



ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. lv.

An Act to incorporate “The *Kilmarnock* Gaslight Company,” established to supply with Gas the Town of *Kilmarnock*, and the Parishes of *Kilmarnock* and *Riccarton*, and Places therein, all in the County of *Ayr*. [15th June 1855.]

WHEREAS in the Year One thousand eight hundred and twenty-two certain Persons formed themselves into a Company under the Name of The *Kilmarnock* Gaslight Company, for the Purpose of lighting and supplying with Gas the Town of *Kilmarnock* in the County of *Ayr*: And whereas the said Company have since the above Period supplied the said Town with Gas, and have for the Purposes of their Undertaking created Six hundred Shares of Twenty-five Pounds each, which have been fully paid up, and have also borrowed and are still owing, for the Purposes aforesaid, the Sum of Two thousand Pounds or thereabouts, besides having incurred Liabilities for Repairs and for additional Works in Progress: And whereas the Population, Trade, and House Property within the said Town and in the Neighbourhood thereof have of late Years greatly increased and are still increasing: And whereas it is expedient that the Works of the Company should be extended, and that the Company should be enabled to give a further Supply of Gas within the Town of *Kilmarnock* and the Parishes of *Kilmarnock* and *Riccarton*, all in the County of *Ayr*, and that they should be authorized to raise additional Sums of Money in manner herein-after

[*Local.*] 8 R mentioned:

The Kilmarnock Gaslight Act, 1855.

mentioned: And whereas the said Company would with greater Advantage carry on their Undertaking if they were incorporated, and if certain Powers were conferred upon them for the Purposes thereof: But these Objects 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,

Short Title. I. That in citing this Act it shall be sufficient to use the Expression "The *Kilmarnock Gaslight Act, 1855.*"

Limits of Act. II. That the Limits of this Act shall extend to and include the Town of *Kilmarnock*, and the Parishes of *Kilmarnock* and *Riccarton*, and Places therein, all in the County of *Ayr*.

8 & 9 Vict. cc. 17. & 19. and 10 & 11 Vict. c. 15. incorporated. III. That the several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Gasworks Clauses Act, 1847," and "The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act: Provided always, that nothing in "The Lands Clauses Consolidation (*Scotland*) Act, 1845," or in this Act, contained, shall authorize the Company to purchase, take, or use any Land, unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

Interpretation of certain Expressions in this Act and the Acts incorporated here-with. IV. That in construing this Act, and "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Gasworks Clauses Act, 1847," as incorporated with this Act, or any of them, the Expression "the Special Act" shall mean this Act; and the Expressions "the Works" and "the Undertaking" shall mean the Gasworks and Works connected therewith, by this Act vested in the Company incorporated by this Act, or which they are authorized to execute; the Expressions "the Promoters of the Undertaking" and "the Undertakers" shall mean the Company incorporated by this Act; and the Expression "the Gasworks" shall include the Gasworks and Works connected therewith by this Act vested in the Company, or which they may construct under the Authority hereof.

"The former Company" and "the Company." V. That the Expression "the former Company" in this Act shall mean the *Kilmarnock Gaslight Company* as it existed at and before the passing of this Act, and the Expression "the Company" in this Act shall mean the Company incorporated by this Act.

Proprietors incorporated. VI. That from and after the passing of this Act the Deed of Settlement or Contract of Copartnery of the former Company shall cease and

The Kilmarnock Gaslight Act, 1855.

and determine, and the same is hereby annulled, and the present Shareholders of that Company, and all such other Persons as shall hereafter subscribe to the Undertaking, and their respective Executors, Administrators, Successors, and Assigns, shall be united and incorporated into a Company for the Purposes herein-after mentioned, and for such Purposes shall be incorporated by the Name of "The *Kilmarnock Gaslight Company*," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall and may sue and be sued, and shall have Power from Time to Time to purchase and hold Lands, for the Purposes of the Undertaking, within the Restrictions herein and in the Acts incorporated herewith contained.

VII. That the Company shall be incorporated for the Purpose of making and supplying Gas within the Limits of this Act, and for maintaining, erecting, and improving Gasworks for that Purpose, with proper Works and Conveniences connected therewith, according to the Provisions in this and in the Acts incorporated herewith contained, and also for selling and disposing of Coke, and of every Product, Refuse, or Residuum arising or to be obtained from the Materials used in the Manufacture of Gas, and also for manufacturing and selling or dealing in Gas Fittings, Tubes, Meters, Pipes, and all other Articles and Things in anyway connected with Gasworks, or with the Supply of Gas to the Consumers thereof, in such Manner as the Company may think proper.

