CHAPTER cxv.

An Act to extend the Borough of Blackburn; to enable the Mayor, Aldermen, and Burgesses thereof to abandon the construction of certain Waterworks, and to make and maintain other Waterworks; to acquire the undertaking of the Blackburn Gaslight Company; and for other purposes. A.D. 1877.

[23d July 1877.]

Preamble recites several Acts relative to the borough of Blackburn.

WHEREAS the borough of Blackburn, in the county palatine of Lancaster, is a municipal borough under the government of the Mayor, Aldermen, and Burgesses of the Borough (herein-after in this Act referred to as "the Corporation"), and is subject to the Acts relating to municipal corporations:

And whereas the Corporation, acting by the Council of the borough, are the sanitary authority for the district of the borough, with the powers and obligations of an urban sanitary authority:

And whereas the following Acts relating to the borough are wholly or partly in force; (that is to say,) "The Blackburn Improvement Act, 1854," and "The Blackburn Improvement Act, 1870" (herein-after in this Act referred to severally as "the Improvement Act of 1854" and "the Improvement Act of 1870," and collectively as "the Improvement Acts"):

And whereas the population of certain places outside of and adjacent to the south-west side of the borough, and situated in the townships of Witton and Livesey (which places with the municipal borough and a small portion of the township of Little Harwood form the parliamentary borough of Blackburn), has increased and is increasing, and it is expedient that the boundaries of the municipal borough be extended so as to be co-extensive with the parliamentary borough, that a new ward be formed in the borough, and that the number of aldermen and councillors of the borough be increased:

And whereas the borough is a school district under "The Elementary Education Act, 1870," and the inhabitants of the places

A.D. 1877.

by this Act added to the borough have not objected to the extension of that school district so as to include the said places:

And whereas by "The Blackburn Waterworks Act, 1861," (herein-after in this Act referred to as "the Water Act of 1861,") the Blackburn Waterworks Company (herein-after in this Act referred to as "the Water Company") were re-incorporated, with power to maintain their existing waterworks, to make new waterworks, and to supply water in the borough and the neighbourhood thereof (herein-after in this Act referred to as "the water district"):

And whereas, under the powers of the Improvement Act of 1854, the Corporation, in the year one thousand eight hundred and seventy-five, entered into an agreement (herein-after in this Act referred to as "the water agreement") with the Water Company for the transfer to the Corporation of the undertaking of the Water Company:

And whereas by "The Blackburn Waterworks Act, 1875," (herein-after in this Act referred to as "the Water Act of 1875,") the Water Company were empowered to make and maintain additional waterworks, and to abandon the construction of certain of their authorised works, and the water agreement was confirmed and authorised to be carried into effect:

And whereas, under or by virtue of the Improvement Act of 1854, the water agreement and the Water Act of 1875, the undertaking of the Water Company has become and is now vested in the Corporation:

And whereas the reservoirs and works authorised to be constructed by the Water Act of 1875 would not afford a supply of water proper and sufficient for the present and prospective requirements of the water district, and it is expedient that the Corporation be authorised to abandon the construction of certain of the reservoirs and works so authorised, and also the reservoir and portion of aqueduct authorised to be constructed by the Water Act of 1861, the powers for the compulsory purchase of lands for which were revived by the Water Act of 1875 (which two Water Acts are herein-after in this Act referred to collectively as "the Water Acts"), and to construct other and larger works in lieu thereof:

And whereas, in view of the urgent requirements of the water district, it is expedient that temporary provision be made, as in this Act provided, for an additional supply of water, pending the construction of the reservoirs by this Act authorised:

And whereas plans and sections showing the lines, situations, and levels of the works authorised by this Act, and also books of

reference to such plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Lancaster and with the clerk of the peace of the west riding of the county of York, and are herein-after in this Act respectively referred to as the deposited plans, sections, and books of reference:

And whereas an estimate has been prepared by the Corporation for the purchase of land for and the execution of the waterworks by this Act authorised, and such estimate amounts to four hundred and twenty-two thousand pounds:

And whereas an estimate has been prepared by the Corporation of the sum required for the purposes of the drainage, sewerage, lighting, and other necessary improvements within the area by this Act to be added to the borough, and for other purposes of this Act, and such estimate amounts to forty-five thousand pounds:

And whereas the several works included in such estimates are permanent works within the meaning of section two hundred and thirty-four of "The Public Health Act, 1875":

And whereas the Blackburn Gaslight Company (herein-after in this Act referred to as "the Gas Company") were by "The Blackburn Gas Act, 1853," re-incorporated, and are under that Act and "The Blackburn Gas Act, 1860," and "The Blackburn Gas Order, 1875," (herein-after in this Act referred to severally as "the Gas Act of 1853," "the Gas Act of 1860," and "the Gas Order of 1875," and collectively as "the Gas Acts,") empowered to make and supply gas in the borough and the neighbourhood thereof (herein-after in this Act referred to as "the gas district"):

And whereas by the Improvement Act of 1854 the Corporation were empowered to light the streets in the borough with gas, and to provide all necessary works for that purpose, and also to manufacture gas and provide gasometers and all apparatus and machinery necessary for that purpose, and to purchase any land (not exceeding two customary acres) necessary for such manufacture; and the same Act provided that (except as otherwise expressly enacted) nothing therein should annul or abridge the powers and authorities of the Gas Company:

And whereas it is expedient that the Corporation be empowered to acquire the undertaking of the Gas Company:

And whereas the Gas Company have entered into an agreement with the Corporation for the sale of their undertaking to the Corporation, which agreement is set forth in the Schedule to this Act,

A.D. 1877.

and it is expedient that such agreement be confirmed and carried into effect as in this Act provided:

And whereas it is expedient to authorise the Corporation to borrow money for the purposes of this Act:

And whereas an absolute majority of the whole number of the Council of the borough, at a meeting held on the twenty-first day of September one thousand eight hundred and seventy-six, after ten clear days notice by public advertisement of such meeting, and of the purposes thereof, in the Blackburn Times, a local newspaper published and 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 borough fund:

And whereas such resolution was published twice in the said Blackburn Times, and has received the approval of the Local Government Board in respect of matters within the jurisdiction of that Board, and the approval of one of Her Majesty's Principal Secretaries of State in respect of other matters:

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 eleventh day of January one thousand eight hundred and seventy-seven, 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 Schedule III. of "The Public Health Act, 1875," consented to the promotion of the Bill for this Act:

And whereas the purposes of this Act 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:

PART I.—Preliminary.

Short title.

1. This Act may be cited as "The Blackburn Borough Gas, Water, and Extension Act, 1877."

Commencement of Act.

2. This Act shall come into operation on the first day of November one thousand eight hundred and seventy-seven, which

day is herein-after in this Act referred to as "the commencement of this Act:" Provided—

(1.) That as to all proceedings or things to be done or taken, whether within the added area or the existing borough, in or towards the preparation, revision, and completion of the burgess list, burgess roll, or other lists to be made under the Municipal Corporation Acts, and for all purposes of nominations for or otherwise preliminary or incidental to municipal or other elections (including the appointment of polling districts) to be held in or after November one thousand eight hundred and seventy-seven, this Act shall come into operation immediately on the passing thereof; and

(2.) That for the purposes of any such burgess list, burgess roll, and other lists, and of the functions of overseers and the mayor, town clerk, and revising assessors under the Municipal Corporation Acts in relation thereto respectively, and for the purposes of occupation, rating, or any other matter of qualification within or with reference to the added area, that area shall be deemed to have always formed part of the borough, and for these purposes this Act and the Municipal Corporation Acts shall have effect as if the alteration of wards and the increase in the number of aldermen and councillors took effect on and after the passing of this Act.

Improvement Acts and this Act to be construed together.

3. The Improvement Act of 1854, as amended and extended by the Improvement Act of 1870, and both those Acts as amended and extended by this Act, and the provisions of this Act, other than such of them as relate to gas and water, shall be read and have effect together as one Act.

Interpretation of terms.

4. In this Act—

"The existing borough" and "the existing sanitary district" mean respectively the said municipal borough and urban sanitary district as the same existed at the passing of this Act:

"The borough" and "the sanitary district" mean respectively the borough and urban sanitary district as extended by this Act:

"The parliamentary borough" means the said parliamentary borough as defined by "The Boundary Act, 1868":

"The added area" means such parts of the parliamentary borough as are added to the existing borough by this Act:

A.D. 1877.

"The borough fund" and "the borough rate" mean respectively the borough fund and the borough rate of the borough:

"The district fund" and "the general district rates" mean respectively the district fund or general district fund and general district rates for the borough:

"The gasworks" and "the gas undertaking" mean and include respectively the gasworks and works connected therewith vested in, or by the Gas Acts authorised to be made or maintained by, the Gas Company, and any improvements thereof which they may construct under the powers of the Gas Acts, and the lands, buildings, estate, right, title, property, privileges, effects, and undertaking of the Gas Company, and every part thereof respectively; and after the vesting thereof in the Corporation under this Act, also mean and include respectively the gasworks authorised to be made or maintained by the Corporation, and any improvement thereof which they may construct under the powers of this Act:

"Annuity," "annuities," "annuitant," and "annuitants," mean respectively any annuity or annuities created by the Corporation under the provisions of this Act, and the person, company, or corporation for the time being entitled to such an annuity:

Terms to which meanings are assigned in enactments wholly or partially incorporated with this Act, or which have therein special meanings, have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in this Act, and (for the purposes of this Act) in enactments incorporated with this Act, the terms "the undertakers," or "the promoters of the undertaking," or "the Company," shall mean the Corporation; the terms "superior courts," or "court of competent jurisdiction," or any other like term, shall be read and have effect as if the debt or demand with respect to which they are respectively used were a common simple contract debt, and not a debt or demand created by statute.

Limits of Act.

5. This Act, other than such of the provisions thereof as relate to gas and water, and except where otherwise expressed or implied, shall apply exclusively to the borough.

Act to be executed by Council.

6. Subject to the provisions of this Act, this Act shall be carried into execution by the Corporation acting by the Council, and according to the Municipal Corporation Acts, the Improvement Acts, and other Acts respectively for the time being affecting the Corporation as a municipal body and as a sanitary authority respectively, and with all the rights, powers, privileges, exemptions, and

authorities conferred by those Acts respectively on the Corporation, or on the Council and committees of the Council, and the officers, agents, and servants of the Corporation, with respect to matters provided for by or comprised in the Municipal Corporation Acts, Improvement Acts, and other Acts respectively, and as nearly as may be in all respects as if the powers, duties, exemptions, and property vested in, imposed on, or enjoyed by them by or under this Act were vested in, imposed on, or enjoyed by them by or under the Municipal Corporation Acts, the Improvement Acts, and other Acts respectively.

PART II.—Extension of the Borough.

Extension of borough.

7. On and after the commencement of this Act, and subject to the provisions thereof, so much of the area of the parliamentary borough as is not included in the existing borough shall be added to the existing borough and the existing sanitary district, and be included within and form part of the borough and sanitary district for all purposes whatsoever, and shall for all purposes cease to be included in or to form part of any rural sanitary district.

Plan of borough boundaries, and deposit thereof.

8. The boundaries of the borough as altered by this Act are shown on the borough plan signed in duplicate by the Right Honourable John Thomas Earl of Redesdale, the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred, and within one week after the passing of this Act one copy of the said plan so signed shall be deposited in the office of the Clerk of the Parliaments of the House of Lords, and the other at the office of the Town Clerk.

Authority of Corporation, &c. extended.

9. Subject to the provisions of this Act, the powers, rights, privileges, authorities, and duties of the Corporation as a municipal body under the Municipal Corporation Acts and their charter and all Acts and laws for the time being in force affecting the Corporation as a municipal body, and of the Corporation acting in the execution of such of the provisions of the Improvement Acts as are at the commencement of this Act in force within the existing borough, and of the Corporation acting by the Council as the sanitary authority for the existing sanitary district, and of all officers and servants of the Corporation, shall extend to and throughout the borough and the sanitary district; and, subject to the provisions of this Act, all enactments, byelaws, regulations, and orders immediately before the commencement of this Act in force within or applicable to the existing borough and existing sanitary

A.D. 1877.

district shall extend and apply to the borough and the sanitary district.

Power of Corporation to levy rates.

10. Subject to the provisions of this Act, all borough, general district, and other rates which the Corporation are, under the Municipal Corporation Acts, the Improvement Acts, or any other Act of Parliament, authorised to order, make, or levy, and which, but for the passing of this Act, would be made, raised, and levied throughout the existing borough, shall and may, from and after the commencement of this Act, be made, raised, and levied respectively by the Corporation throughout the borough.

Jurisdiction, &c. of borough justices extended.

11. The jurisdiction, powers, authorities, rights, privileges, and duties of the justices of the peace appointed for the existing borough, whether acting in petty sessions or out of sessions, or otherwise, and of all constables and other peace officers of the existing borough, shall extend to and throughout the borough for all purposes; and the justices of the peace and constables or police officers of the county of Lancaster shall not have or exercise any further or other jurisdiction or powers within or in respect of the added area, or any part thereof, than they now lawfully have and exercise within and in respect of the existing borough.

