# CHAPTER lxv.

An Act to authorise the Mayor Aldermen and Burgesses of the Borough of Bacup in the County of Lancaster to purchase and acquire the Undertaking of the Rossendale Waterworks Company and for other purposes. A.D. 1894.

[3rd July 1894.]

WHEREAS the borough of Bacup in the county of Lancaster is a municipal borough subject to the Acts relating to municipal corporations and under the government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas the Corporation acting by the council are the urban sanitary authority for the district comprised in the said borough:

And whereas by the Rossendale Waterworks Act 1853 the Rossendale Waterworks Company (in this Act called "the Company") were incorporated and authorised to construct waterworks and supply water in Bacup and the neighbourhood thereof and by the Rossendale Waterworks Amendment Act 1854 the Company were authorised to raise further moneys:

And whereas by an agreement between the Company and the Corporation dated the sixth day of December one thousand eight hundred and ninety-three the Company and the Corporation agreed for the sale and transfer to the Corporation of the undertaking of the Company on the terms contained in the said agreement and it is expedient that the said agreement as altered and set forth in the first schedule to this Act should be confirmed and that the undertaking of the Company should be transferred to and vested in the Corporation accordingly:

And whereas the capital of the Company is twenty-nine thousand pounds divided into two thousand nine hundred shares of ten pounds each and two thousand seven hundred and sixty-nine shares have been issued of which two thousand five hundred and seventy-eight are fully paid up and one hundred and sixty-nine have six pounds paid thereon and twenty-two shares having sums paid thereon amounting in all to eighty-two pounds have been forfeited making

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the total paid-up capital of the Company twenty-six thousand eight hundred and seventy-six pounds and the Company have borrowed on mortgage of their undertaking and still owe six thousand eight hundred and seventy pounds:

And whereas an estimate has been prepared by the Corporation showing that (in addition to the moneys which will be required for effecting the transfer of the undertaking and enabling the Corporation to give effect to the provisions of the said agreement and of this Act in relation thereto) the Corporation may require to borrow for the purposes of the water undertaking to which capital is properly applicable (being permanent works within the meaning of section 234 of the Public Health Act 1875) further sums amounting to seven thousand pounds:

And whereas it is expedient that the Corporation 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 at a meeting held on the eighth day of November one thousand eight hundred and ninety-three after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the "Bacup Times" a local newspaper published or circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the funds and rates leviable by and under the control of the Corporation:

And whereas such resolution was published twice in the "Bacup Times" a local newspaper circulating in the borough and has received the approval of the Local Government 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 council at a further special meeting held in pursuance of a similar notice on the twenty-fourth day of January one thousand eight hundred and ninety-four being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the third schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

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

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

Short title.

**1.** This Act may be cited for all purposes as the Bacup Corporation Water Act 1894.

Incorporation of Acts.

**2.** The Waterworks Clauses Acts 1847 and 1863 (except the provisions of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers) are (except when varied by or inconsistent with the provisions of this Act) incorporated with and form part of this Act Provided that the Waterworks Clauses Act 1847 as incorporated with this Act shall be read and have effect as if the words "with the consent in writing "of the owner or reputed owner of any such house or of the agent "of such owner" were omitted from section 44 thereof.

Execution of Act.

**3.** This Act shall be carried into effect by the Corporation acting by the council.

Interpretation.

**4.** In this Act unless the context otherwise requires—

"The Corporation" means the mayor aldermen and burgesses of the borough of Bacup;

"The borough" means the borough of Bacup;

"The town clerk" means the town clerk of the borough;

"The Company" means the Rossendale Waterworks Company;

"The Act of 1853" means the Rossendale Waterworks Act 1853;

"The undertaking of the Company" includes all lands buildings reservoirs waters water rights mains pipes plant deeds books plans and all other property and assets of every description real and personal belonging to the Company or to which the Company are entitled at the date of vesting including copyholds and all powers rights privileges and exemptions exerciseable or enjoyed by the Company under the Act of 1853 or otherwise except such moneys as the Company have then in hand on revenue account applicable to the payment of dividend and arrears of water rents and other revenue due to the Company at the date of vesting;

"The agreement" means the agreement between the Company and the Corporation as set forth in the first schedule to this Act;

"The date of vesting" means the date of the completion of the purchase of the undertaking of the Company as provided by the agreement;

"Annuities" means the Bacup Corporation redeemable water annuities created under this Act;

"Annuitant" means any person for the time being entitled to any of the annuities;

"Water revenue" means the revenue received by the Corporation from their water undertaking.

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Limits of Act.

