CHAP. xi.

An Act for incorporating "the Kings Lynn Gas Company," and for enabling them to supply Gas to Kings Lynn and other places in Norfolk. [12th May 1870.]

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WHEREAS Kings Lynn and the neighbourhood thereof are now supplied with gas by John Malam, Esquire, by means of his private works there, which have for many years been constructed and in operation:

And whereas the said John Malam is not at present, as regards his said works, subject to "The Gasworks Clauses Act, 1847," but it is expedient that that Act should be extended and in force with respect to such works:

And whereas they could be more efficiently carried on were they in the hands of a company, and the said John Malam is desirous of associating himself with others in the formation of a company for the purposes of this Act:

And whereas it is expedient that the Company should have power to acquire the lands now under lease to the said John Malam for the purposes of the gasworks, and that the powers herein-after contained should be conferred upon the mayor, aldermen, and burgesses of the borough of Kings Lynn, in this Act called the corporation, and upon the Kings Lynn Paving Commissioners:

And whereas plans showing the said lands, and a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of those lands, have been deposited with the clerk of the peace for Norfolk, and are herein-after referred to as the deposited plans and book of reference:

And whereas the objects aforesaid cannot be accomplished 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

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Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited for all purposes as "The Kings Lynn Gas Act, 1870."

Incorporation of general Acts herein named.

2. "The Companies Clauses Consolidation Act, 1845," Part I., Part II., and Part III. of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," and "The Gasworks Clauses Act, 1847," are, except where expressly varied by this Act, incorporated with and form part of this Act: Provided always, that the Company shall not be authorised to purchase or take any lands other than those mentioned in the deposited book of reference, except by agreement.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expression "the works" or "the gasworks" or "the undertaking" mean respectively and include the gasworks and works connected therewith by this Act vested in the Company, or any gasworks they may provide under the powers of this Act; the expression "the corporation" means the mayor, aldermen, and burgesses of Kings Lynn; the expression "local authority" means the corporation, commissioners, surveyors, local board, or other body or persons being the governing body or persons having the control of any place or district lighted with gas by the Company; the expression "Lynn Paving Commissioners" means the commissioners acting in execution of "The Kings Lynn Waterworks and Borough Improvement Act, 1859," and the other Acts in such Act referred to as "the Paving Acts;" and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or the Acts incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; and the term "superior courts" shall include county courts and courts of competent jurisdiction within the meaning of this Act.

Company incorporated.

4. Thomas Edward Bagge, Edwin Elmer Durrant, James Saddleton Marsters, William Parker, John Blythe Robinson, John Dyker Thew, John Thorley, and all other persons who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purpose of making and supplying

gas within the limits of this Act, and for doing all things necessary for that purpose, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Kings Lynn Gas Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, hold, and dispose of lands and other property for the purposes of but subject to the provisions of this Act.

Company may make and supply gas within limits of Act, &c.

5. Subject to the provisions of this Act and the Acts incorporated therewith, the Company may make and supply gas within the limits of this Act, and may convert, manufacture, sell, and dispose of coke, coal tar, pitch, asphaltum, and ammoniacal liquor, oil, and all other products, refuse, or residuum arising, remaining, produced by or obtained from the manufacture of gas by them, or the materials used therein, and may manufacture and sell such articles as can be produced from or by means of the several matters and things aforesaid, and may, but only for the purposes of the Company, within the limits of this Act, contract or take and use any leave, license, or authority to work, use, exercise, or put in practice any invention or inventions under any letters patent at any time heretofore made or hereafter to be made, granting any right or privilege of working, using, exercising, or vending any invention in relation to the manufacture and distribution of gas, or the utilization of the residual products arising from the manufacture of gas, or otherwise in relation thereto, but not so as to acquire an exclusive right to the working, use, exercise, or putting in practice of any such invention or inventions; and may also manufacture and sell, let, or deal in gas fittings, tubes, meters, pipes, and all other articles and things in any way connected with gasworks, or with the supply of gas to the consumers thereof, in such manner as the Company may think proper, and generally carry on the business usually carried on by gas companies, or which is or may become incident thereto: Provided that nothing in this Act contained shall prevent the Company from being liable to an indictment for nuisance, or to any other legal proceeding to which they may be liable in consequence of any such operations.

Purchase by Company of existing gasworks from Mr. Malam.

