

ANNO DECIMO NONO

VICTORIÆ REGINÆ.

***

or other Security has been given for that Sum or any Part thereof: And whereas since the passing of the recited Act the Population of the said Borough and Neighbourhood, and the Number of Houses, Manufactories, and other Buildings therein, and the Demand for Gas therein, have greatly increased and are still increasing: And whereas it is expedient that the said Company should be enabled to extend their Supply of Gas to the whole of the said Borough and to the Parish of *Skirbeck* and the Hamlet of *Skirbeck Quarter*: And whereas it is expedient that the said Company should be empowered to raise further Money for the Purpose of extending and increasing their Supply of Gas: And whereas, in order to avoid Inconveniences arising from several Private Acts relating to the same Purposes being in force at the same Time, it is expedient that the recited Act should be repealed, and some of the Powers and Provisions thereof re-enacted or amended and continued by this Act: And whereas, the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

I. This Act may be cited for any Purpose as "The *Boston* Gas Amendment Act, 1856."

8 & 9 Vict. cc. 16. & 18. and 10 & 11 Vict. c. 15. incorporated.

Construction of certain Terms.

II. "The Companies Clauses Consolidation Act, 1845," (except so far as the same is varied or altered by this Act,) "The Lands Clauses Consolidation Act, 1845," and "The Gasworks Clauses Act, 1847," shall be incorporated with this Act; and in construing those Acts respectively in connexion with this Act, and also in construing this Act, the Expression "the Special Act" shall mean this Act; the Expressions "the Company" and "the Undertakers" respectively shall mean the Company incorporated by the recited Act and continued by this Act; the Expressions "the Undertaking" and "the Gasworks" respectively shall include all the Works of the Company executed and to be executed; the Word "Person" shall include Commissioners or Trustees; and the Word "Drain" shall include any Sewer or Ditch, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction: Provided always, that nothing in "The Lands Clauses Consolidation Act, 1845," contained shall authorize the Company to purchase, take, or use any Land otherwise than by Agreement with the Owners, Lessees, and Occupiers thereof.

Same Meaning to Words, &c. as in

III. Except as in this Act otherwise provided, the several Words and Expressions to which by the Acts incorporated with this Act Meanings

Meanings are assigned, shall in this Act have the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction. incorporated Acts.

IV. The Limits of this Act shall comprise and include the whole of the Borough of *Boston*, the Parish of *Skirbeck*, and the Hamlet of *Skirbeck Quarter*, in the Parts of *Holland* in the County of *Lincoln*, and within such Limits the Company may supply Gas for public and private Purposes. Limits of Act.

V. On and from the passing of this Act, but subject to the Provisions of this Act, the said recited Act of the Sixth *George* the Fourth, Chapter Thirty-four, shall be and the same is hereby repealed. Recited Act repealed.

VI. Notwithstanding the Repeal of the recited Act the Company shall for the Purposes of this Act, and as from the passing of the repealed Act, be and continue incorporated by the Name of "The *Boston* Gaslight and Coke Company," and by that Name shall be and continue One Body Corporate, with perpetual Succession and a Common Seal, and with Power to make and maintain Gasworks, and to supply inflammable Air or Gas, and to carry on the Business of a Gas Company, and to purchase, hold, and dispose of Lands and other Property for those Purposes, but subject to the Restrictions of this Act. Company to continue *incorporated*.

VII. Notwithstanding the Repeal of the recited Act, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done and suffered respectively under the repealed Act shall be as valid as if this Act were not passed; and such Repeal and this Act respectively shall accordingly be subject and without prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if such Repeal had not happened and this Act were not passed would be incident to and consequent on any and everything so done and suffered respectively; and with respect to all such Rights, Liabilities, Claims, and Demands the Company as by this Act continued shall represent and stand in the Place of the Company originally incorporated by the repealed Act: Provided always, that the Generality of this Enactment shall not be confined or restricted by any special Provisions in this Act contained. Company to be liable in all respects as if Act not passed.