Objects and
Purposes of
the Com-
pany.

VIII. That all and every the Lands, Erections, and Buildings purchased by or for the former Company, or conveyed to that Company, or to any Trustees or other Persons on their Behalf, for the Purposes of the Undertaking, and at the Time of the passing of this Act belonging to that Company, and all and every the Gasworks, Gasometers, Retorts, and other Works, Mains, and Pipes, Pillars, Posts, Apparatus, Matters, and Things which have been by them purchased, provided, erected, laid down, or placed within the Limits of this Act, or which at the Time of the passing of this Act shall be the Property of and belonging to them, and all other Property whatsoever belonging to them, or to any Trustees or other Persons on their Behalf, shall be and the same are hereby vested in the Company incorporated by this Act.

Property
vested in the
Company.

IX. That all Purchases, Sales, Conveyances, Leases, Mortgages, Bonds, Debentures, Contracts, Agreements, Securities, and other Acts and Things before the passing of this Act made, done, entered into, executed, or instituted by, from, with, to, for, or on behalf of the former Company shall be good, valid, and effectual, to all Intents and Purposes whatsoever, for, against, or with reference to the Company incorporated by this Act, in like Manner and to the same Extent as but for the passing of this Act they would have been good, valid, and effectual

Convey-
ances,
Leases, &c.
to remain in
force.

The Kilmarnock Gaslight Act, 1855.

effectual for, against, or with reference to the former Company, and may be enjoyed, proceeded on, and enforced accordingly.

Liabilities to
attach to the
Company.

X. That the Company by this Act incorporated shall, with reference to every Act done or left undone, and with respect to every Liability, of what Nature or Kind soever, incurred by the former Company prior to the passing of this Act, be considered as identical with that Company, in like Manner in all respects as if this Act had not been passed, and the Company incorporated by this Act were the former Company.

Actions not
to abate.

XI. That no Action, Suit, Prosecution, or other Proceeding commenced either by or against the former Company before the passing of this Act shall abate or be discontinued or prejudicially affected by or in consequence of the passing of this Act, but, on the contrary, the same respectively shall continue and take effect in favour of or against (as the Case may be) the Company incorporated by this Act, in like Manner in all respects as they would have continued or taken effect in favour of or against the former Company if this Act had not been passed; and all Offences committed or Penalties incurred before the passing of this Act may be prosecuted, enforced, or sued for by or against the Company by this Act incorporated, in like Manner as but for the passing of this Act they might have been prosecuted, enforced, or sued for by or against the former Company.

Debts to be
paid to or by
the Com-
pany.

XII. That all Persons who immediately before the passing of this Act owed any Sum of Money to the former Company, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due or to accrue for the same, to the Company incorporated by this Act; and all Debts and Moneys which immediately before the passing of this Act were due or owing by or recoverable from the former Company, or for the Payment of which that Company was, or but for the passing of this Act would have been, liable, shall be paid, with all Interest (if any) due or to accrue thereon, by or be recoverable from the Company incorporated by this Act.

Continuing
Liability of
Shareholders
of former
Company,
and giving
them a
Remedy
against the
Company.

XIII. That nothing in this Act contained shall be held or construed to exonerate or release any of the Shareholders of the former Company from Liability in respect of any Debt or Obligation of that Company, or of any Act done or left undone by them, or otherwise howsoever; and if any such Debt, Obligation, Act, or other Liability, or any Damages in respect thereof, shall be recovered against any such Shareholder, the Amount thereof, together with the Costs and Expenses incurred by him in reference thereto, shall be repaid to him by the Company incorporated by this Act, and shall be recoverable against such Company by Action or Suit in any competent Court.

XIV. That

The Kilmarnock Gaslight Act, 1855.

XIV. That all Dividends, Rates, and Charges which at the Time of the passing of this Act shall be due and payable or accruing, or if this Act had not been passed would have been due and payable or would have accrued, shall be paid and payable under this Act, and shall continue to be so paid and payable until the same shall be altered under the Authority of this Act, and may be received or recovered by such Means, and under such Restrictions and Regulations, as any such Dividends, Rates, and Charges might be received or recovered under this Act.

Dividends,
Rates, &c. to
continue till
altered.