6. Within six months after the passing of this Act, the said John Malam shall sell and the Company shall purchase all the undertaking, rights, estate, and interest of the said John Malam in the existing gasworks, and in the lands used in connexion therewith, and in the mains, pipes, and other works and apparatus connected with the said works, for such price and upon such terms and conditions as may be agreed upon, or as, in case of difference, shall be settled by arbitration in the manner provided by "The

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Lands Clauses Consolidation Act, 1845," for the settlement by arbitration of questions of disputed compensation.

Company to take and perform Mr. Malam's contracts.

7. From and after the completion by the Company of the purchase of the existing gasworks (which completion shall be evidenced by a deed of assignment or conveyance under the hand and seal of the said John Malam, in which the consideration money for such purchase shall be fully and truly stated and set forth, and which deed shall be duly stamped for denoting the full and proper stamp duty payable by law thereon), the Company shall be entitled to the benefit of and may have and enjoy all contracts for supplying gas, agreements, arrangements, leases, authorities, rights, privileges, and advantages whatsoever to which at the time of the purchase the said John Malam shall for any purposes of or connected with the gasworks, or the supplying of gas, be entitled, and shall perform and observe all the terms, conditions, obligations, and liabilities whatsoever of or incident to the same, and indemnify him and his representatives against all future liabilities, claims, and demands in respect thereof.

Capital.

8. The capital of the Company shall be thirty-two thousand pounds, divided into three thousand two hundred shares of ten pounds each.

Shares not to be issued until one half part thereof paid up.

9. The Company shall not issue any share, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one half part of the amount of such share is paid up in respect thereof.

Receipts of guardians, &c. to be sufficient discharge.

10. If any money be payable to a shareholder being a minor, idiot, or lunatic the receipt of his or her respective guardian or committee shall be a sufficient discharge to the Company for the same.

Power to borrow.

11. The Company may from time to time borrow on mortgage any sum not exceeding in the whole eight thousand pounds, but no part of that sum shall be borrowed until the whole of the share capital of thirty-two thousand pounds by this Act authorised is subscribed for, issued, and accepted, and one half of that share capital is paid up, and the Company have proved to the justice who is to certify, under the 40th section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such share capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide,

and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Appointment of receiver.

12. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages, by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

Application of moneys.

13. All moneys raised under this Act by the Company, whether by shares or by borrowing, shall be applied only to the purposes by this Act authorised.

First ordinary meeting.

14. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Quorum of general meetings.

15. The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be five shareholders present in person or by proxy, holding in the aggregate not less than five hundred pounds in the capital of the Company.

Extraordinary meetings may be convened by shareholders.

16. The number of shareholders who may convene extraordinary meetings of the Company shall not be less than five, holding together not less than five hundred pounds in the capital of the Company.

Number and qualification of directors.

17. The number of directors shall be seven, and the qualification of every director shall be the possession in his own right of not less than one hundred pounds in the capital of the Company; and four of the directors for the time being of the Company shall be resident within the borough of Kings Lynn, or within ten miles thereof.

Power to reduce the number of directors.

18. The Company may reduce the number of the directors, so that the reduced number be not less than five.

First directors.

19. Thomas Edward Bagge, Edwin Elmer Durrant, James Saddleton Marsters, William Parker, John Blythe Robinson, John Dyker Thew, and John Thorley shall be the first directors of the Company.

Continuance in office of first directors, and election of future directors.

20. The said directors shall continue in office until the first general meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may

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elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first general meeting to be held in every year after the first general meeting the shareholders present in person or by proxy shall, subject to the power hereinbefore contained for reducing the number of directors, elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act.

Quorum.

21. The quorum of a meeting of directors shall be three, or if the number of the directors be reduced to five, the quorum of a meeting of directors shall be two.

Auditors need not hold shares.

22. The auditors need not hold shares in the Company.

Representation of the company in cases of bankruptcy.

23. In all proceedings against the estate of any bankrupt, or under any sequestration, any person appointed for that purpose by the directors of the Company 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.

Limits of Act.

24. The limits of this Act shall be and include Saint Margaret Kings Lynn, South Lynn All Saints, West Lynn Saint Peter, North Lynn Saint Edmund, and Gaywood, all in Norfolk.

Company may purchase certain lands,

25. Subject to the provisions of this Act, the Company may enter upon, take, and use the lands delineated upon the deposited plans and described in the deposited book of reference.

and take additional lands by agreement.