VIII. Notwithstanding the Repeal of the recited Act, all the Gasworks, Retorts, Mains, Pipes, Meters, Apparatus, and other Works and Conveniences, Lands, Buildings, Monies, Securities, Property, Books, Deeds, Writings, Maps, Plans, Choses in Action, Effects, Claims, and Demands whatsoever, of or to which the Company or any Persons in trust for them was or were by virtue of the repealed Act, Company to remain entitled to their Property.

or

or otherwise howsoever, immediately before the passing of this Act seised, possessed, or in any way entitled at Law or in Equity, or otherwise howsoever, shall be and remain vested in the Company to the same Extent and for the same Estate and Interest as the same were immediately before the passing of this Act vested in the Company, or any Persons in trust for them; and the Company may according to the Provisions of this Act maintain and use, alter, discontinue, or remove such Gasworks, Retorts, Mains, Pipes, Meters, Apparatus, Works, and Conveniences.

Company to be entitled to Powers, &c. under other Acts.

IX. Notwithstanding the Repeal of the recited Act, the several Clauses and Provisions whatsoever in favour of, relating to, or affecting the *Boston* Gaslight and Coke Company, or the Committee, Officers, or Servants of the Company, contained in any other Act or Acts besides the repealed Act, and which were immediately before the passing of this Act in force, shall continue in force as if the recited Act had not been repealed; and the Company, and their Directors, Officers, and Servants, may and shall accordingly and for the Purposes of this Act be entitled to have, exercise, enjoy, and be subject to, under and by virtue of those Clauses and Provisions respectively, all such Rights, Interests, Powers, Authorities, and Privileges, Duties, and Liabilities whatsoever as if the recited Act were not repealed the Company, and their Committee, Officers, and Servants, under or by virtue of those Clauses and Provisions, might be entitled to have, exercise, enjoy, or be subject to; and so far as such Clauses and Provisions respectively before the passing of this Act applied to the Committee of Management, they shall thereafter apply to the Directors of the Company.

Conveyances, &c. to remain in force.

X. Notwithstanding the Repeal of the recited Act, all Purchases, Sales, Conveyances, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and other Acts, Deeds, and Things before the passing of this Act done, entered into, executed, or instituted under or by virtue of, or with reference to the Purposes of, the repealed Act, shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, for, against, and with reference to the Company as if that Act had not been repealed, and may be proceeded on and enforced accordingly.

Actions, &c. not to abate.

XI. Notwithstanding the Repeal of the recited Act, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Company before the passing of this Act shall not abate or be discontinued or be prejudicially affected by this Act, but on the contrary shall continue and take effect both in favour of and against the Company, in like Manner in all respects as the same would have continued and taken effect if this Act had not passed; and all Offences against the Provisions of the repealed Act committed before the

passing

passing of this Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for in like Manner in all respects as if that Act had not been repealed.

Gas Rates due at Commencement of Act to be recoverable by the Company.

XII. Notwithstanding the Repeal of the recited Act, all Gas Rates and Rents which immediately before the passing of this Act were due and payable or accruing to the Company shall be payable to and may be collected and recovered by the Company, in like Manner as the Gas Rates and Rents under this Act.

Debts due to and by the Company to be paid to and by them.

XIII. Notwithstanding the Repeal of the recited Act, all Persons who immediately before the passing of this Act owed any Money to the Company, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due and payable or accruing for the same, to the Company; and all Debts and Monies which immediately before the passing of this Act were due, or owing, or recoverable from the Company, or for the Payment of which the Company are or but for this Act would be liable, as also the said Sum of Two thousand five hundred Pounds so borrowed by the Company as aforesaid, shall be paid, with all Interest (if any) due and payable or accruing for the same by or be recoverable from the Company.

Byelaws, &c. to remain in force.

