CHAPTER cxxxiv.

An Act to constitute and incorporate a Gas and Water Board for the borough of Accrington and the districts of the Local Boards of Church Clayton-le-Moors Great Harwood and Rishton in the county palatine of Lancaster to transfer to and vest in such Board the undertaking of the Accrington Gas and Waterworks Company and for other purposes. [31st July 1894.] A.D. 1894.

WHEREAS the borough of Accrington in the county palatine of Lancaster is a municipal borough under the government of the mayor aldermen and burgesses thereof (in this Act called "the corporation") and the corporation acting by the council are the urban sanitary authority for the borough:

And whereas the Church Local Board the Clayton-le-Moors Local Board the Great Harwood Local Board and the Rishton Local Board respectively (in this Act called "the local boards") are the urban sanitary authorities within their respective districts in the county palatine of Lancaster aforesaid:

And whereas the Accrington Gas and Waterworks Company (in this Act called "the Company") under the Accrington Gas and Waterworks Acts 1854 to 1893 have constructed gasworks and waterworks and are supplying gas and water within the said borough and districts:

And whereas the authorised capital of the Company under the said Acts amounts to three hundred and ninety thousand pounds consisting of ten thousand five hundred pounds known as the "A" capital entitled to a dividend of ten pounds per centum per annum two hundred and nineteen thousand five hundred pounds known as the "B" capital entitled to a dividend of eight pounds per centum per annum and one hundred and sixty thousand pounds known as the "C" capital entitled to a dividend of seven pounds per centum per annum:

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And whereas the whole of the "A" capital and of the "B" capital has been issued and fully paid up and ten thousand pounds of the "C" capital has been issued and fully paid up:

And whereas the capital of the Company so issued and paid up is divided between the gas and water undertakings as follows (that is to say):—

Gas capital one hundred and six thousand pounds consisting of four thousand five hundred pounds of "A" capital ninety-five thousand five hundred pounds of "B" capital and six thousand pounds of "C" capital;

Water capital one hundred and thirty-four thousand pounds consisting of six thousand pounds of "A" capital one hundred and twenty-four thousand pounds of "B" capital and four thousand pounds of "C" capital:

And whereas the Company have issued debenture stock bearing interest at the rate of five pounds per centum per annum amounting in all to fifty-four thousand six hundred pounds and the same has been apportioned under the provisions of the Accrington Gas and Waterworks Act 1893 between the gas undertaking and the water undertaking of the Company as follows (that is to say):—

Twenty-five thousand pounds to the gas undertaking and twenty-nine thousand six hundred pounds to the water undertaking:

And whereas the Company have issued no other loan capital:

And whereas the Company have agreed with the corporation and the local boards for the transfer of the undertaking of the Company on the terms contained in an agreement dated the thirtieth day of September one thousand eight hundred and ninety-three a copy whereof as altered by this Act is set forth in the First Schedule to this Act and it is expedient that the said agreement as so altered should be confirmed and that for the purpose of carrying out the same a board should be incorporated and constituted as by this Act provided and that the undertaking of the Company with all their rights powers duties obligations and privileges should be transferred to and vested in such board accordingly and that the further powers contained in this Act should be conferred on the board:

And whereas it is expedient that the board should be authorised to borrow money for the purposes of this Act:

And whereas an absolute majority of the whole number of the council of the corporation and of the respective local boards at meetings of those bodies respectively held by the said council on Friday the twentieth day of October one thousand eight hundred and ninety-three and by the Church Local Board on Thursday the

nineteenth day of October one thousand eight hundred and ninety-three and by the Clayton-le-Moors Local Board on Friday the twentieth day of October one thousand eight hundred and ninety-three and by the Great Harwood Local Board on Thursday the nineteenth day of October one thousand eight hundred and ninety-three and by the Rishton Local Board on Wednesday the eighteenth day of October one thousand eight hundred and ninety-three after ten clear days notice by public advertisement of such meetings respectively and of the purposes thereof of the council of the corporation and of the local boards of Church Clayton-le-Moors and Rishton in the "Accrington Observer and Times" a local newspaper published or circulating in the said borough and in the respective districts of the local boards of Church Clayton-le-Moors and Rishton respectively and of the meeting of the Great Harwood Local Board in the "Blackburn Times" a local newspaper published or circulating in the district of the Great Harwood Local Board such notices being in addition to the ordinary notices required for summoning such meetings resolved that it was expedient to promote the Bill for this Act:

And whereas such resolutions were published twice in the "Accrington Observer and Times" a local newspaper published or circulating in the borough and the respective districts of the respective local boards and have in respect of matters within the jurisdiction of the Local Government Board received the approval of that Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the said council and of the said respective local boards at further special meetings held in pursuance of similar notices by the said council on Monday the 8th day of January 1894 by the Church Local Board on Monday the 26th day of February 1894 by the Clayton-le-Moors Local Board on Thursday the 18th day of January 1894 by the Great Harwood Local Board on Monday the 15th day of January 1894 and by the Rishton Local Board on Thursday the 11th day of January 1894 being in each case not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough and of the respective districts of the respective local boards by resolution in the manner provided in the Third Schedule to the Public Health Act 1875 have consented to the promotion of the Bill for this Act:

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

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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 for all purposes as the Accrington District Gas and Water Board Act 1894.

Commissioners Clauses Act incorporated.

2. The provisions of the Commissioners Clauses Act 1847 are (except where inconsistent with or expressly varied by this Act) incorporated with and form part of this Act with the exception of the following clauses and provisions (that is to say) :—

With the exception of clauses six and seven ;

And with the exception of the clauses with respect to the election and rotation of the commissioners where the commissioners are to be elected by the ratepayers or other like class of electors ;

And with the exception of the clauses with respect to the mortgages to be executed by the commissioners ;

And with the exception of the clauses with respect to the accounts to be kept by the commissioners.

Interpretation.

3. In this Act—

"The board" means the Accrington District Gas and Water Board incorporated by this Act :

"The corporation" means the mayor aldermen and burgesses of the borough of Accrington :

"The local boards" means the Church Local Board the Clayton-le-Moors Local Board the Great Harwood Local Board and the Rishton Local Board :

"Constituent authority" means the corporation acting by the council or any one of the local boards as the case may be :

"The Company" means the Accrington Gas and Waterworks Company :

"The Company's Acts" means the Accrington Gas and Waterworks Acts 1854 to 1893 :

"The Act of 1893" means the Accrington Gas and Waterworks Act 1893 :

"The undertaking of the Company" includes the whole of the gas and water undertakings of the Company and all the Company's other property and assets real and personal and all the Company's powers rights and privileges as the same respectively shall stand at the date of vesting except a sum of eight thousand and eighty-seven pounds twelve shillings and sevenpence representing profits undivided on the thirty-first day of December

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one thousand eight hundred and ninety-two and except a sum of eight hundred and nine pounds representing the amount carried forward by the Company as the balance on their revenue account on the same date:

"The agreement" means the agreement dated the thirtieth day of September one thousand eight hundred and ninety-three as altered by this Act and set forth in the First Schedule to this Act:

"The date of vesting" means the thirty-first day of December one thousand eight hundred and ninety-four:

"Debenture stock" means the debenture stock of the Company taken over under this Act by the board:

"Annuities" means the Accrington Gas and Water Annuities created under this Act:

"Annuitant" means any person for the time being entitled to any of the annuities under this Act:

"Gas revenue" means the revenue received by the board from or in relation to their gas undertaking:

"Water revenue" means the revenue received by the board from or in relation to their water undertaking:

"Clerk" means the clerk to the board.

Limits of Act.

4. Subject to the provisions of this Act the limits of this Act for the supply of gas and water shall extend to and include the borough of Accrington and the districts of the local boards respectively and the townships of Lower Booths and Huncoat the township of Henheads and so much of the township of Altham as is situate upon the south-westerly side of the main road leading from Accrington to Whalley and also so much of that township as is situate within one hundred yards from the north-easterly side of the said main road measuring in a north-easterly direction from that road Provided that with respect to the supply of water in the township of Lower Booths and the township of Henheads the limits of this Act shall only extend to and include the detached portions of the said township of Lower Booths and of the township of Henheads immediately adjoining the southern boundary of the borough of Accrington:

Provided also that with respect to the supply of gas and water in the district of the local board of Church the limits of this Act shall not extend to so much of the said district as is situate on the southerly side of the Lancashire and Yorkshire Railway and to that portion of the said district situate on the northerly side of the said railway which is bounded on the northerly side by the main road leading from Accrington to Blackburn on the easterly side by a

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road leading from the Navigation Inn to the Greyhound Inn and the easterly side of the road leading from the Greyhound Inn to the said railway.