26. The Company may from time to time, for the purposes of this Act, purchase by agreement any lands, in addition to the lands lastly referred to, and may hold the same, not exceeding in the whole at one time two acres.

Company may take easements, &c. by agreement.

27. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," grant to the Company any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands, and the provisions of the last-mentioned Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

Company may main-

28. On the lands described in the first schedule to this Act, the

Company may maintain and from time to time alter and enlarge retorts, gasholders, receivers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom.

tain and erect gas-works on lands described in first schedule.

29. Provided always, that the Company shall not manufacture gas, or any such residual products, except upon the lands described in the first schedule to this Act, and the Company shall not store gas except upon those lands, without the previous consent in writing of the owner, lessee, and occupier of every dwelling house situate within three hundred yards of the limits of the site where such gas is intended to be stored.

Prohibition against manufacture of gas, &c. except on such lands.

30. Subject to the provisions of this Act, the Company may supply and sell gas for public and private consumption within the limits of this Act, and light or contract for the lighting of streets and public buildings within those limits, and sell and dispose of, at the works and elsewhere, coal, coke, tar, and ammoniacal liquor and other residual products obtained in the manufacture of gas, and matters producible therefrom; but the Company shall not be exempt from liability to indictment, or to any other legal proceedings, to which they may be liable in consequence of anything done by them under this Act.

Company may supply gas within limits of Act.

31. The Company shall, at the request in writing of any owner or occupier of any premises within twenty-five yards of which any main gas pipe of the Company shall be then laid, furnish to him a sufficient supply of gas for such premises, together (if so required) with a meter and so much of the service pipe as shall be necessary to communicate between the main pipe of the Company and such meter; provided that the expense of so much of the service pipe as shall be laid upon the property of such owner or occupier, or in any other case as shall be laid beyond thirty feet in length, and the cost of such meter, shall be defrayed by such owner or occupier; and provided further, that the Company shall not be bound to furnish such supply of gas or meter or service pipe unless such owner or occupier shall enter into a written contract to continue to receive and pay (the payment to be also secured as by this Act provided) for a supply of gas for a period of at least two years, and to an amount not being less than twenty pounds per centum per annum on the outlay incurred by the Company in providing such service pipe; and if the Company shall, after such contract being entered into as aforesaid, and seven days notice in writing requiring them so to do being served on the manager or secretary, by their wilful default fail to supply the gas within a reasonable time after

Company to supply gas in certain cases at request of owner or occupier.

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such notice, then on proof of such default the Company shall be subject to a penalty not exceeding forty shillings.

Security for payment of rate.

32. Any person having or requesting to have a supply of gas from the Company shall (if and when so required in writing by them, and before he is entitled to have such service pipes and meter provided and fixed, or to have a supply of gas,) give to the Company such security for the payment to them as he and the Company agree on, or as, in default of agreement, shall be determined as by this Act provided, and the Company shall be liable to a penalty not exceeding forty shillings if they shall discontinue the supply of gas to any person then having a supply, unless such person shall have failed to give to them such security for seven days after the same shall have been demanded by the Company, or there are any arrears due in respect of gas supplied, or any security herein-before provided for has run out or ceased to remain in force.

Justices may determine nature of security.

33. Where any such person and the Company do not agree on the security to be given, the same shall be determined by two justices, and such justices shall, on the application of the person and the Company, or either of them, determine the nature and amount of security to be given, and the security may, as the justices think fit, be the deposit with the Company, or the prepayment to the Company, of a sum of money, or any other security which the justices think sufficient and reasonable, and the determination of the justices shall be binding on all parties.

Company may supply gas fittings, &c.

34. The Company may manufacture, purchase, supply, hire, sell, let, lay down, place, and maintain gas fittings, meters, pipes, pillars, lamp posts, lamps, burners, and other articles and things connected with gasworks, or with the supply of gas for public or private consumption, in such manner as they think proper, and generally may carry on such operations and business as are for the time being usually carried on by gas companies.

Company may lay pipes against buildings.

35. 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, with the like consent, 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, with the like consent, repair, replace, alter, or discontinue, and remove any such pipe, branch, or apparatus.

Limiting price of gas.

36. The price to be charged by the Company for gas supplied to persons who shall burn the same by meter shall not exceed four shillings per one thousand cubic feet.

Local authority may agree for lamps.