XIV. Notwithstanding the Repeal of the recited Act, all Byelaws Resolutions, Orders, Notices, and Proceedings of the Company, and the Committee thereof, made and taken before the passing of this Act, and all Books, Accounts, Documents, and Writings whatsoever of or relating to the Company, shall for the Purposes of this Act continue of full Force and Effect as if the said recited Act had not been repealed; and those Byelaws may be enforced, and all Penalties thereunder may be recovered accordingly: Provided always, that those Byelaws shall not be in force after the Expiration of Six Calendar Months after the passing of this Act, except so far as may relate to any Matter or Thing done, committed, or ordered previously to the passing of this Act.

Books to be Evidence.

XV. Notwithstanding the Repeal of the recited Act, all Books, Certificates, Writings, and Documents by that Act directed or authorized to be kept or made, and which if this Act were not passed would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly.

Sales, &c. of Shares to remain in force.

XVI. Notwithstanding the Repeal of the recited Act, all Sales, Transfers, and Dispositions heretofore made or executed under the repealed Act of or with respect to any Shares in the Company shall remain in full Force, and continue and be available in all respects, as if that Act had not been repealed.

Capital.

XVII. The Capital of the Company shall be Twenty thousand Pounds.

Appropriation of new Shares for existing Shares.

XVIII. Eight thousand Pounds, Part of that Capital, shall be divided into Eight hundred Shares of Ten Pounds each, and shall be appropriated and belong to the several Persons and Corporations who immediately before the passing of this Act were Shareholders in the Company incorporated by the recited Act, in the Proportion of Five Shares of Ten Pounds each for each Share of Fifty Pounds in the Capital of that Company held by them respectively immediately before the passing of this Act; and all the Shares so appropriated shall be deemed fully paid up.

Old Certificates to be delivered up.

XIX. As soon as conveniently may be after the passing of this Act, the Holders of the said Shares of Fifty Pounds shall deliver up to the Company for Cancellation the Certificates of Proprietorship of those Shares issued to them before the passing of this Act; and until they shall have so delivered up the same, or proved to the reasonable Satisfaction of the Company the Loss or Destruction thereof, they shall not be entitled to any Certificates of Proprietorship under this Act.

Existing Trusts, &c. attached to new Shares.

XX. Every Share so appropriated shall vest in the Person or Corporation entitled thereto, upon the same Trusts and subject to the same Powers, Provisions, Declarations, Agreements, Charges, Liens, and Incumbrances which immediately before the passing of this Act affected the Share in respect of which it is appropriated, and so as to give effect to and not to revoke any Will or Testamentary Disposition of or affecting such last-mentioned Share.

Creation and Issue of new Shares.

XXI. Subject to the Provisions of this Act, the Company may from Time to Time raise by the Creation and Issue of new Shares of such Amount as the Company shall from Time to Time think fit, the whole or any Part of the rest of the Capital of Twenty thousand Pounds for the Time being remaining to be raised, and may dispose of the new Shares in such Manner, to such Persons, and on such Terms, as the Directors of the Company think fit, and may also from Time to Time (subject to the Provisions of this Act) fix, as they think fit, the Amounts and Times of Payment of the Calls on the new Shares.

Power to cancel unissued Shares.

XXII. If after having created any new Shares the Company determine not to issue the whole of such new Shares, they may cancel the unissued new Shares, and may from Time to Time thereafter create and issue in lieu thereof other new Shares of an aggregate Amount not exceeding that of the new Shares so cancelled.

XXIII. If

Receipts for disqualified Persons.

XXIII. If any Money be payable to a Shareholder being a Minor, Idiot, or Lunatic, the Receipt of his respective Guardian or Committee shall be a sufficient Discharge to the Company for the same.

Calls on new Shares.

XXIV. No One Call to be made upon or in respect of any new Share created under the Powers of this Act shall exceed One Fourth of the Amount or nominal Value of such Share, and the Interval between successive Calls shall be not less than Two Months, and not more than Three Fourths of the nominal Amount of a Share shall be called up in any One Year.

Limiting Rate of Dividend.