**5.** Subject to the provisions of this Act the limits of this Act for the supply of water shall comprise and include the borough and the township of Newchurch except so much of the township of Newchurch as lies on the westerly side of a line commencing at the point where the Whitewell Brook falls into the River Irwell and running up the said Whitewell Brook to Baltic Bridge near Waterfoot and running thence in a north-easterly direction to the south end of Siss Clough Lane thence along the centre of Siss Clough Lane Edgeside Lane and Lumb Lane to the junction of the said last-mentioned lane with the Waterfoot and Hitchen dams branch of the Haslingden and Todmorden main road near Lumb Mill and thence along the centre of the said main road to the boundary dividing the townships of Newchurch and Higher Booths at Chapel Bridge.

Agreement confirmed.

**6.** The agreement dated the sixth day of December one thousand eight hundred and ninety-three between the Company of the one part and the Corporation of the other part as 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.

Transfer of undertaking.

**7.**—(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 Corporation with the same title and for the same estate and interest as the Company held the same subject to the mortgage debt of the Company and to the payment of the annuities as by this Act provided.

(2.) Within six months after the date of vesting the Corporation 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 Corporation 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 Corporation with full costs of suit and all costs and charges attending the same.

Corporation to take over mortgage debt of the Company.

**8.** The Corporation shall from the date of vesting take over the mortgage debt of the Company amounting to six thousand eight hundred and seventy pounds as set forth in the second schedule to this Act 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 mortgage debt shall after the vesting be

charged on the net revenue of the water undertaking of the Corporation and on the district fund and general district rate of the borough. A.D. 1894.

Annuities in consideration of transfer.

**9.**—(1.) The Corporation shall pay to the shareholders of the Company their executors administrators or assigns annuities of the amounts provided by the agreement subject to redemption as herein-after mentioned and the several persons whose names appear as shareholders in the books of the Company on the date of vesting or their respective executors administrators or assigns shall be considered to be the shareholders of the Company for the purpose of the issue of the certificates as is herein-after in this Act provided.

(2.) The annuities so payable shall be called the "Bacup Corporation Redeemable Water Annuities."

(3.) The annuities shall rank pari passu with each other and shall be a charge on the net revenue of the water undertaking of the Corporation next after the mortgage debt of the Company and shall also be charged on the district fund and general district rate of the borough.

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

**10.** Except as by the agreement 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 Corporation and may be enforced as fully and effectually as if instead of the Company the Corporation had been a party thereto.

Actions not to abate.

**11.** No action suit or other proceeding whatsoever commenced either by or against the Company previous to the date of vesting in relation to the undertaking by this Act vested in the Corporation shall abate or be discontinued or be prejudicially affected thereby but all such actions suits and other proceedings shall continue and take effect either in favour of or against the Corporation 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 Act of 1853 previous to such transfer may be sued for and all offences which may have been committed before such transfer against the provisions of such Act or any of them may be prosecuted in such or in like manner to all intents and purposes as the same might have been sued for and prosecuted respectively if such transfer had not been made Provided that as between the Company and the Corporation the provisions of this and the next preceding section shall not extend or be construed to relieve the

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Company from any payment or liability which under the agreement is to be discharged by the Company.

Annuities to be substituted for shares in Company.

**12.** The annuities shall in all respects be substituted for and represent the 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 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 such shares.

Annuity certificates to be issued.

**13.** The Corporation shall at their own expense issue to every annuitant under this Act or to his executors administrators or assigns on demand in writing made by him or them to the Corporation and on delivery to the Corporation of the certificate of the share or shares held by him or them in the capital of the Company or on production of other evidence satisfactory to the Corporation of his or their right thereto a certificate of the annuity to which such annuitant is entitled under the provisions of this Act and every such certificate may be in the form in the third schedule to this Act and shall be signed by two members of the Corporation and by the town clerk and shall be sealed with the seal of the Corporation.

Certificates to be numbered and renewed.

**14.** The certificates of the 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 Corporation when lost worn out or damaged on production of evidence satisfactory to them of the right of the annuitant requiring such renewal and of the loss of the certificate if the same be lost and for every such renewed certificate the Corporation 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.

**15.** The Corporation shall keep a book called the "Register of Bacup Corporation Redeemable Water Annuities" and shall enter therein from time to time the names and designations 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 their 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 Corporation may demand any sum not exceeding one shilling.

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Certificates for altered numbers of annuities.

**16.** 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 Corporation 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 Corporation in the said register and for every such substituted certificate the Corporation 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 is or 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.

**17.** The certificate of any annuity shall be admitted in all courts as primâ facie evidence of the title of the holder thereof his executors administrators 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.

**18.** The annuities shall be personal estate and transmissible as such.

Form of transfer.