37. The local authority may contract with the Company for providing and keeping in repair the public lamps, lamp posts, burners, brackets, and irons, and for lighting and extinguishing public lamps; and with respect to any public lamp posts, lamps, and fittings belonging to the Company, such lamp posts, lamps, and fittings shall not be removed, except at the instance or with the consent of the local authority, or in the event of the lighting of any lamp being discontinued, but the Company shall be entitled to receive for providing and maintaining such lamp posts, lamps, and fittings such reasonable annual or other remuneration as may be mutually agreed upon, or as, in case of difference, shall be settled in manner hereinafter mentioned.

Penalty on Company for failure to supply gas to public lamps.

38. If and whenever the Company wilfully fail to supply gas as by this Act required to all or any of the public lamps, they shall be liable to a penalty not exceeding forty shillings for each default.

Price of gas supplied to public lamps.

39. The Company shall supply gas to public lamps in such quantities as the local authority may in writing under the hand of their clerk from time to time require to be supplied, and the price to be charged by the Company and to be paid to them for all gas so supplied to or for any such public lamps shall always be calculated and fixed at and according to the lowest price for the time being charged by the Company to any other consumer or consumers within the limits in which such public lamps shall be situated.

As to consumption of gas supplied to the public lamps.

40. The gas supplied to the public lamps shall be consumed either by meter or otherwise, at the option of the local authority, and in case of its being consumed by meter the meter shall be provided and fixed by the Company at the expense of the local authority, but neither party shall, except as herein-after provided, be entitled to require that a meter be affixed to more than one in every twelve lamps then supplied with gas under this Act; provided that the Company shall be at liberty, if they think fit, to have a meter affixed to any additional number of lamps, they providing such meters, and paying to the local authority the additional expense of providing and adjusting the lamps, lamp posts, and other things necessary for their reception and use: Provided always, that if the gas shall, under the provisions of this Act, be supplied to the public lamps by average meter indication, the Company shall, for securing uniformity of consumption between metered and unmetered lamps, from time to time provide the public lamps under the control of the local authority with proper self-acting pressure regulators and burners to the satisfaction of the local authority.

As to meters for public lamps.

41. The average amount of the indications of all the meters

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attached to the public lamps under the control of the local authority shall, except as herein-after mentioned, be deemed to be the amount consumed by each such lamp.

As to testing accuracy of meters.

42. If either the Company or the local authority shall dispute the accuracy of the registration of any meter used for measuring the gas supplied to the public lamps, then such meter shall be tested in the manner provided by the Act passed in the session of Parliament held in the twenty-second and twenty-third years of the reign of Her present Majesty, intituled "An Act for regulating Measures used in the Sales of Gas," and if found to register erroneously within the meaning of the said Act, or in case any such meter shall be shown to have at any time ceased to register, notwithstanding gas may have passed through it to the burners, and notwithstanding such meter shall on being submitted to the test then act correctly, it shall not be deemed to be one of the meters from which the average aforesaid shall be determined.

22 & 23 Vict. c. 66.

As to supply of gas to public lamps.

43. The gas supplied to any such public lamps shall be permitted to pass unrestricted to and from such self-acting regulator for the whole of the period during which any such public lamps shall be lighted.

For settlement of differences between the Company and the local authority.

44. Any difference which may arise under any of the provisions herein-before contained with respect to the local authority between the Company and any such local authority shall be from time to time settled by arbitration in manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration.

Deposit, &c. of annual accounts.

45. In lieu of the account prescribed by the thirty-eighth section of "The Gasworks Clauses Act, 1847," an account as near as may be in the form and containing the particulars specified in the second schedule to this Act shall be made up to the thirtieth day of June in each year, and in the month of October following a copy of the said account, signed by the chairman or secretary of the Company, shall be transmitted free of charge to the town clerk of Kings Lynn and to the clerk to the Kings Lynn Paving Commissioners, under a penalty of five pounds for each default, and the copies so sent shall be kept by the said town clerk and clerk to the said commissioners, and shall be open to inspection by all persons and at all reasonable hours, on payment of one shilling for each inspection, but no other fee of any kind shall be chargeable in respect of the said account.

Consumers may be required to consume by meter.

46. Every consumer of gas supplied by the Company shall, on being required by the Company so to do, consume such gas by meter, and all such meters shall be subject to the provisions of the Act for regulating measures used in sales of gas; and until a meter be

examined and stamped under the provisions of that Act it shall be approved by the Company, and may from time to time be examined and tested by them.

Consumer may provide his own meter.