Incorporation of board.

5. For the purpose of carrying this Act into execution there shall be a joint board of sixteen members constituted and appointed as by this Act provided and they and their successors from time to time appointed and acting in pursuance of this Act shall be a body corporate under the name and style of "The Accrington District Gas and Water Board" with perpetual succession and a common seal and with power to sue and be sued and to purchase take hold lease and dispose of lands and other property for the purposes of this Act and with all the other powers and privileges of a body corporate.

Constitution of board.

6. The constitution of the board shall be as follows:—

(*a*) Eight members to be elected by the Accrington Town Council from among themselves;

Two members to be elected by the Church Local Board from among themselves;

Two members to be elected by the Clayton-le-Moors Local Board from among themselves;

Two members to be elected by the Great Harwood Local Board from among themselves; and

Two members to be elected by the Rishton Local Board from among themselves:

(*b*) The chairman of the board shall so long as the rateable value of the borough of Accrington is greater than the aggregate of the rateable values of the local boards be elected out of the members of the board elected by the Accrington Town Council and if and whenever the rateable value of the borough of Accrington is exceeded by the aggregate of the rateable values of the local boards the chairman of the board shall be elected in alternate years out of the members of the board elected by the Accrington Town Council and out of the members of the board elected by the local boards Provided nevertheless that any outgoing chairman of the board may be re-elected and continue to act as chairman of the board if he shall be re-elected unanimously by the members of the board:

(*c*) Every question at a meeting of the board shall be determined by a majority of votes of the members present and voting on that question and in case of an equal division of votes the chairman shall have a second or casting vote.

Election of members.

7.—(1.) The first election of members of the board by each constituent authority shall take place at a meeting of the constituent

authority to be held within six weeks from the passing of this Act or within such further time as the Local Government Board shall by order allow and the members so appointed shall subject to the provisions of this Act continue in office till the first Wednesday in the month of December one thousand eight hundred and ninety-seven.

(2.) Each constituent authority shall at a meeting of their body held on or within twenty-eight days before the first Wednesday in the month of December one thousand eight hundred and ninety-seven elect from among themselves the number of members of the board whom they are by this Act authorised to elect to hold office till the first Wednesday in the month of December one thousand nine hundred and so on from time to time at the expiration of every successive period of three years.

Provisions where failure to elect members.

8. If any constituent authority fail to elect first members of the board as by this Act provided it shall be competent nevertheless for the other members of the board to carry this Act into execution and if any constituent authority fail to elect members of the board at any subsequent period of election the then existing members of the board representing such authority shall continue in office till their successors are appointed.

No person to be member of the Board on behalf of more than one constituent authority.

9. No person being a member of the board by election from any one of the constituent authorities shall so long as he continues a member by virtue of such election be qualified to be also a member of the board by election from any other of the constituent authorities and any such subsequent election shall be void and if the same person shall be elected a member of the board by more than one of the constituent authorities at the same election he shall choose under which election to serve and the other election shall be deemed void.

Members to be disqualified on ceasing to be members of constituent authorities.

10. If a member of the board elected by a constituent authority ceases to be a member of such constituent authority or becomes disqualified he shall also cease to be a member of the board but such disqualification shall not apply if he only goes out of office by rotation as a member of such constituent authority and is thereupon re-elected.

Members going out of office eligible for re-appointment.

11. Every member of the board going out of office shall if otherwise duly qualified be eligible immediately or at any future time for re-election and every person re-elected shall be deemed a new member.

Occasional vacancies.

12. If any member of the board dies or resigns or is disqualified or ceases to be a member of the board from any cause the constituent authority whom he represented may if they think fit at any

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time after the happening of such vacancy elect a member of the board in his place from amongst themselves and every member of the board so appointed shall continue in office only so long as the person in whose place he is elected would have been entitled to continue in office.

Appointment of members to be certified to board.

13. Whenever an election of a member of the board has been made the clerk to the constituent authority by whom the election was made shall by writing under his hand certify the election to the board and shall forthwith on the first election transmit the certificate to the town clerk of Accrington and on every subsequent election to the clerk of the board.

First and other meetings of the board.

14. The board shall hold their first meeting at the Accrington Town Hall on the third Wednesday after their appointment at twelve o'clock (unless some other day or time or place shall be appointed for the purpose by the Local Government Board and then on such day and at such time and place as shall be so appointed) and other meetings of the board (including their annual meetings) shall be held on such days at such times and at such places as the board may from time to time appoint.

Power to call special meetings.

15. In addition to the meetings to be held by appointment of the board the chairman of the board for the time being or any three or more members of the board may at any time by writing addressed and sent to the clerk require a special meeting to be convened and the clerk shall convene a meeting accordingly provided that at least two clear days notice thereof shall be given to each member of the board.

Error failure &c. not to invalidate acts done &c.

16. Any act of the board or of any of the members thereof shall not be invalidated or be illegal by reason of any irregularity in the election of any member of the board or by reason of any person not qualified or ceasing to be qualified acting as a member of the board or by reason of any failure or omission on any occasion on the part of any constituent authority to elect any member of the board or by reason of any other irregularity error failure or omission in or about any election or in or about any matter preliminary or incidental thereto.

As to convening meetings.

17. The first meeting of the board shall be convened by the town clerk of Accrington and every subsequent meeting shall be convened by the clerk to the board and every meeting shall be convened by circular delivered to each member of the board or sent by post to or delivered at his residence two clear days at least before the day of meeting.

Quorum.

18. The number of members of the board present to constitute a meeting of the board shall be six.

Officers of Board.

19. The board may from time to time appoint and may remunerate a clerk a manager an engineer a treasurer and such other officers clerks and servants as they from time to time think requisite and all officers and servants so appointed shall subject to the provisions of the agreement be removable by the board at their pleasure No member of the board or of the Accrington Town Council or any of the local boards shall be an officer of the board but the same person may be and continue an officer of the board and of any constituent authority.

Agreement confirmed.

20. The agreement between the Company of the one part and the corporation and local boards of the other part as so altered and set forth in the First Schedule to this Act is hereby subject to the provisions of this Act ratified and confirmed and may and shall be carried into effect accordingly and the agreement as so confirmed shall be read and have effect as if the board were parties thereto instead of the corporation and local boards.

Transfer of undertaking.

21.—(1.) On and from the date of vesting the undertaking of the Company shall by virtue of this Act be transferred to and vested in the board with the same title and for the same estate and interest as the Company held the same subject to the debenture stock contracts and liabilities affecting or which may affect the same and to the payment of the sum of five thousand pounds and of the annuities as by this Act provided.

(2.) Within six months after the date of vesting the board shall produce to the Commissioners of Inland Revenue a copy of this Act printed by Her Majesty's printer and duly stamped with an ad valorem stamp duty of the same amount as would have been payable in respect of a conveyance of the undertaking of the Company for the considerations provided by this Act and if the board shall not within the said period of six months produce to the Commissioners of Inland Revenue a copy of the Act duly stamped as aforesaid the said ad valorem duty shall be recoverable from the board with full costs of suit and all costs and charges attending the same.

Board to take over debenture stock of the Company.

22. The board shall from the date of vesting take over the debenture stock of the Company at that date and shall relieve the Company from all liability for payment of the same and all interest accruing thereon from the date of vesting and the said stock shall as from the date of vesting be a first charge on the revenue of the

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undertaking of the board and be a charge on the district funds and general district rates of the respective constituent authorities.

Payments and annuities in consideration of transfer.

23.—(1.) The board shall on the date of vesting pay to the Company the sum of five thousand pounds as provided by the agreement and a receipt signed by three of the directors of the Company shall be a sufficient discharge to the board for such payment.

(2.) The board shall also pay to the stockholders other than holders of debenture stock and shareholders of the Company at the date of vesting their executors administrators successors or assigns annuities of the amounts provided by the agreement and the several persons whose names appear as such stockholders or shareholders in the books of the Company on the date of vesting or their respective executors administrators successors or assigns shall be considered to be stockholders and shareholders of the Company for the purpose of the issue of the certificates as is herein-after in this Act provided.