XXV. With reference to the Clauses of "The Gasworks Clauses Act, 1847," with respect to the Amount of Profit to be received by the Undertakers, when the Gasworks are carried on for their Benefit, the prescribed Rate of Profits to be divided among the Undertakers shall be Eight Pounds Ten Shillings in the Hundred by the Year on the Capital of the Company for the Time being paid up.

No Person to hold more than 100 Shares.

XXVI. No Person shall hold in his own Right more than One hundred Shares in the Company at One Time.

Power to borrow on Mortgage or Bond.

XXVII. When the whole of the additional Capital of Twelve thousand Pounds by this Act authorized to be raised shall have been subscribed for, and One Half of the whole Capital of the Company shall have been paid up, it shall be lawful for the Company from Time to Time to borrow on Mortgage or Bond, for the Purposes of their Undertaking, any further Sums of Money not exceeding in the whole, together with any Sums previously borrowed by them on Mortgage or Bond, or otherwise, and for the Time being remaining due, the Sum of Five thousand Pounds.

Arrears may be enforced by Appointment of a Receiver.

XXVIII. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver, and the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than One thousand Pounds in the whole.

Application of Money.

XXIX. All Money to be raised under the Provisions of this Act, whether by means of Shares or by Exercise of the Powers of borrowing, or otherwise, shall be applied to the Purposes of the Undertaking by this Act authorized, and to no other Purpose.

General Meetings.

XXX. The First Ordinary General Meeting of the Shareholders of the Company shall be held on the Second *Thursday* in the Month of *July* next after the passing of this Act, and the future Ordinary General

General Meetings shall be held on the Second *Thursday* in the Month of *July* in every Year, and the Balance Sheet to be produced at each such Meeting or any Adjournment thereof shall embrace and extend to the Transactions of the whole preceding Year.

Requisitions for Extraordinary Meetings.

XXXI. The Number of Shareholders on whose Requirement Extraordinary Meetings shall be called shall be Ten Shareholders holding in the aggregate not less than One Twentieth Part of the Capital for the Time being of the Company.

Scale of Votes.

XXXII. At all General Meetings of the Company the Holders of Stock or Shares in the Undertaking shall be entitled to vote according to the following Scale; (that is to say,)

Every Holder of Stock or paid-up Capital, or both, of an aggregate Amount of Fifty Pounds and less than Two hundred Pounds, shall have One Vote;

Every Holder of Stock or paid-up Capital, or both, of the aggregate Amount of Two hundred Pounds and less than Three hundred Pounds, shall have Two Votes;

Every Holder of Stock or paid-up Capital, or both, of the aggregate Amount of Three hundred Pounds and less than Four hundred Pounds, shall have Three Votes;

Every Holder of Stock or paid-up Capital, or both, of the aggregate Amount of Four hundred Pounds and less than Five hundred Pounds, shall have Four Votes;

Every Holder of Stock or paid-up Capital, or both, of the aggregate Amount of Five hundred Pounds and upwards, shall have Five Votes; but no Person shall be entitled to any Vote in respect of Stock or paid-up Capital being less in aggregate Amount than Fifty Pounds.

Number and Qualification of Directors.

XXXIII. The Number of Directors, until reduced under the Power herein-after contained, shall be Nine, and the Qualification of a Director shall be the Possession of Five Shares in the Capital of the Company.

First Directors.

XXXIV. *John Noble*, *John Porter*, *William Simonds*, *Samuel Henry Jebb*, *Henry King*, *Joseph Wren*, *Thomas Storr*, *William Wilkinson*, and *John Oldrid* shall be the First Directors of the Company under this Act.

Power to vary Number of Directors.

XXXV. The Company may from Time to Time by Vote of any General Meeting reduce the Number of the Directors to any Number not less than Six.

XXXVI. If

Company to supply Vacancies if all the Directors resign, &c.