47. Every consumer of gas supplied by the Company shall be at liberty, at his own expense, to provide his own meter, the same being duly stamped according to law, and provided that the capacity of such meter shall be proportionate to the number of lights proposed to be supplied through it.

Notice to be given to Company of altering meters.

48. Before any person shall connect or disconnect any meter through which any of the Company's gas is intended to be or has been registered, he shall give not less than twenty-four hours notice in writing to the Company of his intention so to do.

Repair, &c. of meters by consumer.

49. Every consumer of gas supplied by the Company shall at all times, at his own expense, keep all meters belonging to him whereby any gas of the Company is registered in proper order for correctly registering such gas, in default whereof the Company may cease to supply gas through such meters; and the Company shall at all reasonable times have access to and be at liberty to take off, remove, test, inspect, and replace any meter belonging to a consumer, such taking off, removal, testing, inspecting, and replacing to be done at the expense of the Company, if the meter be found in proper order, but otherwise at the expense of the consumer.

Company may let meters.

50. The Company may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings thereto, for such remuneration in money, and on such terms with respect to the repair of such meter and fittings, and for securing the safety and return to the Company of such meter, as may be agreed upon between the hirer and the Company, and such remuneration shall be recoverable in the same manner as the rents or sums due to the Company for gas, and such meters and fittings shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be used, nor to be taken in execution under any process of a court of law or equity, or any proceedings in bankruptcy, against the persons in whose possession the same may be.

Register of meter to be primâ facie evidence of gas consumed.

51. The register of the meter shall be primâ facie evidence of the quantity of gas consumed by any customer of the Company, and in respect of which any rent is charged and sought to be recovered by the Company: Provided always, that if any meter becomes defective, or if in any case the Company have reason to believe that the quantity of gas appearing by the register to have been consumed is not the quantity actually consumed, the Company may charge and recover in respect of the quantity actually consumed; and if the Company and the customer differ as to the quantity, such difference shall be

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determined, upon the application of either party, by two justices, who may also order and direct by which of the parties the costs of and relating to the proceedings before them shall be paid.

Company may remove meters and fittings where supply of gas is discontinued.

52. The Company may, after forty-eight hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier, or if unoccupied then to the owner and lessee of any land, house, or building in which any pipes, mains, meters, or fittings belonging to the Company are laid or fixed, and through or in which the supply of gas shall from any cause other than the neglect or default of the Company be discontinued, enter such land, house, or building, between the hours of nine in the morning and four in the afternoon, for the purpose of removing and may remove such pipes, meters, or fittings, repairing all damages caused by such entry or removal; and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known place of abode, or if such person or his address be not known to the Company, after due inquiry, then by being affixed on some conspicuous part of such land, house, or building.

Penalty for fraudulently injuring meters, &c.

53. 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, or shall prevent the index of any meter from duly registering the quantity of gas supplied, shall, without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender, for every such offence forfeit and pay to the Company a sum not exceeding five pounds, and the Company may, in addition thereto, recover the amount of any damage by them sustained, and the Company may also discontinue the supply of gas to the person so offending until the injury is remedied, and the amount of the damages is paid, and notwithstanding any contract previously existing; and the existence of artificial means for causing such alteration or prevention, when such meter shall be under the custody or control of the consumer, shall be primâ facie evidence that the same has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Remedy of Company in cases of fraud and waste of gas.

54. If and whenever any person supplied with gas by the Company wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the prevention of the waste, misuse, or undue consumption of the Company's gas, the Company may cut off or stop any pipe by or through which gas is supplied to him, and cease to supply him with gas so long as the cause of injury remains or is not remedied, and also

may recover in any court of competent jurisdiction from every person so offending the amount of all loss, damage, or injury which the Company may sustain by reason of any such thing or failure, and the remedies of the Company under this enactment shall be in addition to their other remedies in that behalf.

Recovery of charges for gas.

55. In case any person who shall have been supplied with gas by the Company, or who shall be liable to payment in respect of a supply of gas under or by virtue of the provisions of this Act, shall neglect or refuse to pay the amount due in respect of such supply for the space of fourteen days after demand thereof by the Company, their agent or collector, any justice may issue his summons to such person, requiring him to appear at a time and place named therein, and then and there to show cause why the sum so demanded should not be paid, and if, on the appearance of such person, or in default of appearance, after proof of the service of the summons, either personally or at the last known place of abode or of business of such person, no sufficient cause can be shown to the contrary, any justice may issue his warrant of distress for the seizure and sale of the goods and chattels of such person, for the recovery of the amount which may be proved before such justice to be due from such person, together with such costs, including the costs of cutting off the gas, if the same shall have been cut off by the Company, as to such justice shall seem just and reasonable.