(3.) The board shall from time to time at the request of any holder of debenture stock grant and thereafter pay to him by way of substitution for any such debenture stock held by him and for all interest accruing thereon an annuity of the same amount as the amount of interest accruing annually in respect of such stock.

(4.) The annuities so payable shall be called the "Accrington District Gas and Water Redeemable Annuities" and shall be divided into two classes of "A" redeemable annuities and "B" redeemable annuities.

(5.) The "B" redeemable annuities shall be those payable in respect of the "C" gas shares or "C" gas stock and "C" water shares or "C" water stock in the capital of the Company and all the other annuities shall be "A" redeemable annuities.

(6.) The annuities shall rank pari passu with each other and shall be a charge on the revenue of the undertaking of the board next after the debenture stock and shall also be charged on the district funds and general district rates of the respective constituent authorities.

Company to pay outgoings and to be entitled to receipts up to vesting.

24. The Company shall pay and discharge all their outgoings and liabilities of every kind properly chargeable to revenue up to the date of vesting including interest on their debenture stock payable on the first day of July one thousand eight hundred and ninety-four and shall be entitled to all rents rates and other receipts on revenue account from their undertaking up to the date of vesting Provided that any balance of the said rents rates and other receipts on revenue account remaining after payment and discharge of the

said outgoings and liabilities and payment of the Company's maximum statutory dividends in respect of the half year ending the thirtieth day of June one thousand eight hundred and ninety-four shall be paid and transferred to the board.

Contracts &c. of Company to be binding on board.

25. Except as by the agreement or by this Act otherwise provided all purchases sales conveyances deeds contracts and agreements entered into or made by the Company and in force at the date of vesting shall be as binding and of as full force and effect in every respect against or in favour of the board and may be enforced as fully and effectually as if instead of the Company the board had been a party thereto.

Actions not to abate.

26. No action suit or other proceeding whatsoever commenced either by or against the Company previous to the date of vesting in relation to their undertaking by this Act vested in the board shall abate or be discontinued or be prejudicially affected by such vesting but all such actions suits and other proceedings shall continue and take effect either in favour of or against the board in such and the like manner as the same would have continued and taken effect in relation to the Company if the undertaking had not been transferred and all penalties by reason of any offence against the provisions of the Company's Acts previous to such transfer may be sued for and all offences which may have been committed before such transfer against the provisions of such Acts or any of them may be prosecuted by the board in such or in like manner to all intents and purposes as the same might have been sued for and prosecuted respectively by the Company if such transfer had not been made Provided that as between the Company and the board the provisions of this and the last preceding section shall not extend or be construed to relieve the Company from any payment or liability which ought to be discharged by the Company.

Annuities to be substituted for shares in Company.

27. The annuities shall in all respects be substituted for and represent the stock and shares in the Company and the several persons to whom annuities are issued under this Act shall be possessed thereof respectively upon the same trusts and subject to the same powers provisions charges and liabilities as those upon and to which their respective stock or shares in the Company were on the date at which the annuities were issued held and subject and the annuities shall be conveyed or affected by any deed will or other instrument disposing of or affecting the corresponding stock or shares.

Annuity certificates to be issued.

28. The board shall at their own expense issue a certificate of the annuity to which each annuitant is entitled under the provisions

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of this Act to such annuitant or to his executors administrators successors or assigns and on delivery to the board of the certificate of the share or shares or stock held by him or them in the capital of the Company or on production of other evidence satisfactory to the board of his or their right thereto and if in any case the board shall not be satisfied of the right to such share or shares or stock the judge for the time being of the county court of Lancashire holden at Accrington shall on appeal to him decide summarily as to the evidence requisite Every such certificate may be in the form in the Second Schedule to this Act and shall be signed by two members of the board and by the clerk and shall be sealed with the seal of the board and shall have indorsed thereon a statement of the terms on which the annuity to which it relates may be redeemed.

Certificates to be numbered and renewed.

29. The certificates of each class of annuities shall be numbered in arithmetical progression beginning with number one and every certificate shall be distinguished by its appropriate number and any certificate shall be renewed by the board when lost destroyed worn out or damaged on production of evidence satisfactory to them of the right of the annuitant requiring such renewal and of the loss or destruction of the certificate if the same be lost or destroyed and for every such renewed certificate the board may demand in addition to the amount of the proper stamp duty (if any) thereon a sum not exceeding two shillings and sixpence.

Register of annuities.

30. The board shall keep a book called the "Register of Accrington District Gas and Water Board Redeemable Annuities" and shall enter therein from time to time the names and addresses of the several annuitants respectively entitled to the annuities and the respective amount of their annuities and every annuitant or if such annuitant be a corporation or a company its secretary clerk or agent may at all convenient times inspect such register gratis and may require a copy thereof or any part thereof and for every hundred words or any smaller number of words so required to be copied the board may demand any sum not exceeding one shilling.

Certificates for altered numbers of annuities.

31. If at any time an annuitant be desirous of having several certificates instead of one or one certificate instead of several for his annuities or any of them then on any such certificate or certificates being delivered to the board they may order the same to be cancelled and shall thereupon issue to him as he may require one or more certificate or certificates (signed and sealed as in this Act provided) for his annuities the certificate or certificates for which is or are so cancelled and in every such case a proper entry of the substituted certificate or certificates shall be made by the board in

the said register and for every such substituted certificate the board may demand a sum not exceeding two shillings and sixpence Provided that in every such case the amount or the aggregate amount of the annuities for which the substituted certificate or certificates are issued shall be the same as the amount or the aggregate amount of the annuities the certificate or certificates for which is or are so cancelled.

Certificates to be evidence.

32. The certificate of any annuity shall be admitted in all courts as primâ facie evidence of the title of the annuitant his executors administrators successors or assigns to the annuity therein specified but the want of such certificate shall not prevent the annuitant from disposing thereof.

Annuities to be personal estate.

33. The annuities shall be personal estate and transmissible as such.

Form of transfer.

34. Every annuitant may transfer by deed all or any of his annuities and every such deed shall be duly stamped and shall be according to the form in the Third Schedule to this Act annexed or to the like effect.

Transfer of annuities to be registered.

35. Every such deed of transfer (when duly executed) shall be delivered to the board and be retained by them and they shall keep a book called the "Register of Transfers of Accrington District Gas and Water Board Redeemable Annuities" and shall enter a memorial of every such deed of transfer therein and shall indorse a notice of such entry on the deed of transfer (such indorsement to be signed by the clerk) and shall on demand deliver a new certificate (signed and sealed as in this Act provided) to the transferee Provided always that on the request of any transferee an indorsement of the transfer to him shall on the deed of transfer being delivered to the board be made on the certificate relating to the annuity so transferred instead of a new certificate being granted and such last-mentioned indorsement being signed and sealed as in this Act is provided for the authentication of certificates shall be considered in every respect the same as a new certificate and for every such entry of a memorial of a deed of transfer and indorsement or new certificate as the case may be the board may demand any sum not exceeding two shillings and sixpence in addition to the stamp duty (if any) on such new certificate.

As to closing transfer books.

36. The board may close the register of transfers of annuities for any period not exceeding fourteen days before the first day of January and first day of July in each year and any transfer made during the time when such register is closed shall as between the

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board and the transferee but not otherwise be held as made after that time.

Transmission of annuities by other means than written transfer to be authenticated by a declaration.

37. If the right to any annuity becomes transmitted in consequence of the death or bankruptcy or insolvency of any annuitant or by any lawful means other than by a transfer according to the provisions of this Act such transmission shall be authenticated by a statutory declaration under the Statutory Declarations Act 1835 which shall state the manner in which and the party to whom the annuity is transmitted or in such other manner as the board shall require.

Contents of declaration in cases of transmission by marriage or will.

38. If the transmission be by virtue of any will or testamentary instrument or by intestacy the probate or letters of administration or an official copy or extract thereof shall with the declaration be produced to the board and upon such production in any of those cases the clerk shall make an entry of the declaration in the register of transfers of annuities The term "transmission" in this and the last preceding section shall include any case of apparent transmission in consequence of the change of name of the annuitant although the actual ownership of the annuity may remain unaltered And in the case of the marriage of a female annuitant the declaration shall have annexed thereto a certificate of such marriage and shall declare the identity of the wife with the holder of the annuity.

