further enacted, That when and so often as any Member of the Committee of Management to be elected by virtue of this Act shall die or become disqualified, or shall refuse or neglect to attend the Meetings of the said Committee for the Space of Three Calendar Months, it shall be lawful for the said Company, at any General or Special Meeting to be called and held pursuant to the Directions of this Act, to elect some other Proprietor, being qualified as herein mentioned, to be a Member of the said Committee; and every such Proprietor so elected to fill any such Vacancy, shall continue in his Office as a Member of the said Committee, so long as the Person in whose Place or Stead he was elected would have been entitled to have continued, if such Death, Disqualification, Refusal or Neglect had not happened.

No Person to act as Committeeman unless possessed of Two Shares.

XXXV. Provided always, and be it further enacted, That no Person shall be eligible to be elected One of the Committee for managing the Affairs of the said Undertaking, unless at the Time of the Election he shall be entitled to and possessed of Two Shares in the said Undertaking.

Meetings of the Committee and Regulations for their Proceedings.

XXXVI. And be it further enacted, That the said Committee of Management shall meet within Ten Days after being appointed, and at their First Meeting shall elect One of the Members of the said Committee to be Chairman, and another Member to be Deputy Chairman respectively, for the Time such Committee shall continue in Office; but in case the Chairman so to be elected shall be absent at any of the Meetings of such Committee, the Deputy Chairman shall preside; and in case he shall likewise be absent, then the Members present at such Meeting shall, before they proceed upon any Business, elect from among themselves a Chairman *pro tempore*; and the said Committee shall hold their Meetings at such Place within the Borough of *Plymouth*, and as often as they shall think proper, but at least once in every Month, and may adjourn their Meetings from Time to Time and from Place to Place as they shall think fit; and all Questions, Matters, and Things which shall be proposed, discussed or considered by the said Committee of Management at any of their Meetings, shall be decided and determined by the Majority in Number of the Members then present, the Number present not being less than Three; 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 that if on the Day appointed for any Meeting of the said Committee, Three Members qualified to vote shall not attend, that then and in every such case the Meeting shall be adjourned till some Day in the following Week by the Member or Members then present, or if none be present, then by the Clerk of the said Company, or such other Person as shall attend in his Place; and that the

Chairman or any Three or more Members of the said Committee may at any Time when they shall think fit, call a Meeting of the Committee by Notice in Writing, signed by such Chairman, or Three or more Members, to be sent by the Post, or otherwise, to the Residence or Place of Abode of every Member of such Committee.

Power of Committee.

XXXVII. And be it further enacted, That the Committee of Management for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power and Authority to meet and adjourn from Time to Time, and from Place to Place, within the said Borough as aforesaid, and also at any Time to call Special General Meetings of the said Company, for any Purpose they may think proper, and to appoint the Time and Place of holding General and Special Meetings, and to direct the Affairs and Business of the said Undertaking, as well in issuing, receiving, or laying out and disposing of all Sums of Money to be issued or received, laid out or disposed of, for the Purposes of the same, as in contracting for and purchasing Messuages, Lands, Tenements, Hereditaments, Materials, Goods, and Chattels for the Use of the said Undertaking, and in making and entering into Contracts or Agreements for lighting the said Town and Borough of *Plymouth*, and Places adjacent, or any of such Streets, Highways, Roads, Lanes, Passages, Market Places and other public Places, Dwelling Houses, Shops, Counting Houses, Warehouses, Manufactories, and other Buildings as aforesaid, and in affixing the Common Seal of the said Company to such Contracts or any other Deeds or Instruments whatsoever, which shall and are hereby declared to be binding on the said Company, and in nominating, appointing, electing, placing or displacing any Officer, Collector, Inspector, Engineer, Agent, or Servant of the said Company (except the Treasurer and Clerk herein-before directed to be appointed by a General Meeting of the said Company), with such Salary, Gratuities, or Recompence as to the said Committee 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 as aforesaid, and in making, enforcing and rescinding, compounding or compromising all Contracts and Bargains touching or in anywise concerning the same, subject to such Orders, Bye-laws, Rules and Regulations, as shall at any Time have been previously made by the said Company, in Restraint, Controul, or Regulation of the Powers and Authorities by this Act granted; and the said Committee of Management may require such Security to be given to the said Company of Proprietors by any Officer or Officers, not being a Treasurer of the said Company, or other Persons, for the faithful Execution of their respective Duties, as they may think proper or reasonable.

Same Person not to act as Clerk and Treasurer.

XXXVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as

Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Proceedings to be entered.

XXXIX. And be it further enacted, That the Orders and Proceedings of every Meeting, as well of the said Company as of their Committee of Management, shall be entered by the Clerk in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, so entered and signed by the Chairman of each respective Meeting, shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices and others; and that no Business shall be transacted at any Special General Meeting besides the Business for which it shall have been called, and no other Business shall be transacted at any adjourned Special General Meeting, than the Business left unfinished at the Meeting from which such Adjournment took place.

