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An Act to enable the Local Board for the district of Cleckheaton to make and supply Gas, and to purchase the undertaking of the Cleckheaton Gas Company, to confer other powers in relation to gas on the said Local Board; and for other purposes. [20th June 1870.]

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WHEREAS by an agreement set forth in the Schedule (B.) to this Act, bearing date the seventh day of April one thousand eight hundred and sixty-nine, and made between the directors of the Cleckheaton Gas Company (herein-after called "the company") of the one part, and the Local Board of the district of Cleckheaton (herein-after called "the Local Board") of the other part, it was agreed that the company should for the considerations therein mentioned sell to the Local Board, and the Local Board should purchase, the undertaking of the company on the terms and conditions therein stated:

And whereas by the "Cleckheaton Gas Act, 1869," the company was incorporated, and various powers were thereby conferred upon them:

And whereas it is expedient that the undertaking of the company should be transferred to the Local Board, in pursuance of the above-mentioned agreement, and that the powers herein contained should be conferred on the Local Board:

And whereas it is expedient that the Local Board should be authorised to raise the sum mentioned in the said agreement for the purchase of the undertaking of the company, and such further sums as may be necessary to enable them to extend, improve, and carry on the undertaking of the company:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the consent of the Lords Spiritual and Temporal, and Commons, in

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this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may for all purposes be cited as "The Cleckheaton Local Board Act, 1870."

10 & 11 Vict. c. 15. incorporated.

2. The Gasworks Clauses Act, 1847, except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit, is (except where expressly varied by this Act) incorporated with and forms part of this Act.

Same meanings to words in incorporated Acts and this Act.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction: Provided always, that in the Acts wholly or partially incorporated with this Act for the purposes of this Act the expression "the undertakers" or "the company" shall mean the Local Board, and the expression "the gasworks" shall mean and include the gasworks and works agreed to be purchased by the Local Board, and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, 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.

Interpretation of terms.

4. In this Act the following words and expressions shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

The expression "the undertaking" shall mean the gasworks, lands, buildings, mains, pipes, meters, machinery, apparatus, plant, and implements of trade, goodwill, powers, rights, and privileges of the Cleckheaton Gaslight Company:

The expression "the gasworks" shall mean the gasworks and works agreed to be purchased by the Local Board:

The expression "the district" shall mean the district of the Local Board:

The expression "the Public Health Acts" shall mean and include "The Public Health Act, 1848," "The Local Government Act, 1858," and "The Local Government Act (1858) Amendment Act, 1861," and all other Acts passed amending those Acts, or any of them.

Limits of Act for gas.

5. The limits of this Act for the supply of gas shall comprise and include,—

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(1.) The hamlet of Cleckheaton in the parish of Birstal in the West Riding of the county of York:

(2.) So much of the hamlet of Scholes in the township of Cleckheaton as lies within and on or to the south-west of an imaginary line commencing at a point in a certain lane called or known by the name of White Chapel Lane in the said township of Cleckheaton, situate at a distance of about four hundred and fifty links west of a certain farmhouse there called or known by the name of Cheerbarrows, otherwise Chairbarrows, now or lately belonging to, or reputed to belong to, Henry William Ripley, Esquire, and now or lately occupied by Mr. Luke Wood, and extending thence in a south-westwardly direction to the Wakefield and Halifax turnpike road at Hartshead Moor, in the said township of Cleckheaton, to a point situate at a distance of about three chains and seventy links eastward of the end of a lane there called or known by the name of Scholes Lane:

(3.) So much of the township of Liversedge in the said parish of Birstal as lies within an imaginary line commencing at the boundary of the said township of Cleckheaton and Liversedge, at the Hartshead Moor end of New Lane, and extending thence in a straight line in an easterly direction to the bridge under the Cleckheaton branch of the Lancashire and Yorkshire Railway, which bridge lies in a south-westerly direction from Sike, otherwise Syke Fold, in the said township of Liversedge, and extending from the said bridge along the north-eastern side of the said railway in a south-easterly direction to a culvert under the said railway, through which flows a rivulet from the Hightown Heights in the said township of Liversedge, and extending thence in an easterly direction along the course of the said rivulet to its junction with the Rawfolds Beck, and continuing in the same direction from the last-mentioned point in a straight line to the end of the footpath at Edder-cliffe in the said township of Liversedge, which leads to Little Gomersal in the township of Gomersal, and extending thence along the said footpath towards Little Gomersal aforesaid for a distance of about three hundred and ten yards, to a point where it crosses the boundary of the said townships of Gomersal and Liversedge:

(4.) So much and such parts of the township of Gomersal in the said parish of Birstal as the company have heretofore supplied and are now supplying with gas:

which limits are to be called "the gas limits."