**19.** Every annuitant may sell and transfer all or any of his annuities and every such transfer shall be duly stamped and shall be according to the form in the Fourth Schedule to this Act annexed or to the like effect.

Transfer of annuities to be registered.

**20.** Every such transfer (when duly executed) shall be delivered to the Corporation and be retained by them and they shall keep a book called the "Register of Transfers of Bacup Corporation Redeemable Water Annuities" and shall enter every such transfer therein and shall indorse such entry on the transfer (such indorsement to be signed by the town 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 transfer being delivered to the Corporation 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 transfer and indorsement or new certificate as the case may be the Corporation may demand any sum not exceeding

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two shillings and sixpence in addition to the stamp duty (if any) on such new certificate.

As to closing transfer books.

**21.** The Corporation 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 Corporation 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.

**22.** If the right to any annuity becomes transmitted in consequence of the death or bankruptcy 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 Corporation shall require.

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

**23.** 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 Corporation and upon such production in any of those cases the town clerk shall make an entry of the declaration in the register of transfers of annuities A change of name on the marriage of a female annuitant shall be authenticated by a statutory declaration as aforesaid and 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 and upon production of such declaration and certificate the town clerk shall make an entry of the change of name in the register of transfers of annuities.

Corporation not bound to regard trusts.

**24.** The Corporation 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 Corporation 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 Corporation have had notice of such trust and the Corporation shall not be bound to see to the application of the money paid upon such receipt.

Commencement and payment of annuities.

**25.** The annuities shall be paid at the office of the Corporation or of any bank or banker appointed by the Corporation for that purpose 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.

Certificates to be demanded before annuities recoverable.

**26.** The Corporation shall not be bound to pay any annuity until the person entitled thereto has demanded as by this Act provided a certificate for such annuity and any annuity in arrear and not wrongfully withheld by the Corporation shall not bear interest as against them.

Redemption of annuities by Corporation.

**27.** The Corporation may from time to time redeem any of the annuities at such price as may be agreed between the annuitant and the Corporation and at any time after the thirty-first day of December one thousand nine hundred and fifty-four the Corporation shall be entitled to redeem any of the annuities on giving three months' notice of their intention to the registered owner thereof and on payment to him in cash of a sum equal to thirty years' purchase of the annuity.

Every annuity redeemed by the Corporation shall be extinguished.

Annuities recoverable by suit.

**28.** If any annuity being payable be not paid on demand thereof in writing made by the annuitant or his agent to the Corporation the annuitant may sue for and recover the same from the Corporation with interest at the rate of four pounds per centum per annum till paid.

Appointment of registrar.

**29.**—(1.) The Corporation may if they think fit and on and subject to such terms and instructions not inconsistent with any of the provisions of this Act relating to the annuities as they think expedient from time to time appoint and keep appointed an officer of the Corporation or other person or any bank or banker as registrar for all or any of the purposes of this Act relating to the annuities and such registrar shall perform all or such of the duties of the Corporation in respect of the payment of annuities the keeping of books the issue of certificates and otherwise as may be delegated to him by the Corporation.

(2.) The Corporation in respect to the provisions of this Act relating to the annuities and the registrar shall respectively be deemed a banker within the Bankers' Books Evidence Act 1879.

Receiver may be appointed by annuitants.

**30.** The annuitants may without prejudice to other remedies enforce payment of the arrears of their annuities by the appointment of a receiver in the same manner as the mortgagees of the Corporation under this Act provided that no such receiver shall be appointed in respect of any annuity unless the annuity shall have been in arrear for three months after demand thereof in writing.

Company to furnish statement of debts.

**31.** The Company shall on or before the date of vesting furnish to the Corporation a statement of all their shares and of all their

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debts and liabilities so far as known to the Company and not payable by the Company under the provisions of the agreement.

Purposes for which the Company to continue incorporated.

**32.** From and after the date of vesting the Company shall subsist only for the purpose of recovering and enforcing payment of the rates rents charges and other revenues due or owing to the Company previous to that date and of paying all debts and liabilities payable by the Company under the agreement and distributing the balance of their funds and effects after deducting such payments and all the expenses of and incident thereto among their shareholders and for winding-up the affairs of the Company and carrying into effect the purposes of this Act so far as relating 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.

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

Application of Company's Acts to Corporation.

**34.** From and after the date of vesting all the powers rights privileges and authorities of the Company under the Act of 1853 and the Acts therewith incorporated shall be by virtue of this Act transferred to and vested in and may be exercised by the Corporation and that Act shall be read and have effect as if the Corporation 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 incorporated with the Act of 1853 shall not apply to the Corporation :

(2.) The provisions of the Act of 1853 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 apply to the Corporation :

Provided that section 40 of the Act of 1853 empowering the Company to lease the whole or any of the water rates payable by virtue of that Act shall as from the date of vesting be repealed.