Committee to make Calls.

XL. And be it further enacted, That the said Committee of Management shall have full Power to make such Call or Calls for Money from the several Proprietors of the said Undertaking, their Executors, Administrators, Successors and Assigns, as such Committee shall from Time to Time find requisite and necessary for the Purposes of the said Undertaking, so that no One such Call do exceed the Sum of Ten Pounds for or in respect of any One Share of Fifty Pounds, and so that no Call or Calls be made but at the Distance of One Month at least from each other; and that the Sum or several Sums of Money so to be called for, shall be paid into the Hands of the Treasurer to the said Company for the Time being, at such Time and Place as shall be appointed by such Committee, of which Time and Place Fourteen Days previous Notice shall be given in such Manner as the said Committee shall direct or appoint in that behalf; and

On Nonpayment of Calls, Shares to be forfeited.

if any Person or Persons shall neglect or refuse to pay his, her, or their Proportion of the Money to be called for by the Space of Three Calendar Months next after the Time appointed for Payment thereof, together with lawful Interest for the same from such appointed Time of Payment, then and in every such Case it shall and may be lawful to and for the said Company, at some General or Special Meeting to be held after such Neglect or Refusal, to declare all and every or any of the Share or Shares in the said Undertaking or Capital Stock of such Person or Persons so neglecting or refusing as aforesaid, and all Money theretofore advanced by him, her, or them on account thereof, to be forfeited, and from thenceforth the said Share or Shares so declared to be forfeited, and all the Profits, Benefits, and Advantages thereof, and all Money theretofore advanced by him, her, or them on account thereof, shall be vested in the said Company, their Successors and Assigns, to and for the Uses and Purposes of this Act.

XLI. Pro-

No Share to be forfeited until Notice be given to the Proprietor thereof.

XLI. Provided always, and be it enacted, That no Share or Shares of and in the said Undertaking shall be forfeited or vested in and accrue to the said Company, until after Thirty Days Notice in Writing shall have been given by the Clerk of the said Company to the Proprietor or Proprietors thereof, or left at his, her, or their last or usual Place of Abode, before the holding of such General or Special Meeting, in which Notice shall be contained a Statement and Account of the Money due from such Person or Persons for such Call or Calls in respect of his, her, or their Share or Shares in the said Undertaking, exclusive of the Interest thereon; and no such Share or Shares shall be forfeited to or vested in the said Company, if the Owner or Owners of such Share or Shares shall, before the holding of such General or Special Meeting, pay what shall be due thereon for such Call or Calls as aforesaid, and legal Interest for the same, and all the Expences attending the Application for the same as aforesaid: Provided also, that every such Forfeiture, when so declared at such General or Special Meeting, shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors who shall have incurred such Forfeiture, and his, her, or their Executors, Administrators, Successors and Assigns, against all Actions, Suits, and Proceedings whatsoever at Law or in Equity, for any Breach of Contract between such Proprietor or Proprietors so forfeiting, and the said Company, in regard to the future Prosecution of the said Undertaking.

Company empowered to sell Shares become forfeited as aforesaid.

XLII. And be it further enacted, That when any Share or Shares of and in the said Undertaking shall by virtue of this Act have become forfeited to or vested in the said Company as herein mentioned, then and in every such Case it shall and may be lawful to and for the said Company, or their Committee of Management for the Time being, and they are hereby authorized and empowered from Time to Time, to sell or cause to be sold by Public Auction or Private Contract, and by Writing under the Common Seal of the said Company to assign and transfer such and so many of the Share or Shares so become forfeited, as the said Company or their said Committee shall from Time to Time find necessary and direct to be sold, unto such Person or Persons as shall become the Purchaser or Purchasers thereof, his, her, or their Executors, Administrators, and Assigns; and such Assignments and Transfers shall be good, valid, and effectual, against the previous Owner or Owners of every such Share or Shares so forfeited to or vested in the said Company, and sold as aforesaid, and all Persons claiming under him, her, or them: Provided always, that in case the Money produced by the Sale of any such Share or Shares shall be more than sufficient to pay all such Arrears or Calls as aforesaid, and legal Interest thereon, and the Expences attending the Sale or Sales, the Surplus of such Money shall be paid to the Person or Persons to whom such Share or Shares shall have belonged on Demand; provided also, that the said Company or their Committee shall not by virtue of this Act sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters in Payment of Calls, 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 Payment of all and every of such Call or Calls, and the Interest and

If the Purchase Money for such Shares shall be more than sufficient to pay the Arrears of Calls, and Interest, and Expences thereon, the Surplus to be paid the Owner on Demand.

Expences

Expences as aforesaid, any Share or Shares vested in the said Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

Shares unsold to revert to the former Owners.

XLIII. And be it further 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, her, or them, of the full Sum to be called for in respect thereof as herein mentioned, without having made any sufficient Provision by Will, or otherwise, how such Share or Shares shall be disposed of, and how the future Calls in respect thereof shall be answered, then and in such Case the Executors or Administrators of such Proprietor or Proprietors, 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 Shares of such deceased Proprietor or Proprietors.