Partial exemption of added area from general district rates.

12. With respect to the assessment and levying of general district rates, the following provisions shall have effect; (namely,)

(1.) No general district rates made or levied before the first day of January one thousand eight hundred and seventy-eight shall apply to the added area or any part thereof:

(2.) Any general district rates made or levied on or after the first day of January one thousand eight hundred and seventy-eight shall, as regards the added area, be subject to the provisions, exceptions, exemptions, regulations, and conditions now or for the time being in force with respect to general district rates made or levied within the existing borough, or the borough, and also to the following additional exemption; (namely,)

For a period only of four years from the first day of January one thousand eight hundred and seventy-eight no occupier or owner (as the case may be) of lands, houses, and hereditaments within the added area shall be liable to or charged with any greater proportion of the rate to which he is assessed or liable than one half of the amount thereof, and the same may be collected, recovered, and paid in the same manner in all respects as if it had been the whole amount of such rate:

(3.) Nothing in this Act shall alter or affect any lease, contract, or agreement made or entered into between the landlord and tenant of any premises within the added area before the commencement of this Act:

(4.) No general district rate made or levied in the borough shall be invalid by reason only of its being made, levied, collected, or recovered in conformity, as regards the added area, with the provisions of this section.

Added area exempt from highway and other rates.

13. On and after the commencement of this Act, all lands, houses, and hereditaments within the added area, and all persons in respect of the same, shall be exempt from—

(a.) All highway rates to be made in respect of the parish or township in which the same are respectively situate;

(b.) All rates to be made by or for the purposes of the rural sanitary authority of such added area;

(c.) All liability to county rates, except only to the extent and for the purposes to and for which the existing borough is liable to county rates at the passing of this Act:

Exemption from rates not to affect rates payable before the commencement of Act.

Provided that the aforesaid exemptions shall not exempt any person from the payment of any rate assessed and payable before the commencement of this Act, but all such rates assessed and payable before that date shall be paid and recovered as if this Act were not passed.

Provisions as to certain streets in the added area.

14. And whereas the following streets and parts of streets (not being highways repairable by the inhabitants at large) in the added area; viz.,

Peel Street to Victoria Street and on to Mill Hill Street, Chapel Street, Wellington Street to Moorgate Street and to Livesey Branch Road, the road leading from Griffin Street to Mill Hill Bridge, and thence along Victoria Street to Mill Hill Street, also the highway leading from Ewood Bridge to Waterloo,

are not satisfactorily drained, levelled, paved, flagged, and channelled, metalled, and made good: Therefore, in respect of those streets and parts of streets, the Corporation shall, immediately after the commencement of this Act, put in force the provisions of section 18 of the Improvement Act of 1870.

Provision as to sanitary works in added area.

15. The Corporation shall, immediately after the commencement of this Act, commence and forthwith carry out all such works for the drainage, sewerage, lighting, and other necessary improvements within the added area as may be necessary for the proper and efficient sewering, lighting, and improvement of the added area.

A.D. 1877.

Bridge over River Darwen.

16. For the purpose of providing further means of access between the existing borough and the added area, the Corporation shall, within two years from the commencement of this Act, construct and maintain a proper and sufficient public bridge for carriages and foot passengers, of not less than twelve yards wide between the parapets, over the River Darwen, to connect Havelock Street with Peel Street, and shall, if necessary, and with all due diligence, obtain the requisite powers for that purpose.

Provisions as to cleansing and improving rivers Blakewater and Darwen.

17. The provisions of section forty-six of the Improvement Act of 1854 ("for better cleansing and improving the waterway of the Blakeburn or Blakewater"), as well as applying to so much of the River Blakewater as is within the added area, shall also apply to so much of the River Darwen as is within the added area, and to so much of the River Blakewater as abuts on the added area.

Turnpike tolls not to be taken in the added area.

18. On and after the commencement of this Act no tolls shall be collected or taken on any road within the added area, and the several turnpike roads within the same shall cease to be turnpike roads, and all liability on the part of any turnpike trustees with regard to the said roads, and the maintenance and repair thereof, shall cease and determine, and the said roads shall thenceforward be highways, and be vested in and maintained and repaired by the Corporation.

Provision as to erection of substituted toll bars and houses.

19. The Corporation shall pay to the trustees of any turnpike road whereon or by the side whereof any toll-house now standing and being within the added area is situate all the reasonable costs, charges, and expenses incurred in or incident to the providing of sites in such places without the borough as may be reasonably fit and proper, and to the building and erecting another toll-house in lieu of, and of similar construction and dimensions to, and in all respects as commodious as, the present toll-house, and also the expenses of and incident to the taking down of any toll-house, and the removal of any present toll-gate and the re-erecting of the same at or near any new toll-house; and upon such payment being made, the toll-houses and toll-gates, and the sites thereof, situate within the borough, shall absolutely vest in the Corporation.

Extension of School Board district.

20. For the purposes of "The Elementary Education Act, 1870," and any Act amending the same, the borough shall be a school district, and the members of the School Board for the existing borough who shall be in office at the commencement of this Act shall be deemed to have been elected for the borough, and, subject to the provisions of "The Elementary Education Act, 1870," and any Act amending the same, that Board shall be the School Board of the borough; and all byelaws and orders of the School

Board made before the commencement of this Act shall apply to the borough.

Borough to be divided into wards.

21. The borough shall be divided into seven wards, to be called respectively Saint John's Ward, Saint Mary's Ward, Trinity Ward, Saint Peter's Ward, Park Ward, Saint Paul's Ward, and Saint Mark's Ward. The boundaries of Saint John's Ward, Saint Mary's Ward, Saint Peter's Ward, Park Ward, and Saint Paul's Ward shall continue to be the existing boundaries of the wards now known by those respective names. The boundaries of Trinity Ward shall include the existing area of the ward now known by that name, with the addition of so much of the added area as is situate in the township of Little Harwood, and the area so added to Trinity Ward shall be included therein and form part thereof for all purposes. The boundaries of Saint Mark's Ward shall include only so much of the added area as is situate in the townships of Witton and Livesey. The boundaries of the wards are shown upon the said plan signed in duplicate, and deposited as aforesaid.

Ward lists where ward includes parts of different townships.

22. To avoid delay and difficulty in making out the "Ward Lists," in alphabetical order, in wards comprising parts of different townships, the town clerk may, if he think fit, cause the names of the persons entitled to be placed in such ward lists to be placed therein alphabetically in respect of each of such parts of such townships, instead of alphabetically in respect of each ward.

Copies of deposited plan showing boundaries to be evidence.

23. Copies of the borough plan deposited with the town clerk, or any extract therefrom, certified by him to be true, shall be received in all courts of justice or elsewhere as primâ facie evidence of the contents of such plan, and such plan shall at all reasonable times be open to the inspection of the persons liable to rates imposed by the Corporation; and all persons so liable shall be entitled to a copy of or extract from such plan, certified by the town clerk, upon payment of a reasonable fee for every such copy or extract.

Number of aldermen and councillors.

24. The borough shall have fourteen aldermen and forty-two councillors, and each ward shall return six councillors.

Election of additional aldermen.

25. On the ninth day of November one thousand eight hundred and seventy-seven the Council shall elect two aldermen in addition to the existing authorised number of aldermen, of whom such one as the Council shall, immediately after the first election of such two aldermen, appoint, shall go out of office in the year one thousand eight hundred and eighty.

A.D. 1877.

Election of additional councillors.

26. The first election of councillors for Saint Mark's Ward shall be held on the first day of November one thousand eight hundred and seventy-seven, and anything to be done under the provisions of the Municipal Corporation Acts by an alderman in relation to that ward before the ninth day of November one thousand eight hundred and seventy-seven may be done by any alderman or other person nominated for that purpose by the mayor.

Rotation of additional Councillors.

27. Upon the first day of November one thousand eight hundred and seventy-eight, and in every succeeding year, one-third part of the number of the new councillors for Saint Mark's Ward shall go out of office, and in the said year one thousand eight hundred and seventy-eight those who shall go out of office shall be the councillors who were elected by the smallest number of votes in this present year, and in the next year (one thousand eight hundred and seventy-nine) those who shall go out of office shall be the councillors who were elected by the next smallest number of votes in this present year, the majority of the number present at a meeting of the Council always determining where the votes shall have been equal, or when there is no poll, who shall be the persons to go out of office; and thereafter those who shall go out of office shall always be the councillors who have been the longest time in office without re-election.

Auditors and revising assessors.

28. The auditors and revising assessors of the existing borough, or such of them as remain in office, and the persons (if any) elected in the stead of any who shall have ceased to be in office prior to the first day of March one thousand eight hundred and seventy-eight, shall continue to be auditors and revising assessors respectively of the borough until that day on which new auditors and revising assessors shall be elected pursuant to the Municipal Corporation Acts.

Acts by which elections, &c. are to be governed.

29. Subject to the provisions of this Act, all elections, vacations of office, and rotations shall be regulated and governed by the Municipal Corporation Acts and other Acts for the time being in force with respect thereto respectively.

Saving for 22 Vict. c. 35.

30. Notwithstanding anything in this Act, sections one, two, and three of "The Municipal Corporations Act, 1859," (relating to the division of boroughs into wards,) and any enactment substituted for or amending the same, shall continue to apply to the borough.

PART III.—Water.

Incorporation of Acts.

31. The following Acts and parts of Acts (so far as they are applicable and not inconsistent with this Act) shall be incorporated with and form part of this Part of this Act; (that is to say,)

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869:

The Waterworks Clauses Acts, 1847 and 1863 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit):

The provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the temporary occupation of lands near the railway during the construction thereof, and with respect to the crossing of roads or other interference therewith, and those provisions shall, for the purposes of this Part of this Act, be construed as if the waterworks by this Act authorised were therein mentioned instead of the railway, and, as regards any of the reservoirs by this Act authorised, as if the limits of deviation in the case of such reservoirs were therein mentioned instead of the centre of the railway; and the prescribed limits shall be two hundred yards from every or any part of the respective reservoir.

Corporation to abandon certain works authorised by Water Act of 1861.

32. The Corporation may and shall abandon and relinquish the construction of the following works authorised by the Water Act of 1861, and shown on the plans deposited with the clerk of the peace for the county of Lancaster for and referred to in the Water Act of 1861 (which deposited plans are herein-after in this Act referred to as "the plans of 1861"); that is to say,

(a.) The reservoir shown on the plans of 1861 as intended to be constructed on the waterside or Hoddlesden Brook (in this Act and on those plans called "the Waterside Reservoir"), adjoining the Hoddlesden Reservoir of the Corporation;

(b.) So much of the aqueduct or watercourse shown on the plans of 1861 as commencing in the said Hoddlesden Reservoir and terminating in the Fish Moor Reservoir, authorised by the Act of 1861, as extends from the said Fish Moor Reservoir fifty-seven yards or thereabouts from the buildings known as "Lower Wood Head" or "Brick House";

and all embankments, weirs, and other works incidental to or connected with the works to be so abandoned.

A.D. 1877.

Repeal of parts of Water Acts relative to works to be abandoned under the preceding section.

33. The following sections and parts of sections of the Water Acts shall be repealed; (namely,)

(1.) Of the Water Act of 1861—

(a.) Section forty, so far as it authorises the taking and using, for the purposes of any of the works which by the last preceding section of this Act the Corporation are required to abandon, of any streams mentioned or referred to in such section forty, and also so far as it relates to the works to be so abandoned;

(b.) Sections fifty-five to sixty, both inclusive, relative to water to be discharged for compensation out of the Waterside Reservoir by this Act required to be abandoned;

(c.) Section sixty-six, so far as it relates to gauges to be erected in connexion with the Waterside Reservoir;

(d.) Section sixty-seven, so far as it relates to the employment of a person for regulating the supply of compensation water from the Waterside Reservoir:

(2.) Of the Water Act of 1875—

(a.) Section fourteen, reviving the powers for the compulsory purchase of lands for the purposes of the works so to be abandoned;

(b.) Section nineteen, so far as it relates to such of the provisions of the Water Act of 1861 as to compensation waters as are by this section of this Act repealed.

Corporation to abandon certain works authorised by the Water Act of 1875.

