



CHAPTER cxv.

An Act to dissolve the Hunstanton Water Company Limited and the Hunstanton Gas Company Limited and to re-incorporate the proprietors therein as a new Company for the supply of Water and Gas to Hunstanton and adjoining places in the county of Norfolk. A.D. 1897.
[15th July 1897.]

WHEREAS in the year one thousand eight hundred and seventy-one certain persons formed themselves into a company under the name of the Hunstanton Water Company Limited (herein-after called "the Water Company") for the purposes of supplying water within the parish of Hunstanton in the county of Norfolk and in the neighbourhood thereof and for acquiring lands or rights in connexion with lands for those purposes and for erecting waterworks thereon and generally of carrying on the business of a water company and the Company was duly registered as a company limited by shares under the Companies Acts 1862 and 1867 :

And whereas the capital of the Water Company originally consisted of two hundred and forty shares of ten pounds each of which two hundred were called A shares and forty were called B shares :

And whereas by an indenture of lease made the twenty-fifth day of November one thousand eight hundred and seventy-two between Hamon Styleman le Strange of the one part and the Water Company of the other part it was witnessed that the lessor in consideration of the issue to him of the forty B shares of the Water Company did demise and lease to the Water Company certain lands in the parish of Hunstanton shown upon the plan annexed to the said indenture and therein described together with certain wayleaves for mains and pipes also shown upon the said plan for the term of ninety-nine years from the fifth day of June

A.D. 1897. — one thousand eight hundred and seventy-one and after certain covenants by the Water Company therein set forth and certain other covenants by the lessor therein contained he for himself his heirs executors and administrators did covenant with the Water Company that they should have the exclusive privilege of taking water from the springs and ponds in such covenant mentioned and also that he would concur at any time if required by the majority in value of the A shareholders in obtaining Parliamentary powers for carrying out or continuing the objects of the Water Company or for the future extension thereof :

And whereas by an indenture made the second day of February one thousand eight hundred and seventy-four between the said Hamon le Strange of the one part and the Water Company of the other part after reciting the lease of the twenty-fifth day of November one thousand eight hundred and seventy-two and that the Company had completed the works so far as was necessary for the supply within the district in the said lease mentioned and that large numbers of additional houses were then in course of erection and that further additional houses were likely to be thereafter erected and that the parties thereto had agreed to alter or vary the provisions of the said lease of the twenty-fifth day of November one thousand eight hundred and seventy-two it was witnessed that in pursuance of the said agreement the lessor for himself his heirs executors and administrators covenanted that he would not during the term granted by the said lease of the twenty-fifth day of November one thousand eight hundred and seventy-two grant the use of or any supply of water from any ponds streams springs or other means of water supply on any part of his property in the parish of Hunstanton or on any adjoining property of the lessor to any person or persons company or body corporate other than the Water Company their successors or assigns to be by such person or persons company or body corporate used for water supply by way of sale or for profit to any person or persons occupying any house buildings or land within the said parishes of Hunstanton and Barrett Ringstead and would not during the same term grant any wayleave or permission to lay mains or pipes for the conveyance of water to be supplied by way of sale or for profit within the parishes last aforesaid to any person or persons company or body corporate other than the Water Company their successors or assigns And also would during the said term so far as he lawfully could prevent all persons companies or bodies corporate and all owners lessees or occupiers for the time being of any part of his property in the said parishes of Hunstanton and Barrett Ringstead except the Water Company

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their successors or assigns from constructing making or using any wells or works for the supply of water by way of sale or for profit or to any person or persons other than himself or the occupier or occupiers for the time being of any house or building bonâ fide belonging to him and only whilst the same should remain his property or the property of his heirs executors or administrators :

And whereas by an indenture made the seventh day of September one thousand eight hundred and eighty-one between the said Hamon le Strange of the one part and the Water Company of the other part it was witnessed in pursuance of an agreement therein contained that from and after the date of the now reciting indenture the A and B shares of the Water Company should cease to exist and that all shares should be ordinary shares of the Water Company :

And whereas since the date of the recited indentures part of the parish of Hunstanton has been formed into a parish under the title of New Hunstanton which now forms the district of the Urban District Council of New Hunstanton and the area referred to in the said indentures as the parish of Barrett Ringstead has been divided between the parishes of Hunstanton and New Hunstanton :

And whereas the Water Company have upon the lands described in the said indenture of lease constructed and are now using water-works and other works for the supply of water and are now supplying water in the said parishes of Hunstanton and New Hunstanton :

And whereas the present share capital of the Water Company consists of four thousand eight hundred pounds divided into four hundred and eighty shares of ten pounds each of which four hundred and seventy-seven shares have been subscribed and fully paid up and the Water Company owe one thousand two hundred pounds on mortgage and have overdrawn their capital account and are about to create and issue further shares to provide money to meet that overdraft and the immediate capital requirements of the Water Company :

And whereas the demand for water within the said parishes of Hunstanton and New Hunstanton and other parishes adjoining or near thereto is increasing and is likely to further increase and in order the better to meet such increased demand it is expedient that the Water Company should be dissolved and the members thereof re-incorporated with the powers to make the further works and subject to the conditions in this Act contained :

And whereas in the year one thousand eight hundred and seventy certain persons formed themselves into a company under the name of the Hunstanton Gas Company Limited (herein-after called "the Gas Company") for the purpose of supplying gas within the said