Executors and Administrators indemnified in paying Calls.

XLIV. And be it further enacted, That it shall be lawful for the said Company, and their Successors, and they are hereby fully authorized and empowered, by their Servants, Agents, 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 erect, set up, place, and affix any Posts, Pillars, Pilasters, Lamp Irons and other Apparatus, in any of the said Streets, Highways, Roads, Lanes, Passages, Market Places, and other public Places, and to carry, lay, or fix Pipes in or to the same, or against any Dwelling Houses, Buildings, or Walls, of such Construction respectively, and in such Manner as the said Company shall think necessary or proper for carrying the Purposes of this Act into Execution; and also to break up the Soil, Pitchings, Gutters, and Pavements of any Streets, Highways, Roads, Lanes, Passages, Market Places, and other public Places, or any private Grounds, Roads, or Ways, or any Part of them, within the said Town and Borough of *Plymouth* and Places adjacent, and to dig and sink Trenches and Drains, and also to sink and lay Mains or Pipes, and put Stop-cocks, 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 this Act into Execution, or supplying any such Light as aforesaid; and from Time to Time to alter the Position of, and to repair, relay, and maintain such Pipes, Stop-cocks, Syphons, and Plugs or Branches, and also to carry, lay, fix, fit up, and furnish any Pipe or Pipes, Cocks or Branches, or other necessary Apparatus, from any Main or Pipe laid in any Street, Highway, Road, Lane, Passage, Market Place, or other Place by the said Company by virtue of this Act, into, through, or against any Dwelling House or Houses, Shops, Counting Houses, Warehouses, Manufactories, and other Buildings, for the Purpose of lighting the same, or any public or private Lamp, from any of such Mains or Pipes; and to erect and set up any Machine or other Apparatus neces-

Power to break up the Soil and Pavement of Streets, and for laying Pipes and lighting Houses, &c.

sary or requisite for securing to any Dwelling House or Houses, Shops, Counting Houses, Warehouses, Manufactories, and other Buildings, a proper and competent Supply of Gas, or for measuring or ascertaining the Extent of such Supply; and also to alter or amend any bad or imperfect Work which shall have been so placed, or which shall be injured or damaged in such Dwelling House or Houses, Shops, Counting Houses, Warehouses, Manufactories, and other Buildings; and to do all such other Acts, Matters, and Things as the said Company and their Successors shall from Time to Time think necessary and convenient for completing and amending, repairing, improving, supplying, sustaining, and using the same: Provided always, that a proper Compensation be made by the said Company of Proprietors for any Damage to be done by the said Acts respectively; and provided also, that nothing herein contained shall extend or be construed to extend to authorize and empower the said Company, or their Successors, to sink or make any such Cuts, Drains, Sewers, Watercourses, and Reservoirs in any Situation or Direction where the same can, shall, or may injure any present or future public or private Drain, Sewer or Well, nor to carry or lay any Pipe or Pipes, Cocks or Branches, from any Main or Pipe, into or through or against any Dwelling House or Houses, Shops, Counting Houses, Warehouses, Manufactories and other Buildings as aforesaid, or so to continue the same, without the Consent of the Owner or Owners, or Occupier or Occupiers, for the Time being, of every such Dwelling House or Houses, Shops, Counting Houses, Warehouses, Manufactories, and other Buildings as aforesaid; provided also, that the Soil, Pitchings, Gutters and Pavements of any Streets, Highways, Roads, Lanes, Passages, Market Places, and other public Places within the present or future Jurisdiction of the said Commissioners for executing the said Three recited Acts of the Tenth, Twelfth, and Fourteenth Years of the Reign of His said late Majesty, or of any other Commissioners who for the Time being now or hereafter shall have the Controul, Direction, or Management of the paving, lighting, and otherwise improving the said Town and Borough and Places adjacent, or any Part thereof, under the Authority of any Act or Acts of Parliament which now is or are or hereafter shall be in force for that Purpose, shall only be broken up with the Consent of such Commissioners, and under the Inspection of their Surveyor; and that the Posts, Pillars, Pilasters, and Lamp Irons to be erected and fixed, and the Pipes to be carried, laid, or fixed in or to the same, or against any Dwelling Houses, Buildings, or Walls as aforesaid, for the Purpose of lighting the public Lamps, shall only be so erected, carried, laid, and fixed with the Approbation of the said Commissioners; provided also, that all other public Streets, Highways, Roads, Lanes, Passages and other public Places shall only be broken up with the Consent of the Commissioners or Trustees respectively under whose Care, Superintendence, or Controul the same Streets, Highways, Roads, Lanes, Passages and other public Places may be, and under the Inspection of the Surveyor or Surveyors of such Commissioners or Trustees respectively; provided also, that nothing herein contained shall extend or be construed to extend so as to enable the said Company to carry or lay any Pipe or Pipes in, through, over, or upon any private Grounds, Roads or Ways, without the Consent in Writing of the Occupier or Occupiers and Owner or Owners thereof respectively.