34. The Corporation may and shall abandon and relinquish the construction of the following works authorised by the Water Act of 1875, and shown on the plans deposited with the clerk of the peace for the county of Lancaster for and referred to in the Water Act of 1875 (which deposited plans are herein-after in this Act referred to as "the plans of 1875"); that is to say,

(a.) The reservoirs shown on the plans of 1875, and numbered 1, 2, and 3, and in the Water Act of 1875 respectively called "Scotland Clough Reservoir," "Pickup Bank Reservoir," and "Bank Fold Reservoir," and which reservoirs are herein-after in this Act referred to by those respective numbers and names;

(b.) The aqueduct or conduit shown on the plans of 1875 as commencing in No. 1 (Scotland Clough) Reservoir, and terminating in No. 3 (Bank Fold) Reservoir;

(c.) The aqueduct or conduit shown on the plans of 1875 as commencing in No. 2 (Pickup Bank) Reservoir, and terminating by a junction with the aqueduct or conduit lastly

herein-before described, two hundred and fifty-two yards or thereabouts from the Vale Rock Cotton Mill;

(d.) The aqueduct or conduit shown on the plans of 1875 as commencing in an existing conduit of the Corporation, near to the farm known as Red Earth, and terminating in No. 3 (Bank Fold) Reservoir;

(e.) The aqueduct or conduit shown on the plans of 1875 as commencing in No. 3 (Bank Fold) Reservoir, and terminating in the Waterside Reservoir;

(f.) The aqueduct or conduit shown on the plans of 1875 as commencing in No. 3 (Bank Fold) Reservoir, and terminating by a junction with the aqueduct or watercourse from the said Hoddlesden Reservoir to the Fish Moor Reservoir, authorised by the Water Act of 1861, fifty-seven yards or thereabouts from the buildings known as Lower Wood Head or Brick House;

(g.) The alteration or diversion shown upon the plans of 1875 of the existing road between Stand Hill and Langshaw Head;

and all embankments, weirs, and other works incidental to or connected with the works to be so abandoned.

Repeal of parts of Water Act of 1875 relative to works to be abandoned under the preceding section.

35. The following sections and parts of sections of the Water Act of 1875 shall be repealed; (namely,)

(a.) Section four, so far as it authorises the taking, using, diverting, impounding, and appropriating, for the purposes of any of the works which by the last preceding section of this Act the Corporation are required to abandon, of any brooks, streams, or springs mentioned in such section four, and also so far as it relates to the works to be so abandoned;

(b.) Sections eighteen, twenty, and twenty-one, relative to the water to be discharged for the compensation or protection of persons interested in the brooks, streams, and springs referred to in sub-section (a) hereof.

Compensation for damage to land by entry, &c. for purposes of works abandoned.

36. The abandonment by the Corporation under the authority of this Act of the said reservoirs and works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Corporation on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out the line or situation of the said reservoirs and works, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Corporation to receive compensation for such temporary occupation,

A.D. 1877.

or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in "The Waterworks Clauses Act, 1847," or the Water Acts, in relation to such reservoirs and works.

Compensation to be made in respect of works abandoned.

37. Where before the commencement of this Act any contract has been entered into or notice given by the Corporation, under the provisions of the Water Acts, for the purchasing of any land for the purposes of or in relation to the said reservoirs and works by this Act authorised to be abandoned, the Corporation shall be released from all liability to purchase or to complete the purchase of any such lands, but, notwithstanding, full compensation shall be made by the Corporation to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," as amended by any subsequent Act, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Hoddlesden Compensation Reservoir.

38. Nothing contained in this Act or in the Water Act of 1861, or in the Water Act of 1875, shall repeal, vary, or in anywise affect the operation of the sections 28 to 35 inclusive of "The Blackburn Waterworks Act, 1845," (8 and 9 Vict. c. 138,) relating to the Hoddlesden Reservoir.

Power to make new waterworks.

39. Subject to the provisions of this Act, the Corporation may make and maintain, in the lines or situations and according to the levels shown on the deposited plans and sections, the reservoirs and works herein-after described, with all proper works and conveniences connected therewith respectively, and may enter upon, purchase, take, and use such of the lands delineated on the said plans and described in the deposited book of reference, or any right or easement in or over those lands, or any of them, as may be required for that purpose.

The reservoirs and works herein-before referred to and authorised by this Act are the following:

(1.) A reservoir (herein-after in this Act called "the Brennand Reservoir") to be situate on the Brennand River, and to be formed by an embankment to be constructed across the said river, at a point two hundred and ninety-seven yards or thereabouts above the junction of the stream called Fold's Clough with the said river:

(2.) A reservoir (herein-after in this Act called "the Whitendale Reservoir") to be situate on the Whitendale River, and to be formed by an embankment to be constructed across the said river at a point fifty-three yards or thereabouts below the junction of the stream called Costy Clough with the said river:

(3.) A reservoir (herein-after in this Act called "the Dunsop Compensation Reservoir") to be situate on the Dunsop River, and to be formed by an embankment to be constructed across the said river at a point one thousand six hundred and ninety-eight yards or thereabouts below the junction of the Brennand and Whitendale Rivers:

(4.) A reservoir (herein-after in this Act called "the Lammack Reservoir") to be situate upon certain fields between Pleck Gate and Lammack, and to be formed by an embankment to be constructed across the main brook flowing through the said fields at a point two hundred and sixty-six yards or thereabouts from the centre of the public road at Pleck Gate:

(5.) An aqueduct, conduit, or line of pipes, to commence in the River Brennand, two hundred and thirty-five yards or thereabouts above the junction of the stream called Tarn Clough with the said river, and to terminate in the said river two hundred and twenty yards or thereabouts above the junction of the stream called Fold's Clough with the said river:

(6.) An aqueduct, conduit, or line of pipes, to commence in the stream called Swine Clough, three hundred and sixty-three yards or thereabouts from the junction of the said stream or clough with the River Brennand, and to terminate in the Brennand Reservoir:

(7.) An aqueduct, conduit, or line of pipes, to commence in the stream called Far Pasture Clough, three hundred and eighty-three yards or thereabouts from the junction of the said stream or clough with the Brennand River, and to terminate in the Brennand Reservoir:

(8.) An aqueduct, conduit, or line of pipes, to commence in the Whitendale River, one hundred yards or thereabouts above the junction of the stream called Gutter Clough with the said river, and to terminate in the said river below the embankment of the Whitendale Reservoir:

(9.) An aqueduct, conduit, or line of pipes, to commence in the Brennand River, one thousand and eighty-three yards or

A.D. 1877.

thereabouts above the junction of the said river with the Whitendale River, and to terminate in the Lammack Reservoir:

(10.) An aqueduct, conduit, or line of pipes, to commence in the Whitendale River, eight hundred and eighty-seven yards or thereabouts above the junction of the said river with the River Brennand, and to terminate by a junction with the aqueduct, conduit, or line of pipes ninthly herein described, three hundred and forty-eight yards or thereabouts from the junction of the Rivers Brennand and Whitendale:

(11.) An aqueduct, conduit, or line of pipes, to commence in the Brennand Reservoir, and to terminate by a junction with the aqueduct, conduit, or line of pipes ninthly herein described, at or near the commencement thereof:

(12.) An aqueduct, conduit, or line of pipes, to commence in the Whitendale Reservoir, and to terminate by a junction with the aqueduct, conduit, or line of pipes tenthly herein described, at or near the commencement thereof:

(13.) An aqueduct, conduit, or line of pipes, to commence in the Lammack Reservoir, and to terminate in the town of Blackburn, at the junction of Church Street, King William Street, and Darwen Street:

(14.) An aqueduct, conduit, or line of pipes on the southerly side of the Lammack Reservoir, to commence sixty-two yards or thereabouts from the junction of the roads at Lammack, and to terminate two hundred yards or thereabouts from the centre of the public road at Pleck Gate:

(15.) An aqueduct, conduit, or line of pipes on the northerly side of the Lammack Reservoir, to commence at the commencement of the aqueduct, conduit, or line of pipes fourteenthly herein described, and to terminate at the termination of the same aqueduct, conduit, or line of pipes:

(16.) A road to commence in the existing road near Dunsop Bridge, eighty-four yards or thereabouts from the centre of the said bridge, and to terminate at the northerly end of the embankment of the Brennand Reservoir:

(17.) A road to commence in the road lastly herein described, where an existing road divides the roads leading to Brennand and Whitendale, and to terminate at the Whitendale Reservoir:

(18.) All necessary and convenient approaches, embankments, discharge tunnels, roads, ways, wells, tanks, filtering beds, weirs, dams, sluices, overflows, outfalls, channels, conduits, drains, mains, pipes, engines, works, and conveniences connected with the said reservoirs and works herein-before described, or any of them, and which may be necessary or proper for taking, diverting, collecting, impounding, storing, using, and distributing the waters herein-after referred to, or for otherwise carrying into full effect all or any of the objects of this Act.

The provisions of the incorporated Acts referring to the taking or occupation of lands, and to compensation in respect thereof, shall extend to the rights and easements which the Corporation are by this Act authorised to take or acquire, and the expression "land" or "lands" in this and the incorporated Acts shall include such rights or easements; and expressions referring to the execution and maintenance of works by the Corporation on lands to be taken or acquired by them shall include the execution and maintenance of such works on lands over which the Corporation, under the provisions of this Act, take or acquire rights or easements only: Provided, that the power of taking rights or easements shall not, except as in this Act expressly provided, extend to any right or easement in or over any water, or any right or easement in or over any land, for any purpose except that of from time to time laying, maintaining, repairing, enlarging, and renewing conduits and pipes, and making, maintaining, and renewing roads and ways for access to any of the works by this Act authorised.

For the protection of Stonyhurst College.

40. The Corporation shall carry the Conduit No. 9 on the deposited plans through the lands belonging or reputed to belong to the owners of Stonyhurst College in the line shown on the plan of such conduit, signed by the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred, and therein coloured red, and deposited in the office of the Clerk of the Parliaments.

And it shall be lawful for the Corporation to grant a supply of water for the use of the said college from the said conduit.

Provisions for the protection of the Lancashire and Yorkshire Railway Company.

41. In constructing and maintaining the works by this Act authorised affecting the Lancashire and Yorkshire Railway, or any works or lands of the Lancashire and Yorkshire Railway Company connected therewith, the Corporation shall be subject to the following conditions; namely,

1. All works crossing or affecting the said railway, or the said works and lands, or any part thereof, shall be executed at

A.D. 1877.

the expense of the Corporation under the superintendence and to the satisfaction of the engineer for the time being of the Lancashire and Yorkshire Railway Company, and according to plans, sections, and specifications previously submitted to him:

2. If the engineers of the Corporation and of the Lancashire and Yorkshire Railway Company differ concerning the said plans, sections, and specifications, or concerning the execution of the said works, every such difference shall be settled by an engineer to be appointed by the said two engineers, or if they cannot agree on such appointment, then by an engineer to be appointed by the Board of Trade on the application of either party:

3. The said works shall be constructed and maintained so that the traffic upon the said railway shall not be in anywise impeded or interfered with:

4. The Corporation shall acquire only an easement in and upon such of the works, lands, and property of the Lancashire and Yorkshire Railway Company as may be necessary for constructing and maintaining the conduits or lines of pipes by this Act authorised to be laid:

5. If by reason of the construction or maintenance of the works by this Act authorised the railway of the Lancashire and Yorkshire Railway Company, or any of the works or lands connected therewith, shall be damaged or injured, or the traffic thereon impeded, the Corporation shall make full compensation for any loss or expense occasioned thereby:

6. The amount to be paid for the acquisition of an easement under the said railway, works, and lands as herein-before provided, including the compensation (if any) for damage or injury to the said railway, works, and lands respectively, or impediment to the traffic thereon, shall from time to time be settled in case of difference in the manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to the purchase of lands otherwise than by agreement.

Restriction on works affecting Post Office telegraph system.

42. The Corporation shall not by any work or thing interfere with any telegraph post, wire, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Corporation have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars

relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Corporation, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him.

Power for Postmaster General to annex conditions.

43. Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of executing any such work or thing as he thinks fit, and the Corporation shall observe and perform the same.

Power of entry for Postmaster General.

44. The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the lands and works of the Corporation for the purpose of examining, repairing, altering, or removing any telegraph post, wire, apparatus, or work the property of the Postmaster General being thereon.

Compensation by Corporation to Postmaster General, and penalty.

45. The Corporation shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Corporation, by any work or thing executed or done by them, interfering with any telegraph post, wire, apparatus, or work of the Postmaster General, and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Corporation shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues, and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Corporation to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Corporation.

Power to take and impound waters.

46. Subject to the provisions and for the purposes of this Act, the Corporation may from time to time take, divert, collect, appropriate, and impound the waters of the rivers known as the Brennand River, Whitendale River, and the Dunsop River, and of all other brooks, streams, and springs which flow or pass into the same respectively, or from the lands draining to the waterworks by this Act authorised: Provided always, that no water shall at any time be taken, diverted, collected, appropriated, or impounded by the Corporation directly from the Dunsop River (except for the purpose of supplying the Dunsop Compensation Reservoir) at

A.D. 1877.

any point below the confluence of the Brennand River and the Whitendale River.

Provision for temporary supply before completion of Dunsop Compensation Reservoir.