XV. That every Secretary, Treasurer, Clerk, or other Officer, and every Servant, appointed by the former Company, and in Office or Employment at the Time of the passing of this Act, shall hold and enjoy his Office or Employment, with the Salary or Remuneration thereunto attached, and be deemed an Officer or Servant of the Company, until he be removed, and shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Pains, and Penalties, in all respects whatsoever, as if he were appointed under this Act.

Officers, &c.
to continue
until re-
moved.

XVI. That the Capital of the Company incorporated by this Act shall be Thirty thousand Pounds, divided into One thousand two hundred Shares of Twenty-five Pounds each.

Capital.

XVII. That Six hundred of the said Shares of Twenty-five Pounds each shall be allotted and distributed to and among the respective Shareholders of the former Company at the Time of the passing of this Act, in proportion to and in substitution for the Shares held by them respectively in that Company at that Time; and the Shares so allotted shall be deemed and taken to have been wholly paid up as at the Time of the passing of this Act.

Certain
Shares to be
appropriated
to present
Share-
holders.

XVIII. That the said Shares so allotted shall be denominated "*Kilmarnock Gaslight Company (Original Shares)*," and the Certificates thereof shall be separately numbered, and shall, with the Transfers thereof, be entered in a separate Register.

Denomina-
tion of such
Shares.

XIX. Provided always, That the existing Certificates of the Shares of the former Company shall, until called in, continue to be the Certificates of the Shares so to be allotted to the Shareholders of that Company under this Act; but the Company may at any Time call in such Certificates by Letter under the Hand of the Secretary of the Company, given to or sent by Post addressed to each Shareholder according to his Address in the Shareholders Address Book, or left at his usual or last Place of Abode, and thereupon the said Certificates shall within Fourteen Days be brought or transmitted by the said Shareholders to the Secretary of the Company, to be cancelled; and the Company or their said Secretary shall thereafter deliver to the said

Certificates
of such
Shares.

[*Local.*]

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Share-

The Kilmarnock Gaslight Act, 1855.

Shareholders, in lieu thereof, Certificates as herein-before provided, of the Shares allotted by virtue of this Act, in substitution for the said Shares of the former Company.

These Shares to be subject to the same Trusts, &c. as the Shares formerly existing.

XX. That the said Shares so allotted in virtue of this Act shall remain vested in the respective Shareholders upon the same Trusts, and subject to the same Powers, Provisions, Declarations, Agreements, Charges, and Liabilities, upon or to which their respective Shares in the former Company were immediately before the passing of this Act held or subject, and so as to give effect to and not revoke any Will or other Instrument disposing of or affecting any such Shares: Provided always, that nothing in this Enactment contained shall be held to revive any of the Provisions of the Deed of Settlement or Contract of Copartnery of the former Company.

Issue of remaining Shares.

XXI. That the remaining Six hundred of the said Shares of Twenty-five Pounds each, being the Remainder of the Capital of the Company, may from Time to Time be issued by Order of any Ordinary or Extraordinary Meeting of the Company: Provided always, that the Dividends on such remaining Shares shall not in any Year exceed the Rate of Seven Pounds Ten Shillings in the Hundred Pounds on the Amount paid up for the Time in respect of such Shares, unless a larger Dividend be at any Time necessary to make up the Deficiency of any previous Dividend on such Shares which shall have fallen short of the said yearly Rate.

Denomination of such Shares.

XXII. That the said remaining Shares shall be denominated "*Kilmarnock Gaslight Company (New Shares)*," and the Certificates thereof shall be separately numbered, and shall, with the Transfers thereof, be entered in a separate Register.

If existing Shares at Premium, remaining Shares to be offered to the Shareholders.

XXIII. That if at the Time of any such Issue taking place the then existing Shares be at a Premium, or of greater actual Value than the nominal Value thereof, then the remaining Shares so issued shall be apportioned among the then Shareholders of the Company in proportion (as near as conveniently may be) to the existing Shares held by them respectively; and such remaining Shares shall be offered to the then Shareholders in the Proportion aforesaid, and such Offer shall be made by Letter under the Hand of the Secretary of the Company given to or sent by Post addressed to each Shareholder according to his Address in the Shareholders Address Book, or left at his usual or last Place of Abode.

Remaining Shares to vest in the Parties accepting; otherwise to be disposed

XXIV. That the said remaining Shares so issued shall vest in and belong to the Shareholders of the Company who shall accept the same, and pay the Value thereof to the Company at the Times and by the Instalments which shall be fixed by the Company; and if any Shareholder fail for One Month after such Offer of his Proportion of such remaining

The Kilmarnock Gaslight Act, 1855.

remaining Shares to accept the same, and pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares in such Manner as they shall deem most for the Advantage of the Company.

of by the
Directors.