As to summonses and warrants under this Act.

56. Any one summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Warrant of distress shall include costs.

57. 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.

Recovery of sums due to Company.

58. Whenever any person neglects to pay any rent or sum due and payable by him to the Company, the Company may recover the same in any court of competent jurisdiction for the recovery of debts of the like amount, and the remedies of the Company under this enactment shall be in addition to their other remedies for the recovery of such rent or sum.

Incoming tenants not liable to pay arrears of gas rents, &c.

59. In case any consumer of the gas of the Company shall leave the premises where such gas has been supplied to him without paying to the Company the gas rent or meter rent due from him, the Company shall not be entitled to require from the next tenant of

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such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant shall have undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Quality of gas to be supplied by Company.

60. All the gas supplied by the Company shall be of such quality as to produce from an argand burner having fifteen holes and a seven-inch chimney, and consuming five cubic feet of gas per hour, a light equal in intensity to the light produced by fourteen sperm candles of six in the pound, burning one hundred and twenty grains per hour.

Company to maintain an experimental meter to test illuminating power of gas.

61. The Company shall always maintain at their works an experimental meter furnished with an argand fifteen-hole burner and a seven-inch chimney, capable of consuming five cubic feet of gas per hour, with other necessary apparatus for testing the illuminating power of all the gas of the Company, and so situate as to test the whole of the gas from time to time supplied by the Company, and the Company shall at all times keep and maintain the experimental meter and apparatus in good repair and working order.

Power for corporation of Kings Lynn and for Paving Commissioners to test gas.

62. The Corporation and the Lynn Paving Commissioners, or either of them, or any person authorised by them respectively in writing, shall at all reasonable times in the daytime have access to the testing place, and may test there the illuminating power of the gas supplied by the Company in the presence of an officer of the Company if attending for that purpose, and if not, then in the absence of any such officer; and the Company and their officers shall afford all reasonable facilities and assistance for such testing; and if any officer of the Company, on being thereunto reasonably requested, wilfully obstructs such testing, or fails to afford such facilities and assistance, he shall for every such offence be liable to a penalty not exceeding ten pounds.

Quality of gas may be tested by person appointed by two justices.

63. Two justices may, on the application of the corporation or of the Lynn Paving Commissioners, by order in writing appoint some competent person to proceed to the works of the Company, and the person so appointed 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, if attending for that purpose, and if not, then in the absence of any such officer, 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 for the making of such experiments.

Penalty on Company if gas below prescribed illuminating power, &c.

64. If it shall be proved to the satisfaction of any two justices not being 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, on being thereunto reasonably requested, wilfully refused to afford such reasonable facilities as aforesaid, or wilfully hindered or prevented the making of such experiment, in any such case the Company shall forfeit such sum, not exceeding twenty pounds, as the justices shall determine, under the circumstances of the case.

Cost of experiment, how to be paid.

65. The costs of and attending such experiment, including the remuneration to be paid to the person making the same, and the cost 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 no penalty being imposed the costs shall be in the discretion of the justices.

Company to sell works and undertaking, on request.

66. If at any time after the passing of this Act the Corporation or the Lynn Paving Commissioners shall desire to purchase the works, lands, gas mains, and undertaking, and the property connected therewith, of the Company, and of such desire shall give to the Company six calendar months notice in writing under their common seal, signed by their clerk for the time being, the Company shall sell to them their lands, gasworks, mains, and undertaking, and property connected therewith, and all their right and interest therein, for such sum and upon such terms and conditions as may be agreed upon between the purchasing body and the Company, and failing such agreement as may be determined by arbitration in the manner provided by "The Lands Clauses Consolidation Act, 1845," for settling by arbitration questions of disputed compensation for land; and for the purposes of such Act and this Act, the lands, gasworks, mains, and undertaking of the Company, and property connected therewith, shall be deemed to be included in the term "land" in the said Act; and in such agreement or by such arbitration all necessary provisions shall be made for conveying and transferring to and vesting in the purchasing body the estate and interest of the Company in the said lands, gasworks, mains, undertaking, and property connected therewith; and the said "Lands Clauses Consolidation Act, 1845," shall apply generally to the said sale: Provided always, that the prior option of purchasing the undertaking of the Company shall belong to the corporation, and shall not be exercised by the Lynn Paving Commissioners, unless the Corporation shall, after having received six months previous notice in writing from the Lynn Paving Commissioners of their desire to purchase, decline to exercise such option.