47. Until the Dunsop Compensation Reservoir is so far completed and filled with water as in this Act provided, (which time is herein-after in this Act referred to as "the completion of the Dunsop Compensation Reservoir,") the powers of the Corporation under this Act of taking, diverting, collecting, appropriating, and impounding water shall be subject to the following provisions; (namely,)

(1.) The Corporation may take or use from the Brennand River and Whitendale River, or any of their tributaries, the waters flowing down those rivers or their tributaries respectively, so long and so long only as the flow of water over or through the gauge herein-after in this section mentioned is not less than one hundred and fifty cubic feet per minute, and they shall permit not less than that quantity of water to flow continuously and uninterruptedly down the River Dunsop in the same manner and course as the whole of the water thereof would, but for the passing of this Act, flow down that river:

(2.) The water so to be permitted to flow down the River Dunsop shall be for the use and benefit of and as full compensation to all persons who, but for the passing of this Act, would be entitled to the flow of the respective waters of which the same forms part:

(3.) The Corporation, prior to the taking or using of any waters under the provisions of this section, shall erect and construct, and, until the completion of the Dunsop Compensation Reservoir, maintain in good repair, and in a condition effectual for the purpose, such a gauge and gauge-basin and such works on the Dunsop River, immediately below the confluence of the rivers Brennand and Whitendale, as shall be proper and sufficient for the purpose of conveniently measuring the flow of water from the Brennand River and the Whitendale River into and down the Dunsop River as aforesaid, and such gauge and gauge-basin shall, as far as practicable, be so constructed as not to entrap or destroy fish.

On non-completion of Dunsop Compensation Reservoir, temporary supply to cease.

48. If the Corporation fail to complete the Dunsop Compensation Reservoir within the period by this Act allowed in that behalf, and so that the same shall be capable of delivering therefrom the quantity of water in that behalf in this Act provided, the powers of the Corporation under this Act of taking, diverting,

collecting, appropriating, or impounding water from the Brennand River or the Whitendale River, and from the brooks, streams, and springs which flow or pass into the same respectively, and from the lands draining to the waterworks by this Act authorised, shall thenceforth absolutely cease and be at an end.

Provision for compensation water.

49. The powers of the Corporation under this Act of taking, diverting, collecting, appropriating, and impounding water shall be free from the restrictions and provisions of the two last preceding sections of this Act as soon as the Dunsop Compensation Reservoir shall be so far completed and so far filled with water as that a quantity of water not less than four hundred and twenty-four cubic feet per minute shall be capable of being discharged and shall be discharged therefrom into the Dunsop River, and the Corporation shall thereafter, during such times, but during such times only, as the quantity of water so to be discharged shall actually be discharged from the Dunsop Compensation Reservoir into the Dunsop River, be entitled to exercise the powers by this Act authorised for the taking, diverting, collecting, appropriating, and impounding water, and the quantity of water so to be discharged as aforesaid shall be by way of full compensation for and in respect of the abstraction and diversion of all water which the Corporation can or may at any time collect or divert from the lands draining to the works by this Act authorised.

Continuous flow of compensation water.

50. The quantity of compensation water by this Act required to be discharged into the Dunsop River shall be so discharged in a regular, equal, constant, and continuous supply during the whole twenty-four hours of every day in the year.

Gauges to be provided by the Corporation.

51. The Corporation shall construct and for ever after maintain in good repair and in a condition effectual for the purpose, within one hundred yards of the foot of the embankment of the Dunsop Compensation Reservoir, such a gauge and gauge-basin and such works as shall be proper and sufficient for the purpose of conveniently measuring the flow of water passing out of the said reservoir into the River Dunsop as aforesaid, and such gauge and gauge-basin shall, as far as practicable, be so constructed as not to entrap or destroy fish.

Inspection of gauges.

52. It shall be lawful for any person entitled to the flow of the waters of the Dunsop River in respect of premises situate above the junction of the Rivers Hodder and Ribble to have access at all times to the said last-mentioned gauge, and also to the gauge for measuring the quantity of water flowing down the Brennand River and the Whitendale River, before the same shall be superseded by

A.D. 1877.

the completion of the Dunsop Compensation Reservoir, for the purpose of measuring and gauging the quantity of water from time to time passing through or over the respective gauges.

No water to be taken after completion of Dunsop Compensation Reservoir until gauge completed and certified.

53. It shall not be lawful for the Corporation, after the completion of the Dunsop Compensation Reservoir, to take, divert, collect, appropriate, or impound any of the waters of the Brennand River, the Whitendale River, or the Dunsop River, unless and until the gauge for measuring the compensation water therefrom has been constructed, whereof a certificate under the hands of two justices shall be sufficient and the only evidence.

Penalty on failure to supply the compensation water.

54. In case the Corporation shall wilfully or after written notice negligently fail to discharge the quantity of compensation water required by this Act to be discharged into the Dunsop River, the Corporation shall, for and during every day on which such failure shall occur, forfeit and pay by way of penalty to any person entitled to the flow of the waters of the Dunsop River in respect of premises situate above the junction of the Rivers Hodder and Ribble who shall actually have received damage and incurred loss by reason of such failure the sum of ten pounds, such penalties to be recovered in the manner in which penalties not otherwise provided for are directed to be recovered by "The Waterworks Clauses Act, 1847," or in any court of competent jurisdiction.

Lateral and vertical deviations.

55. Wherever and so far as the line of any works shown upon the deposited plans passes along any highway, turnpike or other road, bridge, or street, and no limits of lateral deviation are marked thereon, the Corporation may, in the construction of such works, deviate laterally from the lines thereof as laid down on such plans to the extent of the boundaries of such highway, turnpike or other road, bridge, or street respectively, and also the Corporation may, in the construction of any works shown upon the deposited plans, deviate laterally from the lines or position thereof as laid down on the said plans to any extent not exceeding the limits of deviation shown on the said plans, and the Corporation may deviate from the levels of the reservoirs as delineated on the deposited sections to any extent not exceeding three feet, and of other works as delineated on the said sections to any extent not exceeding seven feet; but if it be found necessary or expedient in the construction of those works to place the embankment of any such reservoir higher up or lower down the valley in which it is situate than the site thereof shown on the deposited plans, they may, within the limits of deviation, in the construction thereof and of the works connected therewith, deviate vertically from the levels of such

embankment and reservoir, and the works connected therewith, shown on the deposited section: Provided that the Corporation shall not, in the exercise of the powers of lateral deviation by this Act given, construct any embankment or wall of any of the reservoirs herein-before described of a greater height above the general surface of the ground than that shown on the deposited sections with reference to the corresponding embankment or wall thereon delineated, and three feet in addition.

Provisions as to roads.

56. When and so soon as the respective roads by this Act authorised shall have been completed, the Corporation may apply to two justices for a certificate of such completion, and such justices, if satisfied that the respective road has been completed according to the provisions of this Act, shall grant a certificate accordingly, which shall be conclusive evidence of such completion. From and after the granting of such certificate so much of the existing roads as will be rendered unnecessary by the construction of the respective roads by this Act authorised shall cease to be or be used as public roads, and be freed and discharged from all rights of way and other rights or interests affecting the same; and the said respective roads by this Act authorised shall, from and after the granting of such certificate, become public highways, and be repairable accordingly.

Period for compulsory purchase of lands.

57. Subject to the other provisions of this Act, the powers of the Corporation for the compulsory purchase of lands, springs, streams, waters, and rights of water for any of the purposes of this Act shall not be exercised after the expiration of five years from the commencement of this Act.

Power to acquire additional lands by agreement.

58. In addition to the lands, streams, and waters which the Corporation are by this Act authorised to purchase compulsorily, they may for any of the purposes of their waterworks undertaking, from time to time, by agreement, purchase, in consideration of a sum in gross or of a perpetual yearly or other rentcharge, or partly for one consideration and partly for the other, any additional quantity of land not exceeding in the whole thirty acres, or any easement or right (except an easement or right of water) in or over such additional lands, which they may from time to time think requisite: Provided that, notwithstanding the exception in this section contained, the Corporation may acquire a right to take the water of any spring in any case in which they would be entitled to the exclusive use of the whole water of such spring on purchasing the land in which the same arises: Provided always, that the Corporation shall not on any such additional lands erect or authorise

A.D. 1877.

or permit the erection of any buildings other than buildings necessary for or connected with their waterworks.

Owners may grant easements.

59. Persons empowered by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869 respectively, or any of them, to sell and convey or release lands, shall, subject to the provisions of those Acts and of this Act respectively, have full power to grant to the Corporation in fee, either absolutely or in consideration of any yearly or other rent, any lands or any easement, right, privilege, power, or authority in, over, or affecting any lands by this Act authorised to be purchased by the Corporation compulsorily or by agreement, and which the Corporation from time to time think requisite for any of the purposes of their waterworks undertaking.

Application of Lands Clauses Consolidation Act, 1860, to easements.

60. For the purposes of this Act the provisions of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to lands and rentcharges, so far as the same respectively are applicable in that behalf, shall extend and apply to easements and rentcharges granted or reserved by grants of easements under this Act.

Period for completion of waterworks.

61. If the Dunsop Compensation Reservoir is not completed within ten years from the commencement of this Act, and if the Brennand Reservoir and the Whitendale Reservoir, and the other works authorised by this Act, are not completed within fifteen years from the commencement of this Act, then, on the expiration of the respective period, the powers by this Act granted to the Corporation for making and completing the respective reservoir or work, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed: Provided always, that, subject to the provisions of this Act, the Corporation may from time to time alter, enlarge, extend, or remove their tanks, gauges, gauge-basins, engines, machinery, wells, mains, pipes, and other works, or improve their water supply, in such way and manner as occasion requires.

Power to hold lands needful to protect waterworks against nuisances, &c.

62. It shall be lawful for the Corporation to hold any lands, either already or hereafter to be vested in them, which they may deem necessary for the purpose of protecting their waterworks against nuisances, encroachment, or injury, and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or "The Lands Clauses Consolidation Act, 1845," respectively: Provided always, that the Corporation shall not erect or authorise or permit the erection on any of such lands, while so held by them, of any

buildings other than buildings necessary for or connected with their waterworks.

For protection of the Towneley Estate.

63. Whereas the Brennand Reservoir, the Whitendale Reservoir, and the Dunsop Compensation Reservoir, and the several aqueducts, conduits, or lines of pipes described in the sub-paragraphs 5 to 12 (both inclusive) of the section of this Act in which the works by this Act authorised are set forth (except the larger portion of the aqueduct, conduit, or line of pipes described in sub-paragraph 9 of the said section), and certain subsidiary works connected with those reservoirs and aqueducts, conduits, or lines of pipes, and the roads described in sub-paragraphs 16 and 17 of the said section, will be made in or upon lands in the parishes of Slaidburn, Whalley (Detached), and Mitton, in the West Riding of the county of York, of which lands (herein-after referred to as "the Towneley Estate") John Towneley of Towneley Hall, in the county palatine of Lancaster, is or claims to be tenant for life in possession, and the same estate includes the whole of the watershed from which the waters to be taken, diverted, collected, appropriated, or impounded by the Corporation under the powers of this Act are derived: Therefore, for the further protection and benefit of the Towneley Estate, and the owner and tenants thereof, be it enacted as follows; (that is to say,)

1. In this section the expression "the owner" includes the said John Towneley and every and all other the person or persons for the time being trustees of or entitled to the Towneley Estate, or to the receipt or benefit of the rents and profits thereof, or any part or parts thereof, and the expression "tenants" means and includes any and all person or persons (not being the owner) for the time being occupying any part or parts of the Towneley Estate, and the expressions "point of abstraction" or "points of abstraction" mean respectively the point or points at which water is to be taken under the powers of this Act from the river or rivers with respect to which the expression is used:

2. The price or consideration for which it shall be lawful for the Corporation to purchase or take the lands and easements which they are by this Act empowered to purchase and take, and for the exercise in respect of the Towneley Estate of all and every the rights, powers, and privileges for the taking of water by this Act authorised, and of all other rights, powers, and privileges conferred by this Act, shall be such as may have been before the passing of this Act determined by two able practical surveyors, one of them nominated by

A.D. 1877.

the owner and the other by the Corporation, or as shall after the passing of this Act be determined or approved by two able practical surveyors, or by a third surveyor, in manner provided by section 9 of "The Lands Clauses Consolidation Act, 1845:"

3. The said price or consideration shall be taken and deemed to include full compensation for all permanent damage or injury, by severance or otherwise, to the Towneley Estate, or any part thereof, by reason of the exercise of the powers of this Act, and also any purchase money or compensation otherwise payable by the Corporation to any tenants for the time being for any lands to be purchased by the Corporation, or in or over or in respect of which any easement is to be granted other than the tenants of the Dunsop houses and grounds held therewith, but shall not include the compensation (if any) payable to any now existing tenants for severance or other damage or inconvenience, or to any tenants for the time being for inconvenience or other damage or loss occasioned to them temporarily during the construction of the works on the Towneley Estate:

4. Any price, consideration, or compensation payable as aforesaid by the Corporation shall be paid or deposited under and according to the provisions of "The Lands Clauses Consolidation Act, 1845:"

5. For the purposes of such of the aqueducts, conduits, or lines of pipes as are intended to be closed or covered, the Corporation shall only take or acquire such an easement or easements as may be necessary for the purposes of this Act:

