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An Act to enable the Chorley Commissioners to obtain further lands for the Utilization of Sewage, and to make Sewerage Works; to erect a new Cattle Market and new Gasworks; to purchase the existing Market and Gasworks; to erect a new Town Hall and Public Buildings; to widen Streets; and to amend the Chorley Improvement Act, 1853; and for other purposes. [29th June 1871.]

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WHEREAS by the Chorley Improvement Act, 1853, herein-after called the Act of 1853, the Chorley Commissioners, herein-after called the Commissioners, were incorporated and empowered to improve and regulate the parish of Chorley in the county of Lancaster, as therein provided: 16 & 17 Vict. c. clxxxi.

And whereas the Commissioners have proceeded to put the Act of 1853 into execution, but have been unable to exercise all the powers thereof with respect to markets and fairs, the purchase or erection of a town hall and other offices and buildings, and gasworks and other objects, and it is expedient that their powers should be enlarged:

And whereas the population of the township and parish of Chorley has since the passing of the said Act greatly increased, and it is expedient that the Commissioners should be authorised to acquire lands for and to carry out sewerage works, to construct a market place for cattle, to purchase the existing market place and gasworks, to erect new gasworks, a town hall, and public buildings, and to widen and improve certain streets:

And whereas an agreement has been entered into between the Chorley Gaslight Company and the Commissioners for the sale by the company to the Commissioners of the undertaking of the Chorley Gaslight Company, and the terms are embodied in certain heads of agreement scheduled in this Act:

And whereas it is expedient to alter and vary the mode of electing Commissioners:

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And whereas it is expedient that the Act of 1853 should be amended as herein-after provided:

And whereas under the provisions of the Act of 1853, and of the Public Works (Manufacturing Districts) Act, 1863, and the Sewage Utilization Act, 1865, the Commissioners have borrowed large sums of money, and are now indebted in a balance of forty-seven thousand four hundred and fifty pounds or thereabouts:

And whereas they have lately purchased for sewage cultivation certain lands and hereditaments, and it is intended by them to purchase other lands for the purpose of increased sewage cultivation, and it is expedient that they should be authorised to borrow further sums of money for the purposes of this and the Act of 1853:

And whereas plans of the lands, houses, and property to be taken for the purposes of this Act, and plans and sections of the new works to be executed thereunder, and books of reference to the same, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of such lands, houses, and property, have been deposited with the clerk of the peace for the county of Lancaster:

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

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

Part 1.—PRELIMINARY.

Short title.

1. This Act may be cited for all purposes as "The Chorley Improvement Act, 1871."

Commencement of Act.

2. This Act shall commence and have effect as respects the purchase of the undertaking of the Chorley Gaslight Company on the passing thereof, and for all other purposes on the first day of November one thousand eight hundred and seventy-one.

Provisions of general Acts herein named incorporated.

3. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Commissioners Clauses Act, 1847," "The Markets and Fairs Clauses Act, 1847," "The Town Improvement Clauses Act, 1847," "The Town Police Clauses Act, 1847," "The Gasworks Clauses Act, 1847," and "The Railways Clauses Consolidation Act, 1845," so far as the provisions of those Acts respectively are applicable for the purpose of and not inconsistent with the provisions of this Act, are hereby incorporated with this Act; and for the purposes of this Act the expression "the railway" in the last-mentioned Act means the respective works by this Act authorised, and the expression "the Company" in that Act means the Chorley Commissioners.

Same meanings in incorporated Acts as in this Act.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or rendered applicable hereto shall have the same respective meanings, unless the same be varied by this Act, or unless there be something in the subject or context repugnant to such construction.

"Superior courts."

5. In this Act, and for the purposes of this Act in any Act incorporated herewith or rendered applicable hereto, the expression "superior courts" or "court of competent jurisdiction" shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

"Undertaking."

6. The expression "undertaking," as applied to the Chorley Gaslight Company, shall mean the gasworks of every description of such company, together with their buildings, meters, mains, pipes, and other works, real and personal estate, effects, and privileges, and all rights, powers, easements, and authorities of such company.

General improvement fund.

7. The expression "the General Improvement Fund" shall mean all moneys herein directed to be carried to the credit of such fund.

Acts to be read as one.

8. This Act and the Act of 1853 shall be construed together as one Act, provided that in any case in which the provisions in this Act are contradictory to or inconsistent with any provisions of the Act of 1853, the provisions of this Act shall supersede such provisions of the Act of 1853.

Limits of Act.

9. This Act shall, except as to lands taken for the purposes of sewerage works, and as to the distribution of sewage matter, and also except where expressly provided otherwise, apply to and within the township and parish of Chorley exclusively.

Limits of Act for gas.

10. This Act shall, with respect to the supply of gas, be put in force within the following limits, herein-after called "the gas limits;" (that is to say,) the township and parish of Chorley, the townships of Duxbury, Heath-Charnock, Coppull, Charnock-Richard, in the parish of Standish, and the townships of Euxton, Heapey, Wheelton, and Whittle-le-Woods, in the parish of Leyland, all in the county of Lancaster.

PART 2.—AS TO SEWERAGE WORKS, &c.

Power to construct sewerage works.

11. Subject to the provisions of this Act, the Commissioners may, on any lands taken by them under this Act or otherwise belonging to them, and in the line and according to the levels and within the limits of deviation shown on the deposited plans and sections, from time to time execute, construct, and maintain the line of pipes and

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conduits and works connected therewith shown on the deposited plans; that is to say,

A main sewer or line of pipes commencing at the termination of the existing sewer of the Commissioners on Chorley Moor, twenty-three yards from the south-west side of Katharine Street, and passing along the public highway called Chorley Moor to the point where such highway is joined by the occupation road leading to Higher Kingsley Farm, and thence along such occupation road on to the lands thirdly herein-after described to a point on such lands one hundred and sixty-five yards distant in a north-westerly direction from the junction of the above-named occupation road and public highway, and marked A on the plans deposited for the purposes of this Act, with all necessary and proper sewers, drains, channels, and junctions with sewers, and all necessary sluices, cuts, pipes, filtering and disinfecting beds, machinery, waste gates, gauges, regulating basins, reservoirs, approaches, and conveniences connected with the before-mentioned main conduit or pipe and other works, and also all necessary and convenient tanks, pipes, works, and conveniences for the intercepting and conveying, receiving, stowing, disinfecting, distributing, and utilizing the sewage and sewage matter under the control of the Commissioners, and all other works necessary for any of such purposes.

Vertical deviation.

12. In the construction of the said works the Commissioners may deviate vertically from the level thereof as shown on the deposited sections to any extent not exceeding five feet.

Lateral deviation.

13. Where the line of any works, as shown upon the deposited plans, passes along any highway, turnpike or other road, bridge, or street, and no limits of lateral deviation are shown on the deposited plans, the Commissioners may in making the works deviate laterally from the line thereof as laid down on the deposited plans to the extent of the boundaries of such highways, turnpike roads, bridges, or streets respectively, and in any other case to the extent delineated on the deposited plans.

Time for completion of sewerage works.

14. The sewerage works hereby authorised shall be completed within seven years from the passing of this Act, and if the same shall not be completed within that period, then on the expiration thereof the powers by this Act granted to the Commissioners for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Power to take lands.

15. Subject to the provisions of this Act, the Commissioners from time to time may enter upon, take, and use the lands herein-after

described or any of them, and may by agreement acquire any easement or right in or over those lands or any of them; but such powers shall not extend to the acquisition of any right or easement only in or over any water.

Lands to be taken for sewerage purposes.

16. The following are the lands which will be taken by the Commissioners for sewerage purposes:

1stly, a piece of land situate at Common Bank, called the Well Croft, and part of the Common Bank Wood adjoining thereto, bounded on the north, south, and west sides by other lands of the Commissioners, and on the east by other portions of the Common Bank Wood, and containing by admeasurement five acres and thirty-two perches, or thereabouts:

2ndly, the Foxhole Wood situate at Common Bank, bounded partly on the west and north sides by lands belonging or reputed to belong to Robert Townley Parker, Esquire, and partly on those sides and on all other sides by lands belonging or reputed to belong to the Commissioners, containing six acres three roods and twelve perches of land, or thereabouts, and situate partly in the township and parish of Chorley, and partly in the township of Euxton and parish of Leyland, in the county of Lancaster:

3rdly, several closes or pieces of land situate over Chorley Moor near to Plymouth Bridge, forming part of Kingsley's and Plymouth Farms, in the occupation of Mr. Richard Barrow and Messieurs John and Matthew Chester, bounded on the west by the boundaries of the townships of Chorley and Charnock-Richard, on the east by lands belonging or reputed to belong to Mr. John Yates, the representatives of the late Samuel Freeman, Esquire, and an occupation road leading from the public highway from Welch Whittle to Chorley, called Chorley Moor, to Higher Kingsley Farm, on the south partly by the same public highway, and partly by lands of the said representatives of the late Samuel Freeman, Esquire, and on the north by lands belonging or reputed to belong to the representatives of the late Henry Hawarden Fazakerley, Esquire, containing by admeasurement forty-six acres and eleven perches, or thereabouts:

All which lands are the property or reputed property of the representatives of the late Henry Hawarden Fazakerley, Esquire, and, except as above mentioned, are situate in the township and parish of Chorley in the county of Lancaster.

For protection of Corporation of Liverpool.

17. Where any water main or pipe of the Corporation of Liverpool shall be severed, fractured, injured, or interfered with by the execution of the works authorised by this Act, or where by the

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execution of such works it becomes necessary for maintaining a supply of water to lay an additional water main or pipe, such additional water main or pipe, or the necessary repairs or connexions, shall be laid or made by the corporation at the expense of the Commissioners, provided that if the corporation shall not, after reasonable notice, lay such additional water mains or pipes, or make such repairs or connexions as may be required, the same may be laid or made by the Commissioners.

Corporation not to be liable for giving way of water mains.

18. The Commissioners shall not be entitled to any compensation from the corporation in consequence of any injury to any pipe or other works of the Commissioners by this Act authorised to be laid or constructed by reason of the bursting, fracture, defect, or giving way of any water main or pipe of the corporation which is now laid, or any main or pipe of the same dimensions, and laid in the same position in substitution for any existing main or pipe, unless the same shall happen through the neglect or default of the corporation.

Section 25 of 10 & 11 Vict. c. 15. extended to this Act.

19. The 25th section of the Gasworks Clauses Act, 1847, shall extend to and include any fouling of water belonging to the corporation, by reason of the laying, maintaining, or continuing any main or pipe, other than a main or pipe laid in the same position and in substitution for any existing main or pipe, belonging to the Commissioners, notwithstanding such fouling may be in part occasioned by any fracture or defect in any water main or pipe of the corporation.

Gas pipes not to be laid near water mains of corporation.

