



CHAPTER cx.

An Act to confer further powers on the Lowestoft Water Gas and Market Company to change the name of the Company and for other purposes. A.D. 1897.
—
[15th July 1897.]

WHEREAS the Lowestoft Water Gas and Market Company (in this Act called "the Company") were incorporated by the Lowestoft Water Gas and Market Act 1853 and further powers were conferred upon the Company by the following Acts (that is to say):—

The Lowestoft Water Gas and Market Act 1857 ;

The Lowestoft Water Gas and Market Act 1863 ;

The Lowestoft Water Gas and Market Act 1877 ;

And whereas in view of the increasing population and demand for water within the Company's limits of supply it is expedient that the Company be authorised to construct the works in this Act described :

And whereas for the purposes of the said works and also for the purpose of extending their mains pipes and other works it is expedient to authorise the Company to raise further moneys :

And whereas it is expedient to provide for the conversion of the existing preference shares of the Company into one uniform preference stock bearing a fixed preferential dividend :

And whereas the mayor aldermen and burgesses of the borough of Lowestoft acting by the council as the urban sanitary authority under the powers conferred upon them by section 168 of the Public Health Act 1875 purchased the market undertaking of the Company and the Company by indenture dated the fifth day of May one thousand eight hundred and eighty-seven transferred to the said urban sanitary authority their market and all their rights powers and privileges for the construction maintenance and regulation thereof :

And whereas it is expedient in the circumstances that the name of the Company should be changed :

A.D. 1897. And whereas the objects aforesaid cannot be effected without the authority of Parliament :

And whereas plans and sections showing the lines situations and levels of the works authorised by this Act and plans of the additional lands which may be acquired under this Act and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes of or under the powers of this Act were duly deposited with the clerk of the peace for the county of Suffolk and are herein-after referred to as the deposited plans sections and book of reference :

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 :—

Short title. 1. This Act may be cited as the Lowestoft Water and Gas Act 1897.

Incorporation of general Acts. 2. The Lands Clauses Acts and the Waterworks Clauses Acts 1847 and 1863 and Parts II. III. and IV. of the Companies Clauses Act 1863 relating respectively to additional capital to debenture stock and to change of name are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act. Provided that section 44 of the Waterworks Clauses Act 1847 shall for the purposes of the recited Acts and this Act be read and construed as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted from that section.

Interpretation. 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 and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Power to construct works. 4. The Company may subject to the provisions of this Act make and maintain the filter tunnels lines of pipes and other works herein-after described in the lines and according to the levels shown on the deposited plans and sections and may enter upon take and use such of the lands delineated on the said plans and described in

the deposited book of reference as may be required for the purposes A.D. 1897.
aforesaid.

5. The principal works which the Company may subject to the provisions of this Act make and maintain comprise the following:—

Description
of works.

- (1) A filter tunnel (No. 1) commencing in the parish of Belton at or near the western boundary of Belton Common at a point one chain or thereabouts north of the north bank of Fritton Decoy and terminating in the parish of Lound by a junction with the filter tunnel (No. 2) next herein-after described at a point two chains or thereabouts south of the bridge carrying Browston Lane over Lound Run:
- (2) A filter tunnel (No. 2) commencing in the parish of Ashby at a point in a wood known as Decoy Grounds one chain or thereabouts south of the south bank of Fritton Decoy and fifteen chains or thereabouts west of Cross Lath pipe and terminating in the parish of Lound in the pumping station herein-after described:
- (3) A line or lines of pipes (No. 1) commencing in the parishes of Belton and Lound or one of them by a junction with the existing pipes of the Company communicating near Lound Run between Fritton Decoy and Mill Water at the eastern end of such pipes and terminating in the parish of Lound at the pumping station herein-after described:
- (4) A pumping station situate in the parish of Lound in a small plantation adjoining and on the south side of Mill Water and adjoining and on the east side of Browston Lane:
- (5) A line or lines of pipes (No. 2) wholly in the parish of Lound commencing at or in the pumping station herein-before described and terminating in the tank next herein-after described:
- (6) A tank situate in the parish of Lound in a field adjoining the existing Lound Pumping Station of the Company and numbered 248 on the twenty-five inch ordnance map of the parish of Lound:
- (7) A line or lines of pipes or conduit (No. 3) commencing in the parish of Hopton by an inlet or conduit head to be situate in Mill Water at a point five chains or thereabouts measured in an easterly direction from the eastern end of the northernmost engine-house at the existing Lound Pumping Station of the Company and terminating in the parish of Lound by a junction with the existing pipes of the Company at or near to their existing intake on the south-western bank of the said Mill Water:

