



ANNO UNDECIMO

GEORGII IV. REGIS.

Cap. xxxvi.

An Act for incorporating the *Dundee* Gas Light Company, and for the better lighting the Town of *Dundee* by Gas. [3d *May* 1830.]

WHEREAS the principal Streets, Roads, and Passages, and great Part of the Houses and other Buildings in the Town of *Dundee* in the County of *Forfar*, and the Suburbs thereof and Places adjacent thereto, are now lighted with Inflammable Air or Gas manufactured and supplied by certain Persons forming a Company for that Purpose under the Firm of the *Dundee* Gas Light Company: And whereas the said Persons forming the said Company have already subscribed and contributed among themselves, and have expended considerable Sums of Money, amounting in all to the Sum of Twenty-nine thousand seven hundred and six Pounds Eighteen Shillings and One Penny Sterling, in erecting Works, laying down Pipes, and otherwise, for the Purpose of lighting the said Streets, Roads, Passages, and Houses, and other Buildings as aforesaid; and it would be beneficial to the Public and the said Company if the said Works were extended and rendered more complete; and it would afford Facilities to the said Company, in the Execution of these Purposes, if the Members thereof were incorporated; but as these Ends cannot be obtained without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the

[*Local.*] 8 B the

Proprietors
incorporated.

the Authority of the same, That *James Soot, John Sturrock, David Miln, Alexander Balfour, John Guthrie, George Symers, David Baxter, Patrick Scott, Archibald Crichton, John Sim, David Martin, and John Baxter*, and all and every such other Person or Persons and such Bodies Politic and Corporate as are or from Time to Time shall or may in such Manner as is herein mentioned become a Proprietor or Proprietors of Shares in the said Undertaking, and their respective Successors, Executors, Administrators, and Assignees, shall be and they are hereby united into a Company of Proprietors, and declared to be One Body Politic and Corporate, by the Name of *The Dundee 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 pleaded, in Law and Equity; and the said Company shall be established for the Purpose of producing Inflammable Air or Gas from Coal or other Substances, and for lighting and supplying with Gas all Persons, and all public Places, Roads, Streets, Ways, Lanes, and Passages, and also all Shops, Manufactories, and private Houses, and other Buildings in the said Town of *Dundee*, and Places adjacent thereto, in the Parish of *Dundee*, and Parishes or United Parishes of *Liff, Benvie, Logie, and Invergowrie*, and also for selling and disposing of all and every Product and Products, Refuse or Residuum arising or to be obtained from the Materials used in or necessary for the manufacturing of Gas, in such Manner as the said Company may think proper.

Purposes of
the Com-
pany.

Capital
Stock.

II. And be it further enacted, That it shall be lawful for the said Company to raise and contribute among themselves, including the Money already subscribed and contributed by them as aforesaid, a Sum of Money by way of Capital or Joint Stock, to be applied and used in completing, establishing, and carrying on the said Undertaking and the Purposes aforesaid, not exceeding in the whole the said Sum of Twenty-nine thousand seven hundred and six Pounds Eighteen Shillings and One Penny.

Shares to be
Personal
Estate.

III. And be it further enacted, That all Shares in the said Undertaking, and in the Profits and Advantages thereof, shall be deemed Personal Estate, and be transmissible as such, agreeably to the Law of *Scotland*.

Stock to be
divided into
Shares.

IV. And be it further enacted, That the said Capital Stock shall be divided into One thousand two hundred and fifty Shares, and every Proprietor of a Share or Shares shall be entitled to and interested in the Capital Stock and Effects of the said Company equally, and the Profits and Advantages attending the same, according to the Number of Shares which he, she, or they shall hold; but no Individual, or Body Politic or Corporate, or private Company or Society, shall be allowed to hold respectively more than Twenty Shares of the Stock of the said Company at one Time; but this Limitation shall not prevent those who at present hold more than Twenty Shares in the existing Undertaking from continuing to hold the Number now held by them in the Capital Stock of the Company to be hereby incorporated.

The Com-
pany may
borrow
20,000*l.*

V. And be it further enacted, That it shall and may be lawful to and in the Power of the said Company, or of the Committee of Management for the Time, by and with the Advice and Direction of any General Meeting of the said Company, to borrow and take up in Loan, at such Rate

of Interest as may be agreed on, but which shall not exceed the legal Rate of Interest for the Time, any Sum or Sums of Money, not exceeding the Sum of Twenty thousand Pounds in the whole, for the Use of the said Company for the Purposes of this Act, and from Time to Time to grant, execute, and deliver to and in favour of the Lender or Lenders, or those having Right, such Bonds or other Obligations in Writing as may be required, binding the said Company for Payment of the Sum or Sums so borrowed, with the Interest thereof; and it shall and may be lawful to and in the Power of the said Company or Committee, with such Advice and Direction, to assign and convey the Whole or any Part of the said Estate and Effects of the said Company in Security of such Sum or Sums so raised upon Loan, in the Form or to the Effect following; *videlicet*,

‘ WE the *Dundee Gas Light Company* incorporated by an Act passed in the Eleventh Year of the Reign of His Majesty King George the Fourth, intituled [*here insert the Title of this Act*], do hereby acknowledge to have borrowed from *A. B.* the Sum of which Sum we are by these Presents bound to repay to the said *A. B.* or his Executors [*or to Heirs, secluding Executors, if so desired by the Lender or Assignees,*] upon the Day of with Interest of the said Sum at the Rate of *per Centum per Annum*, from the Day of until the said Day of Payment, and yearly, termly, daily, and continually thereafter until Payment is made [*here insert such other Conditions as may be agreed on*]; and in further Security of the Payment of the said Sum and Interest, we hereby assign to the said *A. B.*, and his foresaids, the whole Estate and Effects [*or such Part as may be agreed on*] of the said Company, until the said Sum, Interest thereon, and all just and necessary Expences to be incurred in the Premises, are fully satisfied and paid. In witness whereof these Presents, written on stamped Paper by *C. D.*, are subscribed by Members of the Committee of Management of the said Company, and also by the Manager of the said Company, at the Day of of before these Witnesses and

Which Bonds, Obligations, and Assignments, being signed by any Seven or more Members of the Committee of Management of the said Company, and by the Manager of the said Company, shall be a valid Obligation on the said Company; and such Assignments shall be a real and effectual Security over the Estate and Effects of the said Company, according to the Form of Words of such Assignment and the true Intent and Meaning of this Act.

VI. And be it further enacted, That it shall and may be lawful to and for the several Persons entitled to any such Bond, Obligation, or Assignment, to transfer the same to any Person or Persons whomsoever; and every such Transfer may be in the Words or to the Effect following; (that is to say,)

‘ I *A. B.*, being entitled to the Sum of under or by virtue of a certain Bond, Obligation, or Assignment [*as the Case may be*] bearing Date the Day of , granted by

Form of Assignment.

Power to transfer Assignments.

Form of Transfer.