XXXVI. If at any Time the whole Body of the Directors shall simultaneously resign or cease to be Directors from any Cause whatsoever, it shall be lawful for the Company at the First Ordinary or Extraordinary Meeting which shall be held after such Event as aforesaid shall have occurred or become known to elect such Number of Proprietors duly qualified as shall for the Time being be necessary to supply the Place of the Body of Directors which shall have so ceased to exist; and the Proprietors so elected shall be the Directors, and shall continue in Office during the same Period, and be subject to the same Regulations as to retiring from Office, and otherwise, in all respects as the Directors in whose Places they shall have been elected would have continued and been subject to in case they had remained in Office (except that at the First Period for the Retirement of Directors occurring next after such Election, the Number of the Directors to go out of Office shall, unless they otherwise agree, be determined by Ballot among themselves); nevertheless, every Director so resigning may be re-elected immediately or at any future Time.

Proofs of Debts in Bankruptcy.

XXXVII. In all Proceedings against the Estate of any Bankrupt or Insolvent, or under any Fiat, Sequestration, or Act of Insolvency, any Person appointed for that Purpose by the Company under their Common Seal may represent the Company and act in their Behalf in all respects as if the Claim or Demand of the Company against such Estate were the Claim or Demand of such Person and not of the Company.

Power to purchase Lands.

XXXVIII. The Company may by Agreement with the Owners thereof, but not otherwise, purchase, take, and hold any Lands, not exceeding in the whole Five Acres.

Power to maintain Works and supply Gas, &c.

XXXIX. The Company may from Time to Time maintain, alter, improve, extend, enlarge, or discontinue their now existing Gasworks, and (subject to the Restrictions herein-after contained) may make, erect, lay down, provide, and maintain additional and other Gasworks, and also Retorts, Gasometers, Receivers, Drains, Sewers, Mains, Service and other Pipes, Meters, Lamp Posts, Stopcocks, Burners, Machinery, and other Works and Apparatus, Houses, Buildings, and Approaches, and may do all such Acts as they think proper for making and storing inflammable Air or Gas, and for supplying inflammable Air or Gas produced from Coal or other Material within the Limits of this Act; and may make, store, and supply inflammable Air or Gas accordingly, and provide and supply Meters and Fittings, and may manufacture and deal in Coke, Coal, Tar, Pitch, Asphaltum, Ammoniacal Liquor, Oil, and other Matters the Products of the Coal or other Materials which may be employed in the Manufacture of such Gas; and may manufacture and sell or deal in Gas Fittings, Tubes, Meters,

Meters, Pipes, and all other Articles and Things in any way connected with Gasworks, or with the Supply of Gas to the Consumers thereof, in such Manner as the Company may think proper.

Restricting Erection of future Works.

XL. Provided always, That nothing in this Act contained shall authorize the Company to erect any Works for the Manufacture of Gas elsewhere than on the Part of the Lands now occupied by them for the Purposes of their Undertaking, on which their existing Works for the Manufacture of Gas are erected, and the other Lands now occupied by them and immediately adjoining thereto.

Power to place Pipes to light Buildings.

XLI. The Company, with the Consent of the Owner and Occupier of any Building, may lay any Pipe, Branch, or other necessary Apparatus from any Main or Branch Pipe into, through, or against such Building for the Purpose of lighting it, and may provide and set up any Apparatus necessary for securing to such Building a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply, and may from Time to Time repair, replace, alter, or discontinue and remove any such Pipe, Branch, or Apparatus.

Limiting Price of Gas.

XLII. The maximum Price to be charged by the Company for the Supply of Gas to Persons burning the same by Meter shall be at the Rate of Five Shillings and Sixpence for every Thousand Cubic Feet.

Consumption of Gas by Meter.

XLIII. Every Consumer of Gas supplied by the Company shall, on Request in Writing by the Company, consume the Gas supplied to him by Meter, and all such Meters and all Service Pipes shall be provided by the Company at the Expense of the Consumer, or (at the Option of the Consumer) by the Consumer, and approved by the Company.

For preventing fraudulent Consumption.