Limitation of water rate.

**35.** The term "annual rack-rent or value" referred to in section 36 of the Act of 1853 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 accrues or if there is no such list in force by the list made for the relief of the poor Provided

always that the Corporation shall not be entitled in any case to demand for the water rate for a house or any part of a house included in any division of the scale authorised by the Act of 1853 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.

Byelaws and regulations of Company continued.

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

Byelaws for preventing waste of water.

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

(1.) The Corporation 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 Corporation the size make nature materials workmanship and strength and the size 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 means contrivances 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 district in which the Corporation are for the time being bound to supply and do in fact supply or are prepared on demand (subject to the provisions of the Waterworks Clauses Act 1847) to supply water under constant pressure:

(3.) All such byelaws shall be subject to the provisions contained in sections 182 183 184 and 185 of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties:

(4.) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after 24 hours' notice in writing between the hours of nine in the morning and five in the afternoon enter and by and

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under the direction of their duly authorised officer repair replace or alter any pipe moter valve cock ferrule tank cistern bath soil-pan water-closet or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied and may be recovered by them as the water rate is recoverable.

Pressure.

**38.** Water supplied under this Act shall be constantly laid on under pressure but such pressure need not be greater than that afforded by gravitation from the reservoir from which the supply is given.

For the protection of the Corporation of Rawtenstall.

**39.** The following provisions for the protection of the mayor aldermen and burgesses of the borough of Rawtenstall (in this section called "the Corporation of Rawtenstall") shall have effect (that is to say):—

(1.) The Corporation shall within seven years from the passing of this Act afford an adequate supply of water to that portion of the borough of Rawtenstall which is included in the area of supply limited by this Act Provided that if the Corporation shall fail to afford such supply within the said period to the said portion of the borough of Rawtenstall they shall be liable to forfeit and pay to the Corporation of Rawtenstall a fixed sum of forty pounds per week by way of liquidated damages for and in respect of the period in and during which such failure shall continue and the Corporation of Rawtenstall may recover the amount of such damages together with the costs of the action in any court of competent jurisdiction And provided further that if any disputes arise between the Corporation and the Corporation of Rawtenstall as to the adequateness or sufficiency of such supply the same shall be from time to time as they arise submitted in writing by the Corporation or by the Corporation of Rawtenstall for the decision of the Local Government Board who may after inquiry thereinto make such order in the matter as they may deem equitable and any order so made shall be final and conclusive on the parties and the costs of and attending the determination of any such dispute (including any expenses incurred by the Local Government Board in relation to any inquiry under this sub-section the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector) shall be in the discretion of the Local Government Board:

(2.) The Corporation shall supply the Corporation of Rawtenstall with water for watering streets flushing sewers and other

sanitary purposes within the said portion of the borough of Rawtenstall at the rate of sixpence per thousand gallons:

(3.) Any person supplied by the Corporation with water within the said portion of the borough of Rawtenstall may at all reasonable times inspect the books of account of the Corporation kept for the purposes of their water undertaking on payment of a fee not exceeding one shilling per hour or part of an hour for each inspection:

(4.) The Corporation of Rawtenstall shall have free access at all times to the valves and hydrants of the Corporation within the said portion of the borough of Rawtenstall for the purposes of extinguishing fires within that district and of ascertaining that such valves and hydrants are in proper working order and condition Provided always that except in the case of extinguishing fires the Corporation of Rawtenstall shall only examine and test the condition of such valves and hydrants after giving forty-eight hours' notice in writing to the Corporation of their intention so to do and shall be responsible for all damages done to such valves or hydrants which may arise from the exercise of the powers by this section conferred on them.

Power to supply water meters and fittings.

**40.** The Corporation may provide sell let hire and otherwise deal in meters fittings and other apparatus and appliances for or used in the sale supply or consumption of water on such terms and conditions and for such remuneration as may be agreed on between the Corporation and the person for or to whom the same are provided sold let or hired.

Corporation when so required to sell portions of undertaking outside district.

**41.** The Corporation shall at any time after the acquisition of the Company's undertaking when so required by the Corporation of Rawtenstall sell to that Corporation such part of the water undertaking of the Corporation as shall at that time be situate in the district of Rawtenstall (except all pipes mains and other works required and used or that may be required and used for supplying or conveying water to or into and for any other part of the area for the time being included within the limits of supply of the Corporation) and the compensation which the Corporation of Rawtenstall shall pay for the same shall be such price as may be determined by agreement between the Corporation and that Corporation or such as failing agreement shall be settled by arbitration under the Lands Clauses Acts and after any such sale the powers and obligations of the Corporation to supply water within the district of Rawtenstall shall cease whether under this Act or any other Act relating to the Company or the Corporation.