Board not bound to regard trusts.

39. The board shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any annuity may be subject and the receipt of the person in whose name any annuity stands in the register of annuities or in the event of any annuity standing in the names of more than one person the receipt of any one of such persons shall from time to time be a sufficient discharge to the board for any money payable in respect of such annuity notwithstanding any trust to which the same may then be subject and whether or not the board have had notice of such trust and the board shall not be bound to see to the application of the money paid upon such receipt.

Commencement and payment of annuities and interest on debenture stock.

40. The annuities and the interest on debenture stock shall be paid at the office of the board or at the office of their treasurer if the board shall so direct clear of all deductions and charges except income tax and shall be payable by equal half-yearly payments on the first day of January and first day of July in every year and the first payment shall be made on the first day of January one thousand eight hundred and ninety-five in respect of the half year then last past.

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Warrants by post.

41.—(1.) Where an annuitant or a holder of debenture stock desires to have his annuity or interest sent to him by post he may make a request for that purpose to the board or their clerk in writing signed by him in a form approved by the Board and shall give to the board or their clerk an address in the British Islands to which the letters containing the warrants are from time to time to be sent and the warrants shall be sent accordingly.

(2.) The posting by the board or their clerk of a letter containing a warrant for any annuity or interest addressed to an annuitant or a holder of debenture stock at his request at the address so given by him shall as respects the liability of the board and of their clerk be equivalent to the delivery of the warrant to the annuitant or holder of debenture stock himself.

(3.) Every warrant so sent by post shall be deemed a cheque and the board and their clerk shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

As to redemption of "A" annuities and by agreement of debenture stock.

42. The board may from time to time by agreement with any annuitant entitled to any of the "A" redeemable annuities or any holder of debenture stock redeem all or any of his annuities or debenture stock as the case may be at any price not exceeding the market price for the time being at Accrington and at any time after the year one thousand nine hundred and fifty-four the board shall be entitled to redeem any of the "A" redeemable annuities on giving six months notice in writing of their intention to the owner thereof and on paying to him in cash a sum equal to thirty-five years purchase of the annuity in addition to the apportioned part of the half-yearly annuity which may have accrued at the time of redemption Whenever any annuity or debenture stock is redeemed by the board an entry of the redemption thereof shall be made in the register of annuities or books relating to debenture stock as the case may be and thereupon the redeemed annuity or debenture stock shall be wholly extinguished and the undertaking of the board and the district funds and general district rates of the respective constituent authorities freed and discharged therefrom.

As to redemption of "B" annuities.

43. The board may at any time after the passing of this Act redeem the "B" redeemable annuities issued to the several holders of "C" gas shares or "C" gas stock or "C" water shares or "C" water stock on giving six calendar months previous notice in writing of their intention to the holder of any such annuity and on paying to him in cash an amount equal to the sum paid for such shares or stock on the creation or issue of the same by the Company in addition to the apportioned part of the half-yearly annuity which may have accrued at the time of redemption.

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Annuities and debenture stock interest recoverable by suit.

44. If any annuity or any interest on any debenture stock being payable be not paid the annuitant or holder of the debenture stock as the case may be may sue for and recover the same from the board with interest at the rate of five pounds per centum per annum till paid Provided that any annuity or interest in arrear and not wrongfully withheld by the board shall not bear interest as against them.

Receiver may be appointed by debenture stockholders or annuitants.

45. The holders of debenture stock and the annuitants may without prejudice to other remedies enforce payment of the arrears of interest on their debenture stock or of their annuities (as the case may be) by the appointment of a receiver in the same manner as the mortgagees of the board under this Act Provided that no such receiver shall be appointed unless the interest or annuity (as the case may be) shall have been in arrear for three months after demand thereof in writing.

Company to furnish statement of debts.

46. The Company shall if required by the board on or before the first day of December one thousand eight hundred and ninety-four furnish to the board a statement of all their stock and shares and of all their debts and liabilities so far as known to the Company and not payable by the Company under the provisions of the agreement and of this Act and from the fifteenth day of December one thousand eight hundred and ninety-four to the date of vesting the transfer books of the Company shall be closed Such statement shall also show the sums paid for the "C" gas shares or "C" gas stock or "C" water shares or "C" water stock on the creation or issue of the same by the Company.

Purposes for which the Company to continue incorporated.

47. From and after the date of vesting the Company shall subsist only for the purpose of receiving and recovering the sums payable by the board to the Company as provided by this Act and by the agreement and for winding up the affairs of the Company and carrying into effect the purposes of this Act so far as relate to the Company and the directors of the Company who are in office at the date of vesting and the survivors and survivor of them shall continue without re-election to hold the office of directors of the Company and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes herein-before mentioned.

Dissolution of Company.

48. Upon the purposes specified in the last preceding section being fulfilled the Company shall ipso facto be dissolved.

Application of Company's Acts to board.

49. From and after the date of vesting all the powers rights privileges and authorities of the Company under the Company's Acts and the Acts therewith incorporated shall be by virtue of this

Act transferred to and vested in and may be exercised by the board and those Acts shall be read and have effect as if the board had been named therein instead of the Company subject to the provisions of this Act and to the following exceptions:—

(1.) The provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Act 1863 incorporated with the Company's Acts shall not except as herein-after in this section provided apply to the board:

(2.) The provisions of the Company's Acts and of the Acts incorporated therewith relating to the constitution of the Company and meetings of directors and to share or loan capital and to dividends and limitation on and application of the profits of the Company and to the accounts of the Company shall not except as herein-after in this section provided apply to the board:

Provided always that so long as any debenture stock remains outstanding and not converted into annuities or redeemed the provisions of the Company's Acts and of the Acts incorporated therewith which immediately before the passing of this Act were applicable to or in respect of such debenture stock or the holders thereof or to the Company in respect of such stock shall notwithstanding the foregoing exceptions continue so applicable but as if the board had been named in such provisions instead of the Company.

Definition of "annual rack rent or value" &c.

50. The term "annual rack rent or value" referred to in section 46 of the Accrington Gas and Waterworks Company's Act 1854 shall mean the gross estimated rental as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrued or if there is no such list in force by the last rate made for the relief of the poor.

The board 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 scale of rates authorised by section 46 of the said Act 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.

Where 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 rateable value shall be a fairly apportioned part of the whole premises ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

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Byelaws and regulations of Company continued.

51. From and after the date of vesting all byelaws and regulations made by the Company and then in force shall continue in force the board being substituted therein for the Company until new byelaws made by the board under the powers of this Act shall have come into force.

Byelaws for preventing waste &c. of water.

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

(1.) The board may from time to time make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and amongst other things may by such byelaws prescribe the point of connexion with the mains of the board the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the ferrules pipes meters cocks valves soil-pans water-closets baths tanks cisterns and other apparatus fittings receptacles or appliances whatsoever to be used and may 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 or contamination :

(2.) No such byelaws shall be of any force or effect except within such part or parts of the limits of supply of the board in which the board are for the time being bound to supply and do in fact supply or are prepared on demand to supply with water under constant pressure and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same :

(3.) All such byelaws shall be subject to the provisions contained in sections 182 183 and 184 of the Public Health Act 1875 and all penalties imposed for breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties :

(4.) A copy of all such byelaws in force for the time being shall be kept at the office of the board All persons may at all reasonable times inspect such copy without payment and the board 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.) A printed copy of any such byelaws purporting to have been made as aforesaid and to be sealed with the seal of the board and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such byelaws without further or other proof :

(6.) In case of failure of any person to observe such byelaws as are for the time being in force the board may if they think fit after twenty-four hours notice in writing under the hand of their clerk or other officer authorised in that behalf enter between the hours of ten in the morning and four in the afternoon 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 fittings receptacles or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the board by the person on whose credit the water is supplied and may be recovered by them in the same manner as water rates or water rents are recoverable.

Board to have powers of urban sanitary authority for supply of water.

53. The board shall within the limits of this Act have and enjoy and may exercise on and from the date of vesting all the powers rights and authorities of an urban sanitary authority under the Public Health Act 1875 and the Acts amending the same with respect to the supply of water.

Repeal of section 50 of Company's Act of 1854 and section 26 of Company's Act of 1869.

54. Section 50 of the Accrington Gas and Waterworks Company's Act 1854 and section 26 of the Accrington Gas and Waterworks Act 1869 shall as from the date of vesting be repealed so far as the said sections respectively authorise the cutting off of or ceasing to give a supply of water.