20. The Commissioners shall not, where there is available space, place or lay any gas main or pipe (other than a service pipe) within four feet, or any sewer or sewer pipe (other than a branch drain) within six feet, from any water main or pipe (other than a service pipe) of the corporation without their permission, except in case of crossings, and except gas mains or pipes placed or laid by the Commissioners in the same position and in substitution for existing gas mains or pipes.

Saving rights under section 25 of Gasworks Clauses Act.

21. The provisions contained in the preceding sections shall not be deemed to qualify or affect the 25th section of "The Gasworks Clauses Act, 1847," and the corporation shall have such and the same rights under that section as if such provisions had not been passed.

Powers for compulsory purchases limited.

22. The powers of the Commissioners for the compulsory purchase of land for the purpose of the sewerage works authorised by this Act shall not be exercised after the expiration of seven years from the passing of this Act.

Power to purchase lands and easements by agreement.

23. The Commissioners may from time to time by agreement purchase, take upon lease, or otherwise acquire any lands, and any easements or rights in, over, or affecting lands, (but not easements in or over any water,) which they may deem necessary or convenient either for additional sewage cultivation or for any of the purposes of this Act with respect to sewerage works, or for extraordinary purposes in connexion with such works, and with respect to such works the word "lands" in "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," includes easements and rights in, over, or affecting lands, but not easements in or over any water.

Grants of easements to remain valid, notwithstanding destination of sewage altered.

24. All grants and easements made to or other rights already vested in the Commissioners for or in respect of the passage or conveyance of sewage and sewage matter through or along any lands or highways by means of any conduits or pipes of the Commissioners shall remain valid and operative, notwithstanding that the sewage or sewage matter to be passed through or along such conduits or pipes shall be greater in quantity, or shall be derived from other and different sources, or shall be conveyed to other or more distant places, or shall be applied to other or different purposes, than or shall in any other mode differ from the sewage and sewage matter in respect of which such easements or rights respectively were granted.

Power to deal with lands for sewage purposes.

25. The Commissioners may from time to time use and employ any lands for the time being held by them for sewage and sewage utilization purposes, and for the purposes of thereon dealing with, receiving, collecting, storing, disinfecting, deodorizing, distributing, utilizing, and applying to purposes of agriculture, irrigation, or fertilization, or other like purposes, the said sewage and sewage matter.

Supply of sewage to adjacent owners.

26. The Commissioners may, under any agreement with the owners or occupiers of any lands contiguous or near to the conduits or works of the Commissioners, supply to such owners or occupiers respectively sewage for the fertilization of such lands, upon such terms and subject to such conditions as may be mutually agreed upon.

Supply of sewage to lands.

27. In supplying sewage for the irrigation of any lands, the Commissioners shall supply only such quantities of sewage as, according to the nature of the soil and of the crop to which it is to be supplied, can be absorbed, so as to prevent any discharge of noxious matter into the wells, ponds, springs, rivers, or watercourses of the district or neighbourhood in or near which the lands are situate.

Power to execute works for fertilizing purposes.

28. For the purpose of drawing off or supplying sewage for fertilizing lands the Commissioners may by agreement, subject to the provisions of this Act, make all necessary openings in their

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conduits or other works, and construct, execute, lay down, and maintain, and from time to time renew, alter, improve, cleanse, and repair, all such works and apparatus as may be necessary or proper.

Power of entry for ascertaining quantity of sewage consumed by meter, &c.

29. Any officer of the Commissioners may, after twelve hours notice, enter any lands to, through, or into which sewage may be supplied by them, by measure or otherwise, in order to inspect the meters, instruments, pipes, and apparatus for the measuring, conveyance, reception, and storage thereof, or for the purpose of ascertaining the quantity of sewage supplied or consumed, and may from time to time enter any lands for the purpose of removing any meter, instrument, pipe, or apparatus the property of the Commissioners; and if any person shall hinder any such officer from entering or making such inspection, or effecting such removal, he shall for every such offence be liable to a penalty not exceeding five pounds; but the power of entry conferred by this section shall be exercised only between the hours of ten in the forenoon and four in the afternoon.

Penalty for using sewage without agreement.

30. If any person, not being entitled thereto under any agreement with the Commissioners, shall wrongfully take or use any sewage from any tank, conduit, pipe, sewer, or work belonging to the Commissioners, so as to interfere with their rights or property therein, he shall for every such offence be liable to a penalty not exceeding five pounds.

Conduits to be constructed so as not to be a nuisance.

31. The Commissioners shall cause the conduits and other works by this Act authorised and the lands connected therewith to be so respectively constructed, covered, kept, and used as not to be or create a nuisance or be injurious to health.

Commissioners not to be exempt from proceeding for a nuisance.

32. Nothing in this Act shall exonerate the Commissioners from any indictment, action, or other proceeding for nuisance or damages in the event of any nuisance being caused by them in the conveying or disposing of the sewage or refuse from sewers, or in any other manner, or of any damage occurring from the want of repair of the works of the Commissioners.

Power to borrow on mortgage of sewage lands.

33. The Commissioners may from time to time raise any money on mortgage of the lands for the time being held by them, subject to the provisions of this Act with respect to the sewerage works, and every such mortgage shall be by deed duly stamped, and may contain such power of sale, and other powers and provisions, as the respective mortgagees shall reasonably require for better securing the payment of the principal money and interest thereby secured.

Application of income from sewage works.

34. The Commissioners shall carry over all income from time to time received by them with respect to the sewerage works hereby

authorised, and the rents of the lands to be acquired under this Act for such works, and the supply of sewage (except money borrowed), to the credit of the General Improvement Fund.

As to exemptions from sewer rates.

35. Section 116 of the Act of 1853 is hereby repealed, and the occupier of any building not lying within one hundred yards of any sewer of the Commissioners, and not drained directly or indirectly into a sewer of the Commissioners, shall be assessed to the special and general sewer rates as if the same were land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds; and the occupier of any such land, and the occupier of any land covered with water, or used only as a towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, shall be, from and after the passing of this Act, assessed in respect of the same to the special and general sewer rates in the proportion of one fourth part only of the net annual value thereof, and for all purposes of rating and incidental thereto the parish of Chorley shall be considered as one drainage district: Provided always, that nothing herein contained shall apply to the exemptions from rates set forth in section 115 of the Act of 1853.

Part 3.—As to Markets.

Power to provide cattle markets.

36. Subject to the provisions of this Act, the Commissioners may from time to time provide, construct, maintain, and regulate a place or places for a cattle market and for fairs in and for the parish of Chorley, with all convenient entrances and approaches thereto, and may enter or take, hold, and use the lands described in the deposited plans and books of reference and herein-after described, and which, with other buildings, conveniences, erections, and fixtures, are herein-after referred to as the cattle market.

Lands for purposes of cattle market.

37. The lands to be taken for such cattle market are situate on the south side of the Fellery public footpath in the township and parish of Chorley and county of Lancaster aforesaid, and are bounded on the north by Union Street and the said footpath, on the south partly by a street leading from High Street to Upper Cleveland Street, partly by houses and lands belonging or reputed to belong to Mr. James Knowles Nightingale, and partly by land belonging or reputed to belong to the representatives of the late Henry Hawarden Fazakerley, Esquire, on the east by lands belonging or reputed to belong to the Chorley Gaslight Company, and on the west partly by lands belonging or reputed to belong to the representatives of the late John Silvester, Esquire, partly by lands belonging or reputed to belong to Mr. John Craven, partly by lands

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belonging or reputed to belong to Messrs. Cunliffe and Grundy, and partly by buildings and lands belonging or reputed to belong to John Rigby, Esquire, such last-mentioned lands being or reputed to be the property of William Standish Carr Standish, Esquire, and the representatives of the late John Silvester, Esquire, and in the respective occupations of James Entwisle, Robert Lloyd, George Burnet, Hollinhurst Marsden, John Ince, Betty Ainsworth, John Craven, and the mayor, aldermen, and burgesses of the borough of Liverpool, and containing by admeasurement three acres one rood and twenty-four perches, or thereabouts: Provided always, that the Commissioners may set apart any portion of the said lands not required for the cattle market as additional sites for markets and fairs under section 75 of the Act of 1853.

Sewering and draining of market.

38. The Commissioners may cause the land on which the cattle market is to be constructed, and the streets adjacent thereto, to be sufficiently raised and elevated, and shall cause the cattle market to be sufficiently sewered and drained, and may execute the works necessary for the sewering and drainage thereof, and may connect the sewers and drains made for that purpose with any main or other sewers within the township and parish of Chorley, and may maintain and from time to time repair, alter, and remove such drains and connexions.

Limits of market.

39. The limits of this Act with respect to the cattle market shall be co-extensive with the limits of the township and parish of Chorley.

Period for compulsory purchase.

40. The powers of the Commissioners for the compulsory purchase of lands for the purposes of the cattle market shall not be exercised after the expiration of five years from the passing of this Act.

Lands for extraordinary purposes.

41. The quantity of land to be taken by the Commissioners by agreement for the extraordinary purposes mentioned in "The Markets and Fairs Clauses Act, 1847," shall not exceed two acres.

Power to Commissioners to purchase lands by agreement.

42. The Commissioners from time to time by agreement may purchase or otherwise acquire any lands, and any easements or rights in, over, or affecting lands, which they think requisite for any of the purposes of this Act with respect to the cattle market, and in order thereto the word "lands" in "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," respectively incorporated with this Act, includes, for the purposes of this section, easements and rights in, over, or affecting lands.

Period for completion of works.

43. The cattle market shall be completed within seven years from the passing of this Act, and if the same shall not be completed

within that period, then on the expiration thereof the powers by this Act granted to the Commissioners for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much as shall then be completed.

As to purchase of existing markets, and the rights of the lords of the manor in reference to markets.

44. Whereas the Commissioners have been unable to agree with the lords or reputed lords of the manor of Chorley, or other person or persons entitled thereto, for the purchase of the existing market place at Chorley, and the site thereof, and the approaches thereto, and all franchises, rights, or privileges of holding markets or fairs therein, and of taking tolls, stallages, rents, or other dues thereat in manner provided by the 74th section of the Act of 1853: Therefore, notwithstanding anything in such section contained, it shall be lawful for the Commissioners to purchase the existing market place at Chorley, and the site thereof, and the approaches thereto, and all franchises, rights, or privileges of holding markets or fairs within the parish of Chorley, and of taking tolls, stallages, rents, or other dues thereat, and all rights incident, belonging, or appertaining to the manor or reputed manor of Chorley; and if they shall make an offer to purchase the same in writing to such person or persons so entitled, and which offer shall state the amount they are willing to pay for the same, and the parties respectively shall be unable to agree as to the price or consideration and the terms and conditions of and for such purchase within six calendar months of the date of such offer in writing, the Commissioners may purchase the said market place, and the site thereof, and the approaches thereto, and all such franchises, rights, and privileges; and the sections of "The Lands Clauses Consolidation Act, 1845," with respect to the purchase and taking of lands otherwise than by agreement shall apply to the purchase as well of the said market place and the site thereof as to the franchises, rights, and privileges aforesaid.