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(8) A line or lines of pipes (No. 4) wholly situate in the parish of Lowestoft commencing by a junction with the existing pipes of the Company on the north quay of Lowestoft Inner Harbour at a point half a chain or thereabouts west of the shear legs on that quay belonging to the Great Eastern Railway Company and terminating in Belvedere Road by a junction with the existing pipes of the Company at a point two chains or thereabouts west of the junction of Saint John's Road with Belvedere Road :

(9) A line or lines of pipes (No. 5) commencing in the parish of Oulton in the public road leading from Oulton Broad Railway Station to Carlton Colville Railway Station at a point three chains or thereabouts measured in a north-easterly direction from Mutford Bridge and terminating in the parish of Carlton Colville in the said road at a point eight chains or thereabouts measured in a southerly direction from the said bridge.

Power to
make
subsidiary
works.

6. The Company in addition to the foregoing works may upon any lands acquired or to be acquired by them make and maintain all such cuts channels catchwaters aqueducts culverts tunnels drains sluices by-washes weirs gauges sumps tanks banks walls approaches engines machinery and appliances as may be necessary or convenient in connexion with the before-mentioned works or any or either of them but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Power to
acquire
additional
lands.

7. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may enter upon and take compulsorily and may hold for the purposes of their water undertaking the lands delineated on the deposited plans herein-after described (that is to say):—

(1) Certain lands houses buildings and property in the parish of Belton and lying to the north-west and north of Mill Water :

(2) Certain lands houses buildings and property in the parish of Hopton and lying to the north and the north-east of and partly adjacent to the Mill Water and to the north and east of a stream known as Hopton Run :

(3) Certain lands houses and buildings in the parish of Lound lying partly to the south-west of the said Mill Water and partly to the south and west of the said stream known as Hopton Run.

Power to
deviate.

8. In constructing the works by this Act authorised the Company may deviate laterally to any extent not exceeding the limits of

lateral deviation shown on the deposited plans and where on any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards Provided that the Company shall not in exercise of the power of vertical deviation hereby given raise any pipe to a greater height above the surface of the ground than is shown in respect thereof on the deposited plans.

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9. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the passing thereof.

Period for compulsory purchase of lands.

10. If the works by this Act authorised are not completed within fifteen years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed.

Period for completion of works.

11. For the protection of the Great Eastern Railway Company (herein-after called "the Great Eastern Company") the following provisions shall (notwithstanding anything in any other section of this Act contained) have effect and be binding on the Company unless otherwise agreed in writing under the common seals of the Company and the Great Eastern Company (that is to say):—

For the protection of the Great Eastern Railway Company.

(1) The Company shall not without the consent in writing of the Great Eastern Company given under their common seal purchase or acquire any of the lands which on the deposited plans and in the book of reference are numbered 1 2 3 4 5 6 8 10 and 14 in the parish of Oulton and 4 5 6 13 and 16 in the parish of Carlton Colville and 1 2 3 4 and 5 in the parish of Lowestoft or any estate or interest in any of such lands or in any other lands of the Great Eastern Company but the Company may give notice to treat for and acquire a right of constructing and maintaining under the said lands the said lines of pipes (No. 4 and No. 5) respectively in manner and subject to the terms and conditions herein-after contained and the several provisions of the Lands Clauses Acts shall apply and have effect in all respects as if the acquisition of such right had been the acquisition of land:

(2) The said lines of pipes (No. 4 and No. 5) shall be laid only in the respective lines shown on the deposited plans and at such a level as will not at any point be nearer the surface of the ground than that shown on the deposited sections and the