Power to purchase lands by agreement.

55. The board may for the purposes of this Act purchase take and hold by agreement in addition to the lands vested in them under this Act any lands and hereditaments not exceeding in the whole ten acres which the board may from time to time require for the purposes of their works and undertaking but the board shall not create or permit a nuisance on any such lands and no lands shall be used by the board for the purpose of manufacturing gas or residual products except the lands which at the date of vesting the Company were authorised to use for that purpose which last-mentioned lands are described in the Fourth Schedule to this Act.

Application of moneys arising from sale &c. of land.

56. The proceeds of the sale of any surplus lands of the board and all moneys received by them by way of fine or premium on any lease and other receipts in the nature of capital other than borrowed moneys shall be distinguished as capital in the accounts of the board and shall be applied in discharge of moneys borrowed by the board or in redemption of the debenture stock or annuities but shall not be applied in the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

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Restriction on taking houses of labouring class.

57. The board 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 For the purpose of this section the expression "labouring class" means and includes mechanics artizans 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.

Power to supply gas or water beyond limits in certain districts.

58. The board may from time to time contract with any urban or rural sanitary authority for the supply by the board of gas or water in bulk to such authority beyond the limits of this Act and may also by agreement with the owner or occupier of any house or premises not within those limits and not within the limits of any urban sanitary authority authorised to supply gas or water as the case may be or of any company authorised to supply gas or water as the case may be by Act of Parliament or Provisional Order confirmed by Act of Parliament supply gas or water to him from time to time on such terms and conditions and for such period or periods as the board and such sanitary authority owner or occupier as the case may be from time to time agree.

Board when so required to sell pipes &c. outside their district.

59. At any time after the date of vesting the board shall when so required by any sanitary authority beyond the districts of the respective constituent authorities sell to such sanitary authority all pipes fittings and other apparatus for or connected with the distribution of water or gas (as the case may be) belonging to the board and which shall at such time be laid or be in the district of such sanitary authority and beyond the districts of the respective constituent authorities at such price being a sum in gross and upon and subject to such terms and conditions as may be settled by agreement between the board and such sanitary authority or as failing such agreement may be determined by an arbitrator to be appointed for such purpose by the Local Government Board on the application of either party and after such sale the powers of the board to supply water within the district of such sanitary authority shall cease.

Power to supply gas for lighting heating and other purposes.

60. Subject to the provisions of this Act the board may supply gas for lighting heating motive warming and ventilating and other purposes and for the particular requirements of any trade industry manufacture or business on such terms and conditions in all respects as may be agreed on between the board and the persons supplied.

Power to supply gas and water apparatus engines &c.

61. The board may manufacture purchase provide supply sell let for hire and otherwise deal in and fix set up alter remove and refix gas and water meters and fittings gas engines stoves ranges pipes and other apparatus and appliances articles and things for lighting motive power the warming and ventilation of houses and buildings the cooking of food and for all other purposes for which gas can or may be used and the board may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale supply letting fixing setting up altering or removing of such meters fittings engines stoves ranges pipes and other apparatus and appliances articles and things as aforesaid and for securing their safety and return to the board as may be agreed upon between the board and the person to or for whom the same are sold supplied let fixed set up altered or removed.

Price of gas.

62. The price to be charged by the board for gas supplied by them within the limits of this Act to persons who shall burn the same by meter shall not at any time exceed four shillings per one thousand cubic feet.

Board may allow discounts on gas rents.

63. The board may from time to time if they think fit allow the following discounts on gas rents due to them from consumers of gas within their gas limits provided such consumers shall pay the amount of the gas rent due within such time after demand thereof as the board may prescribe (that is to say) :—

(A.) Whenever by the gas account delivered by the board it appears that the amount of gas consumed for the previous three months shall not exceed seventy thousand cubic feet a discount not exceeding threepence per thousand ;

(B.) Whenever by such account the amount of gas consumed for the previous three months shall exceed seventy thousand cubic feet a discount not exceeding sixpence per thousand.

Power to refuse to supply gas to persons in debt for other property.

64. If a person requiring a supply of gas from the board has previously quitted premises at which gas or water was supplied to him by the board without paying all gas or meter rent or water rate or rent due from him the board may refuse to furnish to him a supply of gas until he pays the same.

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Board to pay interest on deposits as security for gas meter &c.

65. If any person is required by the board to give to them security for the payment of the price or rent of a meter the board shall pay interest after the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of security for every six months during which the same remains in their hands.

Power to use inventions &c. and to take licences.

66. The board may use exercise or put in practice any process method or invention for the manufacture or distribution of gas or the manufacture conversion utilisation or distribution of materials used in and of residual products resulting from the manufacture of gas or in relation to the manufacture of meters and other fittings and apparatus in which the board are authorised in any way to deal and for those purposes or any of them may (but not so as to acquire any exclusive right therein) purchase take and use any licence or authority to work use or put in practice any letters patent heretofore made or hereafter to be made in relation to any such process method or invention.

Power to borrow.

67.—(1.) The board may from time to time borrow at interest upon mortgage of the revenue of their undertaking or any part thereof and the moneys receivable by them from the district funds and general district rates of the constituent authorities under the provisions of this Act the sums of money herein-after specified or any part thereof (that is to say):—

(A.) For the purpose of paying the sum of five thousand pounds payable to the Company under the agreement any sum not exceeding five thousand pounds;

(B.) For the redemption of the annuities and debenture stock under the provisions of this Act the amounts from time to time paid or agreed to be paid for such redemption;

(C.) For the purposes of the gas undertaking to which capital is properly applicable any sum sanctioned by the Local Government Board not exceeding one hundred and four thousand pounds;

(D.) For the purposes of the water undertaking to which capital is properly applicable any sum sanctioned by the Local Government Board not exceeding fifty-six thousand pounds;

(E.) To pay the costs charges and expenses preliminary and of and incidental to the transfer of the Company and undertaking (including all costs and expenses payable under article eleven of the agreement) and the costs of the corporation and the local boards in opposing the Act of 1893 and the costs of this Act the sums necessary for those purposes.

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(2.) Money borrowed under this section shall be applied only to the purposes for which it is authorised to be borrowed. Application of borrowed money.

(3.) Money borrowed under this section for the redemption of debenture stock or annuities shall be repaid within the time within which provision for the redemption of the debenture stock and annuities is required to be made and moneys borrowed under this section for the purposes of (A.) (C.) and (D.) shall be repaid within such periods not exceeding sixty years from the borrowing of the same as the Local Government Board shall prescribe and moneys borrowed under this section for the purposes of (E.) shall be repaid within ten years from the borrowing of the same and such repayment shall be made either by instalments or by means of a sinking fund appropriated for that purpose and with the accumulations thereof (if any) from time to time applied for that purpose. Sinking fund.

(4.) If having borrowed any money under the provisions of this Act the board pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of lands or other moneys received on capital account not being borrowed moneys they may re-borrow the same and so on from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made. Re-borrowing.

68. The board may raise the whole or any part of the money which they are authorised to borrow under this Act by the issue of debentures or debenture stock under the Local Loans Act 1875 and for the purposes of such issue the board shall be deemed a local authority under that Act. Board may borrow under Local Loans Act 1875.

69.—(1.) All mortgages granted by the board under this Act shall rank together without any priority on account of the date of the mortgage or on any other account. As to mortgages of board.

(2.) The provisions contained in sections two hundred and thirty-six to two hundred and thirty-nine of the Public Health Act 1875 with respect to the mortgages to be executed by a local authority shall apply in the case of all mortgages granted under this Act except where any such provisions are expressly altered or varied by this Act and for the purposes of such application the term "local authority" in the said provisions shall be construed to mean the board and the term "rates" shall be construed to include the revenue of the undertaking of the board.

70. The board shall make provision for the redemption of the debenture stock taken over by them and of any annuities issued by them under this Act by means of a sinking fund appropriated for Sinking fund for debenture stock and annuities,

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that purpose and with the accumulations thereof from time to time applied for that purpose so as to extinguish or be in a position to extinguish the whole of such debenture stock and annuities within sixty years from the passing of this Act at the rate of thirty-five years purchase of the "A" redeemable annuities and at the rate of thirty years purchase of the "B" redeemable annuities and of the interest on the debenture stock and if at the end of that time the debenture stock and annuities or any part thereof are not wholly extinguished then the board shall so long as they are liable to pay the annuities or the interest on the debenture stock apply in or towards that payment the annual income arising from the sinking fund provided under this section Provided that it shall not be obligatory on the board to pay off money or make any appropriations for a sinking fund before the expiration of one year from the date of vesting.