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Application of moneys from sale &c. of land.

**42.** The Corporation shall apply all moneys from time to time received by them in respect of any sales exchanges or dispositions of lands and premises by this Act or the Act of 1853 authorised or by way of fine or premium on any lease or in respect of any sale of any portion of their water undertaking to any other sanitary authority under the provisions of this Act in or towards paying off moneys borrowed and for the time being owing under this Act or in redemption of the annuities issued by them under the powers of this Act Provided that such proceeds shall not be applicable to the payment of instalments appropriations or annual repayments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Power to borrow.

**43.**—(1.) The Corporation may from time to time borrow at interest the sums of money herein-after specified or any part thereof (that is to say):—

(A.) For the purpose of paying off or redeeming the mortgage debt of the Company any sum not exceeding six thousand eight hundred and seventy pounds:

(B.) For the redemption of the annuities under the provisions of this Act the amounts from time to time necessary for that purpose:

(C.) For the purposes of the water undertaking any sum not exceeding seven thousand pounds:

(D.) To pay the taxed costs charges and expenses of the Corporation of and preliminary and incidental to the transfer of the Company's undertaking (including all costs and expenses payable under article eleven of the agreement) and the taxed costs of the Corporation of this Act the sums necessary for those purposes:

And in order to secure the moneys so borrowed they may mortgage the net revenue of their water undertaking and the district fund and general district rate of the borough.

(2.) Money borrowed under this section shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable and not otherwise.

(3.) The mortgage debt of the Company and any money borrowed under this section for paying off or redeeming the same and money borrowed under this section for the redemption of annuities shall be repaid within fifty years from the date of vesting and all other moneys borrowed under this section (other than any moneys borrowed for the purpose of paying the costs charges and expenses preliminary to and of and incident to the preparing for obtaining and passing this Act) shall be repaid within fifty years from the borrowing of the same.

(4.) If having borrowed any money under the provisions of this Act the Corporation pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund or by the application of any money in the nature of capital other than borrowed money 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 shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Money may be raised under Local Loans Act 1875.

**44.** The Corporation may raise the whole or any part of the moneys which they are authorised to borrow under this Act by the issue of debentures or debenture stock under the Local Loans Act 1875.

As to mortgages of Corporation.

**45.**—(1.) All mortgages granted by the Corporation under this Act shall rank together without any priority on account of the dates of the respective mortgages or on any other account.

(2.) The provisions contained in sections 236 to 239 (both included) 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 Corporation and the term "rates" shall be construed to include the net revenue of the water undertaking of the Corporation and the district fund and general district rate Provided that any application for the appointment of a receiver shall be made to the High Court and not to a court of summary jurisdiction.

Repayment of borrowed moneys and redemption of annuities.

**46.** The Corporation shall pay off the mortgage debt of the Company and all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or principal and interest or by means of the sinking fund herein-after referred to or partly by such instalments and partly by such sinking fund and shall make provision for the redemption of the annuities issued by them under this Act by means of such sinking fund so as to extinguish or be in a position to extinguish the whole of such annuities within a period not exceeding fifty years from the date of vesting at the rate of thirty years' purchase of the annuities Provided that it shall not be obligatory on the Cor-

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poration to pay off any money borrowed under this Act or to make any appropriations for the sinking fund in respect thereof before the expiration of one year from the borrowing of the same or to make any appropriations for the sinking fund for the redemption of the annuities before the expiration of one year from the date of vesting Provided that no mortgagee of the Company shall be compelled to accept repayment of his mortgage debt otherwise than in accordance with the terms of his mortgage.

Regulations as to sinking fund.