6. The Corporation shall cause every aqueduct, conduit, or line of pipes which shall be made on the Towneley Estate, below the levels of the outlets of the intended reservoirs on the Whitendale River and Brennand River respectively, to be arched over or otherwise properly covered in at the time of the making thereof throughout the whole length thereof in the Towneley Estate with a good and substantial arch or other covering, and at all times maintain such arch or other covering in good and sufficient repair, and shall fill in and level the soil above such arch or other covering as the same is made, and at all times keep the soil so filled in and levelled above the same, so as to interfere as little as possible with the level of the land through which the respective aqueducts, conduits, or lines of pipes pass:

7. At or near the entrances of such aqueducts, conduits, or lines of pipes, at the respective points of junction thereof with the

said rivers respectively, but not including points of junction within the said Brennand and Whitendale Reservoirs, or either of them, and, if necessary, at the points of junction of the said aqueducts, conduits, or lines of pipes with each other, the Corporation, at their own costs and charges, shall, prior to the taking or using of any of the waters of the said rivers respectively, erect and fix and for ever afterwards maintain in good repair and in a condition effectual for the purposes next mentioned, such a grating or gratings as shall be sufficient and effectual for the purpose of preventing the descent of fish or the young of fish into such aqueducts, conduits, or lines of pipes respectively, and every such grating shall be of such form and shall be erected and fixed in such manner as shall, in case of difference, be approved by a civil engineer to be appointed by the President for the time being of the Institution of Civil Engineers, and such engineer shall be empowered to determine by whom the costs of any such reference are to be paid:

8. The owner and his agents and engineers shall at all times have free access to any such grating as aforesaid:

9. Notwithstanding anything in this Act contained, the owner shall at all times have and enjoy all such rights and powers as he would have had if this Act had not been passed of opening and working any mines and quarries, whether hereafter to be opened or already opened, and of searching for minerals, mineral ores, stone, and clay above the points of abstraction from the Brennand River, the Whitendale River, and the Dunsop River respectively, and of using for the purpose of working the same mines and quarries, and for any purposes connected therewith which he may require or think proper, such and so much of the waters of the said rivers respectively as he may be entitled to store for his own use or uses, in any reservoir or reservoirs (whether he shall so store the same or not), or otherwise to take, divert, or use above the said points of abstraction respectively: Provided always, that if and whenever the owner shall use any of the said waters above the said points of abstraction respectively for the purpose of working any such mines or quarries as aforesaid, or for any purpose in connexion therewith he shall after such user discharge the same water into the said rivers respectively above the points of abstraction; but before any water shall be so discharged, the owner shall give to the Corporation notice in writing,

A.D. 1877.

a reasonable time before such discharge, and the Corporation may, if they choose, and if the owner shall at any time, or for any reason, be inhibited or prevented from discharging the fouled water into the rivers as aforesaid, the Corporation shall, if and when required by the owner, and if they lawfully can, and at their own expense, make and maintain on the Towneley Estate all such reasonable works as shall be effectual for carrying off the waters which shall have been so used or discharged to, and discharging them into, the said rivers respectively at some point or points below the points of abstraction respectively: Provided also, that the owner shall afford to the Corporation all reasonable facilities for executing and maintaining such last-mentioned works, and shall not be entitled to claim from the Corporation any compensation in respect of any of the land which may be reasonably used for the making of such last-mentioned works, but that the Corporation shall from time to time pay to the tenants of such lands compensation for all damages (if any) occasioned to them by the execution and maintenance of such works, such compensation to be ascertained and recovered in manner prescribed by "The Lands Clauses Consolidation Act, 1845:" Provided also, that every difference which shall arise between the parties as to what works ought to be done by the Corporation under the provisions of this paragraph shall be referred from time to time to a civil engineer to be appointed by the President for the time being of the Institution of Civil Engineers, upon the application of either party, and such engineer shall have power to determine by whom the costs and expenses of such reference shall be borne and paid:

10. The owner and tenants may from time to time cause sheep to be washed as conveniently as heretofore, and without let or hindrance, in the Brennand River, and the Whitendale River, and the Dunsop River, or any or either of them, or any tributary of any or either of them, below the point or points of abstraction respectively, and at such places, not exceeding two, in each river, including its tributaries above the point or points of abstraction respectively, as the owner may by notice in writing to the Corporation specify within six months after the passing of this Act: Provided always, that the washing of sheep at any such place or places shall not be for more than twenty-

eight days in any one year (whether consecutive or not), nor be commenced until after at least forty-eight hours notice in writing shall have been given by the owner or tenant to the Corporation, and their officer in charge of the reservoirs, to the intent that the Corporation may have the opportunity of making such arrangements as they may think fit for carrying the fouled water past or below the point of abstraction on the respective river, and the Corporation may at any time make and maintain, at their own expense, on the Towneley Estate, all such works as they shall deem necessary for so carrying off the foul water, and the owner shall afford to the Corporation all reasonable facilities for executing and maintaining such last-mentioned works, and shall not be entitled to claim from the Corporation any compensation in respect of any of the lands used for the making of such last-mentioned works, but the Corporation shall from time to time pay to any tenants of such lands compensation for all damages (if any) occasioned to them by the execution or maintenance of such works, such compensation to be ascertained and recovered in manner prescribed by "The Lands Clauses Consolidation Act, 1845." The owner and tenants may from time to time dress sheep with such chemical or mineral substances or things as he or they think fit, without being liable or responsible further than, but for this Act, he or they would be responsible for any damage or injury arising by reason or in consequence of the contamination of the waters of any of the said rivers by such substances or things: Provided always, that he or they shall at all times absolutely prevent water fouled by such substances or things from being discharged or passing directly or indirectly into the Brennand River or the Whitendale River, or any tributary of either of those rivers:

11. The Corporation shall provide and keep, at proper and convenient intervals, in their aqueducts, conduits, or lines of pipes, where the same pass through the Towneley Estate, proper and convenient contrivances for discharging and shall from time to time cause to be discharged into tanks, to be provided for that purpose by the owner or tenants, such quantity of water as shall be reasonably required for the watering of cattle. Any difference between the owner or any of his tenants and the Corporation as to the point or points at which such water shall be so dis-

A.D. 1877.

charged, or as to the quantity of water to be discharged into any such tank, shall be from time to time determined in manner provided for by section 69 of "The Railways Clauses Consolidation Act, 1845:"

12. The Corporation shall, before interfering with any part of the occupation road on Whitendale Farm, make and complete an equally good and sufficient road in lieu thereof, to the reasonable satisfaction of the owner, and so that the same may be fitly adapted for use in continuation of that part of the same road with which the Corporation may not interfere:

13. The Corporation shall, before interfering with any part of the occupation road now existing on or through the lands shown on the deposited plans as the site of the Dunsop Compensation Reservoir, make and complete for use, to the reasonable satisfaction of the owner, so much of the intended new road described in the said sixteenth paragraph of the said section of this Act as is proposed to be made south of the northernmost part of the site of the same reservoir as shown on the same plans, and so that the same portion of new road may be fitly adapted for use in continuation of the occupation road to the north of the last-mentioned point, and of that part of the intended new road in the said sixteenth paragraph mentioned which shall be formed north of the same point:

14. Nothing in this Act shall empower the Corporation to affect or interfere with the present supply of water to Whitendale Farm, unless and until works for a substituted supply of water shall have been executed by and at the expense of the Corporation, to the reasonable satisfaction of the owner; the effluent water from the said farm, and from Brennand Farm, and the dwelling-houses and present buildings thereof respectively, shall and may, notwithstanding anything in this Act, be discharged as heretofore into the Whitendale and Brennand Rivers respectively, unless and until the Corporation, at their own expense, provide other and equally effectual means for the discharge thereof: Provided always, that the owner and tenants shall afford to the Corporation all reasonable facilities for executing the works referred to in this paragraph, and shall not be entitled to claim from the Corporation any compensation in respect of any land used therefor, or for any damages occasioned by the execution of the works:

15. The supply of water now brought from Witcha Well to, amongst other places, Thorneyholme and Higher Root Farm and Lower Root Farm respectively, through or past the site of the Dunsop Compensation Reservoir, shall be maintained by means of a pipe of not less than four inches internal diameter, to be by the Corporation and at their expense laid and for twelve months maintained along or under the intended new road which is by this Act authorised to commence in the existing road near Dunsop Bridge and to terminate at the embankment of the intended Brennand Reservoir, and properly connected below the Dunsop Compensation Reservoir with the conduit or pipe by which the water is now conveyed, or with any other pipe which the owner may see fit to lay down in substitution for the same :

16. Wheresoever in the Towneley Estate the aqueducts, conduits, or lines of pipes by this Act authorised are beneath the surface of the ground, they shall be so laid or formed as to interfere as little as possible with the passage over and the occupation of the surface of the ground, and the surface shall be in every case as soon as may be restored to its former condition. Wheresoever in the same estate the aqueducts or conduits are open or uncovered or piped above the surface of the ground, all necessary and sufficient occupation bridges over or arches under them shall be provided by and at the expense of the Corporation, and all existing drainage works shall be preserved or adequate works made in substitution therefor. As regards all the said aqueducts, conduits, or lines of pipes sufficient provision shall be made and maintained by and at the expense of the Corporation at all proper and necessary points for the flow of drainage or other waters across the same :

17. No land, part of the Towneley Estate, to be purchased or acquired by the Corporation under the powers of this Act shall be at any time used or applied, except temporarily, for farming or agricultural purposes, as at present, or permanently used or applied, except for the construction and maintenance of the works by this Act authorised, and no building shall be at any time hereafter erected by the Corporation on any such land except such as may be required either permanently for the residence of officers or men in charge of the intended reservoirs and works (not exceeding four dwelling-houses), or temporarily during the construction of the said reservoirs and works for the residence of workmen employed thereon :

A.D. 1877.

18. During the construction of the works by this Act authorised, or until in each respective parish or township in which the owner or any of his tenants is a ratepayer the Corporation are separately rated, the Corporation shall pay to the owner such a sum or such sums of money as shall fairly represent the extra charge to the owner or tenants by way of rates in the respective parish or township caused by the use by the Corporation or their contractors of any public roads in that parish or township, such sum or sums in case of difference to be from time to time determined by some able practical surveyor to be agreed upon, or, if not agreed upon, to be appointed by two justices. All private roads and ways on the Towneley Estate used by the Corporation or their contractors during the construction of the several works shall, whilst so used, be kept in good and proper repair by and at the expense of the Corporation, and in such good and proper repair shall be left by them upon the completion of the said works:

19. Any difference from time to time arising between the Corporation and the owner or any of his tenants, and for the settlement of which provision is not otherwise made by this section, shall, unless otherwise agreed, be determined in manner provided by "The Common Law Procedure Act, 1854," as since amended and extended:

20. The owner and his authorised servants, and such of the tenants as shall be authorised by him in writing, shall have and enjoy at all reasonable times the sole and exclusive right of sporting, fishing, and fowling on, in, and over the Brennand Reservoir, the Whitendale Reservoir, and the Dunsop Compensation Reservoir respectively, and of boating upon the last-mentioned reservoir, and may erect, maintain, and from time to time renew a boat-house, with the necessary apparatus, on the last-mentioned reservoir, but so as not to interfere with the land or works of the Corporation: Provided that such rights shall not be exercised in or over the Brennand Reservoir or the Whitendale Reservoir so as to foul the water of such reservoirs respectively, or in anywise interfere with the powers of the Corporation to do all such acts, matters, and things whatever as may be necessary for maintaining, cleansing, and repairing those reservoirs and the works connected therewith respectively, or for preventing the water therein from being fouled, or for preventing the accumulation of fish to such an extent as to affect the quality of the water.

New works part of waterworks undertaking.

64. The works by this Act authorised shall be part of the waterworks undertaking of the Corporation, and, subject to the provisions of this Act, they may exercise and enjoy in respect thereof, and of the water collected therein and delivered therefrom, all and the like powers, rights, privileges, and authorities as they are by the Water Acts or the Improvement Act of 1854, as respectively amended by this Act, authorised to exercise and enjoy with respect to their existing waterworks undertaking.

Rents for domestic supply.

65. Section seventy-four of the Water Act of 1861 shall be read as if "eight pounds per centum per annum" were inserted therein instead of the words "six pounds per centum per annum."

Regulations for preventing waste of water, &c.

66. The Corporation from time to time, with the approval of the Local Government Board, may make such reasonable regulations as shall be necessary or expedient for the purpose of preventing the waste or misuse of water, and, amongst other things, may prescribe the size, nature, and strength of the pipes, cocks, cisterns, and other apparatus whatsoever to be used, and may prohibit any arrangements and the use of any pipes, cocks, cisterns, or other apparatus which may tend to such waste or misuse as aforesaid.

Power to Corporation officer to enter buildings.