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Act to be executed by Local Board.

6. This Act shall be executed by the Local Board with the powers and indemnities and according to the provisions of the Public Health Acts, and those Acts shall in relation to the Local Board, and the several objects and purposes of this Act, be read and construed as if the purposes and provisions of this Act were purposes and provisions of the Public Health Acts, so far as the same shall be applicable thereto, and except so far as any of the provisions of the Public Health Acts are expressly varied or otherwise provided for by this Act.

Streets under control of Local Board may be taken up without notice.

7. Save as provided by this Act it shall not be necessary for the Local Board, before they proceed to open or break up for any of the purposes of this Act any street, bridge, sewer, drain, or tunnel under the control of the Local Board, to give any notice of their intention so to do.

Agreement between gas company and Local Board confirmed.

8. The agreement between the company and the Local Board, which is set forth in Schedule (B.) to this Act annexed, is by this Act confirmed and made binding on the company and the Local Board respectively, and may and shall be carried into full effect by the company and the Local Board respectively, subject nevertheless to the following modifications, namely: The first day of August one thousand eight hundred and seventy shall be substituted for the first day of August one thousand eight hundred and sixty-nine throughout the said agreement, which shall be read and construed accordingly. If from any cause whatever, other than the wilful default of the company, the purchase money be not fully paid on the first day of August one thousand eight hundred and seventy, the Local Board shall pay interest to the company on so much of the said purchase money as shall remain unpaid on the first day of August one thousand eight hundred and seventy, at the rate of six pounds per centum per annum from that day to the time of payment, not to exceed six months after the passing of the Act; and after the expiration of that period the rate of interest shall be ten pounds per centum per annum on so much of the said purchase money as shall then remain unpaid from the expiration of that period until the same shall be actually paid. That in the interpretation of Article I. in the said agreement the words "mortgages, charges, and incumbrances" shall not be deemed to extend to the covenants and obligations on the part of the company, or the persons through whom they claim, as to water and the repairing of roads and sewers contained in the several indentures under which the company or such persons hold the lands to be conveyed to the Local Board by virtue of such agreement, but on the conveyance of such lands to the Local Board they shall indemnify the company and such persons from such covenants and obligations.

Gasworks to vest in Local Board.

9. Upon the execution by the company of a deed of conveyance of the undertaking of the company to the Local Board, duly stamped, and in which the consideration is truly stated, to be prepared by and at the expense of the Local Board, and upon payment by the Local Board of the purchase money, the said undertaking shall, by virtue of such deed and of this Act, be transferred to and become vested in the Local Board for all the estate and interest of the company therein as from the first day of August one thousand eight hundred and seventy, free from any charge or incumbrance.

Receipt of two directors for purchase money to be a sufficient discharge.

10. The receipt in writing of two of the directors of the company for the purchase money to be paid to them by the Local Board shall effectually discharge the Local Board from the sum which in such receipt shall be acknowledged to have been received, and from being answerable or accountable for the loss, misapplication, or nonapplication thereof.

Gas company to wind up affairs.

11. Forthwith after the conveyance or transfer to the Local Board of the lands, property, powers, rights, and privileges of the company, and payment of the sum of twenty-three thousand five hundred and sixty-two pounds, mentioned in such agreement, to the company by the Local Board, the company shall proceed to wind up their affairs; and in order thereto shall, subject to the payment, satisfaction, and discharge of all their debts, contracts, and liabilities, distribute and pay their net moneys to and among the several persons who at the time of the transfer are 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.

Receipt of executors, &c. of shareholders to discharge gas company.

12. For the purposes of such winding-up the receipt of the executor, administrator, guardian, or committee of any shareholder in the company shall be an effectual discharge to the company and to the directors thereof for so much of the purchase money or other moneys 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.

Payment into court by gas company.