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Company shall not deviate from the said lines or levels without the consent in writing of the Great Eastern Company given under their common seal :

- (3) The construction of the said lines of pipes (No. 4 and No. 5) respectively and any subsequent repairs or renewals thereof shall be carried out under the supervision and to the reasonable satisfaction of the engineer for the time being of the Great Eastern Company and his reasonable requirements in regard to the times and mode of carrying out the works shall be complied with by the Company :
- (4) No works other than the said lines of pipes and the valves and other apparatus connected therewith shall be constructed under the said Inner Harbour or Lake Lothing or Oulton Broad or the lock connecting the same or through upon or under any lands of the Great Eastern Company :
- (5) All expenses from time to time reasonably incurred by the Great Eastern Company in employing a sufficient number of inspectors and watchmen to watch the harbour wharves quays sidings and other property of the Great Eastern Company and to make inspections of the works during the construction and during any subsequent repairs or renewals of the said lines of pipes shall be borne by the Company and from time to time on demand paid by them to the Great Eastern Company :
- (6) If at any time after the construction of the said lines of pipes (No. 4 and No. 5) or either of them the engineer for the time being of the Great Eastern Company shall deem it necessary to do any work of dredging or excavation in the Inner Harbour or Lake Lothing or Oulton Broad which would be obstructed or impeded by the said lines of pipes or either of them the Company shall upon the request in writing of the said engineer lower the said pipes to such extent as may be necessary to allow of the said dredging or excavation being carried out without impediment :
- (7) The Company shall be liable for and shall keep the Great Eastern Company indemnified from and against all damages whatsoever arising from the construction and maintenance of the said lines of pipes (No. 4 and No. 5) and shall also on demand pay to the Great Eastern Company the cost of all works which in the opinion of the engineer for the time being of the Great Eastern Company it may be necessary for that Company to execute in consequence of the construction of any works of the Company by this Act authorised :
- (8) Any dispute or difference which may arise between the Company and the Great Eastern Company with reference to

any of the provisions of this section or arising thereout including any difference with respect to any compensation or damages which may be claimed by the Great Eastern Company under any of the provisions of this section (but not including the assessment of purchase money or compensation under the provisions of the Lands Clauses Acts) shall be settled by an arbitrator to be appointed by the Board of Trade on the application either of the Company or the Great Eastern Company and the costs of any such reference shall be in the discretion of the arbitrator: A.D. 1897.

- (9) Nothing in this Act contained shall prejudice or interfere with any agreement subsisting between the Company and the Great Eastern Company or other the owners of the said harbour and premises.

12. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs. Works below high-water mark not to be commenced without consent of Board of Trade.

13. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty. Saving rights of the Crown in the foreshore.

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Easements
instead of
lands.

14. The Company may in lieu of acquiring any lands for the purpose of any filter tunnels or lines of pipes by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing the same except an easement right or privilege of water in which persons other than the grantors have an interest and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts :

Provided always that except as to land forming part of a street nothing herein contained shall authorise the Company to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Company to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso Provided also that as regards any lands taken or used by the Company for the purpose of constructing filter tunnels or laying lines of pipes therein the Company shall not (unless they give notice to treat for such lands and not merely for easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Company.

Power to
grant ease-
ments &c.

15. Persons empowered by the Lands Clauses Acts or otherwise enabled to sell and convey or release lands may subject to the provisions of those Acts and of this Act grant to the Company in fee either absolutely or in consideration of any yearly or other rent any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over affecting or belonging to any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges respectively.

Sale of
superfluous
lands.

16. The Company may subject to the provisions of the Lands Clauses Acts with respect to the sale of superfluous lands from time to time sell lease or otherwise dispose of in such manner and to such persons as the Company think fit any lands houses or other

property for the time being belonging to the Company which they do not require for the purposes of their undertaking and in any such sale or lease the Company may reserve to themselves all or any water or water rights or other easements belonging to the lands sold or leased and may make the sale or lease for such consideration and subject to such reservations conditions restrictions or provisions and generally upon such terms and conditions as the Company think fit.