Pipes, Cocks or Branches, or other necessary Apparatus, from any Main or Pipe laid in any Street, Square, or Highway, Roadway, Lane, Close, Vennel, Court, Footpath, Passage, or Place, by the said Company by virtue of this Act, into any Dwelling House or Dwelling Houses, Shops, Manufactories, public or private Buildings, for the Purpose of lighting the same from any such Mains or Pipes, and to fix, place, and maintain any Apparatus or Convenience necessary or requisite or deemed advisable by the said Company for securing to any Dwelling House or Houses, Shops, Manufactories, public or private Buildings, a proper and competent Supply of Gas, or for measuring and ascertaining the Extent of such Supply, and also to alter, amend, enlarge, or add to any Work which shall have been placed, when the same shall be bad or imperfect, or which shall be injured or damaged, in such Dwelling House or Houses, Shops, Manufactories, public or private Buildings, and to do all such other Acts, Matters, and Things, of the same or the like Nature, as shall from Time to Time by the said Company be found necessary and convenient for the Purposes of carrying this Act into execution, according to the true Intent and Meaning of the same: Provided always, that a proper Compensation be made by the said Company for any Damage to be done by the said Acts respectively, as the same shall be ascertained by the Sheriff of *Forfarshire* for the Time; and provided also, that nothing herein contained shall extend or be construed to extend to authorize or empower the said Company or their Successors to carry or lay any Pipe or Pipes, Cocks or Branches, from any Main or Pipe, against any Dwelling House or Dwelling Houses, Shops, Manufactories, public or private Buildings as aforesaid, or to continue the same when so carried or laid, without the Consent of the Owner and Owners and Occupier and Occupiers for the Time being of every such Dwelling House or Dwelling Houses, Shops, Manufactories, public or private Buildings as aforesaid; but provided also, that when any Tenement belongs in part to, or is occupied in part by, more than One Person, the Proprietor or Occupier of any Part shall be entitled himself to place, or to authorize the said Company to place, Pipes for conveying Gas to the Portion belonging to or occupied by him, without the Consent of the Proprietor or Occupier of the other Parts; provided that such Pipe shall be so placed as not to cause any Injury or Damage to the Portion belonging to or occupied by the Person objecting; and if any Dispute shall arise it shall be settled summarily by any of the Magistrates of *Dundee*, or any Person of Skill appointed by the Magistrates for the Purpose.

X. And whereas the Magistrates and Town Council of *Dundee* consented to the Proprietors of the said Company opening the Soil and Pavement, and laying Pipes therein, only under the Condition that the said Proprietors should make Payment of Twenty Pounds Sterling annually to the Common Good of the Burgh; be it enacted, That the said Company shall be bound and they are hereby required to pay the said Sum of Twenty Pounds Sterling annually to the Chamberlain of the Burgh, or other Person authorized by the Magistrates and Town Council to receive the same.

Company to pay 20*l.* annually to the Town of *Dundee*.

XI. Provided always, and be it enacted, That the said Company shall not only be at the Expence of opening and raising the Streets, Causeways, and Foot Pavements, for the Purposes aforesaid, but also of relaying and

[*Local.*]

8 C

Company to relay Pavement, &c. in a workman-like Manner.

5 G.4. c. 129. replacing the same in the most careful and substantial Manner, by Workmanship and Materials not inferior to the rest of the Streets, Causeways, or Foot Pavements adjoining those so opened and raised, to the Satisfaction of the Magistrates and Town Council of *Dundee*, or of the general Commissioners, under an Act passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act for the better paving, lighting, watching, and cleansing the Burgh of Dundee, and for building and maintaining a Bridewell there, or the Road Trustees of the District, or of such private Parties as may be interested therein respectively, as the Case may be; and the said Company shall carry or cause to be carried away all surplus Earth, Filth, and Rubbish occasioned thereby, at their own Costs and Charges, and during the Time that such Works are carried on by the said Company, and such Ground, Soil, or Pavement is reinstated as aforesaid, the said Company shall provide proper Watchmen, with necessary Lights at Night, and otherwise guard the said Works, so as to prevent any Damage or Inconvenience happening to Passengers, Cattle, or Carriages; and in case the said Company shall neglect and make default in making good and reinstating such Ground, Soil, or Pavement as aforesaid, or removing any Rubbish occasioned thereby, or in placing or setting up such Lights at Night, and otherwise guarding the said Works, so as to prevent Accidents to Passengers, Cattle, and Carriages, then and in every such Case it shall be lawful for the said Magistrates and Council, Commissioners, or Trustees, or private Parties, to reinstate and make good such Ground, Soil, or Pavement, and carry away all surplus Earth, Filth, and Rubbish occasioned thereby, and, during the Time such Works are carried on, to provide proper Watchmen, with necessary Lights at Night, and the Charges and Expences thereof shall be reimbursed and repaid by the said Company or their Treasurer to the said Magistrates and Council, Commissioners, or Trustees, or their respective Treasurer, or to such private Parties advancing the same; and in default of Payment thereof within Twenty-eight Days next after Demand thereof in Writing shall have been made by the Clerk of the said Magistrates and Council, Commissioners, or Trustees, or such private Parties, Proof of such Demand being made by the Oath of One credible Witness before the Sheriff of *Forfarshire* or his Substitute, all such Sum or Sums of Money so paid by them, together with any Sum not exceeding Twenty Shillings by way of Penalty, shall and may be levied and recovered, with all reasonable Charges, by Pounding and Sale of the Goods and Chattels of the said Company, by Warrant of such Sheriff or his Substitute as aforesaid, to be granted in like Manner and subject to the like Provisions as are herein-after directed.*

Marks to be inserted in the Streets to distinguish the Line of Pipes.

XII. And whereas it may be expedient that the Tracts of the said Mains and Pipes of the said Company should be distinguished from those of other Pipes in the same Streets, Roads, or Ways, be it therefore enacted, That on the upper Side of any Mains or Pipes to be hereafter laid by the said Company, at a Distance not exceeding Forty Yards along such Line of Main, and at every Turn of such Main, there shall be inserted and placed an Iron or Stone Mark to distinguish the Line of such Mains; and which Marks shall be even with the Surface of the Ground or Pavement under which such Mains shall lie.

XIII. And

XIII. And be it further enacted, That if it shall at any Time or Times be found necessary or expedient by the said Magistrates and Town Council, Commissioners, or Trustees for paving or repairing the said Roads, Streets, Ways, Lanes, and other public Passages and Places respectively, to require the said Company to raise, sink, or otherwise alter the Situation of any of the Pipes, Stopcocks, Plugs, or Branches which have been or shall be laid down for the Purposes aforesaid, the said Company shall, at their own Expence, within One Calendar Month next after being required so to do by Notice in Writing to them given by the said Magistrates and Town Council, Commissioners, or Trustees respectively, signed by their respective Clerks, raise, sink, or alter such Pipes, Stopcocks, Plugs, or Branches, according to such Notice, in such Manner and in such Place or Places as the said Magistrates and Town Council, Commissioners, or Trustees respectively shall find right and proper; and in default thereof it shall be lawful for the said Magistrates and Town Council, Commissioners, or Trustees, or their Surveyor, or any other Person or Persons acting by their Order and under their Authority respectively, to cause such Pipes, Cocks, Plugs, or Branches to be raised, sunk, or altered; and the reasonable Costs and Charges of doing the same shall immediately thereafter be paid by the said Company; provided nevertheless, that if such reasonable Costs and Charges be not paid within Twenty-eight Days next after Demand shall be made by such Surveyor or other Person acting by or under the Authority of the said Magistrates and Town Council, Commissioners, or Trustees respectively, at the Office of the said Company, Proof of such Demand being made by the Oath of One credible Witness before the Sheriff of *Forfarshire* or his Substitute, all such reasonable Costs and Charges, together with the Expences of recovering the same, shall and may be levied and recovered by Pounding and Sale of the Goods and Effects of the said Company, by Warrant of such Sheriff or his Substitute, in like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered from the said Company.