Discontinuance of cattle markets and fairs.

45. The cattle market shall not be opened for public use until after the purchase of the existing market place, and the franchises, rights, and privileges aforesaid, and after such opening the holding of any market or fair for cattle elsewhere within the township and parish of Chorley than in the place appointed for that purpose by this Act shall be discontinued.

Penalty for selling cattle elsewhere.

46. From and after the opening for public use of the cattle market, all markets and fairs for and all sales by auction of cattle and horses held within the limits of this Act shall be held in the cattle market, and not elsewhere, and if after such opening any person, without the written license and consent of the Commissioners first obtained, shall sell or expose for sale any cattle or horses in any market, street, highway, or public place within the limits of this

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Act other than the cattle market, or shall sell or offer for sale by auction any cattle or horses in any place within those limits other than as aforesaid, he shall for every such offence be liable to a penalty not exceeding five pounds: Provided always, that nothing in this section contained shall prevent the bonâ fide owner of any cattle or horses, or any horsedealer to whom only horses are committed for sale, from selling the same on his own premises.

Tolls for market.

47. The Commissioners may demand and receive tolls and rents, not exceeding those specified in the Schedule (A.) of the Act of 1853, from persons selling or exposing or offering for sale, exhibition, or hire, or for breeding or other purposes respectively, any cattle or horses in the cattle market, or frequenting or attending with any of the same for any such purposes any market or fair held in the cattle market.

Market tolls for stalls, &c. payable by successive occupiers.

48. The several tolls payable in respect of the occupation or use of any stall, shed, standing, station, or place shall be paid not only by the original taker or occupier thereof for part of a day if he do not occupy it the whole day, but also by any subsequent taker or occupier of the same for any subsequent part of the same day.

Application of tolls.

49. The several tolls which by this Act are authorised to be demanded by the Commissioners shall be carried to the credit of the General Improvement Fund.

Recovery of tolls.

50. If any person liable to the payment of any stallage, rent, or toll payable to the Commissioners under this Act or the Act of 1853 shall not pay the same when demanded, the Commissioners or their lessees, or any person authorised by the Commissioners or their lessees to collect the same, may seize and detain the cattle or goods in respect of which the same shall be payable, or any other cattle or goods then or thereafter in the cattle market belonging to the person liable to pay the same or under his charge; and if the amount of the stallage, rent, or toll, and the reasonable charges of such seizure, detention, keeping, and maintaining, be not paid within four days from the time of seizure, the Commissioners or their lessees may sell the cattle or goods seized, and out of the proceeds may pay and retain the stallage, rent, or toll, and the charges aforesaid and those of the sale, returning the overplus (if any) to the owner of the cattle or goods seized, or such stallage, rent, or toll may be recovered in any court of competent jurisdiction.

Separate account.

51. The Commissioners shall keep a separate account of their receipts, payments, credits, and liabilities in respect of the cattle market and slaughter-houses, to be called "The Cattle Market Account."

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Application of provisions of Act of 1853.

52. The provisions of the Act of 1853, sections 75 to 88 inclusive, relating to the market place, also to the cattle market and slaughter-houses thereby authorised, except where they are expressly varied by this Act, shall apply to the market place, cattle market, and slaughter-houses hereby authorised, as if they were here repeated, mutatis mutandis, and the leasing powers in sections 79 and 80 shall be construed so as to extend to any property of the Commissioners.

Part 4.—As to Gasworks.

Power to erect gasworks.

53. Subject to the provisions of this Act, the Commissioners may take the lands next herein-after described, and thereon construct and erect gasworks, and afterwards from time to time enlarge the same, and construct, maintain, improve, alter, extend, and renew additional gas and other works, buildings, apparatus, and meters, that is to say, certain lands belonging or reputed to belong to the representatives of the late Henry Hawarden Fazakerley, Esquire, and containing by admeasurement one acre one rood and twenty-five perches or thereabouts, which lands are situate at the north end of Bengal Street in the township and parish of Chorley in the county of Lancaster aforesaid, and bounded on the north by lands belonging or reputed to belong to Mr. Thomas Lee, and measuring on such side three hundred and twenty-five feet or thereabouts, on the south partly by a street leading from Water Street to Bengal Street, and partly by lands belonging or reputed to belong to Hugh Neville Brock Hollinshead, Esquire, and measuring on such side three hundred and seventy feet or thereabouts, on the east by the Lancashire and Yorkshire Railway, and measuring on such side two hundred and eighteen feet or thereabouts, and on the west partly by lands belonging or reputed to belong to the Commissioners, and partly by lands belonging or reputed to belong to the representatives of the late Thomas Livesey, and measuring on such side one hundred and forty-five feet or thereabouts; and may manufacture and store gas therein and on any lands they may acquire under section 66 of this Act, and may supply and sell gas within the gas limits defined by this Act, and for that purpose may lay down and maintain mains, pipes, meters, fittings, and other works in, through, under, over, or across any road, highway, or footpath within the gas limits, and also may divert the public footpath and occupation road crossing the site of the intended gasworks in a line with Bengal Street aforesaid, and thence along the northern boundary of the said lands to a point where the existing road crosses the said Lancashire and Yorkshire Railway, and may lay down such pipes under, over, or across any bridges, canals, towing-paths, railways, tramways, sewers, drains, streams,

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brooks, and watercourses within the gas limits: Provided always, that the Commissioners shall not erect or use any works for the manufacture of gas, nor store gas, except on the lands herein-before immediately described, or on the lands at present in the occupation of the Chorley Gaslight Company, and described in the Schedule (G.) hereto.

Power to sell gas refuse.

54. The Commissioners may, but only on the lands aforesaid, convert, manufacture, sell, and dispose of coke, coal, tar, pitch, asphaltum, ammoniacal liquor, oil, and all other refuse or residuary products arising, remaining, produced by, or obtained from the manufacturing of gas by them, or the materials used therein, and may manufacture and sell such articles as can be produced from or by means of the several matters and things aforesaid.

Power to use patented inventions, &c.

55. The Commissioners may contract for, take, and use any leave, license, or authority to work, use, exercise, or put in practice any invention or inventions under any letters patent at any time heretofore made or hereafter to be made, granting any right or privilege of working, using, exercising, or vending any invention in relation to the manufacture and distribution of gas, or the utilization of the residual products arising from the manufacture of gas, or otherwise in relation thereto; but the Commissioners shall not acquire any exclusive right to any such invention, and the Commissioners may also manufacture and sell, let, or deal in gas fittings, tubes, meters, pipes, and all other articles and things in any way connected with gasworks, or with the supply of gas to the consumers thereof, in such manner as the Commissioners may think proper: Provided always, that nothing herein contained shall be deemed to exempt the Commissioners from any liability to be proceeded against for nuisance.

Gratuitous supply of gas for public purposes.

56. The Commissioners may from time to time, within the gas limits on such terms and conditions as they think fit, or within the parish of Chorley gratuitously, supply gas for any purposes of public advantage, or to or for any hospital or infirmary, public baths or wash-houses, or any building maintained at the expense of the Commissioners, or out of the rates for the relief of the poor wholly raised within the parish of Chorley.

Power to light streets in Chorley.

57. The Commissioners may light with gas the streets and public buildings within the parish of Chorley at such times and in such manner as they think fit, and may provide, set up, lay, and affix lamps, lamp-posts, lamp-irons, pipes, and other works and conveniences in such streets, and in or against any public building, and, with the consent of the occupiers respectively, on any land or against any private building or structure.

Power to agree for lighting streets, &c. in gas limits beyond Chorley.

58. The Commissioners may from time to time contract with any local board, inspectors, commissioners, trustees, or other persons having the control of the streets and roads within the gas limits beyond the parish of Chorley for lighting the same, or any of them, with gas, and for providing for that purpose lamps, lamp-posts, lamp-irons, burners, pipes, meters, and other apparatus, and for the repairs thereof, in such manner and on such terms as may be agreed on, and for such purposes may from time to time break open such streets or roads, and thereunder lay down pipes, and thereon erect lamp-posts, and other works and conveniences.

Gas rents.

59. The 71st section of the Act of 1853 is hereby repealed so far as it regulates the price to be charged for the supply of gas, and the highest gas rent payable to the Commissioners shall be for gas supplied within the parish of Chorley at the rate of four shillings, and for gas supplied beyond the parish of Chorley at the rate of four shillings and sixpence, for one thousand cubic feet.

Rebates on gas rents.

60. The Commissioners may allow rebates to consumers of gas upon such scale and subject to such conditions and regulations as they may from time to time prescribe, but no such rebates shall in any case exceed twenty per centum, and a rebate at least equal to that allowed to any consumer shall be allowed to every other consumer of the same or a greater quantity of gas.

Illuminating power of gas.

61. All the gas supplied by the Commissioners shall be of such quality as to produce from an argand burner having fifteen holes and a seven-inch chimney, and consuming five cubic feet of gas an hour, a light equal in intensity to a light produced by fifteen sperm candles of six to the pound burning one hundred and twenty grains an hour.

Obligations on Commissioners as to supply.

62. The Commissioners shall, on the request in writing of the owner or occupier of any building or part of a building within fifty feet of which any gas main of the Commissioners is laid, furnish to such owner or occupier a supply of gas for such building or part of a building on the following conditions; namely,

First. That the owner or occupier making such request do, if required by the Commissioners, give to them at his own expense reasonable security for payment of the gas to be supplied:

Second. Where such security is by way of a money deposit the Commissioners shall, on the expiration of six months from the date of such deposit, and as long thereafter as such deposit shall remain in their hands, allow the depositor interest thereon at the rate of four pounds per centum per annum:

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Third. That such owner or occupier do pay the cost of and expenses of laying all necessary pipes for such supply beyond the line of street or road where the gas main of the Commissioners is placed:

Fourth. That such owner or occupier do, if required by the Commissioners, pay in advance the estimated amount of such cost and expenses:

And any dispute as to any matter arising under the present section shall be settled by arbitration in manner provided by "The Lands Clauses Consolidation Act, 1845," respecting matters thereby directed to be settled by arbitration.

Commissioners to provide testing meter for testing illuminating power of gas.

63. Within six months after the Commissioners shall begin to supply gas, they shall provide in some part of their works, or of their principal office, so placed as to afford a test for all the gas supplied by them, a proper and sufficient testing meter furnished with an argand fifteen-hole burner and a seven-inch chimney, or other approved burner and chimney capable of consuming five cubic feet of gas an hour, with other apparatus proper and sufficient for testing the illuminating power of the gas supplied by them.