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parish of Hunstanton in the county of Norfolk and the neighbourhood and of acquiring lands for the purpose of manufacturing and storing thereon gas and residual products and of carrying on the business usually carried on by a gas company and the Gas Company was duly registered as a company limited by shares under the Companies Acts 1862 and 1867 :

And whereas by an indenture of lease made the first day of August one thousand eight hundred and seventy-two between the said Hamon le Strange of the one part and the Gas Company of the other part it was witnessed that the lessor did thereby demise and lease to the said company their successors and assigns certain lands shown upon the plan annexed thereto and therein described to hold for the term of ninety-nine years from the seventh day of March one thousand eight hundred and seventy-one and after certain covenants by the Gas Company and certain other covenants by the lessor therein contained he for himself his heirs executors and administrators did thereby covenant that he would concur at any time if required by the majority in value of the other shareholders of the Gas Company in obtaining Parliamentary powers for carrying out or continuing the objects of the Gas Company or for the future extension thereof :

And whereas the Gas Company have constructed gasworks and other works necessary or convenient for carrying out the objects for which they were incorporated and are now supplying gas within the parishes of Hunstanton and New Hunstanton :

And whereas the present share capital of the Gas Company consists of two thousand six hundred pounds divided into five hundred and twenty shares of five pounds each which have been subscribed and fully paid up and the Gas Company have borrowed one thousand one hundred pounds on mortgage and have overdrawn their capital account and are about to create and issue further shares to provide money to meet the said overdraft and their immediate capital requirements :

And whereas it is expedient that the Gas Company should be dissolved and the proprietors therein incorporated with the Company with the powers and subject to the provisions in this Act contained :

And whereas it is expedient that power should be conferred on the Company to acquire the reversionary interest in the waterworks and gasworks expectant on the expiration of the terms granted by the herein-before recited leases and also to make and maintain the works and acquire the lands herein-after described :

And whereas it has been agreed between the Company and the district council of the urban district of New Hunstanton in

consideration of the withdrawal of opposition by the district council to the Bill for this Act that subject to the terms and conditions herein-after set forth the said district council should be empowered to purchase the undertaking of the Company and it is expedient that provisions relating thereto should be made as in this Act contained : A.D. 1897.

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans of the lands to be acquired under this Act and also books 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 for the purposes of or which may be taken compulsorily under the powers of this Act were duly deposited with the clerk of the peace for the county of Norfolk and are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may be cited for all purposes as the *Hunstanton Water and Gas Act 1897.* Short title.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes of and not inconsistent with this Act) are incorporated with this Act namely :— Incorporation of general Acts.

The Companies Clauses Consolidation Act 1845 ;

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts ;

The Gasworks Clauses Act 1847 ;

The Lands Clauses Acts ;

The Waterworks Clauses Acts 1847 and 1863 except the words in section 44 of the former of those Acts " with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner " :

And the Gasworks Clauses Act 1871 shall apply to the existing undertaking of the Gas Company as if the same had been authorised by this Act.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated Interpretation.

A.D. 1897. herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction :

The expression "the Company" shall mean the Company incorporated by this Act ;

"The Water Company" means the Hunstanton Water Company Limited ;

"The Gas Company" means the Hunstanton Gas Company Limited ;

"The Limited Companies" means the Water Company and the Gas Company ;

"The waterworks" means and includes the waterworks and works connected therewith by this Act vested in or authorised to be made or maintained by the Company ;

"The gasworks" means and includes the gasworks and works connected therewith by this Act vested in or authorised to be made or maintained by the Company ;

"The district council" means the district council of the urban district of New Hunstanton ;

"Superior courts" or "court of competent jurisdiction" or any other like expression 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.

Incorporation of Company.

4. From and after the passing of this Act the Limited Companies shall be dissolved and the several persons who immediately before the passing of this Act were members of either of the Limited Companies and all other persons who shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and they are hereby united into a company for the purposes herein-after mentioned and shall be incorporated by the name of "The Hunstanton Water and Gas Company" and by that name shall be a body corporate with perpetual succession and a common seal with power to purchase take hold and dispose of lands and other property for the purposes of this Act :

Provided that until the thirty-first day of March one thousand eight hundred and ninety-eight or until the completion of the purchase of the undertakings by the district council as authorised by this Act if such purchase be completed previously to the thirty-first day of March one thousand eight hundred and ninety-eight the books and accounts of the Limited Companies shall continue to be kept separate as if this Act had not been passed.

5. The limits of this Act for the supply of water and gas (herein-after referred to as "the limits of this Act") shall be the parishes of Hunstanton New Hunstanton and Heacham all in the county of Norfolk.

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Limits of
Act.

6. If at any time after the expiration of five years from the commencement of this Act the Company are not furnishing or prepared to furnish on demand a sufficient supply of water in accordance with the provisions of this Act in the whole or any part of the district of any local authority within the limits of this Act (such part not having a sufficient supply of water from some other source) the local authority of such district may provide a supply in such part of their district within the limits of this Act in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in such part of such district not sufficiently supplied by the Company or from some other source as if [in either case there were no company authorised by this Act to supply water therein :

Power to
local
authority &c.
to supply
water in case
Company
fails to
supply.

If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Local Government Board.

7. The Company shall be established for the purposes of supplying water and gas within the limits of this Act and for other the purposes of this Act.

General
purposes
of the
Company.