Power to
alter Pipes.

XIV. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Road, Street, Lane, or other public Passage or Place within the said Town of *Dundee* and Places thereto adjacent, shall be so laid at the greatest practicable Distance, and, whenever the Width of the Carriageway in such Street or Place will allow thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe, Sough, or Watercourse already laid down or hereafter to be laid down by the Corporation of *Dundee*, or any Company of Proprietors, for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Lanes, or other public Passages or Places within the said Town of *Dundee* and Places thereto adjacent; except in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, Soughs, or Watercourses, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes, Soughs, and Watercourses, at the greatest practicable Distance therefrom, and shall form therewith, as near as possible, a Right Angle; and in such Cases the said Gas Pipes so crossing the said Water Pipes, Soughs, and Watercourses, shall be at least Six Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes, Soughs, or Watercourses, than Three Feet at least; and that in laying down

For the Pro-
tection of
WaterPipes.

down the said Gas Pipes the said Company shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials; and shall also make and keep all and every such Pipes, and all Pipes connecting or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, air-tight, and in all and every respect prevent the said Gas from escaping therefrom, upon pain of forfeiting for any such Offence, if the Company shall neglect or refuse to make such Gas Pipes air-tight within Twenty-four Hours after Notice thereof given to them in Writing, the Sum of Fifty Pounds.

For prevent-
ing the Es-
cape of Gas.

XV. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down in any Markets, Streets, Squares, Lanes, public Passages or Places within the said Town of *Dundee* and Places adjacent thereto, the said Company, or the Body or Bodies Politic or Corporate, or the Person or Persons, being the Owner or Owners of such Pipe or Pipes, so laying down or causing the same to be laid down in any such Markets, Streets, Squares, Lanes, and other public Passages and Places, shall, immediately after Notice given to them or him, by Parole or in Writing, of any such Escape of Gas, from any Inhabitant or Inhabitants of the said Town of *Dundee* and Places thereto adjacent, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Company, the Body or Bodies Politic or Corporate, or Person or Persons as aforesaid shall not, within Twenty-four Hours next after such Notice given, effectually stop and prevent any future Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Company, or the Body or Bodies Politic or Corporate, or the Person or Persons as aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each 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 or Penalties shall from Time to Time be recoverable in a summary Way, on the Oath of One or more credible Witness or Witnesses, by Information to be laid before some One or more Justice or Justices of the Peace, and shall and may be recoverable and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the Treasurer of the said Company, or of the Goods and Chattels of the Body or Bodies Politic or Corporate, or of the Person or Persons as aforesaid so contracting to light, or lighting as aforesaid.

Conveyance
of waste
Liquids.

XVI. And be it further enacted, That it shall be lawful for the said Company to make Sewers or Cuts, of such Breadth, Depth, and Dimensions and in such Manner as shall be necessary, in, through, and under the Streets, Squares, Ways, Roads, Lanes, Alleys, Closes, Vennels, Courts, and other Places within the said Town of *Dundee* and Places adjacent, for carrying off the Washings or other waste Liquors which may arise in the Prosecution of the Works aforesaid, the said Company doing as little Damage as may be in making such Sewers or Cuts, and immediately repairing at their own Expence all such Damage: Provided always, that the Operations necessary for these Purposes shall be carried on

on in such Lines adapted to the Purpose, and according to such Dimensions, as may be agreed upon between the said Magistrates and Council, or General Commissioners of Police, or the Trustees of the Roads along or across which the said Sewers or Cuts may pass, and the said Company, and shall be conducted under the Inspection of the said Magistrates and Council, Commissioners, and Trustees respectively: Provided also, that in no Case shall any Communication be made between the said Sewers or Cuts and the Common Sewers made or to be made in the said Town or Places adjacent, or any Sewers made or which may be made in the said Town or Places adjacent, or any Sewers made or which may be made by Individuals communicating therewith.

XVII. Provided also, and be it further enacted, That if the said Company shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or other Things whatsoever, which shall arise or be produced in the Prosecution of the Works of the said Company, or in the Process of obtaining the said Gas, into any River, Brook, or Running Stream, Reservoir, Canal, Aqueduct, Feeder, Pond, Springhead, 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 River, Brook, or Running Stream, Reservoir, Canal, Aqueduct, Feeder, Pond, Springhead, 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 by summary Complaint in the Court of Session; 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 Six Calendar Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been sued for or recovered, or not, in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or Running Stream, or any Reservoir, Canal, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given 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 emptied, drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such 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 emptied, drained, conducted, or conveyed, or caused or suffered

Penalty on conveying Washings into any River, &c.

to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in the same Manner that any other Penalty may be recovered and levied in virtue of this Act, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Court or Person or Persons before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by such Act so to be done or committed.

Gas Com-
pany to pre-
vent Conta-
mination of
Water, &c.

XVIII. And be it further enacted, That whenever the Water of the Corporation of the Town of *Dundee*, or any Owner or Company of Proprietors of Waterworks, shall be contaminated or affected by the Gas of the said Company, or of any Body or Bodies Politic or Corporate, or any Person or Persons as aforesaid, such Company, or Body or Bodies Politic or Corporate, or other Person or Persons aforesaid shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and shall be applied to and for the Use and Benefit of the said Corporation, Owner or Company of Proprietors of the Waterworks affected thereby; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case and Cases the said Company, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Clerk or Surveyor to the said Corporation, Owner, or Company, or by any Person or Persons consuming the Water, to be left at the usual Office or Place of transacting Business of the said Company, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, cause the most proper and effectual Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting the Water of the said Company of Proprietors; and in case the said Company, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, that then and in every such Case the said Company, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being or to any One of the Directors for the Time being of the said Corporation, Owner, or Water Company, for the Use and Benefit of the same Proprietors, over and above the before-mentioned Penalty of Twenty Pounds, to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which the said Water shall be and remain contaminated, tainted, or affected by the Gas of the said Company, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid; and in default of Payment thereof as aforesaid such Penalty or Penalties shall and may be recovered by Information to be exhibited on the Oath of One credible Witness, by and in the Name of the Provost and Magistrates for the Time being of the said Borough, or by and in the Name of any One or more of the Directors of any such Water Company, at the Option of the Party or Parties prosecuting such Information against the said Company, or Body or Bodies Politic or Corporate, or Person or
Persons

Persons as aforesaid, before any Justice of the Peace, with Costs to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Company, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties and Costs, when so levied, shall be paid to the Treasurer or to One of the Directors for the Time being of the said Company which shall be contaminated, or affected by such Gas.

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

For ascertaining if Water is contaminated.

XX. And be it further enacted, That the said Company, or their Committee of Management may and are hereby authorized and empowered to enter into Agreement or Contracts with the said Commissioners appointed for executing the said Act passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act for the better paving, lighting, watching, and cleansing the Borough of Dundee, and for building and maintaining a Bridewell there*, or with any other Person or Persons having for the Time the Controul, Direction, or Management of the lighting of the said Town of *Dundee* and Places adjacent, or with any Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations, or Companies, willing and desirous of contracting with the said Company of Proprietors, for the

Power to contract for supplying Gas.