Provision for testing quality of gas.

64. Any five consumers of gas may, by order in writing, appoint some competent person, not being one of themselves, to proceed to the works of the Commissioners, and the person so appointed may at any reasonable hour in the daytime, on producing such order, enter on the premises of the Commissioners, and in the presence of the gas superintendent or other officer of the Commissioners make experiment of the illuminating power of the gas by means of the experimental meter and other apparatus provided under this Act, and the Commissioners and their officers shall afford all reasonable facilities and assistance for making such experiment; and if it shall be proved to the satisfaction of two justices after hearing the parties that the illuminating power of the gas supplied by the Commissioners did not when so tested as aforesaid equal the illuminating power by this Act prescribed, or that the Commissioners or their officers refused to afford such reasonable facilities as aforesaid, or hindered or prevented the making of such experiment, in any such case the Commissioners shall forfeit such sum, not exceeding twenty pounds, as such justices shall determine.

Costs of experiments to be paid according to the result.

65. The costs of and attending such experiment, including the remuneration to be paid to the person making the same and the costs of the proceedings before the justices, shall be ascertained by such justices, and in the event of any penalty being imposed on the Commissioners shall be paid, together with such penalty, by the Commissioners, but in the event of no penalty being imposed, such

costs shall be awarded to be paid by the parties complaining to the Commissioners, and shall be paid and levied accordingly.

Agreement for purchase of existing gasworks confirmed.

66. The agreement dated the eighth day of March one thousand eight hundred and seventy-one, made between the Chorley Gas-light Company and the Commissioners for the sale of the under-taking of the Company, and of which a copy is appended in Schedule (A.) to this Act, is hereby confirmed, and shall be held binding so far as not by this Act expressly altered, and the Company shall convey to the Commissioners, as and from the thirty-first day of December one thousand eight hundred and seventy (herein-after called the vesting period), the undertaking of the Company, comprehending all the gasworks, mains, pipes, apparatus, and other works and conveniences thereof, and all lands and buildings, estates, rights, interests, easements, privileges, choses in action, deeds, writings, goods, chattels, and effects, and all other real, leasehold and personal, and mixed estate and effects of or to which the Company at the vesting period was seised, possessed, or in any way entitled at law or in equity, or otherwise howsoever, with the appurtenances, and all claims and demands whatsoever, and all profits and other moneys arising from the said undertaking, from such period (except the sum of one thousand seven hundred and forty-three pounds seven shillings and fivepence in such agreement mentioned), and free from all mortgages, charges, and incumbrances whatsoever.

Gasworks to vest in the Commissioners.

67. Such conveyance or transfer by the Company of their under-taking shall be by deed duly stamped, in which the full consideration shall be set forth, and on the execution of such conveyance by the Company the undertaking, estates, property, and effects of the Company, as herein-before described, (except the said sum of one thousand seven hundred and forty-three pounds seven shillings and fivepence,) shall, as from the vesting period, be absolutely vested in the Commissioners, free from all incumbrances, charges, liabilities, claims, and demands whatsoever.

Conveyances, &c. to remain valid.

68. All conveyances, leases, deeds, appointments, contracts, agreements, mortgages, bonds, covenants, and securities made or entered into before the vesting period to, with, or in favour of the Company, or any person on their behalf, and which shall be subsisting at the time of the passing of this Act, shall be and remain as good, valid, and effectual in favour of the Commissioners, and may be proceeded on and enforced in the same manner to all intents and purposes as if the Commissioners, instead of the Company or such person, had been party to and executed the same, or had been named or referred to therein or privy thereto.

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Actions, &c. not to abate.

69. Any action, suit, prosecution, or other proceeding whatsoever commenced either by or against the Company before the vesting period shall not abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue and take effect, both in favour of and against the Commissioners, in the same manner to all intents and purposes as the same would have continued and taken effect in favour of and against the Company as if this Act had not been passed, and the court in which any such action, suit, prosecution, or other proceeding is pending, or any judge, may, on the application in a summary way of any party thereto, cause the name of the Commissioners to be substituted for the name of the Company as party to such action, suit, prosecution, or other proceeding; and the name of the Commissioners shall, after any such substitution, be used in such action, suit, prosecution, or other proceeding in like manner as if the Commissioners, instead of the Company, had originally been party thereto.

Gas rates or rents to be recovered by Commissioners.

70. All gas rates or rents which immediately before the vesting period were due and payable, or accruing or becoming due and payable, to the Company, shall be payable to and may be collected and recovered by the Commissioners in like manner as the same might have been collected and recovered by the Company if this Act had not passed, and the Commissioners shall carry the gas rates or rents so collected and recovered by them to the gas account.

Debts due to and by the Company to be paid to and by the Commissioners.

71. All persons who immediately before the vesting period owed any money to the Company, or to any person on behalf of the Company, shall pay the same, with all the interest (if any) due or to accrue due for the same, to the Commissioners, and all debts and moneys which immediately before the vesting period were or have since become due or owing by or recoverable from the Company, or for the payment of which the Company were or but for this Act would be liable, shall be paid, with all interest (if any) due or to accrue due thereon, by or be recoverable from the Commissioners.

Commissioners to be subject to and to indemnify Company against their liabilities.

72. From and after the vesting period the Commissioners shall be subject to and shall perform and conform and be liable to all covenants, conditions, agreements, directions, duties, liabilities, debts, charges, and restrictions relating to the Company, to which the Company at that period were or but for this Act would be or become subject or liable, and shall indemnify the Company, and the several shareholders thereof, and their respective heirs, executors, administrators, successors, and assigns, estates, and effects, from all such covenants, conditions, agreements, directions, duties, liabilities, debts, charges, and restrictions, and all costs, charges, and expenses

incurred by reason thereof, or for the non-performance or undue performance thereof respectively.

Commissioners to keep separate account for gasworks.

73. The Commissioners shall keep a distinct account, to be called "The Gas Account," of all their receipts, credits, payments, and liabilities with respect to their gasworks, and such account shall be made up and balanced half-yearly up to the thirty-first day of December and thirtieth day of June.

Rates, &c. received by the Commissioners under Act to be carried to gas account.

74. All rates or rents and other moneys from time to time received by or for the Commissioners, under the authority of this Act, for the supply of gas or incidental thereto, shall be carried by them to the credit of the gas account.

Application of gas account.

75. The gas account shall be applied, in the first instance, in payment of the annual charges of maintaining, managing, and regulating the gasworks, next in payment of the annuities in this Act mentioned, and afterwards in payment of the interest on any mortgages for the redemption of gas annuities under this Act, and then in providing for the depreciation fund, as herein-after mentioned, and in case any surplus shall remain after those purposes are satisfied, that surplus shall be paid to the credit of the general improvement fund.

As to payment of annuities if gas account insufficient.

76. In case the gas account shall in any half year prove insufficient (after payment of the prior charges thereon by this Act provided) to pay the whole of the said annuities, the deficiency shall be charged on and paid out of the general improvement fund.

Commissioners to establish a depreciation fund.

77. It shall be lawful for the Commissioners and they are hereby required to set apart from and out of any surplus moneys appearing upon each half-yearly balance of the said gas account (after payment of all prior charges thereon) a sum not exceeding ten shillings per centum upon the amount raised and expended for the purpose of the gasworks, and the sum so set apart shall be carried to an account, to be called "The Gas Depreciation Fund," and such depreciation fund shall be from time to time applicable, first, to the restoration and improvement of the gasworks, next to the repayment of any sums which may have been paid under this Act out of the general improvement fund, and next to the redemption of the gas annuities under this Act, and to no other purpose whatsoever.

Commissioners to pay annuities to Company.

78. In consideration of the undertaking of the Company being vested in the Commissioners, the Commissioners shall pay to the shareholders in the Company, their successors, executors, administrators, and assigns, perpetual annuities to the aggregate amount of two thousand one hundred and seventy-eight pounds sixteen shillings.

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Company to deliver to Commissioners a list of their shareholders.

79. The Company shall, within seven days after the passing of this Act, deliver to the Commissioners a list of the names and addresses as appearing in the share register of the Company of the corporations and persons who were then shareholders in the Company, with a statement of the number of original and new shares held by each shareholder.

Annuities to vest in shareholders in proportion to amount of paid-up capital.

80. Immediately after the passing of this Act the annuities shall vest in and belong to the several parties who shall then be shareholders in the Company, in the proportion of two pounds for each original share of twenty pounds, and twelve shillings for each new share held by them respectively.

Annuities to represent shares in Company.

81. The annuities shall in all respects, both at law and in equity, be substituted for and represent the shares in the capital of the Company, and the several parties in whom the annuities shall become vested under this Act shall be possessed thereof respectively upon the same trusts, and subject to the same powers, provisions, charges, and liabilities, as those upon and to which their respective shares in the capital of the Company were at the vesting period held and subject, and the annuities shall accordingly pass or be affected by any will or any other instrument disposing of or affecting such shares.

Register of annuitants.

82. The Commissioners shall from and after the passing of this Act keep a book to be called "The Register of Gas Annuitants," and in such book shall be fairly and distinctly entered from time to time the names of the several corporations, and the names and additions and addresses of the several persons respectively entitled to annuities under this Act, together with the amount of the annuities to which such annuitants shall be respectively entitled, and the surnames or corporate names of the said annuitants shall be placed in alphabetical order, and every annuitant, and if such annuitant be a corporation, the clerk or agent of such corporation, may at all convenient times peruse such book gratis, and may require a copy thereof, or of any part thereof, and for every hundred words so required to be copied the Commissioners may demand a sum not exceeding sixpence.

Certificates of annuities to be issued to the annuitants.

83. After the expiration of six weeks from the passing of this Act the Commissioners shall, at their own expense, issue to every party in whom any annuity shall become vested under this Act, or to his successors, executors, administrators, or assigns, on demand in writing made by him or them of the Commissioners, and on delivery by him or them to the Commissioners of the certificate of the shares in the capital of the Company for which the annuity is substituted, a certificate of the annuity, and such certificate may be

according to the form in the Schedule (B.) to this Act annexed, or to the like effect.

Certificates to be evidence.

84. The certificate of any annuity shall be admitted in all courts as primâ facie evidence of the title of the holder thereof, his executors, administrators, successors, or assigns, to the annuity therein specified; nevertheless the want of such certificate shall not prevent the party for the time being entitled to any such annuity from disposing thereof.

Provision in case of loss of certificates of shares in Company.

85. Provided always, that if any certificate of a share in the capital of the Company be lost or destroyed, then, on satisfactory proof thereof to the Commissioners, they shall issue to the party entitled to the certificate so lost or destroyed a certificate of the annuity substituted for that share.