Regulations as to sinking funds.

71. The following regulations shall be observed by the board in relation to the sinking funds to be formed under this Act :—

(1.) The sums paid into either sinking fund together with the accumulations thereof shall be accumulated in the way of compound interest at a rate not exceeding three pounds per centum per annum by investment in the name of the board in any securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures debenture stocks corporation stock and other securities (not being transferable by delivery) duly created and issued by any municipal corporation in Great Britain or by any local authority within the meaning of section thirty-four of the Local Loans Act 1875 (other than the board) :

(2.) The board may from time to time apply either sinking fund or any part thereof in or towards the discharge or redemption of the principal moneys debenture stock or annuities for the discharge whereof it was created until thereby or otherwise the whole of such principal moneys debenture stock or annuities have been discharged or redeemed :

(3.) Whenever any of such principal moneys have been paid off or debenture stock or annuities redeemed by means of a sinking fund the board shall until the whole of the principal moneys have been paid off or the whole of the debenture stock or annuities have been redeemed as the case may be pay into such sinking fund every year in addition to the other sums required to be set apart and appropriated a sum equal to the annual interest which would have been produced by such sinking fund

or part of such sinking fund at a rate not exceeding three pounds per centum per annum:

(4.) Whenever and so long as the market value of the securities in the sinking fund formed for the discharge of principal moneys borrowed under this Act shall be equal to the amount of the principal moneys then outstanding the board may in lieu of investing the yearly income arising from such securities apply the same in payment of the interest on the said principal moneys and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto:

(5.) Whenever and so long as the market value of the securities in the sinking fund for the redemption of the "A" redeemable annuities is not less than thirty-five years purchase of such annuities and for the redemption of the "B" redeemable annuities and debenture stock is not less than thirty years purchase of such annuities and of the interest on the debenture stock then outstanding and unredeemed the board may in lieu of investing the yearly income arising from such securities apply the same in payment of the annuities and the interest on the debenture stock and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto.

Protection of lender from inquiry.

72. No person lending money to the board shall be bound to inquire as to the observance by the board of any provision of this Act or be bound to see to the application or be answerable for any loss or non-application of such money or any part thereof.

Annual return to Local Government Board.

73. The clerk or other principal officer of the board shall within twenty-one days after the expiration of each year during which any sum is required by this Act to be paid as an instalment or set apart for a sinking fund under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid by instalment or invested or applied for the purpose of such sinking fund during the year next preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during the same period and the total amount (if any) remaining uninvested at the end of the year In the event of wilful default in making such return the said clerk or other principal officer of the board shall be liable to a penalty not exceeding twenty pounds which shall be paid to the

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Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

If it appears to the Local Government Board by that return or otherwise that the board have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act they may by order direct that a sum not exceeding double the amount in respect of which default has been made shall be set apart and invested or applied as part of the sinking fund and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments in the event of the board borrowing under the provisions of the Local Loans Act 1875.

Board may issue stock under Public Health Acts Amendment Act 1890.

74. For the purposes of Part V. of the Public Health Acts Amendment Act 1890 the board shall be deemed to be an urban authority within the meaning of that Act and to have adopted Part V. of that Act and may exercise their borrowing powers by the creation of stock in the manner by that Act provided and subject to the provisions therein contained.

Borrowing powers for current expenses.

75. In order to raise such money as may be necessary to defray the current annual expenditure of the board until their revenues shall be collected the board may borrow during the currency of any financial year in addition to the other sums authorised to be borrowed on the security of such revenues any sum or sums not exceeding in the whole one half of the approximate amount of such revenues for the year then current from any bank or banking company or other company or person on such terms and conditions and in such form as may be agreed on between the parties Provided always that such sums so borrowed shall be paid off and extinguished at or before the end of the then current year.

Separate accounts to be kept.

76.—(1.) The board shall keep separate accounts of their receipts and expenditure for gas and water purposes on capital and revenue account and they may subject to the provisions of this section apportion between those accounts any expenditure incurred for purposes common to both.

(2.) The annuities and the interest on the debenture stock of the Company shall be apportioned between the gas undertaking and the water undertaking in the same manner as the capital of the

Company and the money borrowed by the Company which they represent are respectively apportioned by the Act of 1893 between the gas undertaking and water undertaking of the Company.

(3.) The costs of this Act and the other costs charges and expenses payable out of borrowed money under the provisions of this Act and the money borrowed for payment of the same shall be apportioned between the gas undertaking and the water undertaking in equal shares.

Accounts and audit.

77. The board shall make up the accounts in the first instance to the thirty-first day of March one thousand eight hundred and ninety-six and afterwards to the thirty-first day of March in each year The provisions of the Public Health Act 1875 as amended by the District Auditors Act 1879 with respect to the audit of accounts of local authorities shall apply to the board.

Application of gas revenue.

78. The board shall apply the revenue of the gas undertaking as follows (that is to say):—

Firstly In payment of the costs charges and expenses of and incidental to the collecting and recovering of gas revenue;

Secondly In payment of the working and establishment expenses and cost of maintenance of their gas undertaking;

Thirdly In payment of the interest on so much of the debenture stock of the Company as is apportioned to the gas undertaking;

Fourthly In payment of the annuities under this Act apportioned to the gas undertaking;

Fifthly In payment of the interest on money borrowed under this Act for the purposes of or apportioned to the gas undertaking;

Sixthly In providing the sums necessary for instalments or sinking funds under this Act so far as such sums are required in respect of debenture stock annuities or borrowed moneys apportioned to or borrowed for the gas undertaking;

Seventhly In providing a reserve fund if they think fit by setting aside such money as they from time to time think reasonable and investing and accumulating the same at compound interest in any securities in which they are authorised to invest the sums paid into the sinking fund until the reserve fund so formed amounts to a sum equal to one-tenth of the gas capital of the board which sum shall be applicable from time to time to answer any deficiency at any time happening in the income of the board from their gas undertaking or to meet any extraordinary claim demand or charge at any time arising against the board in respect of that undertaking and so that if such fund be at any time reduced it may thereafter be again made

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up to the said sum and so from time to time as often as such reduction shall happen ;

Provided that when and so often as the said fund shall reach one-tenth part of the said gas capital the interest thereon shall be carried to the gas revenue Provided also that resort may from time to time be had to the reserve fund for any of the purposes aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-tenth as aforesaid ;

Lastly The surplus (if any) from time to time shall be applied in reduction of the price of gas when and as circumstances shall permit the same to be done but the board may retain in hand at the close of any financial year so much of the surplus as they shall think necessary for the purpose of carrying on the undertaking and paying the current expenses connected therewith.

Application of water revenue.

79. The provisions contained in the last preceding section with respect to the application of gas revenue shall extend and apply mutatis mutandis to the application of revenue from the water undertaking with this modification that the surplus (if any) shall be applied in reduction of the charge for water for domestic purposes when and as circumstances shall permit the same to be done.

Deficiency in one revenue may be temporarily made good from the other.

80. If at any time there is a deficiency in the gas revenue and gas reserve fund to meet the payments to be made thereout (other than the provision of a reserve fund) the board may apply the water reserve fund and any surplus water revenue to make up such deficiency and in case of a like deficiency in the water revenue may apply the gas reserve fund and any surplus gas revenue to make up the same and the amount so applied shall be a debt due from the revenue in which the deficiency existed to the fund or revenue out of which the amount is taken with interest at the rate of three pounds per centum per annum until repayment and such debt and interest shall as soon as in the judgment of the board reasonably may be be raised and paid out of the revenue in which the deficiency existed.

Deficiency in revenue of board to be made good by constituent authorities.

81.—(1.) If in any year there is a deficiency in the net revenue of the board and the reserve funds for the payment of the interest on the debenture stock of the Company and the annuities and the interest on money borrowed and the sums necessary for the instalments or sinking funds the board are hereby authorised and required in every such case forthwith to ascertain and determine the amount of such deficiency and to apportion the same between the several constituent authorities.