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Transfer to be by deed.

67. The sale under this Act shall be carried into effect by a deed of transfer, duly stamped (truly stating the consideration), and on the execution thereof by the Company the undertaking, land, and property of the Company shall, by virtue thereof and of this Act, be transferred to and vested in the purchasing body.

Powers of purchasing body as to manufacture and supply.

68. The provisions of this Act and the enactments herewith incorporated shall as from the transfer be read and have effect as if the purchasing body were named in this Act instead of the Company, except as far as this Act and the incorporated enactments relate to the constitution, management, and capital of the Company.

Corporation may borrow on mortgage.

69. For the purpose of effecting the purchase hereby authorised, and for any extension or improvement from time to time of the gasworks and mains, when purchased by the corporation, it shall be lawful for the corporation, with the approbation of the Lords Commissioners of Her Majesty's Treasury, (and subject to the provisions of the 94th section of the Act 5th and 6th William the Fourth, chapter 76, and the second section of the Act 6th and 7th William the Fourth, chapter 104,) from time to time to borrow any sums of money on mortgage of the undertaking when bought by the corporation, and the borough fund, the borough rate, and other the property of the corporation, or any part thereof respectively; and if the Lynn Paving Commissioners shall make such purchase, it shall be lawful for them from time to time to borrow any sum or sums of money on mortgage of the undertaking, and of the rates raisable under the Lynn Paving Acts, or of either of those properties, and all moneys to be borrowed by the purchasing body under this Act shall be applied only in purchasing the undertaking, and the extension and improvement thereof.

Lynn Paving Commissioners may borrow on mortgage.

Receipt of treasurer of purchasing body to be good discharge.

70. The receipt of the treasurer for the time being of the purchasing body shall be a good and sufficient discharge to every person who shall lend any money on mortgage under the powers of borrowing herein contained for so much money as shall in such receipt be expressed to be received.

Rights of mortgagees.

71. The respective mortgagees for any money authorised by this Act to be borrowed by the purchasing body shall be entitled one with another to their respective proportions of the property comprised in their mortgage, according to the respective sums in such mortgage mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced, with interest, without any preference one above another by reason of the priority of the date of any such mortgage, or of the meeting at which the same was authorised, or on any account whatsoever, but the mortgages hereby authorised shall be subject to the now existing incumbrances, if any, on the property comprised therein respectively.

Receipt of directors a discharge.

72. The receipt of three directors of the Company for the purchase money of their undertaking, or any part of such purchase money, shall be a sufficient discharge for the same, and the purchasing body shall not be bound to see to the application or be answerable for the misapplication or non-application thereof.

Purchasing body to hold licenses under letters patent.

73. The purchasing body, after the transfer, may take, hold, and use any license or authority (not being exclusive) under any letters patent for the use of any invention relative to the manufacture or distribution of gas or the utilisation of residual products.

Execution of Act by corporation.

74. So far as this Act is to be carried into execution by the corporation, it shall be carried into execution by them, acting by their council, pursuant to the powers and provisions of the Act of the sixth year of William the Fourth, for the regulation of municipal corporations, and the other laws, whether general or local, from time to time in force and affecting the municipal corporation of the borough, and those powers and provisions shall extend and apply to the purposes of this Act accordingly.

Gas committee of purchasing body.

75. The purchasing body may, after the transfer, from time to time appoint any members of such body (not exceeding seven) to be a committee for carrying into effect the provisions of this Act, and to be called "the gas committee."

Gas committee to execute Act.

76. The gas committee shall be subject to the control and regulation of the purchasing body, and subject thereto shall have full power and authority in the name and as the agent of such body to carry into execution the several powers and provisions of this Act; but the purchasing body from time to time may revoke or suspend all or any of the powers of the gas committee, and notwithstanding the existence, or during any vacancy or non-existence, of the gas committee, may carry into execution all or any of the powers and provisions of this Act.

Procedure of gas committee.

77. Three members of the gas committee shall be a quorum, and the gas committee shall meet from time to time as occasion may require, by twenty-four hours notice in writing from the clerk of the purchasing body, and the members present may elect the chairman, and the chairman in every case of an equality of votes shall have a second or casting vote.