Several certificates may be granted to the annuitant.

86. If at any time an annuitant be desirous of having several certificates instead of one, then, on any such certificate being produced to the Commissioners, they may order the same to be cancelled, and shall thereupon issue to him, as he requires, two or more certificates of annuities of the aggregate amount of the annuity the certificate for which is so cancelled, and in every such case a due entry of the substituted certificates shall be made by the Commissioners in the register of gas annuitants, and for every such substituted certificate the Commissioners may demand any sum not exceeding two shillings and sixpence.

Certificate to be renewed when destroyed.

87. If the certificate of any annuity be worn out or damaged, then, upon the same being produced to the Commissioners, they may order it to be cancelled, and thereupon the Commissioners shall issue a similar certificate to the party then entitled to the certificate so worn out or damaged, or if any such certificate be lost or destroyed, then, upon satisfactory proof thereof to the Commissioners, they shall issue a similar certificate to the party then entitled to the certificate so lost or destroyed, and in either case a due entry of the substituted certificate shall be made by the Commissioners in the said register of gas annuitants, and for every such substituted certificate the Commissioners may demand any sum not exceeding two shillings and sixpence.

Annuities to be personal estate.

88. The annuities shall be personal estate and transmissible as such, and shall not be of the nature of real estate.

Transfer of annuities to be by deed duly stamped.

89. Subject to the regulations herein contained, every annuitant may sell and transfer all or any part of his annuity, 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 the Schedule (C.) to this Act annexed, or to the like effect.

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Transfer of annuities to be registered, &c.

90. Every such deed of transfer (when duly executed) shall be delivered to the Commissioners and be kept by them, and they shall keep a book to be called "The Register of Transfers of Gas Annuities," and they shall enter a memorial of every such deed or transfer in that book, and shall indorse such entry on the deed of transfer (such indorsement to be signed by the clerk to the Commissioners), and shall, on demand, deliver a new certificate to the purchaser, and for every such entry of a deed of transfer, with such indorsement and certificate, the Commissioners 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 by the clerk to the Commissioners shall be considered in every respect the same as a new certificate, and until such deed of transfer be so delivered to the Commissioners the transferee shall not be entitled to receive any part of the annuity transferred.

When part only of annuity transferred, new certificates to be granted.

91. If any annuitant shall sell and transfer part only of any annuity to which he may be entitled, he shall deliver to the Commissioners, together with the deed of transfer thereof, the certificate of the annuity of which he shall so have sold and transferred a part, and the same shall be thereupon cancelled, and the Commissioners shall deliver to the purchaser of part of such annuity a certificate of annuity for so much as he shall have so purchased, and to the annuitant so selling part of his annuity a certificate of annuity for so much of the original annuity as shall be retained by him, and for every such certificate the Commissioners may demand any sum not exceeding two shillings and sixpence.

Closing of transfer books.

92. The Commissioners may close the register of transfers of gas annuities for a period not exceeding fourteen days before the thirty-first day of December and the thirtieth day of June yearly, and any transfer made during the time when the register is closed shall as between the Commissioners 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.

93. If the interest in any annuity have become 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 Commissioners 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 such declaration shall

be left with the Commissioners, and thereupon they shall enter the name of the person entitled under such transmission in the register of gas annuitants, and for every such entry the Commissioners 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 such annuity.

Proof of transmission by marriage, will, &c.

94. If such transmission be by virtue of the marriage of a female annuitant, the declaration shall 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 Commissioners; and upon such production in either of those cases the Commissioners shall make an entry of the declaration in the said register of gas annuitants, and for every such entry the Commissioners may demand any sum not exceeding two shillings and sixpence.

Commissioners not bound to see to the execution of trusts.

95. The Commissioners shall not be bound to see to the execution of any trusts, whether express, implied, or constructive, to which any annuity may be subject, and the receipt of the party in whose name any such annuity shall stand in the register of gas annuitants, or if it stands in the names of more parties than one, the receipt of the parties named in such register, shall from time to time be a sufficient discharge to the Commissioners for any money payable in respect of such annuity, notwithstanding any trusts to which such annuity may then be subject, and whether or not the Commissioners have had notice of such trusts, and the Commissioners shall not be bound to see to the application of the money paid upon such receipt.

Commencement and payment of annuities.

96. The annuities shall be paid at the office of the Commissioners in net money, clear of all deductions whatsoever (except income or property tax, or other tax in the nature thereof legally chargeable thereon), and shall be so paid by equal half-yearly payments on the first day of September and the first day of March in every year, the first payment thereof to be made on the first day of September one thousand eight hundred and seventy-one.

Certificate to be demanded before annuity recoverable.

97. Provided always, that the Commissioners shall not be bound to pay any annuity until the party entitled thereto has demanded, as by this Act provided, a certificate of it: Provided also, that an annuity in arrear, and not wrongfully withheld by the Commissioners, shall not bear interest as against them.

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Annuities, how recoverable.

98. If any annuity, or any part of an annuity, being payable, be not paid on demand thereof made in writing by the annuitant or his agent of the Commissioners, the annuitant may sue for and recover the same from the Commissioners, with full costs of suit, in any court of competent jurisdiction.

Annuities in arrear may be enforced by the appointment of a receiver.

99. Subject to the provisions herein-after contained, it shall be lawful for any annuitant under this Act to enforce the payment of the amount due in respect of his annuity by applying for the appointment of a receiver in the manner herein-after provided, but in order to authorise the appointment of such receiver the amount due in respect of such annuity shall not be less than two hundred pounds.

Receiver may be appointed if arrears remain unpaid for the time prescribed.

100. If within one month after any annuity, or any part of an annuity, has become payable, and after demand thereof in writing, it be not paid, the annuitant, without prejudice to his right to sue for the amount in arrear in any court of competent jurisdiction, may, if the debt amount to the sum of two hundred pounds, alone, or if the debt does not amount to that sum he may, in conjunction with other annuitants whose debt being so in arrear, after demand as aforesaid, shall together with his amount to the said sum, require the appointment of a receiver by an application to be made as herein-after provided.

Mode of appointing receiver.

101. Every application for a receiver shall be made to two justices, and on such application it shall be lawful for such justices, by order in writing, after hearing the parties, to appoint some person to receive the whole or a competent part of the general improvement fund, and rates, rents, and assessments liable to the payment of such annuities, until the annuities in arrear, and in respect whereof the receiver is appointed, and all costs, including the costs of receiving such fund or a competent part thereof, rents, rates, and assessments, be fully paid; and upon such appointment being made all such fund, or a competent part thereof, rates, rents, and assessments as aforesaid, shall be paid to and received by the person so appointed, who is hereby empowered to give good and sufficient discharges for the same, and the money so to be received shall be so much money received by or to the use of the annuitant or annuitants in whose behalf the receiver is appointed, and after the annuities in arrear and costs shall have been paid the power of the receiver shall cease.

Commissioners may redeem annuities and carry these

102. The Commissioners may from time to time, by agreement with any annuitant, redeem all or any of his annuities, and when any annuity is so redeemed an entry of the redemption thereof shall be made in the register of gas annuitants, and thereupon the

redeemed annuity shall be wholly extinguished: Provided always, that the Commissioners shall not redeem any annuity at a higher rate than that of twenty-two pounds for every one pound annuity.

to the redemption fund.

103. If the gas account shall in any year be found insufficient to defray all the charges by this Act directed to be defrayed thereout, including the interest of any mortgages under this Act for redemption of the said gas annuities, then the deficiency shall be charged on and shall be paid out of the general improvement fund.

Charges may be paid out of general improvement fund.

104. The Company shall forthwith proceed to wind up their affairs, and in order thereto shall, subject to the payment, satisfaction, and discharge of their debts, contracts, and liabilities, and after paying any sums of money they may think proper among their officers and servants, distribute and pay their net moneys to and among the several persons who at the vesting period were the registered shareholders of the Company, in proportion to their respective shares of the capital of the Company, or their respective executors, administrators, successors, or assigns.

Gas Company to wind up their affairs.

105. For the purpose of such winding-up the receipt of the guardian or committee of any shareholder in the Company shall be an effectual discharge to the Company, and to the directors thereof, for any such sum of money as in such receipt shall be expressed to be received, and shall exonerate them from any trust or obligation affecting the shares in respect of which such money shall be paid.

Receipt of executors, &c. of shareholders to discharge Company.

106. If the Company within twelve months after the passing of this Act are unable to ascertain the person to whom any part of their net moneys is payable, or where any part thereof is payable to a person who, or whose guardian or committee, cannot give an effectual receipt for the same, the Company may pay the same into the Court of Chancery under any Act from time to time in force for the relief of trustees, previously deducting therefrom the costs of and incident to such payments into court, such costs to be ascertained by one of the taxing masters of the said court; and every such payment into court shall conclusively discharge the Company from all further liability with respect to the net moneys so paid, and for the purposes of this Act shall be deemed to be payment thereof to the person absolutely entitled thereto, and any person afterwards showing to the satisfaction of the court that he is entitled thereto may obtain payment out of court accordingly.

Payment into court by Company.

107. When and so soon as the assets of the Company shall have been distributed in manner aforesaid, and all their debts and liabilities are fully paid and satisfied, and their affairs wound up, the directors of the Company shall publish a certificate to that

Company to be dissolved.

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effect in the "London Gazette," and the Company shall thereupon be dissolved.

Part 5.—As to Town Hall, &c.

Power to erect a town hall and public buildings, &c.

108. The Commissioners may purchase the lands next hereinafter described, and erect thereon a town hall, with all suitable buildings, offices, and conveniences connected therewith, and under or contiguous to the same may erect shops and any rooms and buildings necessary or convenient for public use thereon, and may widen, enlarge, and otherwise improve the following streets and approaches to such town hall and buildings; that is to say, Saint Thomas' Road, commencing at the point where it joins the east side of Saint Thomas' Square, and terminating at the point where it joins the west side of Market Street; also Market Street, commencing at its junction with Saint Thomas' Road, and terminating at its junction with Meal House Lane; and also Meal House Lane, commencing at the point where it joins the east side of Saint Thomas' Square, and terminating at its junction with the west side of Market Street.

Lands for town hall.

109. The lands to be taken for the above purpose are situate in the township and parish of Chorley and county of Lancaster aforesaid, and are bounded as follows; (that is to say,) on the north by Meal House Lane, on the south by Saint Thomas' Road, on the east by Market Street, and on the west by Saint Thomas' Square, and belong or are reputed to belong partly to the Commissioners, and partly to the representatives of the late Henry Hawarden Fazakerley, Esquire, and partly to Mr. Henry Gornall, and containing by admeasurement one rood and thirty-six perches or thereabouts.

Application of provisions of Act of 1853 to town hall.