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(2.) The amount of the deficiency shall be so apportioned between the constituent authorities in the proportions which the valuations of the respective districts of the constituent authorities bear to the total of the valuations of the respective districts such valuations being ascertained according to the valuations for the time being in force for the rate for the relief of the poor.

(3.) The board shall issue precepts to the constituent authorities for the amounts so respectively apportioned and the constituent authorities shall within two months from the receipt of such precepts pay to the board the amounts so apportioned to them respectively.

(4.) Such amounts respectively shall be paid by the constituent authorities out of their respective district funds and general district rates which funds and rates are hereby charged with the payment of the same accordingly and the constituent authorities respectively are hereby authorised and required to make and levy any rate that may be necessary for the purposes aforesaid.

(5.) If any constituent authority fails to pay any amount so apportioned within the time aforesaid the same shall be a debt due to the board from such constituent authority and shall bear interest till payment at the rate of five pounds per centum per annum and the board may in addition to all other remedies proceed for recovery thereof in either of the modes following (that is to say) :—

(A.) The board may sue the defaulting authority for the amount unpaid in any court of competent jurisdiction:

(B.) The board may by precept empower some officer of the board to raise by means of a rate to be assessed upon the like property and to be made levied and collected in like manner and with the like powers and authorities as the general district rate of the defaulting authority such sum (the amount to be specified in the precept) as in the opinion of the board will be sufficient to pay the amount so apportioned and interest and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting such rate and any officer of the board so empowered shall have the like powers of assessing making levying and collecting rates and of issuing precepts and of requiring officers of the defaulting authority to account as the defaulting authority would have under any Act or otherwise and the officer of the board so empowered after paying all money payable under the precept shall pay any residue of the money received by him (the amount to be ascertained by the board) to the defaulting authority.

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(6.) Any receiver appointed by any debenture stockholders annuitants or mortgagees under this Act shall be entitled to receive the amounts so apportioned by the board to the constituent authorities respectively and in case the board at any time neglect or refuse to make such apportionment or to recover the same or any part thereof the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by this section conferred on the board for recovering the amounts so apportioned.

Justices not disqualified.

82. No person shall be incapable of acting as a justice in the execution of this Act by reason of his being a member of the board or an annuitant or mortgagee or the holder of any debenture stock or of his being liable to the payment to the board of any gas or water rent or rate or other payment.

Costs of Act.

83. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons (in this Act referred to as "the costs of this Act") shall in the first instance be paid by the corporation and each of the local boards jointly in the same proportion as the rateable value of the borough of Accrington and the respective districts of the local boards bear to the total valuations of the said borough and districts according to the poor rate assessment made next before the passing of this Act out of any of their funds or revenues but shall be repaid to the corporation and local boards by the board out of the moneys to be borrowed by them under the powers of this Act.

SCHEDULES.

FIRST SCHEDULE.

Articles of Agreement made the thirtieth day of September one thousand eight hundred and ninety-three between The Accrington Gas and Water Works Company (herein-after called the Company) of the one part and The Mayor Aldermen and Burgesses of the Borough of Accrington the Rishton Local Board the Clayton-le-Moors Local Board the Great Harwood Local Board and the Church Local Board (all of which local authorities are herein-after called the purchasing authorities) of the other part.

Whereby each and every of them the Company and the purchasing authorities in consideration of the stipulations herein contained on the part of the others or other of them do hereby agree with the others or other of them in manner following (that is to say):—

1. Subject to and on condition of the confirmation of these Articles by Act of Parliament as herein-after mentioned the Company shall sell and the purchasing authorities shall buy the whole of the gas and water undertakings of the Company and all its property and assets real and personal including copyholds and other property vested in trustees on behalf of the Company with all its powers rights and privileges statutory or otherwise as the same shall stand on the day herein-after named for the completion of the contract subject to all then existing enactments mortgages contracts and liabilities affecting the same but subject to the provisions herein-after contained and to the following exceptions videlicet:—

The two sums of eight thousand and eighty-seven pounds twelve shillings and sevenpence and eight hundred and nine pounds representing respectively profits undivided on the thirty-first day of December one thousand eight hundred and ninety-two and the amount carried forward by the Company as the balance on their revenue account on the same date which two sums of eight thousand and eighty-seven pounds twelve shillings and sevenpence and eight hundred and nine pounds respectively are reserved and shall belong to the Company and be at their absolute disposal.

The said parties hereto respectively shall perform all acts and execute all deeds necessary to carry out such sale and purchase.

2. The purchase shall be completed and the undertakings property and assets except as herein mentioned powers rights and privileges of the Company shall

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be transferred to and vested in the purchasing authorities as from the thirty-first day of December one thousand eight hundred and ninety-four (herein-after called the date of vesting) and thereupon the purchasing authorities shall be entitled to the receipts and revenues accruing and arising from and after that date from the said undertakings.

3. The purchasing authorities shall be liable to and shall pay and discharge all the Company's liabilities and obligations existing at the date of vesting and shall effectually indemnify the Company therefrom.

4. Until the date of vesting the Company shall carry on and manage their undertakings in the ordinary course of business as heretofore and make all payments and declare and pay dividends as hitherto and shall continue to keep their works in good and proper order repair and condition (reasonable wear and tear excepted) and shall also continue to keep proper accounts provided that the Company shall not between the execution of these Articles and the date of vesting without the previous consent in writing of any two of the purchasing authorities given respectively under the hands of the town clerk of the borough of Accrington or of the clerk to the local board as the case may be make any expenditure on capital account except such as may be in the ordinary course of the proper conduct of the affairs of the Company and with the intention of benefiting their undertakings but this stipulation shall operate only as between the Company and the purchasing authorities and shall not in any manner affect any other party even having notice thereof.

5. After the date of vesting and until the Company shall be finally wound up and dissolved the Company shall have full access at all reasonable times to the books documents and accounts relative to the said undertakings for the purpose of making up the accounts of the Company to the date of vesting and for all other reasonable purposes in relation to the winding up of the Company and the Company may also exercise all their statutory powers and rights for or in relation to the winding up of the affairs of the Company and for such purposes the officers and servants of the Company shall notwithstanding the transfer of the undertaking or any clause matter or thing herein contained continue to act for the Company and as between the Company and the purchasing authorities without making any charge to the Company for the services of such officers and servants.

6. The consideration for the said purchase shall be the payment at the date of vesting of the sum of five thousand pounds in cash by the purchasing authorities to the Company This sum of five thousand pounds shall bear interest at the rate of four pounds ten shillings per centum per annum from the date of vesting until paid.

The issue by the purchasing authorities at the date of vesting to—

(A.) Every person who at the date of vesting is the holder of Consolidated Stock "A" in the capital of the Company of an annuity of ten pounds in respect of each one hundred pounds of such stock held by him and so in proportion for any fraction of one hundred pounds of such stock held by him:

(B.) Every person who at the date of vesting is the holder of Consolidated Stock "B" in the capital of the Company of an annuity of eight pounds

in respect of each one hundred pounds of such stock held by him and so in proportion for any fraction of one hundred pounds of such stock held by him:

(c.) Every person who at the date of vesting is the holder of a "C" gas share or "C" gas shares or "C" gas stock or "C" water share or "C" water shares or "C" water stock in the capital of the Company of an annuity equal to such a sum in respect of each such share held by him as shall represent the prescribed maximum dividend at the rate of seven pounds per centum per annum payable in respect of each such share or an annuity of seven pounds in respect of each one hundred pounds of such stock held by him and so in proportion for any fraction of one hundred pounds but the purchasing authorities shall not be under any obligation to issue an annuity in respect of any "C" gas share or "C" water share unless or until the same is fully paid up:

Provided that it shall not be necessary to issue such annuities in respect of each one hundred pounds or fractional part of one hundred pounds of such stock or in respect of each such share and that such annuities may be issued in respect of such amounts of such stock or such number of such shares as will conveniently allow the same to be apportioned among the holders of such stock and shares:

The annuities shall be payable free of all deductions and charges except income tax by equal half-yearly payments on the first day of January and the first day of July in every year and the first payment shall be made on the first day of January one thousand eight hundred and ninety-five in respect of the half year then last past.