After Consent allowed for Company to break up Pavements, no further Consent necessary.

XLV. Provided always, and be it further enacted, That in all Cases where any Consent is required to be and shall be obtained by the said Company to break or take up or remove the Soil, Pitchings, Gutters, or Pavements in or of any Streets, Highways, Roads, Lanes, Passages, Market Places, or other public Places in the said Town and Borough, and Places adjacent, in order to lay down any Main or Mains, Pipe or Pipes, to convey Gas, or for any other Purpose which may be required under this Act, nothing in this Act contained shall, after such Consent obtained as aforesaid, and after Twenty-four Hours previous Notice (or, in case of Emergency, after Three Hours previous Notice) in Writing from the said Company or their Clerk, given to or left at the Place of Abode of such Surveyor or Surveyors, or of the Clerk to such Commissioners or Trustees respectively, or the Person or Persons having the Property of such Soil, Pitchings, Gutters, or Pavements, be deemed or construed to extend to prevent the said Company from repairing such Main or Mains, Pipe or Pipes, or from breaking or taking up or removing any Soil, Pitchings, Gutters, or Pavements in or of any Streets, Highways, Roads, Lanes, Passages, Market Places, or other public Places whatsoever, for the Purpose of laying down or repairing any such Main or Mains, or any Pipe or Pipes whatsoever, or for any other Purpose which may be required under this Act: Provided always, that after the said Main Pipes shall have been first laid down and completed, and the public Lamps of the said Town of *Plymouth* shall have been begun to be lighted, all and every the new or additional Streets, Roads, Lanes, Passages, or other public Places which shall be required to be broken up by the said Company, in order to lay down any further Main Pipe or Pipes therein, shall only be so broken up subject to the Directions and Restrictions provided by this Act.

Workmen laying Pipes to make good the Pavement.

XLVI. Provided always, and be it further enacted, That the Workmen employed in laying or repairing any such Mains, Pipes, Plugs, Cocks, Syphons, or Branches, shall do as little Damage as may be, and shall forthwith fill in the Trenches, and make good the Pavements and Roads, and carry away the Rubbish occasioned thereby, and repair any Damage arising from any Drains, Sewers, or Cuts which may be made for carrying off the Washings or Waste Liquids, without any Delay, and shall in the meantime fence or guard and affix Lamps or Lights during the Night and all Night at or near the Place or Places where any Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Cattle, and Carriages: Provided also, that if there shall be any wilful or negligent Delay in the said Company of Proprietors, or any of their Agents or Servants, or any other Person or Persons acting by or under their Authority, in filling in any such Ground, or removing Rubbish, or making good any such Pavements or Roads, then and in every such Case it shall and may be lawful to and for the Commissioners acting under the said Acts made in the Tenth, Twelfth, and Fourteenth Years of the Reign of His late Majesty, or any other Commissioners as aforesaid, or for the Trustees or Commissioners under whose Jurisdiction, Care, or Management such Pavements or Roads now are or hereafter shall be respectively, or their Surveyor or Surveyors, or any other Person or Persons acting by or under the Authority of the said Commissioners or Trustees respectively,

Provision in case of Default.

ively, to fill in such Ground and remove such Rubbish, and to repair and make good the Pavement of any Street, Highway, Road, Lane, Passage, Market Place, or other public Place so broken up, and properly to fence or guard any such Trench or Excavation, and to place and maintain such Light or Lights during the Night as to him or them shall seem necessary; and that the reasonable Costs and Charges thereof shall be paid by the said Company or their Treasurer; and that in Default of Payment thereof for Thirty Days next after Demand shall be made by such Surveyor or other Person acting by or under the Authority of the said Commissioners or Trustees respectively, Proof of such Demand being made by the Oath of Two credible Witnesses, before One or more Justice or Justices of the Peace for the Borough of *Plymouth* aforesaid (or the said County of *Devon*, as the Case may be), all such reasonable Costs and Charges, together with any Sum not exceeding Five Pounds by Way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, or such other Person or Persons, 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 of the said Borough or County, and which Warrant such Justice and Justices is and are hereby empowered to grant; and such Costs, Charges, and Expences shall be paid to such Commissioners or Trustees, or their Treasurer respectively.

Position of Pipes, &c. may be altered, if Commissioners desire it.