5 G. 4. c. 129.

the lighting of the said Town and Places adjacent foresaid, or any Part thereof, or any of the Streets, Squares, public Market Places, Roads, or Manufactories, Breweries, or private Houses, or Places of public Exhibition, Churches, Chapels, Shops, Houses, Countinghouses, or Warehouse, or other Places within the Town and Places adjacent foresaid, on Payment to the said Company of Proprietors, or such Person or Persons as may be appointed by them to receive the same, of such Sum or Sums of Money for such Gas, as shall be mutually agreed upon between them; and in case of Default of Payment of any Sum or Sums of Money so agreed to be paid as aforesaid, it shall and may be lawful for the said Company to cause the Gas to be stopped from issuing or running into the House or Houses, Office, Work, or Manufactory, or public or private Buildings, of every Person or Persons making such Default, by separating or otherwise cutting off the Pipe or Pipes conveying the said Gas to such Person or Persons; and if any Person or Persons shall lay or cause to be laid any Pipe to communicate with any Main Pipe or other Pipe belonging to the said Company, or any Pipe or Pipes communicating therewith, without having obtained the written Consent of the said Company, every such Person or Persons shall forfeit and pay to the said Company the Sum of Forty Shillings for every Day such Pipe shall so remain, over and above the Value of the Gas thereby consumed, and Costs of suing for and recovering the same.

Persons not to supply others with Gas nor injure Gas Meters.

XXI. Provided always, and be it further enacted, That if any Person or Persons whomsoever supplied with Gas by virtue of this Act, shall supply any other Person whatsoever with any Part of such Gas, then and in every such Case every Person or Persons so offending shall, for every such Offence, forfeit and pay to the said Company any Sum not exceeding Five Pounds, over and above the Value of the Gas so supplied, with the Costs and Charges of suing for and recovering the same; and it shall be lawful for the said Company to take off the Gas from the House and Premises of any Person or Persons so offending, notwithstanding any Contracts or Agreements which may have been previously entered into; and it shall be lawful for the Manager or any of the Officers or Servants of the said Company to inspect the Buildings lighted with Gas or Inflammable Air supplied by the said Company, provided that such Inspection shall be made during the Day-time, and that Notice thereof shall be given to the Occupier of the Building so to be inspected Six Hours at least before such Inspection; and if in any Building or Place, a greater Number of Jets or Lights of the said Gas, or Inflammable Air supplied by the said Company shall be burned than shall have been agreed for with the said Company, or if any such Jet or Light shall be burned for a longer Time than shall have been agreed for with the said Company, or if the Meter or Meters which may be used for ascertaining the Quantity of Gas so consumed or supplied in any such Building or Place shall be in any ways opened, altered, injured, or destroyed, the Occupier or Occupiers of such Building or Place shall forfeit and pay to the said Company a Penalty not exceeding Five Pounds, nor less than Forty Shillings, for each Offence, upon Conviction by the Sheriff of *Forfarshire* or his Substitute for the Time, over and above the Value of the Gas surreptitiously consumed as aforesaid, and the Expences of suing for, and recovering the same.

XXII. Pro-

XXII. Provided always, and be it further enacted, That the said Company shall and they are hereby directed and required to supply all the public Streets, Squares, Market Places, Roads, and Places in the said Town of *Dundee* 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 public Street, Square, Market Place, Road, or Place by the said Company, shall contain a Clause providing that it shall be obligatory on the said Company that such public Street, Square, Road, or Place by the said Company shall at all Times be better and more cheaply lighted with Gas by the said Company than the same could be done with Oil.

Gas to be supplied cheaper than Oil Lights.

XXIII. Provided also, and be it further enacted, That the Gas to be furnished by the said Company shall be of as good Quality as that furnished by any other Gas Light Company in *Scotland*; and the said Company shall be bound to furnish such Gas at a Rate or Charge as low as shall be the average Price demanded for Gas by the Gas Companies in the several Towns of *Edinburgh, Glasgow, Paisley, Perth, Arbroath, Montrose, and Aberdeen*, during the same Time; but if any Person shall object that the Price demanded is greater than such average Price, the Burden of proving the Excess shall lie on the Party objecting; and the Judge before whom the Question is tried shall award against the said Company the Expences of such Proof and other Proceedings, in case it be found that the Price charged is beyond such Average, and he shall award all the Expences incurred by the said Company against such Party objecting, in case it shall be found that the Price charged is not beyond such Average.

Rates to be regulated.

XXIV. And be it further enacted, That if any Person or Persons shall wantonly or maliciously hinder or interrupt the said Company, or their Deputies, Agents, or Workmen or Servants, or any of them, in doing and performing any of the Works, or in the Exercise of any of the Powers and Authorities conferred by this Act, or shall in any ways cause or procure the same to be done, every Person or Persons so offending shall each, for every such Offence, forfeit and pay to the said Company, or to the Person or Persons by them authorized on that Behalf, any Sum not exceeding Five Pounds nor less than Forty Shillings, upon Conviction by the Sheriff of *Forfarshire* or his Substitute for the Time, and also the full Amount of the Damage which shall be sustained by such Hindrance or Interruptions, together with the Costs of suing for and Charges of recovering the same.

Penalty for interrupting Company's Workmen.

XXV. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break, throw down, damage, or destroy any Works to be erected and made by virtue of this Act, or destroy, injure, or damage any Engine, Pipe, Pump, Plug, or other Matter or Thing which shall be made, provided, or procured for the Purposes of this Act, or the Materials used or provided for the same, every such Person or Persons shall forfeit and pay to the said Company any Sum not exceeding Five Pounds nor less than Forty Shillings, upon Conviction by the Sheriff of *Forfarshire* or his Substitute for the Time, for every such Offence, and also the full Amount of the Damage which shall be sustained thereby, with the Costs of suing for and recovering the same.

Penalty for injuring the Works.

[*Local.*]

8 E

XXVI. And

Remedy for
Recovery of
Rates.

XXVI. And be it further enacted, That in case any Person or Persons who shall contract with the said Company, or agree to take or shall use or enjoy the Benefit of the said Gas, or who have already contracted or agreed to take or used or enjoyed the Benefit of the Gas already furnished by the said Proprietors, either in their private Dwellings, Shops, Inns, Taverns, or other Buildings or Manufactories, Grounds or Premises, or otherwise, shall refuse or neglect for 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 Manager, or any Person or Persons acting by or under their Authority, to apply to the Sheriff of the County of *Forfar* or his Substitute for a Warrant to enter the Houses, Shops, Manufactories, or other Places, and to seize, take possession of, and carry away the Goods and Effects of the Person or Persons so refusing or neglecting as aforesaid, or so much thereof as shall appear to be necessary; and it shall be competent to the said Sheriff, or his Substitute, and he is hereby authorized and required, to grant such Warrant, upon Production of an Affidavit emitted before any Justice of the Peace for the said County, by the Collector or Person who made the Demand, of such Demand having been made, and of such Person or Persons being in arrear to the Amount so demanded; and if such Sum or Sums of Money shall not be paid, together with the Costs and Charges incurred in obtaining such Warrant, within Ten Days next after such Seizure is made, together with the Costs and Charges of such Seizure, then the Goods and Effects so seized shall be sold, without any additional Warrant, in the same Way that Goods pointed by common Process of Law are appointed to be sold, rendering the Surplus of the Proceeds thereof, if any be, after Payment of the said Sums and Costs, to the Owner or Owners of the said Goods and Effects.