7. The annuities issued to the several holders of Consolidated Stock "A" and Consolidated Stock "B" shall be called "A" redeemable annuities and any of such annuities shall at the option of the joint board to be constituted or incorporated as herein provided be redeemable and redeemed after six calendar months notice in writing to be given to the holder of such annuity at any time after the year one thousand nine hundred and fifty-four by paying to such holder an amount equal to thirty-five years purchase of such annuity in addition to the apportioned part of the half-yearly annuity which may have accrued at the time of redemption and the annuities issued to the several holders of "C" gas shares or "C" gas stock or "C" water shares or "C" water stock shall be called "B" redeemable annuities and any of such last-mentioned annuities shall at the option of the said joint board be redeemable and redeemed after six calendar months notice in writing to be given to the holder of such annuity at any time after the date of vesting by paying to such holder an amount equal to the sum paid for such shares or stock on the creation or issue of the same by the Company in addition to the apportioned part of the half-yearly annuity which may have accrued at the time of redemption.

8. The purchasing authorities shall take over and adopt the debenture stock of the Company existing at the date of vesting and such debenture stock shall after the vesting continue to be charged as a first charge and primarily on the gas and water undertakings in the hands of all the purchasing authorities and shall further be a charge upon the district funds and general district rates of all the purchasing authorities and the purchasing authorities shall if and when

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requested so to do by any holder of such debenture stock at any time issue to him by way of substitution for the stock so held by him an annuity of the same amount in respect of each one hundred pounds of such stock held by him as the rate of interest to which he is entitled in respect of such stock and so in proportion for any fraction of one hundred pounds of stock so held by him.

9. The annuities issued pursuant to these Articles shall primarily and as a first charge (subject only to the rights and priority of the debenture stock holders of the Company) be charged on and payable out of the revenue arising from the gas and water undertakings in the hands of the purchasing authorities and also on and out of the district funds and general district rates of all the purchasing authorities.

10. Subject as in this agreement is inentioned every officer and servant (but not including the directors or ordinary workmen) who on the date of vesting shall be in the employment of the Company shall be taken over by the purchasing authorities on the same terms as to position and emoluments as those under which he may be employed by the Company at the date of vesting and shall not be liable to dismissal or removal for a period of four years from the date of vesting save only for misconduct or incapacity but every officer and servant to whom this clause applies may terminate his engagement or their engagements by three months notice in writing to be given to the purchasing authorities at any time.

11. The purchasing authorities shall bear and pay as between solicitor and client all costs of and preliminary and incidental to the introduction in and passing through Parliament of the Accrington Gas and Water Act 1893 and of the Bill to be introduced by the purchasing authorities in the next ensuing session of Parliament as herein-before provided and all costs and expenses of or connected with the preparation and execution of these Articles and of the carrying out and giving effect thereto and all other costs and expenses of the Company of or in relation to the premises.

12. These Articles are made subject to the approval of Parliament and to such alteration therein as either House of Parliament may think fit to make but in the event of either House of Parliament making any material alteration therein it shall be in the option of either party to withdraw the same.

In witness whereof the Company and the purchasing authorities have hereunto caused their respective common seals to be hereunto affixed the day and year before written.

The common seal of the Accrington Gas and Waterworks Company was hereunto affixed by order of the directors at a meeting held on the 26th day of September 1893 in the presence of

SOLOMON LONGWORTH
Chairman of Directors.

CHARLES HARRISON
Secretary and Manager.

Seal of the Company.

The common seal of the mayor aldermen and burgesses of the borough of Accrington was hereunto affixed in pursuance of an order of the council in the presence of

THOMAS WHITTAKER
Mayor.

A. H. AITKEN
Town Clerk.

Corporate Common Seal.

The common seal of the Church Local Board was hereunto affixed in pursuance of an order of the board in the presence of

GEORGE DUCKWORTH
Chairman.

J. R. REDDISH
Clerk.

Common Seal of the Church Local Board.

The common seal of the Rishton Local Board was hereunto affixed in pursuance of an order of the board in the presence of

JAMES HANSON

JASPER I. HELM
Clerk to the Board.

Common Seal of the Rishton Local Board.

The common seal of the Clayton-le-Moors Local Board was hereunto affixed in pursuance of an order of the board in the presence of

H. L. WILSON
Chairman.

JAS. SMITH
Clerk.

Common Seal of the Clayton-le-Moors Local Board.

The common seal of the Great Harwood Local Board was hereunto affixed in pursuance of an order of the board in the presence of

MILTON HAYDOCK
Chairman.

J. W. CLAYON
Clerk to A. H. Aitken Esq.
Town Clerk Accrington.

Common Seal of the Great Harwood Local Board.

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SECOND SCHEDULE.

Form of Accrington District Gas and Water Redeemable Annuity Certificate.

Accrington District Gas and Water Board.

Number

This is to certify that A.B. (name and address) [ ] his executors administrators [successors] or assigns is or are entitled to receive from the Accrington District Gas and Water Board under the Accrington District Gas and Water Board Act 1894 an "A" redeemable (or "B" redeemable as the case may be) annuity of [ ] pounds payable free from all deductions and charges (except for income tax) by equal half-yearly portions on the first day of January and the first day of July in each year beginning the first payment thereof on the [ ] day of [ ] one thousand eight hundred and ninety [ ] for the half year preceding and so forth thereafter and which annuity is subject to the provisions of the Act secured on the revenues of the gas and water undertaking of the board and on the district funds and general district rates of the borough of Accrington and of the districts of the local boards of Church Clayton-le-Moors Great Harwood and Rishton.

Dated this [ ] day of [ ] one thousand eight hundred and [ ].

(To be signed by two members and by the clerk and to have the corporate seal affixed.)

Form of Indorsement on Redeemable Annuity Certificate.

This annuity is redeemable [state terms on which it may be redeemed.]

THIRD SCHEDULE.

Form of Deed of Transfer of Accrington District Gas and Water Redeemable Annuity Certificate.

I A.B. (name and address) [ ] in consideration of the sum of [ ] pounds (or other consideration as the case may be) paid to me by C.D. (name and address) do hereby transfer to the said C.D. and his executors administrators [successors] and assigns the annuity of [ ] pounds No. [ ] of the Accrington District Gas and Water "A" (or "B" as the case may be) redeemable annuities created under and by virtue of the Accrington District Gas and Water Board Act 1894 now standing in my name in the books of the Accrington District Gas and Water Board appointed under the said Act and all my right and interest therein or thereto to hold to the said C.D. his executors administrators [successors] and assigns subject to the several conditions on which I held the same at the time of execution hereof And I the said C.D. do hereby agree to take the said annuity subject to the same conditions.

As witness our hands the day of one thousand eight hundred

Witness to the signature of the said A.B.

Witness to the signature of the said C.D.

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FOURTH SCHEDULE.

A plot of land situate within the borough of Accrington on the northerly side of and adjoining a public highway there called Hyndburn Road and bounded on the northerly side by a street of five yards wide known as Back Argyle Street on the easterly side partly by a disused burial ground belonging to the trustees of the Accrington Baptist Chapel the River Hyndburn and by a cotton mill the property of Thomas Whittaker and on the westerly side partly by a cotton mill and vacant land the property of Messieurs Entwistle the River Hyndburn and by land the property of the corporation of Accrington which plot of land is described in the schedule to the Accrington Gas and Waterworks Company's Act 1854 by the description following (that is to say) A plot of land situate in Old Accrington in the county of Lancaster lately part of a close of land called the Mill Holme and adjoining Hyndburn Road on the southerly side on the easterly side adjoining land of the trustees of the Baptist Burial Ground on the westerly side adjoining land and premises of Messieurs Massey and Clegg and on the northerly side adjoining land now forming the banks of the Accrington Brook or the River Hyndburn belonging to Mr. Richard Fort and Mr. Steiner.

A plot of land situate within the district of the Great Harwood Local Board and now in the occupation of the Company bounded on the southerly side by a street 12 yards wide called Princess Street on the northerly side partly by a new street of 12 yards wide and in other part by property of the said local board on the easterly side by another new street of 12 yards wide and on the westerly side by a back street of four yards wide dividing it from property now or late belonging to Daniel Birtwistle.

A plot of land situate within the district of the Clayton-le-Moors Local Board and now in the occupation of the Company and bounded on the north-easterly north-westerly and south-westerly sides thereof by lands the property of Henry Petre Esquire and on all other sides thereof by the Oakenshaw Print Works the River Hyndburn and lands the property of the trustees under the will of the late Joseph Barnes Esquire deceased.

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