XLVII. And be it further enacted, That if, for the Purposes of the said recited Acts made in the Tenth, Twelfth, and Fourteenth Years of the Reign of His said late Majesty, or of any future Act for paving, lighting, watching, and otherwise improving the said Town and Borough of *Plymouth* and Places adjacent, or for the Purposes of any Act or Acts relating to Roads or Highways within the said Town and Borough of *Plymouth* and Places adjacent, it shall at any Time or Times hereafter be deemed necessary or expedient by the Commissioners or Trustees respectively acting under and by virtue of the same Acts, to raise, sink, or otherwise alter the Situation of any of the Mains, Pipes, Stopcocks, Plugs, or Branches which shall be laid down for the Purposes aforesaid, within the present or future Jurisdiction of the said Commissioners or Trustees respectively; the said Company of Proprietors shall, at the Expence, Costs, and Charges of the said Commissioners or Trustees respectively, within One Calendar Month next after being required so to do, by Notice in Writing to them given by the said Commissioners or Trustees respectively, signed by their Clerk, raise, sink, or alter such Mains, Pipes, Stopcocks, Plugs, or Branches, according to such Notice, in such Manner and in such Place or Places as the said Commissioners or Trustees respectively shall think right or proper; and in Default thereof it shall be lawful to and for the said Commissioners or Trustees respectively, or their Surveyor, or any other Person or Persons acting by their Order or under their Authority, (at the like Costs and Charges of the said Commissioners or Trustees respectively), to cause such Mains, Pipes, Stopcocks, Plugs, or Branches to be raised, sunk, or altered as aforesaid, so that no Damage be done thereby to the said Company or their Successors; and so that they be not thereby, during the Time of making such Alteration or afterwards, prevented from or obstructed in lighting any public or private Lamp or

Lamps,

Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, 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 drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, into any Leat, Brook, or running Stream, or any Reservoir, Aqueduct, Feeder, Pond, Spring Head, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given to the said Company, and the said Company shall not within Twenty-four Hours after such Notice shall have been given to them as aforesaid, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things from being 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 shall forfeit and pay the Sum of Twenty Pounds, for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done, or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied, and shall be paid to the Informer or to the Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

Company to supply a better and cheaper Light than Oil.

LVII. Provided always, and be it enacted, That the said Company shall and they are hereby directed and required to supply such of the Streets, Highways, Roads, Lanes, Passages, Market Places, and other public Places in the said Town and Borough, and Places adjacent, as shall be lighted under and by virtue of this Act, with Gas of such Quality as shall at all Times afford a cheaper and better Light than could be obtained from Oil; and every Contract or Agreement which shall be entered into for lighting with Gas any Street, Highway, Road, Lane, Passage, Market Place, and other public Place by the said Company, shall contain a Clause providing that it shall be obligatory on the said Company that such Street, Highway, Road, Lane, Passage, Market Place and other public Place shall at all Times be better and cheaper lighted by the said Company than could be done by Oil.

Service Pipes to be kept fully charged with Gas.

LVIII. Provided always, and be it enacted, That the Branch or Service Pipes which shall be laid down or put up by the said Company for lighting the Streets, Highways, Roads, Lanes, Passages, Market Places, and other public Places in the said Town and Borough, and Places adjacent, under any Contract or Agreement with the said Commissioners, shall be kept fully charged with Gas, and the Stopcocks shall be so formed and turned as not to impede or prevent the said Branch or Service

vice Pipes being completely filled with Gas during the Time the same shall be lighted.

For stopping the Escape of Gas.

LIX. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Company in pursuance of this Act, the said Company shall, at their own Expence, immediately after receiving Notice by Parole or in Writing (to be left or given at their Office or usual Place of transacting their Business) of any such Escape of Gas, from any Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Company shall not within Twenty-four Hours next after such Notice by Parole or in Writing being given of any such Escape of Gas, effectually stop and prevent the Gas from further escaping, and wholly and satisfactorily remove the Cause of Complaint, that then and in every such Case the said Company shall, for every such Offence, forfeit and pay the Sum of Forty Shillings 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 of One or more credible Witness or Witnesses, before some One or more Justice or Justices of the Peace for the said Borough of *Plymouth*, (or the said County of *Devon*, as the Case may be), and shall and may be recovered, with all reasonable 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 as aforesaid, to be granted in like Manner, and subject to the like Provisions as are herein directed, touching other Penalties to be recovered from the said Company.

Remedy for Recovery of Rents.

LX. And be it further enacted, That in case any Person or Persons who shall contract with the said Company, or agree to take, use or enjoy the Benefit of the said Gas in their Dwelling House, or Houses, Shops, Counting Houses, Warehouses, Manufactories or other Buildings, shall refuse or neglect, after the Space of Ten Days after Demand, to pay the Sum or Sums of Money then due for the same to the said Company, according to the Terms and Stipulations with the said Company, it shall be lawful for the said Company, or their Clerk or Superintendant, or any Person or Persons acting by or under their Authority, by Warrant under the Hand and Seal or Hands and Seals of any One or more of the Justices of the Peace for the said Borough of *Plymouth*, (or the said County of *Devon*, as the Case may be), to levy the said Sum or Sums in respect whereof such Refusal or Neglect shall happen, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay the same, rendering the Overplus (if any) to such Person or Persons so refusing or neglecting, after the necessary Charges of making such Distress and Sale shall be first deducted, or the same, with 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, Bill, Plaint or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and also, that after such Refusal or Neglect as aforesaid, it shall and may be lawful to and for the said Company, or

their Clerk or Engineer, or any other Person or Persons acting by or under their Authority, to cause the Gas so supplied to any such Dwelling House or Houses, Shops, Counting Houses, Warehouses, Manufactories, or other Buildings as aforesaid, to be withheld in such Manner as the said Company, or their Clerk or Engineer, shall for that Purpose think proper.