Minutes of proceedings of gas committee.

78. Minutes of all orders and proceedings of the gas committee shall be entered in books kept for the purpose, and the orders and proceedings so entered and signed by the chairman of the meeting shall be deemed original orders and proceedings, and shall be admitted in evidence in all courts and elsewhere accordingly.

A.D. 1870.

Separate accounts to be kept by purchasing body.

79. The purchasing body shall keep a separate account of their receipts and expenditure, credits and liabilities, under this Act.

Application of income by purchasing body.

80. The income received by the purchasing body under this Act shall be applied by them in manner and order following:

1. In payment of the expenses of and incidental to the execution of this Act, including any extension and improvement of the gasworks and mains:
2. In payment of the interest on money borrowed under this Act:
3. In repayment of any principal money borrowed under this Act:
4. In aid of the funds of the purchasing body.

Incorporation of "Commissioners Clauses Act, 1847," after transfer.

81. From and after the transfer, the following clauses of "The Commissioners Clauses Act, 1847," are incorporated with this Act; and in case of purchase by the corporation the several expressions "the commissioners," "the clerk to the commissioners," "the treasurer to the commissioners," and "the office of the commissioners," in that Act, mean respectively for the purposes of this Act the corporation and the town clerk of the borough, the borough treasurer, and the town clerk's office; and the word "rates" in that Act includes for the purposes of this Act gas rents and payments for supply of gas; (that is to say,)

With respect to the contracts to be entered into and the deeds to be executed by the commissioners:

With respect to the appointment and accountability of the officers of the commissioners:

With respect to mortgages to be executed by the commissioners:

With respect to the making of byelaws:

With respect to proof of debts in bankruptcy and tender of amends:

With respect to the recovery of damages not specially provided for, and of penalties, to the determination of any other matter referred to justices or to the sheriff.

Penalties not cumulative.

82. Penalties imposed upon the Company for one and the same offence by several Acts of Parliament shall not be cumulative, and for such purpose this Act and the Acts incorporated herewith shall be deemed several Acts.

Liability to gas rent not to disqualify justices from acting.

83. No justice or judge of any county court or quarter session shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent or other charge under this Act.

84. All the costs, charges, and expenses of and incident to the passing of this Act, and preparatory thereto, shall be paid by the Company. Expenses of Act.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Lands on which the gasworks of John Malam have been erected, situate in the parish of South Lynn All Saints, within the borough of Kings Lynn, bounded on the north by the turnpike road leading from Kings Lynn to Wisbeach, on the south and on the east by land belonging or reputed to belong to the corporation of Kings Lynn, and on the west by the river Nar.

THE SECOND SCHEDULE.

ANNUAL STATEMENT of ACCOUNTS, showing the actual state and condition of the concerns of the Kings Lynn Gas Company for the twelve months ending the 30th day of June.

I. CAPITAL.—State of account at the end of the above twelve months.

Statute or authority under which raised.	Number of shares.	Amount per share.	Paid up per share.	Total paid up.	Total capital.
Borrowed moneys			Rate per cent.	Amount -	
				Total capital £	

II. REVENUE.—Amount of all sums actually received and paid during the above twelve months, including assets and liabilities.

RECEIPT.	£ s. d.	£ s. d.	EXPENDITURE.	£ s. d.	£ s. d.
Balances brought forward -			Management :—		
Revenue account - -			Directors allowances -		
			Salary of secretary and clerks - - -		
Sale of gas :—			Collector's commission and pay - - -		
By meter - - -			Rent, rates, and taxes -		
Public lighting and under contracts - -			Stationery, printing, and general charges - -		
			Payment to auditors - -		
Less bad debts and allowances					
			Manufacture of gas :—		
Rental of meters - -			Coals, including carriage dues, &c. - -		
Sale of old material - -			Purifying materials - -		
Sale of residual products -			Supervision and labour -		
Coke - - -			Tools and other implements -		
Breeze - - -			Ordinary repair and maintenance of premises and mains - - -		
Tar - - -					
Ammoniacal liquor -			Meters :—		
			Restoring and replacing -		
Miscellaneous receipts - -					
			Law and parliamentary charges -		
Total receipts - - -			Interest paid from profits on borrowed capital - - - -		
Total expenditure - -			Shareholders profit or dividend -		
Balance to revenue next year - £			Total expenditure - - £		

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