8. Subject to the provisions of this Act all the waterworks works and undertaking of the Water Company and all the gasworks works and undertaking of the Gas Company including all the lands buildings stock plant leases rights powers privileges easements and authorities which immediately before the passing of this Act were vested in either of the Limited Companies or any person or persons in trust for them or to which they were in anywise entitled and all moneys securities for money credits effects and other property whatsoever which immediately before the passing of this Act belonged to the Limited Companies or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the Limited Companies and in force immediately before the passing of this Act shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the Limited Companies or any trustee on their

Present
property of
Limited
Companies
vested in
Company.

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Memoranda
and articles
of associa-
tion of
Limited
Companies
to be void.

9. Subject to the provisions of this Act the memoranda and articles of association of the Limited Companies shall as to any prospective operation thereof be wholly void and the Company and the shareholders shall be exempted from all the provisions restrictions and requirements of any Act which applied to the Limited Companies and the members thereof as such but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memoranda or articles of association incurred before the passing of this Act but such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise provided may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of either of the Limited Companies if this Act had not been passed.

Nothing
to affect
existing
rights and
liabilities.

10. Except as is by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the Limited Companies or the members thereof as such shall be as valid as if the Company had not been incorporated and the memoranda and articles of association had not been avoided by this Act and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the Company were not incorporated and the said memoranda and articles of association were not avoided by this Act and this Act were not passed would be incident to or consequent on any and every thing so done or suffered and with respect to all such rights liabilities claims and demands the Company and its shareholders and property shall to all intents and purposes as from the passing of this Act represent the Limited Companies and the members thereof as such and the property of the Limited Companies as the case may be and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts
prior to Act
to be
binding.

11. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the passing of this Act by to or with either of the Limited Companies or any

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trustees or persons acting on behalf of that Company or by to or with any other person to whose rights and liabilities they have succeeded and now in force shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the Limited Company or the trustees or persons acting on behalf of the Limited Company the Company had been a party thereto.

Actions &c.
not to abate.

12. Nothing in this Act contained shall release discharge or suspend any action suit or other proceeding which was pending by or against either of the Limited Companies or any member thereof in relation to the affairs of that company or to which that company or any member thereof in relation to such affairs were parties immediately before the passing of this Act but such action suit or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Limited Company or any member thereof if this Act had not been passed the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the Limited Company and the members thereof respectively.

Trustees of
Limited
Companies
to be
indemnified.

13. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to either of the Limited Companies were vested immediately before the passing of this Act and who (being authorised so to do) entered into any bond covenant contract or engagement in respect of the same or otherwise on behalf of the Limited Company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put to by reason of his having entered into such bond covenant contract or engagement.

Company
to satisfy
liabilities of
Limited
Companies.

14. From and after the passing of this Act and except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Limited Companies immediately before the passing of this Act were respectively subject and shall indemnify the members directors officers and servants of the Limited Companies and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

As to pay-
ment of
moneys

15. All sums of money which immediately before the passing of this Act were due or accruing to either of the Limited Companies

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—
owing before
the passing
of Act.

in respect of the supply of water or gas or with reference thereto shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act And all persons who immediately before the passing of this Act owed any money to either of the Limited Companies or to any person on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the passing of this Act were due or recoverable from either of the Limited Companies or for the payment of which either of the Limited Companies were or but for this Act would be liable shall be paid by or be recoverable from the Company with all interest (if any) due or accruing upon the same.

Certificates
&c. to
remain in
force.

16. Notwithstanding the avoidance of the said memoranda and articles of association all certificates (until cancelled under the powers of this Act) sales transfers and dispositions heretofore made or executed under them for and with respect to any shares in either of the Limited Companies shall remain in full force and continue and be available in all respects as if they had not been avoided.

Books &c.
continued
evidence.

17. All documents books and writings which if the said dissolution and avoidance had not taken place would have been receivable in evidence shall be admitted as evidence in all courts and elsewhere notwithstanding such dissolution and avoidance.

Officers to
continue
until
removed.

18. All officers and servants of the Limited Companies who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments together with the salaries and emoluments thereunto annexed until they shall resign the same or be removed therefrom by the Company or their period of service shall in accordance with notice duly and lawfully given in that behalf by either of the Limited Companies before the passing of this Act or otherwise be determined and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed under this Act.

Present
registers of
members to
be continued.

19. The books kept by the Limited Companies for entering the names and designations of the members thereof with the number of their shares and the proper distinguishing number of each share shall until some other register of shareholders shall be provided by the Company continue to be kept for the same purpose by the Company and be taken and considered as the register of shareholders

required to be kept by the Companies Clauses Consolidation Act A.D. 1897.
1845. —

20. The capital of the Company shall be thirty thousand pounds Capital.
divided as follows :—

Seven thousand two hundred pounds (original) water stock ;

Twelve thousand eight hundred pounds (additional) water
stock ;

Four thousand eight hundred pounds (original) gas stock ;

Five thousand two hundred pounds (additional) gas stock.

21. The original stock shall be vested in the several persons who Vesting of
immediately before the passing of this Act were the registered original
members of the Limited Companies at the following rate For every stock in
share in the Water Company ten pounds of the original water stock present
and for every share in the Gas Company five pounds of original shareholders.
gas stock and all stock so vested shall be subject to the same
liability for calls (if any) and subject and liable to the same
trusts powers provisions declarations agreements charges liens and
incumbrances as immediately before the passing of this Act affected
the share or shares for which the same is substituted and so as to
give effect to and not revoke any deed or other instrument or any
testamentary disposition of or affecting the same.