XXV. Provided always, That it shall be lawful for the Directors of the Company, in case they shall think proper so to do, but not otherwise, to permit any Shareholder of the Company to accept his Proportion of the said remaining Shares so issued, notwithstanding the Time limited for such Acceptance may have expired, if from Absence, or from any other Cause satisfactory to the Directors, he shall have omitted or neglected to specify his Acceptance of such Shares within the Time limited by this Act.

Directors
may permit
Shareholders
to take such
Shares after
the Time
specified, in
certain
Events.

XXVI. That if at the Time of the Issue of any of the said remaining Shares taking place the existing Shares be not at a Premium, then such remaining Shares may be issued as the Company shall think fit.

If existing
Shares not at
a Premium,
remaining
Shares to be
issued as
Company
think fit.
Calls.

XXVII. That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make in respect of any of the said remaining Shares, and Two Months at the least shall intervene between successive Calls, and the aggregate Amount of Calls to be made on any such Share in any One Year shall not exceed Four Fifths of the Amount of such Share.

XXVIII. That in respect of the paid-up Share Capital of the Company at the Time of the passing of this Act it shall be lawful for the Company from Time to Time to borrow upon Mortgage or Bond any Sum or Sums of Money, not exceeding in the whole the Sum of Five thousand Pounds, and when the whole of the Remainder of the Shares of the Company by this Act authorized shall have been issued, it shall be lawful for the Company in like Manner to borrow any further Sum or Sums of Money, not exceeding in the whole the additional Sum of Two thousand five hundred Pounds: Provided always, that the Company shall be bound and are hereby required, out of the first Sums which they may borrow under this Act, to pay off the Debt at present owing by the former Company, and until the Debt so owing shall be paid off the same shall continue a Debt due and owing by the Company.

Power to
borrow on
Mortgage.

XXIX. That it shall be lawful for the Mortgagees or Bond Holders of the Company under this Act to enforce the Payment of the Arrears of Principal and Interest due on their respective Mortgages or Bonds by the Appointment of a Judicial Factor; and in order to authorize the Appointment of such Factor the Amount of the Principal Moneys in arrear to the Mortgagees or Bond Holders by whom Application for such Judicial Factor shall be made shall not be less than One thousand Pounds in the whole.

Arrears may
be enforced
by Appoint-
ment of a
Judicial
Factor.

XXX. That

The Kilmarnock Gaslight Act, 1855.

Application
of Money.

XXX. That all Money to be raised under the Provisions of this Act, whether by means of Shares or by the Exercise of the Power of borrowing, shall be applied to the Purposes of the Undertaking, and to no other Purpose.

Ordinary
Meetings of
the Com-
pany.

XXXI. That the First Ordinary Meeting of the Company shall be held within Two Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held in the Month of *July* in every succeeding Year; and all Meetings of the Company, whether ordinary or extraordinary, shall be held in *Kilmarnock*, and Eight Days public Notice at the least of all such Meetings shall be given by Advertisement, which shall specify the Place, the Day, and the Hour of Meeting.

Extraordi-
nary Meet-
ings of the
Company.

XXXII. That it shall be lawful for any Five or more Shareholders holding in the aggregate not less than One thousand Pounds in the Capital Stock of the Company, by Writing under their Hands, at any Time to require the Directors to call an Extraordinary Meeting of the Company.

Quorum of
General
Meetings.

XXXIII. That the Quorum of every General Meeting of the Company shall be Ten Shareholders present, personally or by Proxy, holding in the aggregate not less than Two thousand Pounds in the Capital of the Company.

Scale of
voting.

XXXIV. That the Scale according to which Shareholders may vote in respect of their Shares shall be as follows: For One Share or more but not exceeding Twenty Shares, One Vote for each Share; and for more than Twenty Shares an additional Vote for every Three Shares.

Number and
Qualification
of Directors.

XXXV. That, subject to the Provision herein contained for reducing the Number of Directors, the Number of Directors shall be Twelve, and the Qualification of a Director shall be the Possession in his own Right of Four Shares in the Undertaking.

Power to
reduce the
Number of
Directors.

XXXVI. That it shall be lawful for the Company from Time to Time to reduce the Number of the Directors, so that the reduced Number shall not be less than Six.

First Di-
rectors.