17.—(1) The Company shall not under the powers of this Act purchase or acquire in any borough or urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

Restrictions
on displacing
persons of
labouring
class.

(a) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(b) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may

. A.D. 1897. — have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit. A.D. 1897.

(8) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

18. Within any part of the limits in which the Company are for the time being bound to afford and do in fact afford or are prepared to afford a supply under constant pressure the following provisions shall be in force and apply (namely) :—

Regulations
for pre-
venting
waste of
water.

(A) For the purpose of preventing the waste or misuse or contamination of water the Company may from time to time by regulations prescribe (with or without reference to models patterns or samples) the size nature materials workmanship and strength of the pipes cocks ferrules valves soil-pans water-closets baths cisterns and other apparatus or receptacles whatsoever to be used within their limits and may forbid any arrangements and the use of the several things before mentioned

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or any or either of them which may lead to such waste or misuse or contamination :

- (B) No such regulations shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board which Board is hereby empowered to confirm the same And no such regulations shall be confirmed until after the expiration of one month after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Company to the local authorities within the limits of supply who may within the said period of one month make such representation with reference thereto to the Local Government Board as such authorities shall think expedient and during such period a copy of the proposed regulations shall be kept at the office of the Company and be open during office hours to the inspection of all persons locally interested without fee or reward and a copy thereof or extracts therefrom shall be furnished to such persons by the Company on payment of sixpence for every one hundred words contained in such copy or extract :

Provided that if the said Board do not confirm or do not refuse to confirm the regulations so submitted to them within three calendar months after submission such regulations shall be deemed to have been confirmed :

- (c) All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Company All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy :
- (D) A printed copy of any such regulations as aforesaid and purporting to be made as aforesaid and to have been confirmed by the Local Government Board shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof :
- (E) In the event of any such regulations not being complied with by any person being or about to become a customer of the Company the Company may if they think fit after forty-eight hours notice in writing and after obtaining an order of two justices enter the premises in respect of which default is made between the hours of nine in the forenoon and four in the afternoon and by or under the direction of their duly authorised

officer repair replace or alter any pipe cock ferrule valve soil-pan watercloset bath cistern or other apparatus or receptacle belonging to or used or intended to be used by such customer or intending customer and the expense of every such repair replacement or alteration shall be repaid to the Company by such customer or intending customer and may be recovered by them as water rent is recoverable:

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- (f) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Company or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further penalty not exceeding forty shillings for each day or part of a day on which such offence shall occur after conviction thereof and the Company may in addition thereto recover the amount of any damages sustained by them.

19. In the event of any dispute between the Company and any customer or intending customer as to the fact or extent of any alleged non-compliance with any regulations made as aforesaid such dispute shall be referred to the determination of a court of summary jurisdiction whose decision thereon and as to the amount of costs (if any) of or incident to such dispute and the determination thereof and by whom such costs are to be paid shall be final and conclusive Provided always that if the Company or any such customer or intending customer consider themselves or himself aggrieved by any order or determination of such court they or he may in like manner and subject to the like conditions as by the Railways Clauses Consolidation Act 1845 are provided in the case of appeals in respect of penalties appeal to the court of general or quarter sessions for the county or place where the cause of appeal arises.

Disputes to be determined by justices.

20. The Company's agent or other officer duly appointed in writing for that purpose by the Company may without any previous notice between the hours of nine in the forenoon and four in the afternoon enter any building or place supplied with water or about to be supplied with water by the Company in order to inspect the meters pipes fittings cisterns and apparatus for regulating the supply of water and to see whether such meters pipes fittings cisterns or other apparatus be in good repair and if he shall find that there is an actual waste of water he may take such measures as may be reasonably necessary for preventing such waste until an order of a court of summary jurisdiction can be obtained by the Company under the powers of this Act and if such agent or other officer at any such time having produced his appointment be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier of such

Company's officers may enter buildings to inspect meters &c.

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Company may raise additional capital.

21. The Company may (subject to the provisions of Part II. of the Companies Clauses Act 1863) for the purposes of this Act and for the general purposes of their undertaking from time to time raise any additional capital not exceeding in the whole one hundred thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by one or more of those modes which shares or stock shall for all purposes form part of the general capital of the Company.