22. The Company shall call in and cancel the existing certifi- Company to
cates of shares in the Limited Companies and issue in lieu thereof call in and
certificates of the stock to which they will be respectively entitled cancel
in the form and under the conditions prescribed by the Companies existing
Clauses Consolidation Act 1845 but the holders of such existing share cer-
certificates of shares shall not be entitled to any certificates of stock tificates and
under this Act until they shall have delivered up to the Company issue new
to be cancelled the certificates of shares issued to them before the certificates.
passing of this Act or shall have proved to the reasonable satisfac-
tion of the Company the loss or destruction thereof Provided that
this section shall not come into operation until the thirty-first day
of March one thousand eight hundred and ninety-eight and shall
not then come into operation if the purchase of the undertakings
by the district council as authorised by this Act shall have been
completed previously to the thirty-first day of March one thousand
eight hundred and ninety-eight.

23. The Company may from time to time raise the additional Power to
capital not exceeding in the whole twelve thousand eight hundred Company
pounds additional water stock and five thousand two hundred pounds to raise
additional gas stock by the creation and issue of new ordinary water additional
capital.

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or gas stock or shares as the case may be or new preference stock or shares or wholly or partially by one of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full price of such stock including any premium obtained upon the sale thereof shall have been paid in respect thereof. Provided that the Company shall not create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of twelve thousand eight hundred pounds applicable to water purposes and five thousand two hundred pounds applicable to gas purposes.

Receipt in
case of
persons not
sui juris.

24. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Profits of the
Company
limited.

25. Except as by this Act provided the Company shall not in any one year make out of their profits any larger dividend on the original capital than at the rate of ten per centum in respect of every one hundred pounds actually paid of such capital and on the additional capital than at the rate of seven per centum 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 shall 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 capital which shall have fallen short of the said rates.

Separate
accounts.

26. Separate capital and revenue accounts shall be kept of the water undertaking and the gas undertaking of the Company:

Each undertaking shall be duly credited and debited with receipts and payments exclusively attributable thereto:

The expenses of direction and management and any expenses common to both undertakings shall be from time to time apportioned between them as nearly as conveniently practicable in proportion to the amount of capital paid up and expended on the two undertakings.

Dividends
on different
classes of
shares or
stock to be
paid pro-
portionately.

27. In case in any half year the funds of the Company applicable to dividend in respect of either the water or gas capital shall be insufficient to pay the full amount of dividend by this Act prescribed on each class of ordinary shares or stock in that capital a proportionate diminution shall be made in the rate of dividend then to be paid in respect of each such class,

28. Notwithstanding anything in this Act contained the Company shall when any new 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 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 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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New shares
or stock to
be offered
by auction
or tender.

29. 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.

Purchase
money to be
paid within
three
months.

30. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk of every district council whose district or any part of whose district is within the 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 district of the said council.

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

31. 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

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

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Calls on
shares not
sold by
auction
or tender.

32. With respect to any share offered to and accepted by the holders of ordinary shares or stock of the Company one fifth of the amount of such share shall be the greatest amount of a call and three months at least shall be the interval between successive calls upon any such share.

Application
of premium
arising on
issue of
shares or
stock.

33. 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 undertaking of the Company in respect of which the issue was made or in paying off money borrowed or owing on mortgage by the Company in respect of that undertaking and shall not be considered as part of the capital of the Company entitled to dividend.

Power to
borrow in
respect of
original
capital.

34. The Company may at any time and from time to time after the passing of this Act borrow on mortgage of the water undertaking in respect of the original water capital of seven thousand two hundred pounds any sums not exceeding in the whole one thousand eight hundred pounds and in respect of the original gas capital of four thousand eight hundred pounds any sums not exceeding in the whole one thousand two hundred pounds.

Power to
borrow in
respect of
additional
capital.

35. The Company may from time to time in respect of the additional water capital of twelve thousand eight hundred pounds borrow on mortgage of the water undertaking any sum or sums not exceeding in the whole three thousand two hundred pounds and in respect of the additional gas capital of five thousand two hundred pounds any sum or sums not exceeding in the whole one thousand three hundred pounds Provided that in respect of every four thousand pounds of such additional water or gas capital as the case may be issued and accepted and one half whereof shall have

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been paid up the Company may borrow a sum not exceeding in the whole one thousand pounds and in respect of the last eight hundred pounds of such water capital an additional sum of two hundred pounds and in respect of the last one thousand two hundred pounds of such gas capital an additional sum of three hundred pounds but no part of any such sum of one thousand pounds two hundred pounds and three hundred pounds respectively shall be borrowed until shares for so much of the portion of capital in respect of which it is to be borrowed as is to be raised by means of shares are issued and accepted and one half of such portion of capital is paid up and the Company 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 shares for such portion of capital have been 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 portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of such portion of capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons their executors administrators successors or 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 certificate shall be sufficient evidence thereof.

36. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by the creation and issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital any money borrowed under the provisions of this Act unless in either case all dividends upon such shares or stock are limited to a rate not exceeding five pounds per centum per annum.

As to conversion of borrowed money into capital.

37. 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 of the defaulting undertaking In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the

For appointment of a receiver.

A.D. 1897. mortgages by whom the application for a receiver is made shall not be less than one thousand pounds.

Debenture
stock.

38. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages and charged upon the same undertaking Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of
mortgage
and debenture
stock
over other
debts.