Penalty for interrupting Company's Workmen.

LXI. And be it further enacted, That if any Person shall wantonly or maliciously hinder or interrupt the Workmen or Servants, or any of them, in the Sevice of the said Company, in doing or performing any of the Works, or in the Exercise of any of the Powers and Authorities by this Act granted, or shall in anywise cause or procure such Interruption or Hindrance to take place, and shall be thereof convicted before any Justice or Justices of the Peace in and for the said Borough of *Plymouth*, (or the said County of *Devon*, as the Case may be), either on Evidence of any credible Witness, or by Confession of the Party accused, every Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum, to be adjudged by such Justice or Justices, not exceeding Five Pounds; and such Sum so adjudged shall and may be recovered in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered.

Penalty for damaging Pipes, &c.

LXII. And be it further enacted, That if any Person shall wilfully, wantonly or maliciously, remove, take away, break, destroy, damage or injure any or any Part of any Pipe, Post, Pillar, Pilaster, Lamp Iron, Lamp, Plug, or other Apparatus, Matter or Thing belonging to the said Company, or shall wilfully, wantonly or maliciously extinguish or put out any or either of the public Lamps and Lights, or wilfully or maliciously waste any of the Inflammable Air or Gas supplied by the said Company, every Person so offending in any one or either of the respective Premises, and being thereof lawfully convicted, on the Oath of One credible Witness, before One or more Justice or Justices of the Peace for the said Borough of *Plymouth*, (or the said County of *Devon*, as the Case may be), shall for each separate and distinct Act or Offence herein-before enumerated, forfeit and pay to the aforesaid Company any Sum not exceeding Five Pounds, and Three Times the Amount of the Damage done, as the same shall be ascertained by such Justice or Justices; such Penalty and Damage, together with reasonable Costs, to be levied under the Warrant of such Justice or Justices, by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any) on Demand, to the Owner of such Goods and Chattels; or if it shall appear to the said Justice or Justices, either by Confession or otherwise, that the Offender or Offenders hath or have not any Goods or Chattels sufficient to levy such Forfeiture or Damage aforesaid, such Offender or Offenders shall or may be forthwith committed to the Common Gaol of the said Borough or County, there to remain for any Time to be fixed, not exceeding Three Calendar Months, unless such Forfeiture, Damages, and Costs so directed to be levied shall be sooner paid and satisfied.

Satisfaction for accidental Damage to Lamps, &c.

LXIII. And be it further enacted, That if any Person or Persons shall carelessly or accidentally break, destroy, throw down, damage or injure any

any Lamp or Lamps hung out, set up, or belonging to the said Company, or by any Person or Persons at his, her, or their private Expence, or any Pipe, Post, Pillar, Pilaster, Lamp Iron, Plug or other Apparatus, Matter or Thing belonging thereto, or to the said Company; or carelessly or accidentally waste any of the Inflammable Air or Gas supplied by the said Company, or keep the Lights burning for a longer Time than he, she, or they respectively shall contract to pay for, and shall not, upon Demand by the said Company, or their Clerk or Superintendant, or other Person or Persons authorized by them, make Satisfaction for the Damage done or the Excess of Gas obtained and used, 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 said Borough of *Plymouth*, (or the said County of *Devon*, as the Case may be), and he and 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 Excess, as such Justice or Justices shall think reasonable; and in case of Neglect or Refusal to pay any Sum or Sums so awarded, within Three Days after Demand, it shall and may be lawful to and for such Justice or Justices, or any One of them, and he and they is and are hereby required to cause the same to be raised and 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.

For compelling the Attendance of Witnesses, and respecting Services of Notices.

LXIV. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses, to 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, after having been paid or tendered a reasonable Sum for his, her, or their Costs and Expences, refuse or neglect to appear from Time to Time, at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect of appearing; or shall refuse to be examined upon Oath, (which Oath 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 any such Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and that in all Cases of Notices and Summonses by this Act directed or required to be given or served, which shall or may be necessary for carrying into Execution any of the Powers of this Act, the Services of any such Notices or Summonses, either on the Person or Persons to whom the same ought to be given, or leaving the same, or a true Copy thereof, at his, her, or their Dwelling House, or usual or last Place of Abode, shall be good and sufficient Service of any and every such Notices or Summonses.

LXV. And

Persons giving false Evidence to be punished.