As to vesting of new shares or stock and conditions of issue.

22. The nominal amount of each share created under the authority of this Act shall be ten pounds :

No share or stock created under the authority of this Act shall vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof. It shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including the amount of any premiums after deducting therefrom the expenses of and incident to such issue which may be obtained on the sale thereof the said sum of one hundred thousand pounds.

Limit of dividend on new capital.

23. The Company shall not in any one year make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than at the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend on the ordinary share capital which shall have fallen short of the said sum of seven pounds per centum per annum.

Dividends on different classes of shares or stock to be paid proportionately.

24. In case in any half year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of dividend at the prescribed maximum rate on each class of ordinary shares or stock in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

New shares or stock to be offered by auction or tender.

25. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether

the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserve price put upon such shares or stock shall not except as hereafter provided be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders (as the case may be) and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bidding or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bidding or offer of such holder or holders of shares or stock shall be accepted in preference.

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26. It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Time for paying up shares or stock sold.

27. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of Lowestoft and the clerk to any urban or rural district council having jurisdiction within the Company's limits of supply and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders (as the case may be) and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the Company's limits of supply.

Notice to be given as to sale &c. of shares or stock.

28. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares or stock

Shares or stock not sold by auction or by tender to be offered to shareholders.

A.D. 1897. — created under the powers of this Act but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender and if the directors of the Company so think fit less than the nominal value of the shares or stock so offered and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserve price and so from time to time until the whole of such shares or stock is sold.

Application of premium arising on issue of shares or stock.

29. Any sum of money which shall arise by way of premium from the issue of any such shares or stock after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Power to borrow.

30. The Company may from time to time subject to the provisions of this Act borrow on mortgage of their undertaking any sum or sums not exceeding in the whole one-fourth part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company shall have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and premium (if any) have been issued and fully paid up 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 certificate shall be sufficient evidence thereof.

As to receiver.

31. Section 22 (For appointment of a receiver) of the Company's Act of 1877 is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings pending at the passing of this Act under any such provision. 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 arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

32. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

A.D. 1897.
Existing mortgages to have priority.

33. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Debenture stock.

34. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into share capital any money borrowed under the provisions of this Act.

As to conversion of borrowed money into capital.

35. All and every part of the sums of money which the Company are by this Act authorised to raise by new shares or stock or by borrowing shall be applied only to the purposes of this Act and to the general purposes of their undertaking and the Company may in like manner apply any of the moneys which they now have in their hands or which they have power to raise by virtue of any Acts relating to the Company and which may not be required for the purposes of such Acts being in all cases purposes to which capital is properly applicable.

Application of sums raised under this and other Acts.

36.—(1) The directors of the Company may at any time not later than the thirty-first day of December one thousand eight hundred and ninety-eight prepare a scheme for the consolidation of the preference shares of the Company then existing or of such of them as they desire to consolidate and for the conversion of those shares into a uniform preference stock bearing a preferential dividend of four pounds per centum per annum.

Scheme for consolidation of existing preference shares.

(2) They shall send a copy of the scheme to all the proprietors of the shares to which the scheme relates accompanied by a notice that the scheme will be submitted to the consideration of a meeting of the proprietors of those shares.

A.D. 1897.

(3) Not sooner than one month nor later than two months after the circulation of the scheme the directors shall convene separate meetings of the proprietors of the several shares to which the scheme relates or which may be affected thereby and the directors shall submit to each of such meetings such portion or portions of the scheme as relate to or affect the shares represented at that meeting :

If the proprietors present in person or by proxy at any such meeting and holding three fourths in value of any shares to which the scheme relates consent to that portion of the scheme which relates to the shares of which they are proprietors the scheme so far as it relates to such shares shall be carried into effect.

(4) Every meeting convened under the provisions of this section shall be convened in the manner prescribed for calling general meetings of the Company.