110. The provisions of the Act of 1853 with respect to the town hall and buildings thereby authorised to be erected shall apply to the town hall and buildings to be erected under the authority of this Act, mutatis mutandis.

Part 6.—As to Buildings, Drainage, and Ventilation.

As to building over or near any sewer.

111. The restriction in the 31st section of the Towns Improvement Clauses Act, 1847, as to buildings over sewers, shall be extended so as to prevent the erection after the passing of this Act of any building within a distance of six feet on either side of the surface of the ground over any sewer belonging to the Commissioners without the consent of the Commissioners first obtained in writing.

Buildings belonging to railway companies excepted.

112. Provided always, that the expression "building," "dwelling-house," or any other like expression in this Act, shall not, except as regards any building used or occupied exclusively as a dwelling-

house, be held to mean or include any building belonging to or occupied by a railway company, and used or intended to be used for the purposes of their business as a railway company.

Notice of intention to build or rebuild to be given to Commissioners.

113. Before beginning to dig the foundations of any new building, or to rebuild any building which has been pulled or burnt down to or below the ground floor thereof, and also before making any drain in connexion with any such building, the person intending to build or rebuild such building, or to make such drain, shall give to the Commissioners notice in writing of such intention by leaving the same at the office of the surveyor, and such notice shall state the name and place of business or residence of the owner, and also in general terms the description, intended use, mode of drainage, means of water supply, and situation of such building, and shall be accompanied by a section showing, by reference to some fixed point, the depth and level of the proposed foundations of each dwelling-house, and the size, depth, and level of each proposed drain, and also a plan showing the proposed lines of drainage, and a ground plan showing the size and situation of each yard, and of each privy or watercloset and ashpit, and such section and plans shall be drawn to a scale of not less than one eighth of an inch to the foot, and a block plan shall be left at the same time drawn to a scale of not less than one inch to every forty feet, showing the position of the buildings and appurtenances of the properties immediately adjoining, and the width and level of the lowest floor of the intended building and of the yard or ground belonging thereto.

Power of Commissioners to disapprove.

114. If the Commissioners disapprove of the mode proposed in such notice, section, and plans, they shall, within fourteen days after receiving the same, give notice in writing to the person by or on whose behalf the same have been given of the particulars of such disapproval, and of the requirements of the Commissioners in respect of the proposed work, and it shall not be lawful to begin to build or rebuild any such building, or to construct any such drain, privy, watercloset, or ashpit, until the section and plans thereof shall have been approved by the Commissioners, and no person shall deviate from such approved sections and plans.

Builder may proceed if Commissioners fail to signify their disapproval.

115. If the Commissioners fail to signify in writing their approval or disapproval of the mode so proposed within fourteen days after receiving the notice, section, and plans, such person may proceed according to the terms of such notice, section, and plans, so far as they shall be in accordance with the provisions of this Act.

Notice to surveyor before commencing works.

116. The person intending to execute any works with respect to which any part of this Act applies shall give two days notice in writing to the surveyor before the commencement of such works, and

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twenty-four hours notice before any foundations of new buildings or any sewers or drains shall be covered up, and twenty-four hours notice after any works which may have been required by the surveyor to be done in amendment of any irregularity have been completed, and before such works shall be covered up.

Space not to be built upon.

117. No open space at the rear or side of any dwelling-house or other building shall hereafter be built upon unless a space of twenty square yards at least, exclusive of any back road, be left uncovered, without the consent of the Commissioners, who may cause every building built contrary to this section to be altered or demolished, as the case may require.

Area, height, and ventilation of rooms.

118. In every house or building for human occupation hereafter erected within the parish the ground floor and the floor above the ground floor thereof shall each contain an area within the walls thereof of two hundred and fifty square feet at least, and every room below or partly below the ground floor shall be at least eight feet six inches in height from the floor to the ceiling, and every other room, except in the attic or roof of any such building, shall be at the least nine feet in height from the floor to the ceiling, and every room in the attic or roof of any such building shall be at least eight feet in height from the floor to the ceiling throughout not less than one half of the area of such room, and not less than four feet at the sides thereof, and every room shall have one window or more, and the area of the window or windows shall be at the least one twelfth of the area of the floor of such room, and one half of the window area shall be made to open fully, and if such room be of less area than one hundred superficial feet, and without a fireplace, it shall be provided with such means of ventilation, by air-shaft or otherwise, as the Commissioners may approve of or require.

Drainage of buildings.

119. Every existing and future building shall have one drain or more to carry off the water, whether falling on the roof thereof or on the ground attached thereto, and every existing and future dwelling-house shall have a drain to carry away the waste water therefrom, and such drains respectively shall be connected with the nearest sewer, and shall be constructed with glazed socket earthenware pipes of not less than four inches diameter, with water-tight joints set in well-puddled clay.

Construction of drains and connexion with sewers.

120. The drains of all existing and future buildings shall be of such size and laid and connected with the sewers in such manner as shall be directed by and under the superintendence of the surveyor, and those beneath buildings used or intended to be used as dwelling-houses shall be laid with water-tight joints, and be imbedded throughout in and surrounded with well-puddled clay.

Ventilation of drainage.

121. Means of ventilation shall be provided in the drainage of every existing and future building by connecting the drains with the rain-water pipe, or by a special pipe or shaft, and all inlets to any house from the drains shall be trapped, but when in the opinion of the surveyor one ventilating pipe or shaft will suffice to ventilate the drains of several buildings, it shall suffice if such pipe or shaft shall be provided to the satisfaction of such surveyor, and the costs of providing and affixing the same shall, where it is so provided and affixed by the Commissioners, be apportioned between the owners of such buildings by the surveyor.

Ventilation, &c. of public buildings.

122. Every new public building, or new building for public resort, shall be supplied with means of lighting, ventilation, and of sufficient ingress and egress for the protection of the public in cases of emergency, to be approved by the Commissioners.

Formation of back yards of houses.

123. The back yards of the houses to be hereafter erected, the total area of each of which houses and yards shall contain less than one hundred square yards, shall be formed with such fall, and shall be flagged, paved, or asphalted with such materials, as shall be satisfactory to the surveyor, for the purpose of carrying off the surface water to the drains of such house, and if any back yards of houses erected before or after the passing of this Act, which houses and yards contain less than the last-mentioned area, shall not be formed, paved, flagged, or asphalted so as to allow of the surface water being so carried off as aforesaid, the owner or occupier shall, within seven days after notice in writing to be given him by the surveyor or left at or affixed on such house, proceed to form and flag, pave, or asphalt the same, and shall complete such several works to the satisfaction of the surveyor, within fourteen days after such notice so given, left, or affixed; and in case any person fail to comply with the provisions of this section in any particular in which compliance may be required by the surveyor within the respective times aforesaid, it shall be lawful for the surveyor to execute the requisite works without further notice, and the cost of so doing shall be paid to the Commissioners by such owner or occupier.

Waterclosets and privies.

124. A privy or watercloset and sufficient ashpit accommodation shall be provided for every house, and no privy shall be made within five feet of any dwelling-house or other habitable building, and in cases where this space cannot be secured a watercloset or waterclosets must be provided, and no room for human occupation shall be made over a privy, cesspool, or ashpit, and all ashpits and cesspools shall be covered in and sufficient means of ventilation for the same provided to the satisfaction of the surveyor.

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Buildings and houses not to be converted so as to provide dwellings in contravention of Act.

125. It shall not be lawful to convert any building into a dwelling, or any dwelling-house into two or more dwellings, whether such building or dwelling-house have been erected before or after the passing of this Act, unless each such dwelling have a front and back entrance and a yard or ground space attached thereto of such extent and in such position (except in special cases to be approved by the Commissioners) as shall be in accordance with the provisions of this Act, or of any byelaw to be made in pursuance of this Act, with respect to dwelling-houses to be erected after the commencement of this Act, and any building or dwelling-house so altered or converted, and any number of separate dwelling-houses into which the same may be converted, shall be subject in every respect to all the provisions of this Act as to new dwelling-houses.

Certificate that houses fulfil requirements of Act.

126. No building not already occupied as a dwelling-house shall be so occupied until the drainage thereof has been made and completed, nor until a certificate has been granted by the surveyor to the owner that such house is in every respect in accordance with the requirements of this Act: Provided that if the surveyor fail to give such certificate within seven days after a written application for it shall have been made to him by the owner of such building, and shall not in the meantime specify to such owner which of the aforesaid requirements have not been complied with with respect to such building, then (but subject nevertheless to the other provisions of this Act) such building may be thereupon occupied as a dwelling-house.

Buildings unfit for human habitation.

127. If the surveyor, the officer of health, or the inspector of nuisances, or any two medical practitioners, shall by writing certify to the Commissioners that any building or part of a building, including any building belonging to a railway company, is unfit for human habitation, the Commissioners may, by their order affixed conspicuously on such building or part of a building, declare that the same is not fit for human habitation, and the same shall not after a date therein to be specified be inhabited: Provided always, that if at any time after such order has been made the Commissioners shall be satisfied that such building has been rendered fit for human habitation they shall revoke their said order: Provided further, that the Commissioners shall not make any such order in respect of or affecting any building or part of a building belonging to a railway company, unless and until the railway company shall for a period of two months after they have been served with notice requiring them to render such building fit for human habitation have failed to do so. Every such notice shall be in writing, and shall be delivered or sent by post addressed to the secretary of the railway company at their principal office or place of business.

Penalties.

128. Every person offending against or acting in contravention of or neglecting to comply with any of the preceding provisions of Part VI. of this Act shall be liable to a penalty not exceeding one pound for each such offence, and where the offence shall be a continuing offence, or in the nature thereof, such person shall likewise be liable to an additional penalty not exceeding ten shillings for every day during which such offence shall continue.

Preventing building on ground filled up with offensive matter.

129. It shall not be lawful for any person or body corporate to erect any dwelling-house or other building upon any site which shall have been filled up with any material impregnated with fæcal matter, or with any animal or vegetable matter which in the opinion of the surveyor or medical officer of health for the time being may tend, by decomposition or otherwise, to the prejudice of the health of any future resident or occupier of such house or building, or of any resident in the neighbourhood, except upon a certificate of such surveyor or officer that proper precautions in his opinion have been taken to obviate any such result; and every person who shall erect or cause to be erected, either wholly or partially, any building on any such ground shall for every such offence be liable to a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day during which such building or part of a building shall continue upon any such ground.

Part 7.—As to Lands.

General power to take lands.

130. The Commissioners shall, for the purposes of this Act and the Act of 1853, and the Acts incorporated therewith respectively, have the powers of taking lands conferred on local boards by the seventy-fifth section of "The Local Government Act, 1858," and any Act amending the same: Provided that the generality of this provision shall not be restricted by and shall not restrict any of the other sections and provisions of this Act.

Power to sell, &c. lands not required.