LXV. And be it further enacted, That if any Witness or Witnesses who shall be examined by or before any Justice of the Peace or otherwise under this Act, upon Oath, shall wilfully and corruptly give false Evidence, and shall be thereof convicted, he, she, or they so giving false Evidence shall be subject to the same Punishment as if he, she, or they had been convicted of wilful and corrupt Perjury.

For ascertaining and compelling Payment of Costs, Damages, and Expences.

LXVI. And be it further enacted, That in all Cases where any Costs, Charges, Damages, Compensations, or Expences are by this Act directed to be paid or received by the said Company to or from any Body Corporate or Politic, Commissioners, Trustees, or other Person or Persons, and the Amount of such Costs, Charges, Damages, Compensations, or Expences shall not be agreed on by or between the Parties, and is not herein or hereby otherwise directed or authorized to be ascertained and recovered, the same shall be settled and determined by any Two or more Justices of the Peace for the said Borough of *Plymouth*, (or the said County of *Devon*, as the Case may be,) and who are hereby authorized and required, within Seven Days next after Complaint or Application shall be made to them for that Purpose by the Party aggrieved or entitled to claim Compensation, to inquire into, and upon the Oath or Affirmation of One or more credible Witness or Witnesses, ascertain and determine the same in a summary way; and in case the Amount of such Costs, Charges, Damages, Compensations, and Expences so to be ascertained and determined as aforesaid shall not be paid and discharged within Ten Days next after the same shall have been so ascertained and determined, and Demand of Payment having been duly made, the Amount thereof or of so much thereof as shall then remain unpaid, together with any Penalties which may then have been incurred in consequence of such Nonpayment, shall and may upon Proof by the Oath or Affirmation of One or more credible Witness or Witnesses of such Demand and Neglect of Payment, be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties to whom it shall belong to pay the same, together with the Costs of such Distress and Sale, by Warrant under the Hands and Seals of Two or more Justices of the Peace for the said Borough or County, which Warrant they are accordingly hereby authorized and directed to grant; and for the Purpose of being executed in a different Jurisdiction to that in which such Warrant shall have issued, such Warrant shall and may be indorsed by the Justice or Justices of such other Jurisdiction in the like Manner as Warrants of Distress and Sale are now permitted and authorized; and the Amount which shall be recovered and received under such Warrant shall be paid to the Party or Parties authorized to claim and receive the same under the Provisions herein contained, who, after deducting the necessary Charges of making such Distress and Sale, shall pay over the Surplus thereof (if any) to the Party or Parties so refusing or neglecting; or the Amount may be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Recovery of Penalties and Forfeitures.

LXVII. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying,

levying, recovering, and applying whereof is not herein otherwise directed), shall upon Proof of the Offences respectively before any Justice of the Peace for the Borough of *Plymouth*, or County of *Devon*, where the Offence shall have been committed (as the Case may require), either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every such Case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and in case such Penalties, Forfeitures, and Fines shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the Borough of *Plymouth* (or the County of *Devon*, as the Case may require), there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, nor less than One Month, unless such Penalties, Forfeitures, and Fines respectively, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid and applied as follows; One Moiety thereof to the Treasurer of the said Company for their Use, and the other Moiety thereof to such public Charity of and in the said Borough of *Plymouth*, or County of *Devon*, as the said Justices shall think proper.

Form of Conviction.

LXVIII. 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; *videlicet*,

'Devon to wit, Borough of Plymouth, [*or*, Devon, to wit.] } BE it remembered, That on the Day of in the Year of our Lord One thousand eight hundred and 'is [*or*, are] convicted before me [*or*, us, *as the Case may be*] 'of His Majesty's Justices of the Peace for the Borough of *Plymouth* in

'the County of *Devon*, [*or*, for the County of *Devon*, *as the Case may be*,] 'by virtue of an Act of Parliament, passed in the Fourth Year of the 'Reign of King *George* the Fourth, intituled [*here insert the Title of this* '*Act*] of having [*specifying the Offence and the Time and Place when and* '*where the same was committed, as the Case shall be*] contrary to the said 'Act; and for which Offence I [*or*, we, *as the Case shall be*] do adjudge 'the said to have forfeited the Sum of

'Given under my Hand and Seal [*or*, our Hands and 'Seals] the Day and Year first above written.'

Proceedings to be within Six Calendar Months.

LXIX. And be it further enacted, That no Person or Persons, Body or Bodies Politic or Corporate, shall be subject or liable to the Payment of any of the Penalties or Forfeitures inflicted by virtue of this Act for any Offence or Offences against this Act, unless Information respecting such Offence or Offences shall have been lodged before a Justice of the Peace within Six Calendar Months next after such Offence is committed.

Distress not unlawful for want of Form.

LXX. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied under the Authority of this Act, or any 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 of the Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any subsequent Irregularity in the Party or Parties so distraining; but the Person or Persons so aggrieved may recover by Action on the Case full Satisfaction for the Special Damage by him or them sustained in consequence of such Irregularity; but no Person or Persons shall recover in any such Action if Tender of sufficient Amends shall before such Action brought have been made by or on behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity as aforesaid, or shall have been guilty of any Trespass or other wrongful Proceeding; and in case no such Tender shall have been made it shall be lawful for the Defendant or Defendants in any such Action, by leave of the Court in which any such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Orders, and Judgments shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

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

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

For securing transient Offenders.