67. Any officer of the Corporation duly appointed for the purpose by them may, between the hours of nine of the clock in the forenoon and four of the clock in the afternoon, enter any building or place supplied with water by the Corporation, in order to inspect the meters, pipes, fittings, and apparatus for regulating the supply of water, either for the purpose of ascertaining the quantity consumed or supplied, or to see whether the meters, pipes, fittings, cisterns, or other apparatus provided be in good repair, or whether the same have been disconnected, altered, or otherwise interfered with; and if such officer at any such time be refused admittance into such premises for the purposes aforesaid, or be prevented from making such examination, the occupier shall for every such offence forfeit and pay to the Corporation a sum not exceeding five pounds.

Power to Corporation to cut off water supplied in certain cases.

68. If and whenever any person supplied with water by the Corporation wilfully does or causes or suffers to be done anything in contravention of any of the provisions of the Water Acts or this Act, or the regulations made or to be made thereunder by the Corporation with respect to water supply, the Corporation may cut off or stop any pipe by or through which water is supplied to him, and may cease to supply him with water as long as the cause of injury remains or is not remedied, and also may recover in

A.D. 1877.

any court of competent jurisdiction from every person so offending the amount of all damage sustained by reason thereof, and the remedies of the Corporation under this enactment shall be in addition to their other remedies in this behalf.

Power to Corporation to sell lands.

69. All lands, water, rights, easements, and property acquired by the Corporation under this Act may be retained and used, and any portion thereof not required for the purposes of this Act may from time to time be leased or sold and disposed of by the Corporation, and the proceeds derived from any such sale or disposal shall be applied towards the repayment of loans borrowed for the purposes for which such lands, water, rights, easements, and property have been respectively acquired (in addition to any sinking fund or other mode of discharge directed by this Act), and any residue shall be carried to and form part of the District Fund.

Reservation of water rights, &c. on sale.

70. On any sale, disposition, or lease by the Corporation of any such lands, waters, rights, easements, or property, the Corporation may reserve to themselves all or any part of the water or water rights and other easements belonging thereto, and may make the sale, disposition, or lease subject to such reservation accordingly, and also subject to such other reservations, special conditions, restrictions, and provisions with respect to use of water, exercise of noxious trades, or discharge or deposit of manure, sewage, or other impure matter, as they think fit.

PART IV.—Gas.

Agreement between Gas Company and Corporation confirmed.

71. The agreement between the Gas Company and the Corporation set forth in Part IV. of the Schedule to this Act is by this Act confirmed and made binding on the Gas Company and the Corporation respectively, and may and shall be carried into full effect by them respectively.

Transfer of gas undertaking to Corporation.

72. From and after the first day of January one thousand eight hundred and seventy-eight (which time is herein-after referred to in this Act as "the vesting period," and the transfer and vesting herein-after effected are in this Act herein-after referred to as "the gas transfer"), and subject to the provisions of this Act and of the said agreement, and as from the vesting period, the undertaking of the Gas Company, and all the lands, gasworks, erections, buildings, rights, easements, plant, stock, machinery, apparatus, moneys, securities, choses in action, books, writings, plans, chattels, credits, effects, and other property, claims, and demands whatsoever, of or held in trust for the Gas Company, and the benefit of all contracts

and engagements entered into by or on behalf of the Gas Company, and all their authorities, powers, and privileges, shall be and the same are hereby transferred to and vested in the Corporation, to the same extent and for the same estate and interest as the same were previously vested in the Gas Company or any trustee on their behalf, and may according to the provisions of this Act be held and enjoyed, sued for and recovered, maintained, altered, discontinued, removed, dealt with, and disposed of by the Corporation as they think fit: Provided always, that within three months from the vesting period the Corporation shall produce to the Commissioners of Inland Revenue a copy of this Act printed by Her Majesty's Printers, and duly stamped with the ad valorem stamp duty of the same amount as would have been payable if the transfer of the said undertaking had been by a deed of conveyance; and if the Corporation shall not within the said period of three months produce to the said Commissioners such copy of this Act duly stamped as aforesaid, the ad valorem stamp duty, with interest thereon at the rate of five pounds per centum per annum from the vesting period until the day of payment, shall be recoverable from the Corporation with full costs of suit, and all costs and charges attending the same.

Gas Acts to form part of this Act.

73. From and after the gas transfer the Gas Acts (except the provisions of those Acts with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit) and "The Gasworks Clauses Act, 1871," (so far as applicable,) and except sections eight (for appointment of a receiver) and thirty-five (relative to accounts), shall form part of and be construed as one Act with this Part of this Act; and "The Gasworks Clauses Act, 1871," shall apply to the gasworks as if the gasworks had been by this Act authorised; and in construing (for the purposes of this Act) the Gas Acts and the Acts wholly or partially incorporated therewith, and "The Gasworks Clauses Act, 1871," the expressions "the Company" and "the undertakers" used therein shall respectively mean the Corporation, and the expression "the undertaking" shall mean the gasworks: Provided always, that the powers of the Gas Company by this Act vested in the Corporation shall not comprise any of their powers with respect to general meetings, or with respect to directors, or with respect to the management of the internal affairs of the Company, or with respect to the raising of money by shares, stock, mortgage, or debenture stock.

Powers as to construction and maintenance of gasworks, &c.

74. Subject to the provisions of this Act, the Corporation from time to time, from and after the gas transfer, may maintain, alter, improve, enlarge, extend, and renew or discontinue the existing gas-

A.D. 1877.

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

Power to purchase lands by agreement.

75. The Corporation, from and after the gas transfer, may, for the purposes of the gasworks, purchase, take, and hold (by agreement, but not otherwise), in addition to the lands described in the first part of the Schedule to this Act, any lands and hereditaments, not exceeding in the whole three acres, which the Corporation, from and after the gas transfer, may from time to time require for the purposes of the gasworks; but no lands shall be used by the Corporation, from and after the gas transfer, for the purpose of manufacturing gas or residual products, except the lands described in the first part of the Schedule to this Act.

Gas not to be manufactured except on lands scheduled.

Power to take licenses.

76. The Corporation, from and after the gas transfer, may purchase or otherwise acquire, hold, work, and use any leave, license, or authority from any patentees for inventions for or relating to the manufacture of gas or residual products, meters, or fittings, or otherwise acquire or hold, use, and exercise patent rights, not being exclusive, relating to gas or residual products, meters, and fittings.

Power to lay pipes against buildings.

77. The Corporation, from and after the gas transfer, with the consent of the owner and occupier of any building, may lay any pipe, branch, or any other necessary apparatus from any main or branch pipe into, through, or against such building for the purpose of lighting it, and may, with the like consent, provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply, and may from time to time, with the like consent, repair, replace, alter, discontinue, and remove any such pipe, branch, or apparatus.

Pressure of gas.

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

Quality of gas.

79. The prescribed number of candles shall be sixteen.

Testing place.

80. Within twelve months from the gas transfer a testing place shall be provided at the gasworks of the Corporation.

Burner.

81. The prescribed burner shall be Sugg's London Argand No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, but if at any time and so long as the gas flame tails over the top of that glass a six-inch by two-inch chimney shall be used, or any other burner and chimney approved for this purpose by the Board of Trade.

Corporation to pay interest on money deposited as security for gas meter, &c.

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

Dissolution of Gas Company.

83. On and after the vesting period the Gas Company shall be dissolved and shall wholly cease to exist, except for the purpose of winding up their affairs.

General saving of rights and liabilities with respect to the Gas Company.

84. Except as is by this Act otherwise expressly provided, everything before the vesting period done or suffered under or by virtue of the Gas Acts shall be as valid as if this Act had not been passed, and the gas transfer and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands which, if the gas transfer had not taken place and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered, and

A.D. 1877.

with respect to all such rights, liabilities, claims, and demands the Corporation shall to all intents and purposes represent the Gas Company and the property of the Gas Company, as the case may be; and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts, &c. of Gas Company to be binding.

85. Except as is by this Act otherwise expressly provided, all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds, and agreements entered into or made before the vesting period by, to, or with the Gas Company, or by, to, or with any other person to whose rights and liabilities they have succeeded, and then in force, shall, after the vesting period, 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 Gas Company, or the trustees or persons acting on behalf of the Gas Company, the Corporation had been a party thereto.

Actions, &c. by or against Gas Company not to abate.

86. Nothing in this Act contained shall release, discharge, or suspend any action or other proceeding which may be pending by or against the Gas Company in relation to the affairs of the Gas Company, or to which the Gas Company, in relation to such affairs, may be parties immediately before the vesting period; but such action or other proceeding may be maintained, prosecuted, or continued by or in favour of or against the Corporation (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by or in favour of or against the Gas Company if this Act had not been passed; and all persons committing offences against any of the provisions of the Gas Acts before the vesting period may be prosecuted, and all penalties incurred by reason of such offences may be sued for and recovered, in like manner in all respects as if this Act had not been passed, the Corporation being in reference to the matters aforesaid in all respects substituted for the Gas Company.

Trustees of Gas Company to be indemnified.

87. Every trustee or other person in whom or in whose name any lands, works, buildings, easements, rights, property, or effects belonging to the Gas Company may be vested immediately before the vesting period, and who (being authorised so to do) entered into any bond, covenant, contract, or engagement in respect of the same or otherwise, on behalf of the Gas Company, shall after the gas transfer be indemnified by the Corporation against all liability (including costs, charges, and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond, covenant, contract, or engagement.

Corporation to satisfy liabilities of Gas Company.

88. From and after the vesting period, and except as is by this Act otherwise expressly provided, the Corporation shall in all respects be subject to and shall discharge all obligations and liabilities to which the Gas Company immediately before the vesting period were lawfully subject, and shall indemnify the members, directors, officers, and servants of the Gas Company, and their respective representatives, from all such obligations and liabilities, and from all expenses and costs in that behalf.

Recovery of gas rents, &c.

89. All gas rents and sums of money which immediately before the vesting period were due or accruing to the Gas Company shall be payable to and may be collected and recovered by the Corporation, in like manner as if they had become payable to the Corporation for the like matters supplied or done by the Corporation under this Act.

As to payment of debts owing to or by Gas Company.

90. All persons who immediately before the vesting period owed any money to the Gas Company, or to any person on their behalf, shall pay the same, with all interest (if any) due or accruing upon the same, to the Corporation, and all debts and moneys which immediately before the vesting period were due or recoverable from the Gas Company, or for the payment of which the Gas Company were or but for this Act would be liable, shall be paid, with all interest (if any) due or accruing upon the same, by or be recoverable from the Corporation.

Transfers, &c. of gas shares to remain in force.

91. Notwithstanding the gas transfer and dissolution of the Gas Company, all sales, transfers, and dispositions theretofore made or executed for and with respect to any stock or shares in the Gas Company shall remain in full force, and continue and be available in all respects as if this Act had not passed.

Books, &c. of Gas Company continued evidence.

92. All documents, books, and writings which, if this Act had not passed, would have been receivable in evidence for or against the Gas Company shall, from and after the vesting period, be admitted as evidence in all courts and elsewhere for or against the Corporation for the same purposes for which they would have been receivable in evidence for or against the Gas Company.

Resolutions of Gas Company to remain in force.

93. All resolutions of any general meeting or board of directors of the Gas Company, or of any duly constituted and authorised committee thereof, so far as the same are applicable and remain in force, shall, notwithstanding the gas transfer, continue to be operative, and shall apply to the Corporation, and to the officers and servants of the Corporation, until or except so far as such resolutions are duly revoked or altered by the Corporation or under their authority.

A.D. 1877.

Officers of Gas Company to continue until removed.

94. All officers and servants of the Gas Company who were in office immediately before the vesting period shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereunto annexed, until they shall resign the same or be removed therefrom by the Corporation, and shall be subject and liable to the like conditions, obligations, pains, and penalties, and to the like powers of removal, and to the like rules, restrictions, and regulations, in all respects whatsoever, as if they had been appointed under this Act.

Grant of annuities to shareholders.

95. Subject and according to the provisions of the said agreement, the Corporation shall grant to the holders of all stock or shares in the capital of the Gas Company perpetual annuities of the amount agreed on for and in respect of their stock or share.

Security for annuities.

96. The annuities shall be granted on the security of, and shall be a charge on, the gas rents, rates, and profits payable to the Corporation under the Gas Acts or this Act for the supply of gas; and if and whenever such gas rents, rates, and profits are not sufficient for the payment of the annuities when due, the deficiency shall be charged on and issue out of the general district rates.

Vesting annuities in shareholders of Gas Company.

97. The annuities shall vest in and belong to the several persons who at the vesting period were stock and share holders of the Gas Company, in proportion to the amount of stock and shares held by them respectively, and shall rank pari passu with each other.

Gas Company to deliver to Corporation a list of their shareholders.

98. The Gas Company shall at the vesting period deliver to the Corporation a list of the names and addresses as appearing in the stock and share registers of the Gas Company of the persons who may be at the vesting period stock or share holders in the Gas Company, with a statement of the number, description, and class of the stock or shares held by each stock or share holder, and such register shall, unless the contrary be proved to the satisfaction of the Corporation, be considered to be the list of stock or share holders of the Gas Company for all the purposes of this Act.

Annuities to represent shares in Gas Company.