131. The Commissioners from time to time, as and when they think fit, but subject nevertheless to the provisions, as to superfluous lands, of "The Lands Clauses Consolidation Act, 1845," may sell, or may lease and afterwards sell, and dispose of the reversion of or may exchange or otherwise dispose of any streets, buildings, or lands, or any parts thereof respectively, or any easements in or over any streets, buildings, or lands, or any parts thereof respectively, acquired by or vested in them under the Act of 1853 or this Act, and not in their judgment required for the purposes for which they were acquired, and may enter into and carry into effect any contracts, deeds, acts, or things proper for effectuating any such sale, lease, exchange, or other disposition, and any lease may be for

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any term of years not exceeding nine hundred and ninety-nine years, and for any yearly rent, with or without fine, and with such reservations, covenants, conditions, and provisions, as the Commissioners think fit, and any lease or sale may be by public auction or private contract, and with or without any special conditions, and the Commissioners may fix reserved biddings, and buy in at auctions, and alter or rescind, on terms or gratuitously, any contract for a lease or sale, and generally may lease or sell in such manner, and on such terms and conditions whatsoever, as they think fit, and may lease and convey the premises agreed to be leased and sold accordingly.

Sales to be made within twenty years.

132. The Commissioners in any case shall, within twenty years after the completion of any street improvement for the purposes whereof any lands are acquired, sell or dispose of and convey such parts of those lands as shall not be wanted for the purposes thereof, or of any other street improvement or work for the time being authorised to be made by the Commissioners; but nothing in the present section shall compel the Commissioners to sell and dispose of the ground rents reserved in any such conveyances or leases as aforesaid.

Power to exchange.

133. In all cases in which by any subsisting provision of the Act of 1853 or by this Act, the Commissioners are authorised to enter upon, purchase, or take any land, buildings, or premises, or easements in or over the same respectively, of any person, (except a person under any disability or incapacity, and not having power to sell or convey the same otherwise than under the provisions of the Act of 1853 or this Act, or "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869,") the Commissioners may acquire the same by way of exchange for other land, buildings, or premises, or easements of the Commissioners, and may convey the last-mentioned land, buildings, or premises, and easements in exchange accordingly.

Application of moneys from sale, &c. of lands.

134. The Commissioners shall apply all moneys from time to time receivable by them in respect of any sales, exchanges, or dispositions of lands and premises by this part of this Act authorised in or towards paying off moneys for the time being owing on the credit of the general improvement fund, independently of the sinking fund, and the borrowing powers of the Commissioners shall be reduced to the extent of any amount so paid off, and in the event of the whole of such debts being paid, then in discharging any other debt of the Commissioners, and finally in the execution of such works only to the carrying out of which capital may be properly applied, and shall carry any surplus of such moneys to the credit

of the general improvement fund, and the Commissioners shall apply all sums of money received by them as rents in respect of any of their lands to the credit of the general improvement fund. A.D. 1871.

Part 8.—As to Byelaws.

135. The Commissioners may from time to time make byelaws, and from time to time repeal, alter, or amend byelaws, for all or any of the purposes following; viz., Power to make byelaws.

With respect to—

The construction of waterclosets, privies, and cesspools, cleansing streets and footpaths, removal of nightsoil or other refuse, cleansing privies, ashpits, and cesspools:

Prevention of nuisances by snow, filth, and keeping of animals:

The prevention of butchers taking away blood and offal from slaughter-houses:

The regulation of slaughter-houses and markets:

Fires:

Places of public resort:

Hackney carriages:

Obstacles, obstructions, and nuisances in the streets or roads:

And the Commissioners may by any byelaw impose penalties for offences against the same, not exceeding in respect of any single offence five pounds, and so that all byelaws be so framed as to allow of part only of the maximum penalty being inflicted: Provided always, that a byelaw made under the authority of this Act shall not be of any legal force until the same shall have received the approval of one of Her Majesty's Principal Secretaries of State.

136. All byelaws made by the Commissioners in pursuance of this Act shall be printed and hung up in the place of meeting of the Commissioners, and copies of the same shall be delivered to any ratepayer of the parish upon his application for the same, and upon payment of one shilling. Publication of byelaws.

137. The Commissioners may from time to time repeal, alter, or amend all or any of the byelaws now in force within the parish made under any of the provisions of the Act of 1853, or any Act or Acts wholly or partially incorporated therewith: Provided that any such byelaws made under any enactment repealed by this Act shall (save as is by this Act otherwise expressly provided) remain in force until expressly repealed by the Commissioners as aforesaid, and until fresh byelaws are made and confirmed in accordance with this Act. Power to repeal, &c. present byelaws.

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Part 9.—As to Election of Commissioners.

Register of owners.

138. Within six months after the passing of this Act the clerk to the Commissioners shall prepare, and for ever after keep, maintain, and from time to time alter and vary, a list or register of all owners of property entitled to vote as such for the election of Commissioners, and who shall claim to be placed on such list or register, such claim to be made in the form contained in Schedule (D.) to this Act annexed, or to the like effect; and from and after the expiration of such six months no person, except he be entered on such list or register fourteen days at least before any election, shall be entitled to vote at any election of Commissioners.

Supplying occasional vacancies.

139. Section 19 of the Commissioners Clauses Act, 1847, incorporated with the Act of 1853, is hereby repealed, and if any Commissioner die, or resign, or be disqualified, or cease to be a Commissioner from any other cause than that of going out of office by rotation, such vacancy shall be filled up by the electors then qualified to vote in the annual election, and such election shall take place within one month from the happening of such vacancy, on a day to be fixed by the person entitled to act as presiding officer at such election, and every Commissioner so elected shall continue in office only so long as the person in whose place he shall be elected would have been entitled to continue in office.

Placards, where to be affixed.

140. The word "placards," mentioned in the ninth section of the Act of 1853, shall include all notices, lists, or registers, and placards shall be considered to be duly published if affixed as in such section mentioned until the opening of the town hall, but after such opening if affixed to the door of the town hall, or any notice board attached to or before such town hall, and it shall not thereafter be requisite to publish or affix placards at any other place.

Clerk to publish notice as to elections.

141. Fourteen days at least before the day fixed for the election of Commissioners the clerk shall prepare, sign, and publish a notice in the form contained in Schedule (E.) to this Act annexed, or to the like effect.

Nomination of candidates.

142. At any election of Commissioners any person entitled to vote may nominate for the office of Commissioner himself (if duly qualified), or any person or persons so qualified (not exceeding the number of persons to be elected), and every such nomination shall be in writing, and shall state the Christian names and surnames of the persons nominated, with their respective places of abode and descriptions, and shall be signed by the party nominating, and delivered to the clerk at least seven clear days (Sunday excluded) before the day of election, and the clerk shall at least three clear days

(Sunday excluded) before the said day of election cause the Christian names and surnames of the persons so nominated, with such statement of their respective places of abode and descriptions, and with the names of the party nominating them respectively, to be printed and duly published.

Nomination papers.

143. Any nomination paper may be in the form contained in the Schedule (F.) to this Act annexed or to the like effect, and the clerk to the Commissioners shall provide so many nomination papers as may be required, and at the request of any person entitled to nominate shall fill up a nomination paper in due form: Provided nevertheless, that such paper shall be signed by the person nominating: Provided also, that the notices required to be given by sections 21 and 23 of the Commissioners Clauses Act, 1847, incorporated with the Act of 1853, shall not be necessary after the passing of this Act.

Withdrawal of candidates.

144. The clerk to the Commissioners may at any time withdraw from the list of candidates the name of any person so nominated, if requested so to do either by such person or the person nominating, and thereupon the nomination of such candidate shall be void.

Election of Commissioners.

145. At any election of Commissioners—

(1.) If the number of persons so nominated shall exceed the number to be elected,

The Commissioners to be elected shall be elected from the persons so nominated, and from them only.

(2.) If the number of persons so nominated shall be the same as the number to be elected,

Such persons shall be deemed to be elected, and the presiding officer shall publish a list of the names of the persons so elected not later than eleven of the clock in the morning of the day of election.

(3.) If the number of persons so nominated shall be less than the number to be elected,

Such persons shall be deemed to be elected, and such of the retiring Commissioners highest on the poll at their election, or if the poll were equal or there were no poll, such as shall be nominated by the presiding officer, shall be deemed to be re-elected to make up the number required to be elected, and the presiding officer shall publish a list of the names of all the persons so elected not later than eleven of the clock in the morning of the day of election.

(4.) If no persons be so nominated,

The retiring Commissioners shall be deemed to be re-elected.

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PART 10.—AS TO RATES, LOANS, PENSIONS, &c.

Limit of amount of rates.

146. From and after the passing of this Act the words two shillings in section 118 of the Act of 1853 shall be read as if the same were two shillings and sixpence, and section 110 of the Act of 1853 shall be hereby extended so as to include any deficiency in the profits from sewerage and other works or improvements by this Act authorised.

Power to borrow money on mortgage.

147. The Commissioners may borrow for the purposes of the Act of 1853 and this Act, in addition to the amount of their existing debt, any further sums not exceeding the sum of eighty-five thousand pounds.

Application of capital and borrowed moneys.

148. All moneys borrowed under this Act, and the purchase money of lands sold or exchanged, shall be expended as follows:

(1.) In paying and discharging the whole, or such part as the Commissioners shall think fit, of the costs and expenses preliminary and incidental to the preparing, applying for, and passing of this Act, and of carrying into effect the aforesaid agreement:

(2.) In the purchase of lands for and constructing the sewerage works by this Act authorised any sum not exceeding eleven thousand pounds:

(3.) In extending the existing gasworks, in the purchasing lands for and erecting additional gasworks, in purchasing the gas annuities by this Act authorised, in purchasing the market place and rights of the said lords of the manor of Chorley, in purchasing lands for and erecting the market place and town hall, and in carrying out the street improvements and other works by this Act or the Act of 1853 authorised, any sum not exceeding seventy-four thousand pounds:

And the Commissioners may from time to time borrow any part of such sum of eighty-five thousand pounds by mortgage of any lands held by them with respect to the aforesaid sewerage works, gasworks, market place, or lands to be acquired under the provisions of this Act, and any part thereof, by mortgage of the general improvement rate.

Regulation of general improvement fund.