Proprietors
not answer-
able for more
than their
respective
Stocks.

XXVII. Provided always, and be it further enacted, That nothing herein contained shall extend to charge or make liable any Person or Persons, Body or Bodies Politic or Corporate, who is, are, or shall be a Proprietor or Proprietors of the Stock of the said Company, or Contributor or Contributors thereto, or his, her, or their Real or Personal Estate, with any Debt or Demand whatever due or to become due from the said Company, beyond the Extent of his, her, or their Capital Stock Share or Shares in the Stock of the said Company, any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

First and
other General
and Special
Meetings of
the Com-
pany when
to be held,
and Mode of
calling them.

XXVIII. And be it further enacted, That there shall be a Stated General Meeting of the Company held at *Dundee* on the last *Wednesday* of *June* in this present and every subsequent Year at Twelve o'Clock Noon; but it shall always be in the Power of the Committee of Management, when they think it requisite, to call Special General Meetings of the said Company, and they shall be bound so to do on a Requisition stating the special Object of such intended Meeting, and signed by Proprietors holding one with another Two hundred Shares of the Capital Stock; of all which Meetings of the said Company, whether Stated or Special, Notice shall be given by Advertisement to be inserted Twice at least in One or more of the Newspapers published for the Time in *Dundee*, Seven Days at least before the Day of such Meeting, such Notice stating the particular Business proposed to be brought forward;

Baxter shall be Directors of the said Company, and constitute a Committee for the Management of the Concerns of the said Company, until the General Meeting of the Proprietors of the said Company to be holden upon the said last *Wednesday of June* in this present Year.

Future Ap-
pointment of
Directors.

XXXI. And be it further enacted, That upon the said last *Wednesday of June* in the present Year the Four Directors at the Head of the List before set forth shall cease to be Directors, and at the Meeting of the said Company to be held on that Day an equal Number of new Directors shall be elected from among the Proprietors in their stead, and that by Ballot, and not otherwise; and the Names of such new Directors shall be added at the Bottom of the said List of Directors; and in like Manner at the Annual Meeting to be held upon the last *Wednesday of June* in every Year thereafter, the Four Directors at the Head of the said List shall cease to be Directors, and Four other Directors shall be elected by Ballot as aforesaid by the said Company, and be placed at the Bottom of the said List as aforesaid; it being hereby provided and declared that the Four Persons standing at the Top of the List, and going out of Office as aforesaid, or any of them, may be re-elected.

Qualification
of Directors.

XXXII. And be it further enacted, That no Person shall be eligible or act as a Member of the Committee of Management of the said Company unless he shall hold, or be a Member of a Partnership holding, at the Time, One or more Shares of the said Company's Stock, and shall be resident in *Dundee* or within Two Miles thereof, or in case he shall be concerned in any Contract with the said Company (other than a common Contract for the said Company supplying him with Gas, which shall not be a Disqualification); and in case any of the Directors shall become bankrupt, or be in a State of notour Insolvency, or shall cease to be qualified as a Proprietor of Stock, or in respect of Residence, or otherwise, as hereby provided, he shall from thenceforth be disqualified from being a Director; and when such Disqualification takes place, or in case of any Vacancy otherwise occurring, the remaining Directors shall have Power, if they think it proper, to fill up such Vacancy, by nominating another Person duly qualified in the Room of the Individual whose Place is vacant; and such Person so to be nominated by the Directors shall remain in Office until the next Stated Annual Meeting of the Company, when the Proprietors shall elect by Ballot the Person so nominated, or any other Person, to fill the Place of the Individual who has vacated his Office by Disqualification or otherwise as aforesaid; and the Person so to be elected shall take the exact Place of his Predecessor in the Order of the List of Directors and not otherwise.

Meetings of
Directors, and
Quorum ne-
cessary at
such Meet-
ings, &c.

XXXIII. And be it further enacted, That for the better Management of the Affairs of the said Company it shall and may be lawful for the said Directors or Committee of Management for the Time being, and they are hereby authorized and required, from Time to Time to assemble and meet together, at any Place or Places in *Dundee* or the Suburbs thereof, for the Direction and Management of the Affairs of the said Company; and at all Meetings of the Committee of Management the Members present shall elect their own Chairman; and any Three or more of the Directors or Members of Committee, but not less, shall be a sufficient Number or Quorum to constitute a Meeting for the Purpose of doing

doing all the Acts, Matters, and Things, and exercising all the Powers and Authorities, vested in them as a Committee of Management; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Directors or Committee of Management at their Meetings, shall be decided and determined by the Majority of Directors or Members of Committee then present; but no Director or Member of Committee shall have more than One Vote at any such Meeting, except in case of Equality of Votes, in which Case the Person presiding shall not only have a deliberative Vote, but also a casting Vote: Provided always, that it shall and may be lawful for the said Directors or Members of Committee to appoint any of their Number as Sub-Committees for particular Purposes, for the better attending to and transacting the Business of the said Company, and subject to the Approbation of the Committee of Management or their Quorum before specified; and it shall be in the Power of the Clerk at any Time, by Letters, to call, or of the Committee of Management themselves to appoint, such occasional Meetings, either of the said Sub-Committee or of the said Committee, as shall appear to be proper and necessary.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Company assembled at a Special Meeting, and they are hereby authorized and required, from Time to Time to nominate and appoint, by Ballot, a Manager or Treasurer and also a Clerk or Clerks to the said Company, the said Company always taking good and sufficient Security, to the Extent of at least One thousand Pounds Sterling, from such Manager or Treasurer or other Officer appointed to receive Money or have the Care or Custody thereof, for the due accounting for all such Monies with which he or they may be entrusted, and for the faithful Discharge of the Trusts reposed in him or them; and the Company shall have Power, when they see Cause, to suspend the Manager or Treasurer and also the Clerk or Clerks, or any of them, and to appoint other Persons in their Place, or in the Place of those dying, resigning, or becoming disqualified: Provided always, that the present Manager, Treasurer, Clerk, and other Officers shall continue in their respective Offices, until removed or suspended; provided always, that the other Servants of the Establishment shall be named from Time to Time by the Officer at the Head of the Department in which they are necessary, and be removable at Pleasure, either by such Officer or by the Committee of Management for the Time; and the Committee shall have Power to fix the respective Salaries or Remuneration of all the Office Bearers and Servants of the Establishment from Time to Time; and provided also, that the Committee of Management shall at all Times have full Power, when they think it proper, to suspend the Manager or Treasurer and the Clerk or Clerks, or any of them, from their respective Offices, reporting such Proceeding to the next Meeting of the Company, General or Special, for the final Disposal of the Company; and the Committee shall have full Power in all Cases of Suspension from Office, or of a Vacancy by Death, Resignation, or otherwise, to appoint an interim Manager, Treasurer, or Clerk.

Directors
may appoint
Officers, &c.

XXXV. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person or Persons who may be appointed their Clerk or Clerks in the Execution of this Act, or the

Same Person
not to be
Clerk and
Treasurer.