(5) The scheme so approved shall be submitted by the directors to a general meeting of the proprietors of the ordinary capital of the Company duly convened with special notice of the matter. If the scheme or any portion or portions thereof is or are approved by a majority of the votes of the proprietors present in person or by proxy it shall be carried into effect by the directors but if the whole or any portion thereof is disapproved of by such majority the scheme or the portion or portions thereof so disapproved of shall not be proceeded with.

(6) In the event of the failure from any cause either wholly or in part of any scheme or schemes prepared by the directors under this section other than and except the disapproval thereof by the proprietors of the Company the directors may at any time before the thirty-first day of December one thousand nine hundred prepare another scheme or other schemes which shall be dealt with in like manner under the foregoing provisions as if no antecedent scheme or schemes had been prepared.

Execution of
scheme.

37. For the purpose of carrying any scheme so approved of into effect the directors may create and issue four per centum preference stock to an amount not exceeding the amount required for such conversion and the holder of any existing preference share or shares or portion of an existing preference share with respect to which the scheme has been approved shall receive in exchange so much of the four per centum preference stock as shall have been determined by the scheme. Provided that the aggregate amount of the dividends on the four per centum preference stock so created shall not exceed the aggregated amount of the dividends payable upon the shares in substitution for or in respect of which such preference stock is created.

38. Forthwith upon the consolidation taking effect the directors shall issue to every holder of the four per centum preference stock free of charge for so doing a certificate for and representing such an amount of new stock as such holder is entitled to : A.D. 1897.
Certificates
of new stock.

Provided that until the issue of such new certificates the existing certificates and the holders thereof shall bear and possess the same rights and advantages as they would have had and possessed if this Act had not passed But when such new certificates are issued the existing certificates shall be deemed to be cancelled :

Provided also that the Company shall not be required to issue any new certificate unless and until the existing certificate in substitution for which it is issued is given up to be cancelled or is proved to the satisfaction of the Company to have been lost or destroyed.

39. The directors of the Company shall close the registers of the existing preference shares at such time or times and shall do all such other acts and things as shall be necessary or proper for carrying into effect the conversion if and when determined on in accordance with the provisions of this Act. Directors to
carry into
effect con-
version

40. Trustees executors administrators and all persons empowered under section 7 of the Lands Clauses Consolidation Act 1845 to sell and convey lands are hereby expressly authorised to consent to such conversion as aforesaid and to accept and hold any new preference stock issued under the powers of this Act in exchange for any preference shares held by them and they are hereby indemnified for all acts bonâ fide done by them in pursuance of the foregoing provisions of this Act but not for any previous breach of trust or unauthorised investment of trust funds. Power of
trustees &c.
to consent to
conversion
and to accept
new prefer-
ence stock.

41. The preference stock exchanged under the powers of this Act for any existing preference shares shall be held by the same persons for the same interests on the same trusts and subject to the same powers provisions charges and liabilities as those for on or to which such existing preference shares were held immediately before the exchange and so as to give effect to and not to revoke any deed will or other disposition disposing of or affecting such existing preference shares and every such deed will or other disposition shall take effect with reference to the whole or a proportionate part as the case may be of the new stock received in exchange for such existing shares as aforesaid. New pre-
ference stock
to be held
on same
trusts &c. as
existing
shares.

42. No person or corporation shall be entitled to be registered as a holder of stock for a less amount than ten pounds nor to any fractional part of a pound of new preference stock but in every case in which any such person or corporation would but for this As to regis-
tration and
conversion
of stock.

A.D. 1897. enactment have become entitled to a fractional part of a pound of any such new preference stock the Company may at their option receive from such person or corporation such a further sum in cash as will make up an even pound or pay to such person or corporation in cash the amount of such fractional part.

Change of
name of
Company.

43. From and after the passing of this Act the name of the Company shall be "The Lowestoft Water and Gas Company."

Repeal of
section 37 of
the Com-
pany's Act
of 1853.

44. On the passing of this Act section 37 (Power to Company to turn off water in certain cases) of the Lowestoft Water Gas and Market Act 1853 is by this Act repealed.

Saving
rights of
Crown under
Crown
Lands Act.

45. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Costs of Act.

46. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Company.

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