39. All moneys raised on mortgage by the Company under this Act and the interest due thereon and the interest due on debenture stock created and issued under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of debts incurred or engagements entered into by the Company after the passing of this Act but this priority shall not affect any claim against the Company in respect of any rentcharge to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease to be granted or made to the Company by any person in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest or dividends on the mortgages or debenture stock nor shall it affect any mortgage or debenture of either of the Limited Companies existing at the passing of this Act.

Application
of moneys.

40. All moneys raised under this Act whether by stock shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

First ordinary
meeting.

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

Votes at
meetings.

42. At all general meetings of the Company every shareholder shall have one vote for every share held by him and every holder of stock (not being debenture stock) shall have one vote for every ten pounds of such stock held by him.

Number of
directors.

43. The number of directors shall be seven but the Company may at the first or any subsequent meeting increase or reduce the number provided that the number be not less than five or more than eight.

44. The qualification of a director shall be the possession in his own right of not less than one hundred pounds of share capital or other stock not being debenture stock.

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Qualification
of directors.

45. The quorum of a meeting of directors shall be three.

Quorum of
directors.

46. John Sutherland Valentine James Bailye Bond Oswald Stephen Partridge Edwin Stanton Durrant John Thomas Bunkall William Barford Mahon and William Waters shall be the first directors of the Company and shall continue in office until the first ordinary meeting held in the year next after the passing of this Act At that meeting the shareholders present in person or by proxy may (subject to the power herein-before contained for varying the number of directors) either continue in office the directors appointed by this Act or any of them or may 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 they continue qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

First
directors.Election of
directors.

47. Any contract to be made under this Act with any public body shall not disqualify any of the members of such public body for the office of director of the Company but no director of the Company being a member of any such public body shall vote upon any question with reference to any contract with such public body.

Contracts
not to
disqualify
for office of
director.

48. Subject to the provisions of this Act the Company may continue and maintain the existing waterworks of the Water Company and they may make and maintain in the line and situation and according to the levels shown on the deposited plans and sections the conduit or line of pipes shown on the deposited plans viz. :—

Power to
maintain
waterworks
and make
additional
conduit.

A conduit or line of pipes in the said parish of Hunstanton commencing at the site of the pumping station and passing in a westerly direction through lands of or reputed to belong to Hamon le Strange for 30 chains or thereabouts to Sea Lane opposite the coastguard station from thence along a private

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—

road leading from the Le Strange Arms Hotel to the High Road from Lynn to Hunstanton for 13 chains or thereabouts and from thence along the said High Road to the site of the reservoirs for 55 chains or thereabouts :

And the Company may also from time to time on any lands now belonging to them or acquired under the powers of this Act maintain all such wells adits culverts drains tanks water-towers filters walls approaches engines machinery and appliances as may be necessary or expedient in connexion with the foregoing works or any of them or for obtaining and distributing water for the purposes of their undertaking.

Power to
take lands.

49. Subject to the provisions of this Act the Company may enter upon take and use the lands (but not the springs or waters) delineated on the deposited plans and described in the deposited books of reference or such of them as they require for the purposes of this Act.

Power to
Company to
acquire
reversion to
Water and
Gas Com-
panies' leases
and for the
protection of
the water
rights of
Hamon le
Strange.

50. Subject to the provisions of this Act the Company may at any time after the passing of this Act purchase and acquire the reversion in fee simple of and in any lands springs rights and easements demised and granted to either of the Limited Companies by the herein-before recited leases and in consideration of the allotment of fully paid-up shares in the Company to the nominal value of two hundred pounds to the owner of the said reversion The said owner shall upon such allotment execute the necessary grant or conveyance for the purpose of carrying this section into effect Provided that as regards the springs ponds moats and waters from which under the herein-before recited lease to the Water Company the Water Company has the privilege of taking water nothing in this Act shall authorise the Company to acquire otherwise than by agreement any greater estate or interest therein than a right to take in perpetuity such water as the Water Company are under and by virtue of the herein-before recited lease to the Water Company entitled to take during the term thereof Provided also that unless otherwise agreed between the Company and the owner the Company if they acquire the said right in perpetuity under the powers of this section shall at all times maintain a reasonable head of water in the moats and ponds in which the said springs are to the satisfaction of the surveyor of the owner.

Power to
take ease-
ments &c. by
agreement.

51. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company 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 or affecting 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 as aforesaid respectively. A.D. 1897.

52. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

53. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied :
 [1] For the purpose 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 such persons who may be residing with them. Restriction on taking houses of labouring class.

54. The Company may demise and lease for any term not exceeding seven years in possession and also either before or after making any demise and lease thereof absolutely sell and dispose of to such persons and in such manner as the Company think fit any lands houses and property for the time being belonging to the Company which they do not require for the purposes of their undertaking (subject nevertheless to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable) and on the lease or sale by the Company of any such lands houses and property they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the lease or sale subject to such reservations accordingly and may also make any such lease or sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit. Company may dispose of lands not required. Reservation of water rights &c. on sale.

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As to
pressure.Rates at
which water
is to be
supplied for
domestic
purposes.