XXXVII. That the several Persons who immediately before the passing of this Act were the Directors of the former Company shall be the First Directors of the Company hereby incorporated.

First Elec-
tion of
Directors by
Share-
holders.

XXXVIII. That the Directors appointed by this Act shall continue in Office until the First Ordinary Meeting of the Company to be held after the passing of this Act; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office
the

The Kilmarnock Gaslight Act, 1855.

the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

XXXIX. That at the Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected, and at the Ordinary Meeting in every Year thereafter, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," contained; and the several Persons elected at any 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 said last-mentioned Act.

Subsequent
Elections of
Directors by
Share-
holders.

XL. That the Quorum of a Meeting of Directors shall be Five while the Directors consist of Nine or any greater Number, and Three if the Directors shall be reduced to any Number less than Nine.

Quorum of
Directors.

XLI. That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Two nor more than Five, and the Quorum of such Committees shall be a Majority of the Members of which such Committees consist respectively.

Committees
of Directors.

XLII. That it shall be lawful for the Company, at any General Meeting, to elect Two Auditors to perform the Duties of Auditors prescribed by the said Companies Clauses Consolidation (*Scotland*) Act; and such Auditors may be retained in Office for Two Years without being re-elected; and it shall not be necessary for any such Auditor to hold any Shares in the Company.

Auditors to
be elected.

XLIII. That it shall be lawful for the Company by a Vote of any General Meeting to suspend or remove from his Office any Secretary or Treasurer.

Secretary or
Treasurer
may be
removed.

XLIV. That all Advertisements relating to the Affairs of the Company shall be inserted in at least One Newspaper published in *Kilmarnock*, or in the event of there being no Newspaper published in *Kilmarnock* at the Time, then in at least One Newspaper published in the County of *Ayr*.

Newspapers
for Insertion
of Adver-
tisements.

XLV. That, subject to the Provisions in this Act, it shall be lawful for the Company to agree with the Owners of any Lands which they may think requisite or proper for the Purposes of the said Under-

Power to
purchase
Land.

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taking,

The Kilmarnock Gaslight Act, 1855.

taking, for the absolute Purchase for a Consideration in Money, or by way of Feu Duty or Ground Annual, of any such Lands, and of all subsisting Leases therein, and of all Charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Rights to which such Lands may be subject, and all other Estates or Interest in such Lands, of what kind soever: Provided always, that the Lands so to be purchased shall not exceed Three Acres, in addition to the Lands which the Company now hold and possess.

Power to
maintain
Gasworks
and supply
Gas.

XLVI. That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company to maintain, extend, and improve their existing Works, and from Time to Time to construct, maintain, extend, and improve such additional Gasworks, Gasometers, Retorts, Drains, Sewers, Machinery, Mains, and other Works and Apparatus, and such Houses, Buildings, and Approaches, upon the Lands belonging to them within the Limits after mentioned, and to make and supply Gas, or to contract for the making and supplying Gas, and to do all such other Acts as they shall think necessary for supplying Gas within the Limits of this Act; and the Company may sell and dispose of the Coke and other Residuum arising from the Materials used in the Manufacture of Gas, in such Manner as they may think proper.

Limits of
Works for
Manufacture
of Gas.

XLVII. That the Works of the Company for the Manufacture of Gas, to be maintained, extended, improved, and constructed under the Authority of this Act, are and shall be upon the Grounds belonging to the Company on which their existing Works have been erected, and situate within the Limits following; (that is to say,) the Plot of Ground, Part of the Lands of *Langlands*, bounded on the South by *Park Street*, and the Properties of *John Clark*, *Robert Howie*, and *Mrs. Robert Clelland*, on the West by the Properties of *Andrew Barclay* and *John Clark*, on the North by *West Langlands Street*, and the Property of Messrs. *James Paton* and Sons and the late *James Dunlop* of *Annanhill*, and on the East by *Langlands Street* and the Property of the said *James Dunlop*; and also the Plot of Ground bounded on the North by *West Netherton Street*, on the East by *High Glencairn Street* and the Property of *William Tait*, on the South by the Properties of *William Tait* and *John Watson*, and on the West by a Road commonly called *Garden Lane*, all within the said Town of *Kilmarnock*: Provided always, that all Works for the Manufacture of Gas to be hereafter erected shall be in connexion with the existing Works of the Company for that Purpose.

Company
empowered
to lay Pipes
for lighting
Buildings.