[*Local.*]

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Partner

Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, the Clerk or Clerks to the said Company; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of the Act, or if any Person or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer or Treasurers, or in any Manner officiate for such Treasurer or Treasurers, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer or Treasurers shall hold or accept any Place or Office of Trust or Profit under the said Company, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in the same Way in which any of the Penalties by this Act imposed may be sued for and recovered.

Yearly
Balance to be
made up.

XXXVI. And be it further enacted, That the Directors or Committee of Management for the Time shall cause the Books of the said Company to be balanced as on the Thirty-first Day of *May* in each Year, when a Statement or Abstract of the Company's Affairs shall be made up, and the yearly Balance Sheet shall be examined, docqueted, and signed by the Directors, or a Quorum of them; and no Assignment of Shares of the Capital Stock of the said Company shall be admitted or entered in the Books of the Company during the Period from the Thirtieth Day of *May* till the Expiry of Seven Days after the Day appointed for the Election of Directors; and the Books and Accounts of the Company, and also the said Balance Sheet and Abstract, shall be open to the Examination of all the Proprietors during the Seven Days immediately preceding the Day appointed for the Election of Directors in each Year; and upon the Day appointed for the Election of Directors, the said Balance Sheet and Abstract shall be laid upon the Table for the Inspection of the Proprietors, and the Particulars thereof shall be read or stated and explained at the Meeting by the Chairman; and it shall be in the Power of such Meeting, if they shall think fit, to appoint a Committee for auditing and reporting upon such yearly States at a future General Meeting to be called for the Purpose, in such Manner as shall then be agreed on, and such Committee shall be entitled to call for the Assistance of what Number of the Officers of the Company they shall think fit.

Provision for
Contingen-
cies, and Di-

XXXVII. And be it further enacted, That the Committee of Management shall annually set apart such a Sum as they shall think proper, not
being

being more than One Twentieth Part of the yearly free Profits, and accumulate the same until the same shall amount to the Sum of Five thousand Pounds, as a Fund for answering Contingencies ; and such Sum, so set apart and accumulated as aforesaid, shall be lent out at Interest upon Real or Personal Security, to be approved of by the said Committee of Management ; and after the said accumulated Fund shall amount to the Sum of Five thousand Pounds, the Interest thereof, as well as the yearly Profits to arise from this Undertaking, or such Part thereof as the said General Meeting to be held annually on the last *Wednesday of June*, or any adjourned Meeting, shall annually determine, shall be divided among the several Proprietors of the Company, according to the Share or Shares which they hold severally therein : Provided always, that no Dividend shall at any Time be made whereby the Capital of the Company shall in any degree be reduced or impaired ; and that no Interest shall in any Event be payable upon Dividends due to the Proprietors of the said Company while the same shall remain uncalled for by them.

vision of
Profits.

XXXVIII. 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 the Receipt of any Mandatory of such Person or Persons, shall from Time to Time be a sufficient Discharge to the Treasurer or Treasurers, or others appointed by the said Committee of Management to pay the said Dividends for the Time being, 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, conveyed, or assigned.

Receipt of
the Person in
whose Name
Shares stand
to be good.

XXXIX. And be it further enacted, That the Committee of Management shall have full Power and Authority, on behalf of the said Company, to enter into and make such Contracts and Agreements with any Contractors, Agents, Workmen, Servants, or other Persons, in and about the carrying on of the said Undertaking and Works, or any Part thereof, as they shall think proper, and to order and direct how the several Works shall from Time to Time be carried on ; and also, if they see proper, to fix general Rates to be exacted by the Manager or other Officers for the Supply of Gas, and to declare such Modifications and Exceptions as they think expedient, and from Time to Time to alter the Rates, Modifications, and Exceptions at their Pleasure ; and to enter into any special Contracts or Agreements at their Pleasure, for any Period not exceeding Three Years, for the lighting of the Streets, Squares, Lanes, Closes, and other Places, and also of Manufactories, Spinning Mills, and other Works, in the said Town of *Dundee*, Suburbs, and Places adjacent, or any of them, and for any Period not exceeding Three Years for the lighting of any Shops, Houses, Dwelling Houses, or other Places within the said Town or Places adjacent, and that either according to the established Rate and Conditions, or at other Rates and under special Conditions, at their Discretion ; and generally to direct and manage all and sundry the Affairs and Business of the said Company, and to execute and perform all Acts, Matters, and Things which the said Company are by this Act authorized to do ; but all the Actings of the Committee of Management shall be subject to the Controul of the General Meetings of the Proprietors.

Committee
may contract
for and pur-
chase Lands,
and enter
into Con-
tracts for
lighting, &c.

XL. Pro-

Service Pipes
to be kept
fully charged
with Gas.

XL. Provided always, and be it further enacted, That the Branch or Service Pipes which shall be put up by the said Company for lighting the Streets, Squares, and other public Places of the said Town and Suburbs, and Places adjacent thereto, any or either of them, under any Contract or Agreement with any Person or Persons, shall be kept fully charged with Gas, and the Stopcocks shall be so formed or turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

Power to
contract for
the Purchase
of Lands and
Buildings.

XLI. And be it further enacted, That it shall be lawful for the said Company, and they are hereby empowered, from Time to Time to contract and agree for the absolute Purchase of, or to take in Feu or Lease, and to hold and possess, such Lands, Tenements, or other Heritages; (taking the Rights and Titles thereof to the said Company, and their Successors and Assignees, for the Use of the said Undertaking,) and to erect, complete, and maintain all such Buildings, Works, Mains, Pipes, and Apparatus, as they may think requisite for any of the Purposes of this Act, not exceeding in the whole at any one Time any greater Quantity of Land than Ten Statute Acres, and also to sell and dispose of all the Lands, Tenements, Heritages, Buildings, Works, Mains, Pipes, and Apparatus already belonging to them, or which they shall acquire under this Act, as they shall think proper, and to purchase and hold such other Lands, Tenements, or Heritages as they shall think proper, not exceeding the Quantity aforesaid, without incurring or being subject or liable to any Penalty or Forfeiture whatsoever.

Bodies
Politic, &c.
empowered
to sell and
convey.

XLII. 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, Heirs of Entail, Husbands, Trustees, Tutors, and Curators, and all and every Person or Persons whatsoever, though under any legal Disability or Incapacity, who is or are or shall be seised or possessed of or interested in any Lands, Grounds, Tenements, or Heritages which shall be necessary for the Purposes aforesaid, to contract for, sell, and convey the same, and every Part thereof, unto the said Company of Proprietors; and all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever, so conveying as aforesaid, are hereby indemnified for what they shall respectively do in relation to any such Sale which he, she, or they, or any of them, shall make by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances of any Lands, Tenements, or other Heritages to the said Company of Proprietors, shall be made according to the legal Forms and established Practice of the Law of *Scotland*.

Company not
to sell Lands
purchased
under the
Act, in order
to buy other
Lands.

XLIII. Provided always, and be it further enacted, That it shall not be lawful for the said Company to purchase, under the Powers of this Act, from any Body or Bodies Politic, Corporate, or Collegiate, Corporations, Companies, Heirs of Entail, Life Renters, Fiars, Husbands, married Women, Trustees, Tutors, Factors *loco Tutoris*, and Curators, or other Persons being under legal Disability or Incapacity, more than such Ten Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Ten Acres so purchased under the Powers of this Act, it shall not be lawful for the said Company to purchase of, or for the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations,

Corporations, Companies, Heirs of Entail, Life Renters, Fiars, married Women, Trustees, Tutors, Factors *loco Tutoris*, and Curators, or other Persons being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or instead of those Ten Acres, or any Part thereof, so sold or disposed of by the said Company.

XLIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which are held under Entail or are subject to Life Rents, Annuities, or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or *British Linen Company*, to the Intent that such Money shall 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, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the said Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages standing 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 the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or 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 Interest or annual Produce of such Money 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 Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
of Compens-
ation when
exceeding
200*l.*

XLV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Persons under any 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 all 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 Heritages so purchased, taken, or used, or of his, her, or their Tutors or Curators, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority be paid into

When less
than 200*l.*

[*Local.*]

8 G

either

either of the said Banks, and be placed to his, her, or their Accounts as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Committee of Management, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Interest arising thereon, may be applied in manner herein-before directed, as far as the Case may be applicable.

When less than 20*l.*

XLVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than 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 Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Directors, or any Three or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In Cases where there is a doubtful Title, Persons in Possession to be deemed entitled.

XLVII. 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 Scotland, Royal Bank of Scotland, or British Linen Company, under the Direction and by the Authority of the Court of Session, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or any Estate, Right, or Interest in any Lands, Tenements, or Heritages, to be purchased in pursuance of this Act, or to any Lands, Tenements, or Heritages to be purchased with any such Money, or to the Rents, or Profits thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Rents and Profits of the Lands, Tenements, and Heritages to be purchased with such Money, and also the Lands, Tenements, and Heritages so purchased, 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 Heritages, or to some Estate or Interest therein.

Expences of Purchases may be allowed by the Court.

XLVIII. Provided also, and be it further enacted, That where, by reason of any Disability and Incapacity of the Person or Persons, or Corporations, entitled to any Lands, Tenements, or Heritages 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, and to be applied to the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Prices and other Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Prices and other Expences as the Court shall deem reasonable, to be paid by the said Com-
pany

pany of Proprietors, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XLIX. And be it further enacted, That the Orders and Proceedings of every Meeting, as well of the General and Special General Meetings of the Company, as of the Committee of Management, shall be entered by the Clerk in a Book or Books to be provided and kept for that Purpose; and the Committee of Management shall enter or cause to be entered in a Book or Books a full and true Account of all Money disbursed and Payments made by such Committee of Management, and by all and every Person or Persons employed by or under them, and of all Monies that shall be paid to or received by them respectively for or on account of the said Company; but no Money shall be issued or paid by the Treasurer to the said Company, or other Person having Charge thereof, for or on account of the said Company, otherwise than in such Manner as shall be directed by the Committee of Management.

Proceedings of the Committee and General Meetings to be entered.

Money not to be issued but as directed.

L. And be it further enacted, That the said Committee of Management shall also have full Power and Authority from Time to Time to make such Rules, Orders, and Bye Laws, as to them shall seem meet and proper, for the good Government of the Affairs of the said Company, and for regulating their own Proceedings, as well as the Proceedings of all Deputies, Officers, Servants, and Workmen to be employed in and about the Affairs and Business of the said Company, and for the orderly Behaviour of all Workmen or other Persons who shall be employed in and about the said Undertaking, and for their Superintendance in all respects whatever, and for the well and orderly using of the said Undertaking, and Pipes and Works thereto belonging, 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 upon all such Persons employed by the said Company offending against such Rules, Orders, and Bye Laws, or any of them, not exceeding Two Pounds for any one Offence, as to the said Committee of Management shall seem expedient; provided that such Rules, Orders, and Bye Laws be not repugnant to the Law of *Scotland*, or to any express Directions and Provisions of this Act, or to any Contract or Agreement entered into between the said Company and Persons receiving Gas from them; and provided that such Rules, Orders, and Bye Laws shall be printed, and Copies thereof put up in the Office of the said Company, and that such Rules, Orders, and Bye Laws shall be subject to the Review of any General Meeting of the Company.

Committee may make Bye Laws.

LI. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Sentence, Order, or Judgment made or given in pursuance of any such Rule, Order, or Bye Law, may, within Two Calendar Months next after any such Order or Judgment or Determination shall have been made or given, (first giving Ten Days Notice in Writing to the said Company and to the Person or Persons against whom any Complaint is intended to be made,) complain to the Sheriff of the Shire of *Forfar* or his Substitute, who shall hear and determine the said Complaint; and the said Sheriff or his Substitute, if he see Cause, may mitigate any Forfeiture or Fine, and may order the Money to be returned which shall have been levied in pursuance of any such Rule, Order, Bye Law, or Determination, and may also

Appeal from Bye Laws.

also order and award such further Satisfaction to be made to the Party injured, as he or they may judge reasonable; and the Determination of such Sheriff or his Substitute, in any Action or Suit brought before him or them, shall be final and conclusive, and not subject to the Review of any Court or Courts whatever, any Law or Custom to the contrary notwithstanding.

Names of Proprietors to be entered, and Certificates delivered.

LII. And be it further enacted, That the said Committee of Management shall and they are hereby required to cause the Names and Designations of the several Persons who shall be entitled to Shares in the said Undertaking, with the Number of the Shares, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by their Clerk, and after every such Entry to cause the same to be signed by at least Seven of the Committee of Management for the Time, and the Clerk or Clerks of the Company, and shall also cause a Certificate, signed as aforesaid, to be delivered to every Proprietor, on Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking, the Shareholder demanding such Certificate paying to the Clerk a Fee of One Shilling for each Share for which a Certificate is so demanded; and such Certificate shall be admitted in all Courts whatever as Evidence of the Title of such Proprietor or Proprietors to the Share or Shares therein specified, but the Want of such Certificate shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof.

Shares may be sold and transferred.

LIII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, his, her, or their respective Executors, Administrators, and Assignees, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned; the Conveyance of which Shares may be in the Form common in the Law and Usage of *Scotland*, or may be written on the Back of the Certificate of Proprietorship to be granted in favour of such Proprietor or Proprietors as aforesaid, and may be by a Writing under the Hand of such Proprietor or Proprietors, in Presence of One credible Witness, in the Form and to the Effect following; *videlicet*,

Form of Conveyance of Shares.

‘ I *A.B.*, in consideration of the Sum of
 ‘ paid to me by *C.D.*, do hereby sell, assign, and transfer to and in
 ‘ favour of the said *C.D.* One Share [*or so many Shares, as the Case may*
 ‘ *be,*] of . Witness my Hand this
 ‘ Day of
 ‘ Witness *R.L.* Signed *A.B.*’

And on every such Sale the Conveyance or Transfer shall be produced to the Committee of Management, and a Memorandum thereof entered by the Clerk in the Book before referred to, and a new Certificate of Proprietorship (the former Certificate being first delivered up and cancelled) shall be issued, in manner aforesaid, in favour of the Assignee or Assignees, for which no more than Two Shillings and Sixpence shall be charged: Provided always, that such Assignee or Assignees shall, by a Writing under his, her, or their own Hands, or under the Hand of an Attorney duly authorized, accept such Assignment or Transfer, and make Payment of

of any Debts or Calls owing to the Company by the Person or Persons executing such Transfer; and until such Memorandum be so entered, and new Certificate delivered, as above directed, such Purchaser or Purchasers, Assignee or Assignees, shall have no Right to draw any Part or Share of the Profits of the said Undertaking, nor have any Vote in respect thereof as a Proprietor or Proprietors of the said Undertaking.