55. The Company shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the existing works of the Water Company.

56. The Company shall on the application of any person who under the provisions of this Act shall be entitled to demand a supply of water for domestic purposes furnish to such person a sufficient supply of water for domestic purposes at rates and charges according to the rateable value of his dwelling-house or part of a dwelling-house not exceeding the following (that is to say):—

Where the rateable value of the premises so supplied with water does not exceed five pounds per annum the sum of two pence per week;

Where the rateable value exceeds five pounds but does not exceed seven pounds and ten shillings per annum the sum of three pence per week;

Where the rateable value exceeds seven pounds and ten shillings but does not exceed ten pounds per annum the sum of four pence per week;

Where the rateable value exceeds ten pounds but does not exceed fifteen pounds at a rate per annum not exceeding nine per centum of such rateable value;

Where the rateable value exceeds fifteen pounds but does not exceed fifty pounds at a rate per annum not exceeding seven pounds and ten shillings per centum of such rateable value;

Where the rateable value exceeds fifty pounds but does not exceed eighty pounds at a rate per annum not exceeding seven pounds per centum of such rateable value;

Where the rateable value exceeds eighty pounds at a rate per annum not exceeding six pounds and ten shillings per centum of such rateable value:

Provided as follows:—

The Company shall not be entitled in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just sufficient rateable value to bring it within the next division of the said scale relating to premises of a higher rateable value whereon a lower rate per centum per annum is chargeable;

The Company shall not be compellable to furnish such supply for any less sum than eight shillings and eightpence in any one year but subject thereto nothing contained in this section shall enable the Company to charge more than half the above rates

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for empty and unfurnished houses from the time when the same shall have become empty and unfurnished and notice to that effect shall have been given to the Company until the same shall again be occupied or furnished ;

All inns and hotels whether public or private the rateable value of which exceeds five pounds shall be liable to a yearly rate not exceeding nine pounds per centum ;

When the water rate is chargeable on the rateable value of a part only of any premises entered in the valuation list or poor rate (such part not being separately assessed to the rate for the relief of the poor) such rateable value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid the apportionment in case of dispute to be determined by two justices :

For the purposes of this section the rateable value shall be the net rateable value as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor :

In addition to the rates computed as above specified the Company may charge for a supply of water to every watercloset beyond the first the sum of seven shillings and sixpence per annum and to every fixed bath the sum of ten shillings per annum Provided that for every bath containing as usually filled for use more than fifty gallons the Company may if they supply the same charge an increased rate in proportion to the size of the bath Such additional sums shall be paid quarterly in advance and be recoverable in all respects with and as the water rate.

Rates for
waterclosets
and private
baths.

57. The Company shall not be compelled to supply water in the following cases :—

Certain
provisions as
to supply.

To any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the waste undue consumption or contamination of the water of the Company ;

To any bath which shall be capable of containing when filled for use more than fifty gallons of water :

Provided that the foregoing provisions shall not entitle the Company to cut off or discontinue the domestic supply of the house in which such watercloset or bath is situate :

Nor shall the Company be compelled to supply water in the following cases except as therein mentioned :—

To any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or

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manufacturing purposes for which water is required otherwise than by agreement or by meter at the option of the consumer ; To any workhouse hospital or other large public institution otherwise than by meter upon such terms as may be from time to time agreed between the Company and the guardians trustees managers or other persons having the charge of such workhouse hospital or institution or than as in case of difference may be from time to time determined by the judge of the county court within whose district such workhouse hospital or institution is situate.

Rate for
supply by
meters in
certain cases.

58. The price to be charged by the Company to those owners or occupiers who under the provisions of the last preceding section shall elect to take the water by meter or who shall be compellable by the Company to accept a supply by meter shall be as follows :—

Where the quantity taken in any quarter of a year shall not exceed fifty thousand gallons at a rate not exceeding two shillings for every thousand gallons ;

And where the quantity taken in any quarter of a year shall exceed fifty thousand gallons then at a rate not exceeding one shilling and sixpence for every thousand gallons :

The Company shall not be compellable to afford a supply by meter for a less sum than one pound and ten shillings in any one year.

Power to
Company
to supply
water for
other than
domestic
purposes.

59. Subject to the provisions of this Act the Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may enter into agreements for the supply of water by measure either for domestic or other purposes Provided that such supply for other than domestic purposes shall not at any time interfere with the supply for domestic purposes throughout the limits of supply of the Company.

Company not
bound to sup-
ply several
houses by one
pipe.

60. The Company shall not be bound to supply more than one house by means of the same service pipe but they may if they think fit require that a separate pipe from the main be laid into each house supplied by them with water.

Water for
flushing
sewers &c.

61. The Company shall when required supply every road authority and every sanitary authority within the limits of supply with water for flushing sewers and drains or for watering streets or other public purpose at a rate not exceeding one shilling and sixpence for every thousand gallons.

62. The Company may sell and dispose of meters and meter fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit and may let for hire any meters supplied and any fittings therefor for such remuneration in money and on such terms and conditions with respect to the repair maintenance and protection of such meter and meter fittings and for securing safe access to and the safety and return to the Company of such meter and meter fittings as the Company may prescribe or as may be agreed upon between the hirer and the Company and such remuneration shall be recoverable in the same manner as rates rents or charges due to the Company in respect of water or gas as the case may be.

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Power to
sell or let
meters.

63. Where water is supplied by measure the register of the meter shall be *prima facie* evidence of the quantity of water consumed. Any dispute as to such quantity shall be determined on the application of either party by a court of summary jurisdiction who may order by whom the costs of the proceeding shall be paid and the decision of such court shall be final and binding upon all parties.

Register of
meter to be
prima facie
evidence.

64. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Company or fraudulently alters the index to any meter or fraudulently prevents any such meter from duly registering the quantity of gas or water supplied he 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 be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damages sustained by them and the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of gas or water supplied by means thereof and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be *prima facie* evidence that the same has been fraudulently caused by the consumer using such pipe meter or fitting and any costs charges and expenses which may be incurred by the Company shall be paid by and be recoverable summarily from such consumer.

Fraudu-
lently
injuring
meters &c.

65. Every consumer of water of the Company shall at all times at his own expense keep all meters belonging to him whereby any water of the Company is registered in proper order for correctly

Repair of
meters.

A.D. 1897. registering such water in default whereof the Company may cease to supply water 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 and 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.

Power to
remove
meters and
fittings.

66. The Company 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 there is no occupier then to the owner or lessee of any building or lands in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for not less than forty-eight consecutive hours may enter such building or lands between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damages caused by such entry or removal.

Power for
Company
to supply
materials &c.

67. The Company may if requested by any person supplied or about to be supplied or any of whose property or premises is supplied or is about to be supplied by them with water furnish to him and renew repair or alter any such cisterns pipes valves ferrules cocks baths soil-pans and waterclosets apparatus receptacles fittings and appliances as are required or permitted by their byelaws in connexion with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

Bye-laws for
preventing
waste &c. of
water.

68. For preventing waste misuse undue consumption or contamination of the water of the Company the following provisions shall have effect (that is to say) :—

- (1) The Company may make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such byelaws prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several

things before mentioned or any or either of them which may lead to such waste or undue consumption misuse erroneous measurement or contamination : A.D. 1897.

- (2) No such byelaws shall be of any force or effect except within such part or parts of the district which the Company for the time being are bound to supply and do in fact supply or are prepared on demand to supply with water under constant pressure :
- (3) All such byelaws shall be subject to the provisions contained in sections 182 183 184 and 186 of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties and those sections shall for the purposes of this section be construed as if the Company were a local authority within the meaning of those sections and the secretary of the Company were the clerk of the local authority :
- (4) A copy of all such byelaws in force for the time being shall be 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 byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy :
- (5) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan water-closet or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable :
- (6) Any person who shall offend against any such byelaws 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 daily penalty not exceeding forty shillings for each day or part of a day such offence shall occur after conviction therefor and the Company may in addition thereto recover the amount of any damages sustained by them.

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When
byelaws
confirmed
Company
bound to
supply under
constant
pressure.

69. Any byelaws which the Company submit to the Local Government Board for confirmation under the last preceding section shall specify the part or parts of the district to which such byelaws shall apply and after such byelaws (either in their original or in any modified form) have been confirmed by that Board the Company shall thenceforth be bound to supply with water under constant pressure the part or parts of the district specified in the byelaws so confirmed.

Powers as to
construction
and main-
tenance of
gasworks &c.

70. Subject to the provisions of this Act the Company may from time to time maintain alter improve enlarge extend and renew or discontinue the gasworks upon the lands on which the same are erected or any part thereof and which are firstly described in the schedule to this Act and also upon the other lands secondly described in such schedule if and when they are acquired by the Company and they may also erect lay down provide and from time to time maintain alter improve enlarge extend and renew or discontinue additional and other gasworks retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of this Act and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas and also meters fittings tubes pipes and other articles and things in any way connected with gasworks or with the supply of gas as they may from time to time think fit.

Power to
purchase
lands for
gasworks,

Gas not to be
manufac-
tured except
on lands
scheduled.

71. Subject to the provisions of this Act the Company may purchase and take the lands secondly described in the schedule to this Act and the Company may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the schedule to this Act any lands not exceeding in the whole ten acres which the Company may from time to time require for the purposes of their works and undertaking and any right or easement (not being an easement right or privilege of water in which persons other than the grantors have an interest) in over or under any lands but the Company shall not create or permit a nuisance on any lands purchased by agreement under the powers of this section and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the schedule to this Act.

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72. The Company with the consent of the owner and occupier of any building may lay any pipe branch or any 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 discontinue and remove any such pipe branch or apparatus.

Power to
lay pipes
against
buildings.

73. The price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed five shillings and sixpence per one thousand cubic feet.

Limiting
the price of
gas.

74. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six-tenths of an inch and from sunset to midnight not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment from time to time test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

Pressure of
gas.

75. The prescribed number of candles shall be not less than fifteen.

Quality of
gas.

76. Within six months from the passing of this Act a gas testing place shall be provided at the gasworks.

Testing
place.

77. The prescribed burner shall be Sugg's London Argand No. 1 with a six-inch by one and three-quarter-inch glass chimney or such other burner as the Board of Trade may allow.

Burner.

78. If any person is required by the Company to give to them security for the payment of the price or rent of a meter the Company shall pay interest after the rate of five per centum per

Company
to pay
interest on
money
deposited as

A.D. 1897. annum on every sum of ten shillings deposited by way of such
security for security for every six months during which the same remains in
gas meter. their hands.

Company may contract with local authority for supply of gas in bulk. **79.** The Company may from time to time contract with any local authority company corporation or persons whether within or beyond the Company's limits of supply (but as to any such company corporation or persons beyond the Company's limits of supply only with the consent in writing of the local authority of and of any company authorised by special Act or Provisional Order confirmed by Parliament to supply gas within the district within which the supply is to be given) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as shall be agreed upon.