99. The annuities shall in all respects be substituted for and represent the stock and shares in the capital of the Gas Company in respect of which the same are granted, and the annuitants 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 the stock or shares in respect of which the annuities are granted were at the vesting period respectively held and subject, and the annuities shall accordingly pass or be affected by any will or other instrument disposing of or affecting such stock or shares.

Commencement of payment of annuities.

100. The annuities shall be payable at the office at Blackburn of the treasurer to the Corporation, clear of all deductions (except income tax), by equal half-yearly payments on the first day of February and the first day of August in every year. The first payment shall be made on the first day of February next after the vesting period.

Corporation to keep register of annuities.

101. The Corporation shall, from and after the vesting period, keep a book to be called "The Register of Gas Annuities," and in such book shall be fairly and distinctly entered from time to time the names and addresses of the annuitants, together with the amount of their respective annuities, and the surnames of the annuitants shall be placed in alphabetical order; and every annuitant may, at all convenient times, peruse such book, without any charge, and may require a copy thereof, or any part thereof, and for every hundred words so required to be copied the Corporation may demand a sum not exceeding sixpence.

Certificates of annuities to be issued to the annuitants.

102. The Corporation shall, at their own expense, issue to every annuitant, or to his successors, executors, administrators, or assigns, on demand made by him or them to the Corporation, and on delivery by him or them to the Corporation of the certificates of the stock or shares in the capital of the Gas Company for which the annuity is substituted, a certificate of the annuity, and such certificate may be according to the form in Part II. of the Schedule to this Act, or to the like effect: Provided that, except as herein-after prescribed, no annuitant shall be entitled to claim from the Corporation more than one certificate in respect of the whole amount of the capital in stock or shares held by him.

Certificates to be evidence.

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

Provision in case of loss of certificate of stock or shares in Gas Company.

104. If any certificate of stock or shares in the capital of the Gas Company be lost or destroyed, then, on satisfactory proof thereof to the Corporation, they shall issue to the person entitled to the certificate so lost or destroyed a certificate of the annuity substituted for such stock or share.

Several certificates may be granted to one annuitant.

105. If at any time an annuitant be desirous of having several certificates instead of one, or one certificate instead of several, then, on his existing certificate or certificates being produced to the Corporation, they may order the same to be cancelled, and shall

A.D. 1877.

thereupon issue to him, as he requires, two or more certificates of annuities or a certificate of an annuity of the aggregate amount of the annuity or annuities the certificate or certificates for which is or are so cancelled, and in every such case a due entry of the substituted certificate or certificates shall be made by the Corporation in the Register of Gas Annuities, and for every such substituted certificate the Corporation may demand any sum not exceeding two shillings and sixpence.

Certificates of annuities to be renewed when destroyed.

106. If the certificate of any annuity be worn out or damaged, then upon the same being produced to the Corporation they may order it to be cancelled, and thereupon the Corporation shall issue a similar certificate to the annuitant; or if any such certificate be lost or destroyed, then upon satisfactory proof thereof to the Corporation they shall issue a similar certificate to the annuitant; and in either case a due entry of the substituted certificate shall be made by the Corporation in the Register of Gas Annuities, and for every such substituted certificate the Corporation may demand any sum not exceeding two shillings and sixpence.

Annuities to be personal estate.

107. The annuities shall be personal estate.

Transfer of annuities to be by deed.

108. Subject to the regulations herein contained, every annuitant may sell and transfer all or any of his annuities, and every such transfer shall be by deed, duly stamped, and in which the consideration shall be truly stated, and such deed may be according to the form in Part III. of the Schedule to this Act, or to the like effect.

Transfer of annuities to be registered, &c.

109. Every such deed of transfer (when duly executed) shall be delivered to the Corporation and be kept by them, and they shall keep a book to be called "The Register of Transfers of Gas Annuities," and shall enter a memorial of every such deed of transfer therein, and shall indorse such entry on the deed of transfer (such indorsement to be signed by the town clerk), and shall on demand deliver a new certificate to the transferee, and for every such entry of a deed of transfer, with such indorsement and certificate, the Corporation may demand any sum not exceeding two shillings and sixpence; and on the request of any transferee an indorsement of the transfer to him shall be made on the certificate of the annuity transferred, instead of a new certificate being granted, and such indorsement, being signed as aforesaid, shall be considered in every respect the same as a new certificate, and for every such indorsement the Corporation may demand any sum not exceeding two shillings and sixpence; and until such deed of transfer be so delivered to the Corporation the transferee shall not be entitled to receive any part of the annuity transferred, and

every annuitant shall be entitled to inspect the Register of Transfers of Gas Annuities without any charge.

Closing of transfer book.

110. The Corporation may close the Register of Transfers of Gas Annuities for a period not exceeding twenty-one days before the first day of February and the first day of August yearly, and any transfer made during the time when the register is closed shall, as between the Corporation and the transferee, but not otherwise, be considered as made after that time.

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

111. If the right to any annuity becomes transmitted in consequence of the death or bankruptcy or insolvency of any annuitant, or in consequence of the marriage of a female annuitant, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing in such manner as the Corporation shall require, and every such declaration shall state the manner in which and the party to whom the annuity is transmitted, and shall be made and signed by some credible person before a justice, and in the case of a death be accompanied (if required by the Corporation) by a certificate of such death, and shall declare the identity of the person named in such certificate with the annuitant, and such declaration shall be left with the Corporation, and thereupon they shall enter the name of the person entitled under such transmission in the Register of Transfers of Gas Annuities, and for every such entry the Corporation may demand any sum not exceeding two shillings and sixpence, and until such transmission has been so authenticated no person claiming by virtue of any such transmission shall be entitled to receive any part of the annuity transmitted.

Proof of transmission by marriage, will, &c.

112. If such transmission be by virtue of the marriage of a female annuitant, the declaration shall (if required by the Corporation) contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of the annuity; and if the transmission be by virtue of any testamentary instrument, or by intestacy, the probate of the will, or the letters of administration, or an official extract therefrom, shall, together with the declaration, be produced to the Corporation, and, upon such production in either of those cases, the Corporation shall cause an entry to be made of the declaration in the said Register of Transfers of Gas Annuities, and for every such entry the Corporation may demand any sum not exceeding two shillings and sixpence.

Corporation not bound by or to take

113. The Corporation shall not be bound by or to take notice of any trusts, whether express, implied, or constructive, to which

A.D. 1877.

notice of trusts.

any annuity may be subject, and the receipt of the person in whose name any such annuity shall stand in the Register of Gas Annuities, or if it stands in the names of more persons than one, the receipt of any such person, 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 such annuity 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; and if any annuity is payable to an annuitant being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation.

Certificate to be demanded before annuity recoverable.

114. The Corporation shall not be bound to pay any annuity until the person entitled thereto has demanded a certificate of it, and the instalments of an annuity in arrear, and not wrongfully withheld by the Corporation, shall not bear interest.

Recovery of arrears of annuities.

115. If within thirty days after any half-yearly portion of any annuity becomes payable, and after demand thereof in writing, it be not paid, the annuitant may recover the same from the Corporation in any court of competent jurisdiction.

Annuitants may require appointment of a receiver.

116. If within thirty days after any half-yearly portion of any annuity becomes payable, and after demand thereof in writing, it be not paid, the annuitant, without prejudice to his other remedies, may enforce payment of arrears of his annuities by the appointment of a receiver.

Mode of appointment of receiver, and his duties.

117. Every application for a receiver shall be made to two justices, and on any such application the justices may, by order in writing, after hearing the parties, appoint some person to receive the whole or a competent part of the moneys which may then have come or may thereafter come to the hands of the treasurer of the borough out of the rents, rates, and profits and other moneys by this Act charged with the annuities, until the annuities in arrear, and in respect whereof the receiver is appointed, and all costs, including the charges of receiving such moneys, be paid and satisfied, and upon such appointment being made the moneys so to be paid to the receiver shall be paid to him by the treasurer, and the receipts of the receiver for the moneys paid to him shall be valid discharges from the same, and from all claims and demands by any annuitant in respect thereof, and the money so received by the receiver shall be so much money received by or to the use of the annuitant or annuitants on whose behalf the receiver is appointed; and after the annuities in arrear and costs have been so received the powers of

the receiver shall cease: Provided that if during the continuance of the receivership any parts of the annuities of the annuitant or annuitants on whose behalf the receiver has been appointed become payable, he may apply any surplus moneys in his hands in or towards payment thereof.

Power to redeem annuities.

118. The Corporation may at any time, if and when they think fit, redeem all or any of the annuities at a price not exceeding twenty-five years purchase: Provided that they shall give at least six months notice in writing of such intended redemption to the holders of such of the annuities as may be intended to be so redeemed, and such holders respectively shall be bound to accept the price of the redemption, not being less than twenty-five years purchase, of their or his annuities or annuity, when tendered by the Corporation.

Annuitant to deliver up certificate of annuity redeemed.

119. On redemption of any annuity, the annuitant shall deliver up to the Corporation the certificate of such annuity, and shall give to the Corporation a discharge for the redemption money, and upon any annuity being redeemed an entry of the redemption thereof shall be made in the Register of Gas Annuities, and the annuity so redeemed shall be wholly extinguished.

Sinking fund for redemption of annuities.

120. The Corporation shall, in order to create a sinking fund for the redemption of the annuities, and of the existing mortgage debt of the Gas Company at the vesting period (if any), after the expiration of five years from the vesting period every year set apart and appropriate out of the revenue of the gas undertaking or the district fund such a sum as, being accumulated as next herein-after mentioned, will at the expiration of sixty years be sufficient to discharge such mortgage debt and redeem such annuities, and shall from time to time cause such sum to be invested in the purchase of Exchequer Bills or Government securities, or other securities in which trustees may from time to time by law invest trust funds, and to be increased by accumulation in the way of compound interest or otherwise until such time as is herein-after mentioned.

Application of sinking fund.

121. The Corporation may and shall apply the sinking fund to be so created, and in any order of priority that they think fit, in the redemption of any part of the mortgage debt of the Gas Company and of such of the annuities as they may from time to time redeem, and in paying off from time to time the moneys (if any) borrowed for the purpose of such redemption: Provided always, that whenever any part of the mortgage debt of the Gas Company or any of the annuities have been redeemed, the Corporation shall

A.D. 1877.

thenceforward, until the whole of the said mortgage debt and the annuities have been redeemed and all moneys borrowed for the purpose of such redemption have been paid off and discharged, pay into the sinking fund every year, in addition to the other sums herein-before required to be set apart and appropriated, a sum equal to the annual interest on the mortgages and the annual amount of the annuities redeemed: Provided further, that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual amount of the annuities then outstanding, and no part of the said mortgage debt and no moneys borrowed as aforesaid remain owing, the Corporation may, in lieu of investing the said yearly income, apply the same in payment of such outstanding annuities, and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

PART V.—Borrowing Powers.

Power to borrow.

122. The Corporation may from time to time (in addition to any moneys they are now authorised to borrow) borrow at interest on the following securities and for the following purposes the following sums; (that is to say,)

(1.) For waterworks purposes, on the security of the revenue of the waterworks undertaking, district fund, and general district rates, four hundred and thirty thousand pounds;

(2.) For gas purposes, on the security of the revenue of the gas undertaking, district fund, and general district rates, such sums as may be required for the payment to the Gas Company of all sums other than annuities provided to be paid by the Corporation under the agreement confirmed by this Act;

(3.) For the purposes of the drainage, sewerage, lighting, and other necessary improvements within the added area, and for any other purposes of this Act, on the security of the borough fund, borough rate, district fund, and general district rates, or any of those securities, such sums as they may from time to time think requisite, not exceeding the sum of forty-five thousand pounds:

And the expression "the waterworks undertaking," or "the gas undertaking," in any mortgage or other security relating thereto granted by the Corporation after the passing of this Act, shall mean the revenue of those respective undertakings of the Corporation: Provided always, that section 87 of the Act of 1870 ("certain kinds of property assessed on one fourth of their net value") shall be

incorporated with and form part of this Act, and shall apply to any increase made under the authority or for the purposes of this Act to any general district rate levied within the borough.

Power to borrow for redemption of gas annuities.

123. Whenever the Corporation redeem any of the annuities according to the provisions in that behalf herein-before contained, they may (in addition to any moneys which they have borrowed or are authorised to borrow) borrow at interest, on the security of the revenue of the gas undertaking, district fund, and general district rates, such sums of money as shall be sufficient to redeem the annuities in accordance with the said provisions.

Application of Local Loans Act, 1875.

124. "The Local Loans Act, 1875," shall apply to all the loans to be raised under this Act, and the prescribed method of discharge shall in each case be a sinking fund, and the prescribed period shall in each case be eighty years: Provided that all moneys borrowed under the provisions of the last preceding section shall be discharged by means of the sinking fund prescribed by section one hundred and twenty of this Act for the redemption of gas annuities, and within the period there prescribed.

Priority of existing mortgages.

125. Nothing in this Act contained shall in anywise prejudice or affect the rights of the holders of existing mortgages or bonds of the Corporation, and all mortgages or charges to be created under this Act shall be subject to the mortgages and bonds at present existing, and secured upon the same undertakings, rates, or funds.