XLIV. Every Person who shall wilfully, fraudulently, or by culpable Negligence injure or suffer to be injured any Meter or Fittings belonging to the Company, or shall fraudulently alter the Index to any Meter, shall forfeit to the Company a Sum not exceeding Five Pounds; and the Company may in addition thereto recover the Amount of any Damages by them sustained; and the Company may also take off or discontinue the Supply of Gas to or for the Use of the Person so offending, notwithstanding any Contract which may have been previously entered into.

Power to remove Pipes from unoccupied Premises.

XLV. Whenever any House, Building, or Premises from which the Company are by the "Gasworks Clauses Act, 1847," authorized to cut off the Supply of Gas shall be unoccupied, the Company, their Agents, Servants, and Workmen, after giving Twenty-four Hours previous Notice of their Intention to the Owner, by delivering Notice thereof

thereof to him, or leaving the same at his usual Place of Abode, or if the Place of Abode of such Owner be not known, then, after affixing such Notice for Three Days previously on some conspicuous Part of such House, Building, or Premises, may enter into the same between the Hours of Nine in the Forenoon and Four in the Afternoon, and remove and carry away any Pipe, Meter, Fittings, and other Works belonging to the Company.

Power of Company to contract with Commissioners for lighting Streets.

XLVI. The Company may from Time to Time enter into a Contract with the Commissioners under the Local Acts, Sixteenth *George* the Third, Chapter Twenty-five, and Forty-sixth *George* the Third, Chapter Forty-one, for lighting the Streets within the Borough (who are hereby empowered to contract with the Company) for lighting the same with Gas, and for providing such Commissioners (if they think fit, but not otherwise) with Lamps, Lamp Posts, Columns, Brackets, Burners, and Service Pipes for such Purpose, and for the cleansing and repairing thereof in such Manner and upon such Terms as shall be agreed upon between the Company and the said Commissioners, subject nevertheless to the said Commissioners retaining the Right and Power to provide at their Expense, as they have heretofore provided, all the Lamps, Lamp Posts, Columns, and Brackets, should they so order and direct.

Saving Powers of Paving and Lighting Commissioners.

XLVII. Nothing in this Act contained shall have the Effect of depriving the Commissioners and other Persons having the Control of the Streets within the Limits of this Act, or having the Control of the lighting of the Streets, or any of them, under the Authority of any Act or Acts of Parliament for the Time being in force for that Purpose, or of depriving any other Person or Persons of any Right 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 for lighting the Streets within such Limits, or of defeating, abridging, altering, obstructing, or in any Manner interfering with the Rights, Powers, and Authorities of the said Commissioners, or other Persons, or of removing any of the Disabilities or Restrictions, or to take away any of the Penalties or Forfeitures contained in the said Acts of Parliament, or imposed thereby.

Service Pipes to be kept fully charged with Gas.

XLVIII. The Branch or Service Pipes which are or shall be put up for lighting the said Streets under any Contract with the said Commissioners, shall be kept fully charged with Gas, and the Stop-cocks shall be so formed and turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the public Lamps shall be lighted.

XLIX. After

Regulating Supply of Gas and Price for public Lamps.

XLIX. After the Expiration of any existing Contract for the Supply of Gas to any public Lamps within the Limits of this Act, the Company shall afford such Supply from any Main situate within Thirty Yards of any such Lamp at a Price not exceeding the lowest Price charged for the Time being by the Company to any private Consumer.

Disqualification of Commissioner to vote on certain Matters.

L. No Shareholder being a Commissioner under the aforesaid Local Acts for lighting shall be qualified to vote or act as a Commissioner on any Question relating to any Contract or proposed Contract between the Company and such Commissioners.

As to the Quality of Gas.

LI. All the Gas supplied by the Company shall be of such Quality as to produce from an Argand Burner having Fifteen Holes and a Seven-inch Chimney, or other approved Burner and Chimney, and consuming Five Cubic Feet of Gas *per* Hour, a Light equal in Intensity to the Light produced by Twelve Sperm Candles of Six in the Pound, burning One hundred and twenty Grains *per* Hour.