13. Provided that where the company are, for twelve months after the period for the distribution of their net moneys has expired, unable after diligent inquiry to ascertain the person to whom any part thereof ought to be paid, 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 payment into court, such costs to be ascertained

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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.

Debts due at the time of purchase and conveyance to belong to the company notwithstanding this Act.

14. As between the company on the one hand and the Local Board on the other hand, all debts, rents, and moneys which on the first day of August one thousand eight hundred and seventy shall be due or owing to the company by any contractor or gas consumer or other person, and also a proportionate part of all current rents, rates, or charges from the last half-yearly or other day of payment up to the same day, and all moneys due and owing to the company for any supply of gas previous to or up to that day, shall belong to the company and shall be paid to them, as provided for by the said agreement, and if any of such debts, rents, charges, or moneys shall by reason of any existing contract being transferred to the Local Board, or from any other cause, be received by the Local Board, they shall in like manner pay over the same to the company; and all debts, rents, rates, charges, and sums of money which on the said first day of August one thousand eight hundred and seventy shall be due or owing from the company shall be paid by the company; and they shall, on receiving their purchase money for the said undertaking, either produce to the Local Board valid and sufficient receipts and discharges for all such debts or sums of moneys as ought to be paid by the company as aforesaid, or otherwise the company shall give unto or enter into with the Local Board a sufficient security or undertaking for the due payment and discharge of all such debts or sums, and for the indemnity of the Local Board from and against the same.

Company to be dissolved.

15. 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 company shall be and is hereby dissolved.

Actions, &c. not to abate, and penalties to be recoverable.

16. No action, suit, prosecution, or other proceeding whatsoever, commenced either by or against the company, shall abate or be discontinued or be prejudicially affected by reason of such transfer as aforesaid, but the same shall continue and take effect either in favour of or against the company, in the same manner in all respects as the same would have continued and taken effect in relation to the company if such transfer had not been made; and all penalties incurred by reason of any offence against the provisions of this

Act prior to such transfer may be sued for, and all offences committed against the provisions of this Act prior to such transfer may be prosecuted, in such or the like manner, to all intents and purposes, as such penalties might have been sued for or such offence prosecuted if no such transfer had taken place.

Power to erect gasworks and to maintain gasworks of gas company when purchased.

17. After the conveyance to the Local Board of the lands described in the Schedule (A.) to this Act annexed, or any part thereof, the Local Board from time to time may in and upon the lands so conveyed, or any part thereof, erect, maintain, enlarge, and discontinue gasworks for the manufacture and supply of gas, with all necessary conveniences, houses, buildings, roads, and approaches, and do all such acts as they may think proper for manufacturing and storing gas, and for supplying gas within the gas limits, and may 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 manufacture 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, and 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 Local Board shall not acquire any exclusive right to any such invention, and the Local Board 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 Local Board may think proper: Provided always, that nothing herein contained shall be deemed to exempt the Local Board from any liability to be proceeded against for nuisance: Provided also, that the Local Board shall not erect or use any works for the manufacture of gas on any lands other than the lands described in the Schedule (A.) to this Act annexed, or lands adjoining thereto, nor store gas (except on such scheduled lands and lands situate not more than two hundred yards therefrom) within three hundred yards of any dwelling-house existing at the time of the acquisition by the Local Board of the lands for such storage, without the consent in writing of the owner, lessee, and occupier of every such dwelling-house.

Power to purchase lands by agreement.

18. The Local Board may for the purpose of their undertaking take and hold by agreement, but not otherwise, in addition to the

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lands described in the schedule to this Act, any lands and hereditaments not exceeding in the whole five acres.

Power to purchase gas plant by agreement.

19. The Local Board from time to time, by agreement with the owners of any gasworks now existing within the gas limits, may purchase and acquire any gas plant, mains, pipes, and distributing apparatus used by or belonging to such owners, and may after the purchase thereof use, maintain, and enlarge, or discontinue, sell, remove, and dispose of the same for any of the purposes of this Act with respect to gas.

Power to lay pipes against buildings.

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

Limiting charge for supply of gas.

21. The maximum price at which gas shall be sold by the Local Board to all persons who shall burn the same by meter shall not exceed four shillings and sixpence per thousand cubic feet.

Incoming tenant not liable for arrears.