Priority of gas annuities.

126. No mortgages or charges granted by the Corporation under this Act, either wholly or partly on the security of the gas undertaking, shall, during the continuance of any of the annuities granted by the Corporation under this Act, have priority over any such annuities against the gas undertaking.

Priority of water annuities.

127. No mortgages or charges granted by the Corporation under this Act, either wholly or partly on the security of the waterworks, shall, during the continuance of any of the annuities granted by the Corporation under the Improvement Act of 1854, have priority over any such annuities against the waterworks undertaking.

Repeal of former borrowing powers for waterworks purposes.

128. Section one hundred and forty-two of the Improvement Act of 1854 (power to borrow for waterworks purposes), and so much of section forty-six of the Water Act of 1875 as increases the amount to be borrowed under and extends the said section one hundred and forty-two, and so much of any other provisions of the Improvement Act of 1854 as relate to the amount of the sinking fund for the repayment of any moneys so to be borrowed for waterworks purposes, shall, except to the extent next herein-after

A.D. 1877.

mentioned, be repealed, and all moneys borrowed before the commencement of this Act for waterworks purposes under the Improvement Act of 1854 or the Water Act of 1875 shall be secured, charged, repaid, and have all other incidents in the same manner as moneys borrowed for waterworks purposes under this Act: Provided that for the purposes of the waterworks authorised by the Water Act of 1875, and which are not by this Act authorised to be abandoned, the Corporation may from time to time borrow at interest the sum of seventy thousand pounds on the like securities and subject to the like provisions as they are by this Act authorised to borrow for the purposes of the waterworks by this Act authorised.

Application of borrowed moneys.

129. All moneys raised under the provisions of this Act shall be applied only to the purposes for which they are by this Act authorised to be borrowed.

Separate accounts.

130. Separate accounts shall continue to be kept of expenses and receipts on account of the waterworks, and separate accounts shall also be kept of the expenses and receipts on account of the gasworks; and the Corporation may from time to time apportion between those accounts, as they think fit, any items relating to both.

Corporation may allow time for repayment of expenses due from owners.

131. Section 152 of "The Towns Improvement Clauses Act, 1847," ("Commissioners may allow time for repayment by owners of improvement expenses,") shall cease to apply to the borough: Provided that this enactment shall not affect—

(a.) Anything done or suffered under the said section 152, or

(b.) Any right or liability acquired, accrued, or incurred under the same section, or

(c.) Any security given under the same section, or

(d.) Any legal proceeding or remedy in respect of anything so done or suffered, or any such right, liability, or security as aforesaid, and any such legal proceeding and remedy may be carried on as if this Act had not been passed.

The Corporation may in respect of any expenses referred to in section 129 of the Improvement Act of 1870, and whether incurred before or after the commencement of this Act, allow to owners time, not exceeding seven years, for the repayment thereof, or any part thereof, either in one sum or by instalments, with interest for the principal money from time to time remaining due, at a rate not exceeding five pounds per centum per annum, but all sums so remaining due, notwithstanding the Corporation have agreed so to allow time, shall from time to time, at the expiration of the several

times allowed, be recoverable from the respective owners for the time being, both present and future, in succession one after another, as the same respectively would have been recoverable from the original owner if no such time had been allowed, and with respect to any instalment the time limited by any Act for the recovery of the expenses of which it forms part shall be deemed to run only from the time when such instalment becomes due.

PART VI.—Supplemental.

Penalties not to be cumulative.

132. Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act and the incorporated Acts shall be deemed separate Acts.

Expenses of Act.

133. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Corporation out of moneys borrowed under the authority of this Act and charged on the borough fund and borough rate, or out of such fund or rate.

A.D. 1877.

The SCHEDULE to which the foregoing Act refers.

Part I.

Gas Lands.

(1.) All that piece or parcel of land situate in Park Road, within the borough of Blackburn, in the county of Lancaster, bounded on the north by certain schools called or known as Park Road Schools, on the west by Park Road aforesaid, on the south by Pitt Street, within the said borough, and on the east by a certain road situate and being at the rear or back of Park Road aforesaid, containing in the whole about two roods ten poles or thereabouts.

(2.) All that piece or parcel of land situate and being within the borough of Blackburn aforesaid, bounded on the north by Jubilee Street, on the west by Pilkington Street, on the south by George Street, and on the east and south-east by the River Blakewater, all within the said borough of Blackburn, and containing in the whole one and three quarter acres or thereabouts.

(3.) All that piece or parcel of land situate within the borough of Blackburn aforesaid, and bounded on the north by Wensley Street, on the west by Garden Street, on the south by the River Blakewater and George Street West, and on the east by Addison Street, all within the borough of Blackburn aforesaid, and containing in the whole eight and a quarter acres or thereabouts.

Part II.

Form of Certificate of Gas Annuity.

The Blackburn Borough Gas, Water, and Extension Act, 1877.

Certificate of Gas Annuity No. £

By virtue of "The Blackburn Borough Gas, Water, and Extension Act, 1877," the Mayor, Aldermen, and Burgesses of the Borough of Blackburn, in the county of Lancaster, certify that *A.B.* of is, under and subject to the provisions of that Act, entitled to a perpetual annuity of charged on the revenues of the gas undertaking of the said Mayor, Aldermen, and Burgesses, and on the General District Rates of the borough, and such annuity is payable to him, his executors, administrators, or assigns, at the office in Blackburn of the treasurer of the said borough, by equal half-yearly payments on the day of and the day of yearly.

Given under the common seal of the said Mayor, Aldermen, and Burgesses this day of in the year of our Lord one thousand eight hundred and .

Part III.

Form of Transfer of Gas Annuity.

The Blackburn Borough Gas, Water, and Extension Act, 1877.

Transfer of Gas Annuity.

I, *A.B.* of , in consideration of £ paid to me by *C.D.* of , transfer to him, his executors, administrators, and assigns, the perpetual annuity (*or* annuities), No. of , charged by "The Blackburn Borough Gas, Water, and Extension Act, 1877," on the revenues of the gas undertaking of the Mayor, Aldermen, and Burgesses of the Borough of Blackburn, and on the General District Rates of the borough, and payable at the office in Blackburn of the treasurer of the said borough, by equal half-yearly payments on the day of and the day of yearly, and all or any right and interest therein and thereto, subject to the conditions and provisions of the said Act. And I the said *C.D.* hereby agree to hold the said annuity subject to the same conditions and provisions.

As witness our hands and seals this day of , A.D. 18 .

Part IV.

Agreement with Gas Company.

Articles of Agreement made the thirtieth day of May 1877, between The Blackburn Gaslight Company (herein-after called "the Company") of the one part, and The Mayor, Aldermen, and Burgesses of the Borough of Blackburn (herein-after called "the Corporation") of the other part.

Whereas the Company were by the Blackburn Gas Act, 1853, re-incorporated, and are under that Act and the Blackburn Gas Act, 1860, and the Blackburn Gas Order, 1875, empowered to make and supply gas in the borough of Blackburn and the neighbourhood thereof: And whereas the Corporation, under the Blackburn Improvement Act, 1854, have also certain powers for lighting the streets of the said borough with gas: And whereas the capital of the Company consists of the following descriptions and amounts of shares; (that is to say,)

3,000 "original" shares, of the nominal amount of £15, fully paid up, and entitled to a maximum dividend of £1 10*s.* per share, being at the rate of £10 per cent. per annum;

3,000 "A" shares, of the same amount, fully paid up, and entitled to the same dividend;

6,000 "B" shares, of the same amount, fully paid up, and entitled to a maximum dividend of £1 2*s.* 6*d.* per share, being at the rate of £7 10*s.* per cent. per annum;

A.D. 1877.

11,607 "C" shares, of the nominal amount of £10, of which £5 per share has been paid up, and entitled to a maximum dividend of 7*s.* per share, being at the rate of £7 per cent. per annum on the amount paid up.

And whereas the Company owe a mortgage debt of £20,870: And whereas the Corporation desire to purchase the undertaking of the Company, and the Company are willing to sell the same upon the terms herein-after mentioned: And whereas the Corporation are promoting a Bill in Parliament (herein-after referred to as "the Bill") for authorising (amongst other things) such purchase and sale of the Company's undertaking: Now these Presents witness, and it is hereby mutually agreed as follows:—

1. Subject to the passing of the Bill as herein-after provided, the Company shall sell and the Corporation shall purchase the undertaking, works, and property, rights, powers, interests, and privileges of or to which the Company now are or shall be at the 1st day of January 1878, seised, possessed, or otherwise entitled to in law, equity, or otherwise howsoever, subject to all the liabilities, contracts, debts, and obligations of the Company as herein-after provided.

2. The consideration for the said purchase and sale shall be annuities to be granted by the Corporation, and a bonus to be paid by the Corporation as follows:—

   In respect of each of the 3,000 "original" and of each of the 3,000 "A" shares of the Company a perpetual annuity of £1 10*s.* 0*d.* per annum, and a bonus of £2;

   In respect of each of the 6,000 "B" shares of the Company a perpetual annuity of £1 2*s.* 6*d.*, and a bonus of £2;

   In respect of each of the 11,607 "C" shares of the Company a perpetual annuity of 7*s.*, and a bonus of £3 10*s.* 0*d.*;

   Every such annuity shall be payable in equal half-yearly instalments on the 1st of February and 1st of August in every year;

   The first instalment shall be paid on the 1st of February 1878;

   The bonus to be paid as aforesaid shall be paid on the 1st of January 1878;

   It shall not be necessary for the Corporation to grant a separate annuity for each share, but such annuities shall be created of such an amount as will permit the same to be conveniently distributed amongst the holders of shares in the Company.

3. No further capital shall be called up or shares allotted by the Company, but the Company may, with the consent of the Corporation, borrow on mortgage of the undertaking such further sums as may be agreed upon.

4. The sale and purchase of the Company's undertaking shall be effected either by a conveyance which shall be executed by the Corporation and the Company respectively on or before the last day of December 1877 or by transfer by operation of the Bill if passed.

5. The Company shall continue to carry on their business in all respects as at present until the last day of December 1877, and shall retain and pay to their shareholders in respect of the half-year to end on the

30th day of June one half-year's dividend according to the maximum rate to which each class of shares is entitled as above stated, and subject to such payment shall carry on that business for the benefit of and as trustees for the Corporation as from the 1st day of January 1877, and shall account to the Corporation accordingly, and shall hand over the undertaking and works in all respects in good order and condition.

6. The Company shall not without the consent of the Corporation incur any other than proper usual and reasonable trade liabilities.

7. The Company shall be entitled to retain half the reserve fund as may be shown by the balance sheet of 31st December 1877, and may apply the same as they think fit.

8. The Corporation shall take over all the liabilities of the Company subsisting on the 1st of January 1878, and shall as from that day be subject to and shall perform and be liable to and satisfy all the covenants, agreements, duties, liabilities, charges, and debts of the Company, and shall indemnify the several shareholders of the Company, and their respective heirs, executors, administrators, successors, and assigns, estates, and effects, from all such covenants, agreements, duties, liabilities, debts, and charges, and all costs, charges, and expenses by reason thereof, or of the non-performance or undue performance thereof, respectively. If any period shall elapse between the said 1st day of January 1878 and the actual conveyance or transfer of the undertaking, property, rights, powers, and privileges of the Company to the Corporation, the Company shall as from the said 1st day of January 1878 until such actual conveyance or transfer carry on and conduct the business of the Company as trustees for and for the benefit of the Corporation.

9. This agreement is in all things subject to and conditional upon the passing of the Bill now pending in Parliament, and in case of the failure of the Bill from any cause this agreement shall be void and of no effect.

10. The Corporation shall use their best endeavours to pass the Bill so far as it relates to this agreement, and the Company shall, so far as they can do so without prejudicing their own rights and interests, co-operate with the Corporation in promoting the same, but nothing herein shall prejudice or affect the right of the Company to be heard upon petition before any Committee to which the Bill may be referred in either House of Parliament.

11. The Company shall have notice of any amendment in the Bill which would affect the Company as owners of the undertaking and property of the Company, and the Corporation shall not consent to the introduction into the Bill in either House of Parliament of any provisions objected to by the Company, except such as shall be approved by the Committee of either House upon the Bill to be inserted therein.

12. This agreement is subject to such alterations (if any) as Parliament may think fit to make therein, but if any material alteration is so made either party shall be at liberty to withdraw from this agreement before the passing of the Bill.

A.D. 1877.

13. All the expenses of this agreement, and of the purchase, sale, and conveyance, shall be borne by the Corporation.

In witness whereof the Corporation and the Company have hereunto caused their respective common seals to be affixed the day and year first above written.

Passed under the common seal of the Blackburn Gaslight Company in the presence of

JOSEPH HARRISON,
Chairman of the Company.

L.S.

Given under the common seal of the Corporation in the presence of

WM. E. L. GAINE,
Town Clerk.

W. H. HORNBY, junior,
Mayor.

L.S.

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