**47.** The following regulations shall be observed by the Corporation in relation to the sinking fund formed under this Act :—

(1.) Such equal yearly sums shall be paid by the Corporation out of the net revenue of the water undertaking and the district fund and general district rate into the sinking fund as being accumulated at compound interest at a rate not exceeding three pounds per centum per annum would be sufficient to pay off the moneys borrowed and to redeem the annuities (so far as they are respectively repayable or redeemable by means of the sinking fund) within the periods by this Act prescribed in relation thereto respectively :

(2.) All sums paid into the sinking fund shall as soon as may be be invested by the Corporation in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures debenture stocks Corporation stocks or other securities (not being annuities or securities payable to bearer) duly created and issued by any municipal corporation in Great Britain (other than the Corporation) or by any local authority within the meaning of section 34 of the Local Loans Act 1875 :

(3.) The Corporation shall from time to time apply the sinking fund in or towards the discharge or redemption of the principal moneys or annuities for the discharge whereof it was created until thereby or otherwise the whole of such principal moneys or annuities have been discharged or redeemed :

(4.) Whenever any of such principal moneys have been paid off or annuities redeemed by means of the sinking fund the Corporation shall until the whole of the principal moneys have been paid off or the whole of the annuities have been redeemed as the case may be pay into the 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 the sinking fund or part of the sinking fund so applied at the rate per centum on which the annual payments to the sinking fund are based :

(5.) Whenever and so long as the value of the securities in the sinking fund for the discharge of the principal moneys borrowed or becoming payable under this Act and for the redemption of annuities shall be equal to the amount of the principal moneys then outstanding and the value at thirty years' purchase of the annuities then unredeemed the Corporation 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 or of the said annuities and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto.

Regulations of Public Health Act 1875 not to apply to borrowing powers.

**48.** The powers of borrowing or raising money conferred by this Act shall not be restricted by any of the regulations contained in the Public Health Act 1875 and in calculating the sum which the Corporation may borrow under that Act or any other Act any sums which they may borrow or which are charged on the water undertaking under this Act or any annuities under this Act shall not be reckoned.

Priority of principal moneys secured by existing mortgages.

**49.** All mortgages and securities granted by the Corporation in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and securities have priority over any mortgages annuities and other securities granted under this Act.

Protection of lender from inquiry.

**50.** No person lending money to the Corporation shall be bound to inquire as to the observance by the Corporation 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 Goverment Board.

**51.** The town clerk 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 such 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

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town clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the 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 Corporation 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 or any interest thereof 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 Corporation raising money under the provisions of the Local Loans Act 1875.

Application of Water Revenues.

**52.** The Corporation shall keep separate accounts of their receipts and expenditure from or in respect of their waterworks undertaking on capital and revenue account and such accounts shall be subject to the same provisions as to audit as the other accounts of the Corporation and the Corporation shall apply their water revenue in the manner and order following (that is to say) :—

Firstly. In payment of the costs charges and expenses of and incidental to the collecting and recovering of the water revenue :

Secondly. In payment of the working and establishment expenses and cost of maintenance of their water undertaking :

Thirdly. In payment of the interest on the mortgage debt of the Company taken over by the Corporation :

Fourthly. In payment of the annuities under this Act :

Fifthly. In payment of the interest on money borrowed under this Act :

Sixthly. In providing the sums necessary for instalments appropriations annual repayments or the sinking fund under this Act :

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 three thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their water undertaking or to meet any extraordinary claim or demand or charge at any time arising against the Corporation in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of three thousand pounds and so from time to time as often as such reduction happens Provided that when and so often as the said fund shall reach the sum of three thousand pounds the interest thereon shall be carried to the water revenue Provided also that resort may 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 three thousand pounds:

Lastly. The surplus (if any) from time to time shall be so applied as to facilitate the reduction of the rates or rents payable for a supply of water for domestic purposes when circumstances shall permit the same to be done but the Corporation 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 including the carrying out of improvements and extensions.

Provision in case of deficiency of water revenue.

**53.** If in any year the amount of the water revenue actual or estimated shall be insufficient for the payment of the charges thereon the deficiency shall be made up out of the general district rate by carrying an adequate sum therefrom to the credit of the water account and the Corporation from time to time in preparing the estimates of the amount required in their judgment to be raised by means of a general district rate for the purposes of the borough shall include therein such sum (if any) as in their judgment is necessary to be provided in aid of any deficiency from time to time arising or expected to arise as aforesaid in the water revenue.

Justices not disqualified.

**54.** 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 Corporation or an annuitant or mortgagee or of his being liable to the payment of any water rent or rate or other payment under this Act.

Costs of Act.

**55.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto (including the costs incurred by the Corporation in complying with the provisions of the Act of the session of Parlia-

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ment held in the thirty-fifth and thirty-sixth years of Her present Majesty chapter ninety-one with respect to the Bill for this Act) as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation and in the first instance the Corporation may pay the same out of any of their funds or revenues but they shall be recouped by and charged to the moneys to be borrowed by the Corporation under this Act Provided that all sums so borrowed shall be repaid within five years from the time of borrowing the same.