Contracts for supplying water for public purposes. **80.** The Company may enter into and carry into effect agreements with the county council of Norfolk and with any district council or person for the supply by the Company to the said county council and to any such district council or person respectively of water in bulk whether within or without the limits of supply Provided that such supply of water do not at any time interfere with the supply of water for domestic purposes within the limits of supply and provided further that the powers of this section shall not be exercised within the limits of supply of any company or local authority authorised by Act of Parliament or Provisional Order confirmed by Act of Parliament to supply water without the consent in writing of such company or local authority.

Print of Act to be filed. **81.** The Company shall within three months after the passing of this Act cause a printed copy of this Act to be filed at Somerset House with the papers relative to the Water Company and the Gas Company.

Liability to water rate not to disqualify justices &c. **82.** No justice or judge of any court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rate or meter rent under this Act.

As to sale of undertakings to district council. **83.** The urban district council of New Hunstanton (herein-after called "the district council") shall purchase and the Company shall sell within the period and subject to the terms and conditions herein-after set forth the whole undertaking of the Company including the undertakings of the water company and of the gas company:—

(1) The purchase money shall be twenty-thousand pounds:

(2) The purchase money shall be appropriated as follows :—

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	£
In respect of the undertaking of the Water Company	13,000
The debenture debt of the Water Company to be assumed and taken over by the district council	- 1,200
In respect of the undertaking of the Gas Company	- 4,050
The debenture debt of the Gas Company to be assumed and taken over by the district council	- 1,100
To the Company in respect of costs expenses and compensations to be dealt with as the Company may resolve	- 650
	<hr/> £20,000 <hr/>

- (3) The Company shall be entitled to retain the reserve fund of the Water Company and all moneys in hand of and all water rates due and accruing due to the Water Company up to and inclusive of the twenty-ninth day of September one thousand eight hundred and ninety-seven and shall also be entitled to be paid by the district council for all materials and stock in hand in respect of the water undertaking the amount to be determined in case of difference by arbitration :
- (4) The Company shall be entitled to retain the reserve fund of the Gas Company and all moneys in hand of and all gas rates due and accruing due to the Gas Company up to and inclusive of the first day of October one thousand eight hundred and ninety-seven and shall also be entitled to be paid by the district council for all materials and stock in hand in respect of the gas undertaking the amount to be determined in case of difference by arbitration :
- (5) The purchase shall be completed on the first day of October one thousand eight hundred and ninety-seven Provided that if it be not then completed interest shall be paid at the rate of five per centum per annum on the said purchase money of twenty thousand pounds from the twenty-ninth day of September one thousand eight hundred and ninety-seven until the date of completion or the thirty-first day of March one thousand eight hundred and ninety-eight whichever shall first happen :
- (6) In the event of the purchase money not being paid by the thirty-first day of March one thousand eight hundred and ninety-eight the provisions of this Act with respect to the

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—

purchase of the undertaking shall become void and cease to have any effect :

(7) All the debts and liabilities of the Company including any debts and liabilities of the Water Company and of the Gas Company other than the said mortgage debts of twelve hundred pounds and eleven hundred pounds respectively shall as between the Company on the one hand and the district council on the other hand be paid or satisfied by the Company and the Companies shall pay their respective outgoings and receive all rents rates and other debts due to them and all receipts from their undertakings up to the said twenty-ninth day of September and first day of October respectively :

(8) The directors of the Company shall proceed to distribute the purchase money and assets of the Company or Companies as follows :—

All the moneys received by them in respect of the water undertaking shall be distributed by them among the shareholders of the water undertaking and all the moneys received by them in respect of the gas undertaking shall be distributed by them among the shareholders of the gas undertaking :

(9) After discharging and satisfying the obligations of the said two Companies respectively the sum of six hundred and fifty pounds shall be applied by the directors of the Company by way of compensation or otherwise as may be directed by resolution of a general meeting and failing any other application thereof the said sum of six hundred and fifty pounds shall be divided between the gas and water undertakings in proportion to the purchase money of the said undertakings as fixed by this Act viz. water undertaking thirteen thousand pounds gas undertaking four thousand and fifty pounds.

Powers may
be exercised
by district
council.

84. In the event of the purchase of the undertakings of the Companies taking place as provided by this Act the powers by this Act given to the Company in relation to the construction and maintenance of waterworks and the taking of lands and easements may be exercised by the district council in lieu of the Company.

Costs of Act.

85. All costs charges and expenses of and incident to the preparing for and obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

[60 & 61 VICT.]

*Hunstanton Water and Gas
Act, 1897.*

[Ch. cxv.]

The SCHEDULES referred to in the foregoing Act. A.D. 1897.

SCHEDULE OF GAS LANDS.

SITE OF EXISTING WORK.

Lands in the parish of Hunstanton or New Hunstanton situate on the south side of the town of New Hunstanton bounded on the north by the Gasworks Road and land of Hamon le Strange respectively on the east and south by land of the said Hamon le Strange and on the west by the railway from Lynn to Hunstanton belonging to the Great Eastern Railway Company (being the site of the existing works of the Gas Company).

ADDITIONAL SITE.

A piece of land in the parish of Hunstanton or New Hunstanton situate on the south side of the town of New Hunstanton adjoining the south side of the before-described site of the existing works bounded on the north by the said site of the existing works on the east and south by land of the said Hamon le Strange and on the west by the said railway from Lynn to Hunstanton belonging to the Great Eastern Railway Company comprising an area of 2 roods or thereabouts and extending along the east side of the said railway from the said site from north to south for 3 chains or thereabouts and from the said railway from west to east 2 chains or thereabouts.

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