LIV. And be it further enacted, That in case of a Share or Shares of the said Company's Stock devolving upon Executors or Assignees *mortis causa*, the Confirmation or other proper Title shall be produced to the Committee of Management for the Time, and a Memorandum thereof shall be entered by the Clerk in the foresaid Book, and a new Certificate of Proprietorship shall be issued accordingly, in manner foresaid, in favour of such Executors or Assignees *mortis causa*, for which no more than Two Shillings and Sixpence shall be charged: Provided always, that such Executors or Assignees *mortis causa* respectively shall make Payment of the Debts that may be owing to the Company by their Authors or Predecessors, and by a Writing under their own Hands, or the Hands of their Attorney duly authorized, accept the said Assignation or Succession.

Executors admitted to hold Shares must produce Title, and be entered, &c.

LV. And be it further enacted, That the Bodies Politic and Corporate and all and every Person and Persons whose Names shall at any Time hereafter stand in the said Register Book or List of Proprietors of the said Company, either as Proprietor or Proprietors of One or more Share or Shares in the said Undertaking, whether as Subscribers, or as Successors, Executors, Administrators, or Assignees of Subscribers, shall be deemed and taken to be the Proprietors of the several Shares standing in the said Book in their respective Names, and shall be subject and liable to all Actions, Suits, Forfeitures, and Penalties to which original Proprietors of Shares in the said Undertaking are made subject and liable by this Act; and that all Notices hereby required to be given shall be given to the Party appearing by the said Register Book of said Company to be such Proprietor or Proprietors, or their Representatives, by Letter transmitted through the Post Office to his, her, or their last or most usual Place of Abode, so far as known to the Committee of Management for the Time, which shall be in all respects good, sufficient, and conclusive; and all Payments of Interest or Dividends due and to become due on such Shares shall be made to such Persons as by the said Books of the said Company shall so appear to be a Proprietor or Proprietors thereof; and that no Assignment, Transfer, Conveyance, or Sale of any Share or Shares, or other Instrument giving Title to any Share or Shares, which shall have been enrolled or registered as directed by this Act, shall be admitted as Evidence either to defeat any Action or Suit brought or to be brought by the said Company to recover the said Calls, or to entitle any Person to recover any Share or Shares forfeited to the said Company, or to make the said Company liable to the Payment of Dividends to any other Person than such as appear from the said Book to be Proprietors of the said Shares; but in all Cases the said Book shall be considered as sufficient and conclusive Evidence of the Proprietorship of the said Share or Shares.

Persons whose Names stand in Company's Books as Proprietors, to be deemed such.

Evidence of Notifications and Requisitions to Proprietors regulated.

LVI. And be it further enacted, That in order to prevent all Questions with respect to the Requisitions, Letters, and Notifications hereby directed to be written and given to Proprietors in the various Cases herein-before mentioned, and other Letters and Notifications not herein provided for, either under Authority of the Committee of Management or General Meetings of the said Company; be it further enacted, That a Certificate from the Clerk that he did write and dispatch such Requisitions, Letters, and Notifications, shall in all Cases be held as a sufficient Evidence that the same were duly sent and given; and as to all Sales or Rouns hereby directed to be advertised, which may be ordered by the Committee of Management or General Meetings of the said Company, a Certificate of the Clerk, importing that such Sales or Rouns were duly published, shall be held sufficient Evidence of due Publication.

Property of Undertaking vested in Proprietors.

LVII. And be it further enacted, That the Property of and in the said Undertaking, and the Profits arising therefrom, is and are hereby vested in the said Company, and the Members thereof shall severally and respectively be entitled thereto, in such Shares and Proportions and in the Manner prescribed by this Act.

Where Actions are to be tried.

LVIII. And be it further enacted, That all Actions or Suits relative to this Act, and all Fines, Penalties, Damages, and Expences, shall be brought and sued for before the Magistrates of *Dundee* or the Sheriff of *Forfarshire* and his Substitute, whose Sentences in such Actions or Suits shall be final and conclusive, and shall not be subject to Review of any Court whatever, any Law or Custom to the contrary notwithstanding; and all Forfeitures and Penalties to be recovered under the Authority of this Act by the said Company shall be applied towards the Purposes of this Act, under the Deduction of the Expences incurred in recovering the same.

How Notices may be served on the Company.

LIX. And be it further enacted, That in all Cases where it may be requisite and necessary for any Person or Persons, Party or Parties, to serve any Notice or Notices, Citation or Summons, or other legal Proceedings upon the said Company, the Service thereof upon any Three Members of the said Committee of Management for the Time personally, or left at their last or usual respective Places of Abode, or on the Clerk or Manager of the said Company personally, or left at his last or usual Place of Abode, or at the Office or Place of Business of the said Company, shall be good and sufficient Service of the same on the said Company.

Costs may be recovered from Trea-

LX. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered so to be paid in pursuance of the Directions of this Act as or by way of Compensation or Satisfaction for any Lands, Houses, Materials, or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made to the said Company or their Treasurer, in which Demand the Order of the Sheriff or Justice making the same shall be stated, then
and

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

LXI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, abridge, or diminish any Rights, Privileges, Jurisdictions, and Powers which now belong to or are enjoyed by the Provost, Magistrates, and Town Council of *Dundee*, in virtue of former Acts of Parliament, Royal Charters, immemorial Usage, or otherwise, except so far as otherwise provided for by this Act. Reservation of Rights of Magistrates of Dundee.

LXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to defeat, abridge, alter, obstruct, or in any Manner of way interfere with the Powers and Authorities of the Commissioners appointed by the before recited Act for paving, lighting, watching, and cleansing the said Burgh of *Dundee*, or their Successors, or any Person or Persons, of any Right which they or any of them at present possess (except so far as otherwise provided for by this Act). Reservation of Rights of Commissioners of Police.

LXIII. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to prevent any Person or Persons from proceeding against the said Company of Proprietors, or against any of their Deputies, Agents, Officers, Servants, or Workmen, in respect of any Work of the said Company of Proprietors, or the Method which shall be employed by them for furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Actions against the said Company of Proprietors, or any of their Deputies, Agents, 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 who may be employed therein. Company may be indicted for a Nuisance.

LXIV. And be it further enacted, That for the better preventing any Abuse in the Exercise of the Powers and Privileges hereby granted, it shall be lawful to the Magistrates and Town Council to nominate annually One Person, and to the said General Commissioners of Police to nominate annually Affairs and Accounts of the Company to be examined and audited.

ally Two Persons, who shall be entitled, either together or separately, once in each Year to examine the Affairs of the said Company, audit their Accounts, observing the Rates, Charges, and all other Matters, and to report relative thereto to the Magistrates and Council and Commissioners respectively; and the said Company are hereby required to make all their Books and Accounts open to such Auditors, and allow them to take such Excepts thereof as they consider necessary.

Expences of
Act how to
be paid.

LXV. And be it further enacted, That the whole Costs, Charges, and Expences incurred in and about forming and establishing the said Company, and obtaining and passing this Act, and preparatory thereto, shall be defrayed out of the first and readiest of the Money raised and subscribed for the Purposes of the said Company.

Public Act.

LXVI. 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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