LXXII. And be it further enacted, That it shall and may be lawful for any of the said Proprietors, or their Surveyors or other Officers respectively,

tively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Proprietors, Surveyors, or other Officers) who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the said Borough of *Plymouth* (or the said County of *Devon*, as the Case may be); and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Nothing in this Act to prevent Company from being indicted for a Nuisance.

LXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from proceeding by Indictment or otherwise against the said Company or against any of their Officers, Servants, or Workmen, in respect of any Works of the said Company, or the Method which shall be employed by them for furnishing such Lights as aforesaid as a public or private Nuisance, or from bringing any Actions against the said Company, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works or Method of Lighting, whether such Injury shall proceed from the Nature of such Method of Lighting, or the Carelessness or Want of Skill of the Persons employed therein.

Justices of the Peace being Proprietors, disqualified from acting.

Justices for Devon to act in certain Cases.

LXXIV. And be it further enacted, That no Justice of the Peace for the said Borough of *Plymouth*, being a Proprietor of the said Gas Company, shall act as Justice of the Peace in any Case whatsoever relating to the Execution of this Act: Provided always, that in case any Cause of Complaint, Matter or Thing hereby made cognizable by One or more Justice or Justices of the Peace for the said Borough, shall happen or arise without the Limits of the said Borough, and within the County of *Devon*, the Justices of the Peace for the said County of *Devon*, not being Proprietors of the said Gas Company, shall have the same Power and Authority to hear and determine such Complaints, Matters and Things, by the Examination of Witnesses upon Oath or otherwise, and to grant and execute Summonses, Warrants of Distress, Commitments and other Proceedings relating thereto, as fully and effectually as by the Laws now in force they are enabled to do, and as the said Justices of the Peace for the said Borough, not being disqualified as aforesaid, are authorized to do by virtue of this Act.

Appeal.

LXXV. And be it further enacted, That if the said Company, or any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done or to be done in pursuance of this Act, or by any Bye-Law, Rule or Order to be made in pursuance hereof (and for which no particular Method of Relief is herein-before appointed), the said Company, or such Person or Persons, may appeal either to the Justices of the Peace for the said Borough of *Plymouth*, or to the Justices of the Peace for the said County of *Devon*, at the Option of the Party making such Appeal, at their General or Quarter Sessions of the Peace to be held for the said Borough or County respectively, within the Space of Four Calendar Months next after the Cause of Appeal shall have arisen, such Appellant

or

or Appellants first giving or causing to be given Fourteen Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Cause thereof, to the said Company, or other the Respondent or Respondents, and within Ten Days next after such Notice given, entering into a Recognizance before One of His Majesty's Justices of the Peace for the said Borough or County, as the Case may be, with Two sufficient Sureties, conditioned to try such Appeal at such General or Quarter Sessions, and to abide the Order of and to pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and shall award such Costs to either Party as they shall think proper, and the Determination of the Justices at such Sessions once made, shall be final, binding, and conclusive upon all Parties.

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

LXXVI. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, Party or Parties, to serve any Notice or Notices upon the said Company, or any Writ or Writs, or other legal Proceedings, the Service thereof upon the Chairman or on a Member of the said Committee of Management for the Time being, or left at his usual Place of Abode, or upon the Clerk of the said Company for the Time being, or at the Office of such Clerk, or left at his usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

General Saving of Rights.

LXXVII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to the Mayor and Commonalty of the said Borough of *Plymouth*, and their Successors, and to the said Commissioners for carrying into Execution the said Acts of Parliament of the Tenth, Twelfth, and Fourteenth Years of His late Majesty's Reign, and their Successors, and to all other Commissioners and Trustees who for the Time being shall have the Controul, Direction, or Management of the paving, lighting, and otherwise improving the said Town and Borough of *Plymouth* and Places adjacent, or any Part thereof, under the Authority of any Act or Acts of Parliament which now is or are or hereafter shall be in force for that Purpose, and to the Guardians of the Poor of the Town of *Plymouth*, and to the *Sutton Pool* Company, and to the Company of Proprietors for embanking Part of the *Lara*, and to the *Plymouth* and *Dartmoor* Railway Company, their several and respective Rights, Privileges, Powers, Authorities and Trusts, Franchises and Immunities, as fully and completely in every respect as they respectively enjoyed the same before the passing of this Act.

Expences of the Act how to be paid.

LXXVIII. And be it futher enacted, That all the Costs, Charges, and Expences attending the applying for, obtaining and passing this Act, or otherwise incurred in relation to the same, shall be paid and discharged by the said Committee of Management, out of the Monies already subscribed or to be subscribed for the Purposes of this Act.

Public Act.

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

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