# SCHEDULES.

## FIRST SCHEDULE.

An agreement made the sixth day of December one thousand eight hundred and ninety-three between the Rossendale Waterworks Company (herein-after called "the Company") of the one part and the Mayor Aldermen and Burgesses of the borough of Bacup (herein-after called "the Corporation") of the other part Whereas the Company were incorporated by the Rossendale Waterworks Act 1853 and under the provisions of that Act and of the Rossendale Waterworks Amendment Act 1854 are supplying water within the borough of Bacup and in its neighbourhood And whereas the capital of the Company consists of twenty-nine thousand pounds divided into two thousand nine hundred shares of ten pounds each whereof two thousand five hundred and seventy-eight have been issued and are fully paid up and one hundred and sixty-nine have been issued and six pounds per share has been paid thereon making the total paid-up capital twenty-six thousand seven hundred and ninety-four pounds And whereas shares on which eighty-two pounds in all have been paid have been forfeited And whereas the Company have borrowed and now owe on mortgage of their undertaking six thousand eight hundred and seventy pounds and the Company have in hand unexpended on capital account the sum of four hundred and forty-three pounds and ninepence halfpenny And whereas the Company have agreed to sell their undertaking to the Corporation on the terms herein contained:

Now these presents witness that it is hereby mutually agreed between the parties hereto as follows (that is to say):—

1. The Company shall sell and the Corporation shall purchase the whole of the undertaking of the Company including all their lands buildings reservoirs mains pipes plant machinery appliances deeds books plans and other property and assets of every description real and personal and all the authorities rights powers and privileges of the Company on the first day of July one thousand eight

hundred and ninety-four (herein-after called "the date of completion") on the terms and conditions herein-after specified but subject to the said mortgage debt of six thousand eight hundred and seventy pounds.

2. The consideration for the sale shall be—

(*a.*) The issue to the persons who are shareholders of the Company at the date of completion or their respective executors administrators or assigns of annuities at the rate of five pounds per centum on the paid-up share capital of the Company held by each such shareholder such annuities to be payable half-yearly on the first day of January and first day of July in each year the first of such half-yearly payments to become due on the first day of January one thousand eight hundred and ninety-five The annuities shall be redeemable at the option of the Corporation at any time after the thirty-first day of December one thousand nine hundred and fifty-four at thirty years' purchase on giving three calendar months' notice of their intention to the owner thereof:

(*b.*) The taking over by the Corporation as from the date aforesaid of the said mortgage debt of the Company amounting to six thousand eight hundred and seventy pounds and relieving the Company of all liability in respect thereof and of all interest thereon accruing after that date:

(*c.*) The payment to the Company of the sum of eighty-two pounds being the total amount paid up on twenty-two forfeited shares.

3. The annuities to be issued by the Corporation as herein-before provided shall be a charge on the net revenue of the water undertaking of the Corporation and on the district fund and general district rate of the Corporation:

4. The Company shall pay and discharge all outgoings and liabilities of every kind properly chargeable to revenue up to the date of completion including interest on their said mortgage debt and liabilities in respect of causes of action then existing and shall be entitled to all rents rates and other receipts on revenue account from the undertaking up to that date and where necessary for the purpose of giving effect to this article such outgoings rents rates and receipts shall be apportioned between the Company and the Corporation including the water rents or rates due in advance on Midsummer day one thousand eight hundred and ninety-four of which the Company shall be entitled to retain such part only as represents the period between Midsummer day one thousand eight hundred and ninety-four and the date of completion.

5. Until the purchase is completed the Company shall carry on and manage the undertaking in the ordinary way and shall keep the works in as good order and repair as the same now are and shall not without the consent in writing of the Corporation under the hand of the town clerk borrow money on mortgage or issue any new capital or call up any unpaid capital and shall not without the like consent contract make or enter into any new liability contract agreement or other obligation except such as may be necessary in the ordinary course of the proper conduct of the affairs of the Company and with the intention of benefiting the undertaking or any new contract which shall extend beyond the date of completion and subject to the provisions of this article and the other provisions of this agreement all contracts which shall be in force on the date of completion shall be taken over by the Corporation.

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6. After the completion of the purchase the Company shall not supply water within the borough of Bacup or elsewhere and shall subsist only for the purpose of winding up their affairs and the Bill to be promoted by the Corporation as herein-after provided shall contain all proper provisions for the winding-up and dissolution of the Company.

7. On the completion of the purchase the Company shall pay to the Corporation the unexpended capital of the Company amounting to four hundred and forty-three pounds and ninepence halfpenny Provided that the Company may deduct from such amount the value of the unused stores on their premises and of the meters on hire belonging to the Company at the date of completion such value to be mutually agreed upon between the parties hereto.