XLVIII. That, subject to the Provisions in this and the incorporated Acts contained, it shall be lawful for the Company to lay any Pipe, Branch, or other necessary Apparatus from any Main or Branch

The Kilmarnock Gaslight Act, 1855.

Branch Pipes into, through, or against any Building, for the Purpose of lighting the same or any adjoining Building, and to provide and set up any Apparatus necessary for securing to any Buildings a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

XLIX. That every private Consumer of Gas of the Company shall, upon Request in Writing by the Company, consume Gas by Meter, to be found and provided by the Company, if the Consumer shall not think fit to provide the same at his own Expense; and such Meter, if provided by the Consumer, shall be at all Times subject to the Inspection and Approval of the Officers and Servants of the Company.

Consumers of Gas may be required to burn by Meter.

L. That it shall be lawful for the Company or the Directors thereof from Time to Time to fix the Rates to be taken by the Company for the Supply of Gas under this Act, and for the Use of Meters and other Apparatus connected with Gasworks: Provided always, that the Rates for the Supply of Gas (exclusive of the Rates for the Use of Meters and other Apparatus) shall not at any Time exceed Six Shillings for every One thousand Cubic Feet of Gas supplied by the Company, and so in proportion for any smaller Quantity.

Rates for Supply of Gas.

LI. That whereas the Rates which will be payable to the Company under this Act will in many Instances be small, and if not regularly paid the Recovery thereof by Actions at Common Law will be attended with great Expense to those in arrear: If any Person shall refuse or delay to pay the said Rates due by him to the Company for the Space of Fourteen Days after the same shall have fallen due and been demanded from him, either personally, or by a written or printed Requisition being left for him from the Collector, Treasurer, or Secretary of the Company, at his Dwelling House, or at the Premises for supplying which the Rates shall be due, it shall be lawful for the Company, or their Collector, Treasurer, or Secretary, to apply to the Sheriff of the County of *Ayr*, by Petition, for a summary Warrant to recover such Arrears of Rates; and the said Sheriff is hereby authorized and directed, upon Exhibition by the Person making such Application of a List of the Names and Designations of the Persons so refusing or delaying to pay such Rates, with a Statement annexed to the Names of the several Defaulters, specifying the Amount due by them respectively, and a Certificate, signed by the said Collector, Treasurer, or Secretary, that such Rates are truly due by the said Persons respectively, and that Payment thereof has been demanded in manner aforesaid, to grant Warrant to any Sheriff Officer having the Authority of the Company, or of their Collector, Treasurer, or Secretary, to summon the said Persons before him at a Time and Place to be named in such Warrant, and in the event of no good and valid Defence being offered by

Proceedings for Recovery of Rates.

The Kilmarnock Gaslight Act, 1855.

by the said Persons respectively, or in the event of the Absence of any such Person, upon Proof of the due Service of the Warrant, to grant Warrant to any such Officer to enter into the Premises of the Persons in arrear respectively, wherever situate, and to poid, seize, and take possession of their Goods and Effects, or so much thereof as will fully satisfy the Debt and Expenses; and the Goods and Effects so poided and seized may be detained or kept on the Ground, or at the Premises where the same were poided or seized, or in such other convenient Place, of which the Owners shall have Notice, as the Officer so poiding or seizing shall think proper, for the Space of Four Days; and if within that Period the said Rates, together with the necessary Expenses of such poiding and seizing, shall not be paid, it shall then be lawful for the Collector, Treasurer, or Secretary of the Company, or any Officer acting for the Company, forthwith to sell and dispose of the said Goods and Effects, or such Part thereof as shall be necessary, by Public Roup, at some convenient public Place, or as may be specially appointed by the Sheriff, and to apply the Proceeds in Payment of the Rates respectively owing and the Expenses of Procedure, paying over the Surplus, if any, to the Owner: Provided always, that the Sheriff Clerk shall be at liberty to charge, in name and in lieu of Court Fees from the Person applying for such Warrants, or the Persons liable in such Arrears of Rates, *One per Centum* on the Sums due, and no more: Provided nevertheless, that it shall also be lawful for the Company to recover the said Rates in the Courts for the Recovery of Small Debts for the County of *Ayr* held at *Kilmarnock*, in the event of the said Rates not exceeding the Sum of Twelve Pounds, or in the Manner provided in the said Gasworks Clauses Act, as shall appear to the Company or the Officers thereof to be most expedient.

Expenses of
Act.

LII. That all the Costs, Charges, and Expenses of and incident to the applying for, obtaining, and passing of this Act shall be paid by the Company.

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