Experimental Meter to be provided.

LII. The Company shall within Six Months after the passing of this Act cause to be erected in some convenient Part of their Works an experimental Meter, furnished with an Argand Fifteen-hole Burner and a Seven-inch Chimney, or other approved Burner and Chimney, capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus, for testing the illuminating Power of the Gas.

Power to Commissioners to test the Purity of the Gas.

LIII. It shall at any Time be lawful for the Commissioners for lighting the Streets within the Borough, by Order in Writing, to appoint some competent Person, not being a Member or Officer or Servant of the Commissioners, to proceed to the Works of the Company; and the Person so appointed, on giving Six Hours previous Notice in Writing to the Company, may at any reasonable Hour in the Daytime, on producing the said Order, enter on the Premises of the Company, and in the Presence of the Superintendent or other Officer of the Company make Experiment of the illuminating Power of the Gas by Means of the experimental Meter and other Apparatus before-mentioned; and the Company and their Officers shall afford all reasonable Facilities and Assistance to the making of such Experiment;

Penalty.

and if it shall be proved to the Satisfaction of any Two Justices, not being Directors or Shareholders of the Company, after hearing the Parties, that the illuminating Power of the Gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating Power by this Act prescribed, or that the Company or their Officers refused to afford such reasonable Facilities as aforesaid, or hindered or prevented the making of such Experiment, in any such Case the

Company

Company shall forfeit such Sum not exceeding Twenty Pounds as the said Justices shall determine.

Costs of Experiment to be paid according to the Event.

LIV. The Costs of and attending such Experiment, including the Remuneration to be paid to the Person making the same and the Costs of the Proceedings before the Justices, shall be ascertained by such Justices, and in the event of any Penalty being imposed on the Company, shall be paid, together with such Penalty, by the Company; but in the event of the Gas being found when tested to be of not less illuminating Power than is by this Act prescribed, such Costs shall be awarded to be paid by the Commissioners to the Company, and shall be paid or levied accordingly.

Penalties not to be cumulative.

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

Recovery of Money by Distress.

LVI. All Sums of Money due to the Company for the Supply of Gas, or for Coke, Tar, or other Materials supplied by the Company, or for the Hire or fixing of Meters or Fittings, and all Damages, Costs, and Expenses by this Act or any Act incorporated herewith directed to be paid, and the Amount of which shall not be disputed, may be levied by Distress; and any Justice on Application may issue his Warrant accordingly.

Several Names, &c. in One Warrant.

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

Costs of Distress.

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

Small Sums recoverable in County Courts.

LIX. Nothing in this Act or any Act incorporated herewith contained shall prevent the Company from recovering any Sum of Money not exceeding Fifty Pounds, due to them for the Supply of Gas, or for Coke, Tar, or other Materials supplied by the Company, or for the Sale, Hire, or fixing of Meters or Fittings, or for Damages, Costs, or Expenses by Action, or proceeding in such Manner as is by Law provided for the Recovery of Debts not exceeding Fifty Pounds.

Saving Rights of Corporation.

LX. Except the Powers by this Act and the incorporated Acts given for the Execution of the Works by this Act and the incorporated Acts authorized, nothing in this Act contained shall extend or be construed to extend in any way to change, lessen, abridge, impeach, annul, prejudice, or destroy any Rights, Privileges, Jurisdictions, Immunities, Rents, Tolls, Stallage, or lawful Customs belonging, due, or in anywise appertaining to the Mayor, Aldermen, and Burgesses of the Borough of *Boston*; but all and every such Rights, Privileges, Jurisdictions, Immunities, Rents, Tolls, Stallages, and Customs may be exercised, demanded, exacted, received, and enjoyed in as full and ample a Manner, to all Intents and Purposes, as the same were enjoyed before the passing of this Act.

Expenses of Act.

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

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1856.