8. The Company shall within one month from the passing into law of the Bill confirming this agreement or the purchase of their undertaking deliver to the Corporation an abstract of their title to the lands included in their undertaking and deduce a good title thereto.

9. All objections and requisitions in respect of the title or the abstract or anything appearing therein shall be stated in writing and sent to the Company's solicitors within twenty-one days from the delivery of the abstract and all objections and requisitions not sent within that time shall be deemed to be waived.

10. The Corporation will promote in the ensuing session of Parliament a Bill for carrying into effect or confirming the provisions of this agreement and the Company undertake not to oppose such Bill except so far as may be necessary to carry into effect the provisions of this agreement and will if requested by the Corporation and at their expense assist in passing such Bill through Parliament.

11. The Corporation will pay on the completion of the purchase the costs of the Company in respect of this agreement and of the Wharncliffe meeting and also a sum of fifty pounds towards the costs incurred by the Company in watching the Bill and the Corporation will also pay the costs of the Company in respect of the preparation of an abstract of title as herein-before provided and of deducing title to their lands and of any deed or other assurance for the conveyance of the undertaking to the Corporation should such deed or assurance be necessary.

12. This agreement is made subject to the approval of Parliament and to such alteration as either House of Parliament may think fit to make therein 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 from the same and if the said Bill does not pass into law before the thirty-first day of December one thousand eight hundred and ninety-six this agreement shall be void.

13. If any dispute at any time arise between the parties hereto with reference to the true construction of this agreement or with reference to anything to be done thereunder or otherwise under or in relation thereto such dispute shall be referred to an arbitrator to be appointed by the Board of Trade at the request of either party and the decision of such arbitrator shall be final In witness whereof the Company and the Corporation have here-

unto caused their respective common seals to be affixed the day and year before written. A.D. 1894.

The common seal of the Rossendale Waterworks Company was hereunto affixed by order of the directors at a meeting held on the sixth day of December one thousand eight hundred and ninety-three in the presence of—

Seal of the Company.

WILLIAM HY. DOWNHAM Chairman.
JAMES ECCLES Vice-Chairman.

The common seal of the Mayor Aldermen and Burgesses of the borough of Bacup was hereunto affixed in pursuance of an Order of the Council in the presence of—

Corporate Common Seal.

JAMES HEYWORTH Town Clerk
Bacup.

## SECOND SCHEDULE.

### Statement of Mortgage Debt of the Company.

| Date of Mortgage. | Holders. | Amount. |
|---|---|---|
| | | £ |
| 29th September 1891 - | Thomas Pendlebury - - | 270 |
| " " - | Thomas Davenport - - | 1,200 |
| " " - | James Farrar and another - | 350 |
| " " - | James Hartley - - - | 150 |
| " " - | Thomas Taylor - - - | 30 |
| " " - | Anna Maria Ingham widow - | 100 |
| " " | Sarah Ingham spinster - - | 350 |
| " " - | William Henry Downham - | 200 |
| " " - | John Brown - - - | 200 |
| " " - | James Shepherd - - - | 620 |
| " 1892 - | Ann Gee spinster - - | 2,400 |
| " 1893 - | Thomas Whitehead - - | 1,000 |
| | | £6,870 |

## THIRD SCHEDULE.

### Form of Bacup Corporation Redeemable Water Annuity Certificate.

*Corporation of Bacup.*

Number

This is to certify that *A.B.* (*name and designation*) [ ] is entitled to receive from the Corporation of Bacup under the Bacup Corporation Water Act 1894 an annuity of [ ] pounds payable by equal half-yearly portions on the [ ] day of [ ] and the [ ] day of [ ] 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 net revenue of the water undertaking and on the district fund and general district rate of the Corporation and is redeemable at the option of the Corporation at any time after the thirty-first day of December one thousand nine hundred and fifty-four at thirty years' purchase on giving three calendar months' notice of their intention to the owner thereof.

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

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

## FOURTH SCHEDULE.

### Form of Transfer of Bacup Corporation Redeemable Water Annuity Certificate.

I *A.B.* (*name and designation*) [ ] in consideration of the sum of [ ] pounds (*or other consideration as the case may be*) paid to me by *C.D.* (*name and designation*) [ ] do hereby transfer to the said *C.D.* and his executors administrators or assigns the annuity of [ ] pounds number (*as the case may be*) of the Bacup Corporation Redeemable Water Annuities created under and by virtue of the Bacup Corporation Water Act 1894 now standing in my name in the books of the Corporation of Bacup with the rights and privileges and subject to the conditions and provisions specified in the said Act And I the said *C.D.* do hereby agree to hold the said annuity subject to the same conditions and provisions.

As witness our hands the day of

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FOR

T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

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