149. With respect to the general improvement fund the following provisions shall take effect; namely,

From and after the commencement of this Act there shall be paid to the Commissioners, and carried to the general improvement fund, the rents and profits of the lands of the Commissioners, and all such rents and profits of lands as are under this Act or otherwise for the time being receivable by the Commissioners

or any officer thereof as such, and all money belonging or payable to the Commissioners or any officer thereof as such, included in the following particulars; namely,

All money in the hands of the treasurer at the commencement of this Act, except in respect of the highway rate and the special and general sewer rates:

The surplus of the rates and rents receivable for the supply of gas or incidental thereto, all tolls, rents, and stallages, profits of cemeteries, fees from slaughter-houses, and licenses, and fines and penalties inflicted under this Act or the Act of 1853 (except when payable by the Commissioners), and all moneys payable to the Commissioners, the application of which is not otherwise provided for:

All moneys raised from time to time by means of, but not by mortgage of, the general improvement rate:

All money carried to the account of the general improvement fund shall be expended as follows:

(1.) In carrying into effect the provision of this Act with respect to the "repayments of money borrowed by instalments or sinking fund," so far as the same is applicable to the money to be borrowed under this Act, or already borrowed under the Act of 1853, on the security of the general improvement rate, and in payment of the interest for the time being due on money borrowed on mortgage of the same rate:

(2.) In payment of the salaries of the officers, the ordinary current expenditure of the Commissioners chargeable on the general improvement rate and the general improvement fund, and other current expenditure of the Commissioners not otherwise provided for:

(3.) In applying such sums as the Commissioners from time to time may think fit for the public benefit of the inhabitants or improvement of the parish of Chorley.

Application of provisions of Act of 1853 with respect to money borrowed.

150. The provisions of section 119 (except as herein-after varied), and of sections 120 to 125, inclusive, of the Act of 1853, with respect to moneys borrowed by the Commissioners, shall apply to the moneys borrowed under the authority of this Act, as if the same were here repeated, mutatis mutandis.

Repayments of money borrowed by instalments or sinking fund.

151. Notwithstanding the provision in the 110th and 119th sections of the Act of 1853 in that behalf contained, the time for discharge of the principal sums of money owing by the Commis-

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sioners shall be enlarged as herein-after mentioned; that is to say, the Commissioners shall on the passing of this Act compute the amounts of money then owing by them on mortgage of rates, or otherwise, under the Act of 1853, or otherwise, and with respect to such amounts of money then owing, and all money to be borrowed under or by virtue of this Act, they shall pay off the same by annual or other instalments, or otherwise, within seventy years reckoned from the passing of this Act, or else set apart and appropriate as a sinking fund every year, commencing from the first day of January one thousand eight hundred and seventy-two, and until the respective moneys so borrowed are fully paid off, a sum not less than one seventieth part of the respective moneys so borrowed, and such respective sinking fund shall be invested, accumulated, and applied according to section 84 of "The Commissioners Clauses Act, 1847;" and it shall be lawful for the Commissioners to repay the said loans respectively by equal half-yearly or yearly amounts of principal combined with interest, and to compute the amounts requisite to be paid every year, in order to the repayment of the respective loans within the said period of seventy years reckoned as aforesaid, according to the principles of calculation on which are based the tables printed by Messieurs Eyre and Spottiswoode for Her Majesty's Stationery Office, and purporting to have been examined by the actuary of the National Debt Office, for the objects of and in connexion with "The Local Government Act, 1858."

Recovery of penalties.

152. Every penalty or forfeiture imposed by this Act and the Act of 1853, and any Act incorporated with the same or either of them, or by any byelaw made in pursuance of any such Act, may be recovered, together with the costs attending the conviction or order, before any justice of the peace, in manner directed by an Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate "the performance of the duties of justices of the peace out of sessions "within England and Wales with respect to summary convictions "and orders," or any Act or Acts amending the same, and all the sections of the Railways Clauses Consolidation Act, 1845, with respect to the recovery of penalties incorporated with the Act of 1853, shall cease to apply to the Act of 1853 and this Act, except as to penalties to be paid by the Commissioners.

Power to grant retiring pensions to officers, &c. of Commissioners.

153. The Commissioners may, if they think fit, grant any and what annual sum they may think fit, by way of pension, to any officer or servant of the Commissioners on his retiring from his office, service, or duty, provided such officer shall have held any place or places under the Commissioners for a period of twenty years.

Not to take or interfere with railway works without consent.

154. Nothing in this Act contained shall extend to authorise the Commissioners to take or enter upon, remove, disturb, or otherwise interfere with any of the lands, works, or property now belonging to the London and North-western and Lancashire and Yorkshire Railway Companies, or to the Lancashire and Yorkshire and Lancashire Union Railway Companies, or to restrict or obstruct or interfere with the rights, privileges, easements, and advantages vested in the said companies, or any of them, whether under the authority of Parliament or otherwise, without their consent in writing for that purpose first had and obtained.

Expenses of Act.

155. The costs, charges, and expenses of and incidental to the passing of this Act and preparatory thereto shall be paid by the Commissioners.

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SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Agreement made the eighth day of March one thousand eight hundred and seventy-one between the Chorley Gaslight Company, herein-after called the Company, of the one part, and the Chorley Commissioners, herein-after called the Commissioners, of the other part.

Whereas under the 63rd section of the Chorley Improvement Act, 1853, the Commissioners are empowered to purchase the undertaking of the Company: And whereas a Bill is now pending in Parliament to confer additional powers on the Commissioners, and, among others, to enable them to purchase the undertaking of the Company: And whereas it has been mutually agreed between the Company and the Commissioners that the Company shall sell, and the Commissioners shall purchase, the undertaking of the Company, as herein-after is mentioned:

Now it is mutually agreed as follows:

The Company shall sell, and the Commissioners shall purchase, the undertaking of the Company; (that is to say,) all their present gasworks, lands, buildings, mains, pipes, machinery, apparatus, plant, and implements of trade, real, lease-hold, and personal estate and effects, powers, rights, and privileges whatsoever, free from all mortgages, charges, and incumbrances whatsoever.

The consideration for the purchase shall be perpetual annuities at the rate of 10*l.* per cent. per annum on the called-up capital of the Company, that is to say, the annual sum of 2,178*l.* 16., being an annuity of 2*l.* for each original share of 20*l.* in the undertaking of the Company, and 12*s.* for each new share in the same undertaking.

The purchase shall take effect as from the 31st day of December 1870, and it appearing from the last published balance sheet of the Company that on that day there was a balance of revenue to the credit of the Company of the sum of 1,743*l.* 7. 5., such sum shall be retained by the Company, and distributed in any way they may think proper.

The annuities shall be personal estate, payable to the annuitants, their executors, administrators, and assigns, half-yearly, that is to say, on the 1st day of September and on the 1st day of March. The first payment to be made on the 1st day of September next.

The Commissioners shall immediately enter into possession of the premises of the Company, and the servants of the Company shall be considered the servants of the Commissioners.

All debts due and owing by the Company on the 31st day of December last shall be debts of the Commissioners, and all sums of money owing to the Company on the 31st day of December last shall be owing to the Commissioners.

The annuities payable by the Commissioners shall be secured on the gas rents or rates payable to the Commissioners for the supply of gas, and in every event of such gas rents or rates not being sufficient for such payment when due, then on the General Improvement Fund, provision for which is to be made in the Bill now pending.

The necessary and proper costs, charges, and expenses whatsoever of the Company of and incidental to the business of the treaty for and the carrying out of this agreement shall be paid by the Commissioners.

This agreement will be subject to the approval of Parliament.

In witness whereof the Company have caused their common seal to be affixed hereto, and the Commissioners have also caused their common seal to be affixed hereto.

Thomas Taylor,
Thomas Anderton,
Thomas Whittle,
} Directors of the said Company. L.S.

John James Dewhurst,
Secretary on behalf of the Chorley Gaslight Company.

The common seal of the Chorley Commissioners was affixed hereto at a special meeting of the said Commissioners, duly convened for the purpose, held in the Court Room, Chorley, on the ninth day of March 1871. L.S.

George Henry Lightoller, Chairman of the said Meeting.
Richard Jackson, Clerk to the Chorley Commissioners.

SCHEDULE (B.)

Form of Certificate of Annuity.

THE CHORLEY IMPROVEMENT ACT, 1871.

Certificate of Annuity, No. £

By virtue of "The Chorley Improvement Act, 1871," the Chorley Commissioners certify that *A.B.*, of, *&c.* is under that Act entitled to a perpetual annuity of £ charged on the Chorley Improvement Fund, and such annuity is payable to him, his executors, administrators, or assigns, at the office of the Commissioners, by equal half-yearly payments on the first day of September and the first day of March yearly.

Given under the common seal of the Chorley Commissioners this day of in the year of our Lord .

A.D. 1871.

SCHEDULE (C.)

Form of Transfer of Annuity.

THE CHORLEY IMPROVEMENT ACT, 1871.

I, *A.B.*, of in consideration of paid to me by *C.D.* of transfer to him, his executors, administrators, and assigns, a perpetual annuity of charged by "The Chorley Improvement Act, 1871," on the General Improvement Fund, and payable at the office of the Commissioners, by equal half-yearly payments on the first day of September and the first day of March yearly, and all my right and interest therein and thereto.

As witness my hand and seal this day of in the year of our Lord

SCHEDULE (D.)

Parish of Chorley.

Election of Chorley Commissioners.

To the Clerk of the Chorley Commissioners.

Take notice, that I (*A.B.*) claim to be placed on the register of electors of Chorley Commissioners in respect of property (*being a house or shop*) situate and being No. in Street, Chorley, or lands [*here set forth description*].

Dated day of A.D.

(Signed) *A.B.*

Place of abode.

SCHEDULE (E.)

Parish of Chorley.

ELECTION OF CHORLEY COMMISSIONERS.

Take Notice—

1. That an election of ( ) Commissioners will be held on the day of 18 at at nine of the clock in the forenoon.

2. That any person entitled to vote may nominate for the said office himself (if duly qualified), or any other person or persons so qualified, not exceeding ( ) in number.

3. That every such nomination must be in writing, and must state the Christian names and surnames of the persons nominated, with their respective places of abode and descriptions.

4. That any nomination paper must be signed by the party nominating, and may be in the following form, or to the like effect [*set out form as given in next schedule*].

5. That all nomination papers must be delivered to me on or before the day 18 .

Dated this day of 18 .

(Signed) *A.B.*, Clerk to the Commissioners.

SCHEDULE (F.)

ELECTION of COMMISSIONERS for CHORLEY to be held on the day of

NOMINATION PAPER.

Christian name and surname of person nominated.	Place of abode of person nominated.	Description of person nominated.	Christian name and surname of nominator.	Address of nominator.

Dated the day of 18 .

(Signed)

A.D. 1871.

SCHEDULE (G.)

1stly. All that piece or parcel of land in the township and parish of Chorley belonging to and now in the occupation of the Chorley Gaslight Company, containing 4,290 superficial square yards or thereabouts, abutting partly on Water Street in the township and parish aforesaid.

2ndly. All that piece or parcel of land in the township and parish of Chorley belonging to and now in the occupation of the Chorley Gaslight Company, containing 6,382 superficial square yards or thereabouts, abutting on the west side of Coalpit Lane in the said township and parish.

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