22. The Local Board shall not be entitled to require from the incoming tenant of any property the payment of arrears of gas rate left unpaid by any former tenant, unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Local Board may require consumers to use meters.

23. Every consumer of gas supplied by the Local Board shall upon the request of the Local Board consume the gas so supplied by meter to be provided by the Local Board at the expense of the consumer, or (at the option of the consumer) to be provided by the consumer, and to be approved by the Local Board before it is used or set up.

Consumer to keep his own meter in proper order.

24. Every consumer of gas supplied by the Local Board shall at all times, at his own expense, keep all meters belonging to him, whereby any gas of the Local Board is measured and registered, in proper order for correctly measuring and registering such gas, in default whereof the Local Board may cease to supply gas through such meter.

Local Board to have access to and

25. The Local Board shall at all times between sunrise and sunset be entitled to have access to and to test and inspect all meters,

whether belonging to themselves or to the consumer, in order to ascertain whether the same are in proper order for correctly measuring and registering gas, and to take off and remove such meters for that purpose; and such taking off, removal, testing, and inspecting shall be done so as to cause as little inconvenience to the consumer or interruption to his business as may be, and at the expense of the Local Board, unless the meter shall be the property of the consumer, and it shall appear on testing and inspection that the same was not in proper order for correctly measuring or registering gas, in which case such expense shall be borne and paid by the consumer, and the Local Board may recover the amount thereof from him in the same manner as any sum due from such consumer for gas supplied to him may be recovered by them.

power to remove and examine meters.

26. Every person who fraudulently alters any meter, or any part of any meter, employed for measuring and registering the supply of gas by the Local Board, or any pipe connected therewith, or who in any way fraudulently, wilfully, or knowingly prevents any such meter from duly measuring or registering the quantity of gas supplied by the Local Board, or who knowingly or wilfully destroys or effaces any stamp or mark which is now or may hereafter be used for the stamping and marking of any meter employed for measuring and registering the supply of gas by the Local Board, shall for every such offence forfeit to the Local Board a sum not exceeding five pounds, and the Local Board may in addition thereto recover the amount of any damages by them sustained in consequence thereof, and the Local Board may also take off or discontinue the supply of gas to or for the use of the person so offending, notwithstanding any contract which may have been previously entered into.

Penalty for altering or injuring gas meters.

27. The Local Board, after forty-eight hours notice in writing under the hand of their clerk or surveyor to the occupier, or if unnoticed, then to the owner or lessee of any land, house, or building in which any gas pipes, mains, meters, or fittings belonging to the Local Board are laid or fixed, and through or in which the supply of gas shall from any cause be discontinued, may enter such land, house, or building between the hours of nine in the forenoon and four in the afternoon, and remove such mains, pipes, meters, or fittings, the Local Board repairing all damage caused by such removal; and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known place of abode or business, or sent by post addressed to such person, or if such person or his address be not known to the Local Board after due inquiry, then by being affixed on some conspicuous part of such house, land, or building.

Power to remove meters and fittings.

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Quality of gas.

28. All gas supplied by the Local Board 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 per hour, a light equal in intensity to the light produced by fourteen sperm candles of six in the pound, burning one hundred and twenty grains per hour.

Test meter to be erected.

29. The Local Board shall within twelve months after commencing to supply gas under this Act cause to be erected in some convenient part of their works an experimental meter, furnished with an argand fifteen-hole burner and a seven-inch chimney, or other approved burner, capable of consuming five cubic feet of gas per hour, and so placed as to test all the gas produced or consumed by the Local Board, with other necessary apparatus for testing the illuminating power of the gas.

Justices, on requisition of consumers, may appoint inspector of gas.

30. Any justice, not being a member of the Local Board, on receiving a requisition signed by not less than five consumers of gas of the Local Board, may by order in writing appoint some competent person to proceed to the works of the Local Board for the purpose of testing the illuminating power of the gas supplied by the Local Board, and the person so employed may at any reasonable hour of the daytime, on producing such order, enter on the premises of the Local Board, and in the presence of the manager of the gasworks or other officer of the Local Board make experiment of the illuminating power of the gas passing through such experimental meter as aforesaid, and if it shall be proved to the satisfaction of any two justices, not being members of the Local Board, after hearing the parties, that the gas supplied by the Local Board did not when so tested equal the illuminating power required by this Act, or that the Local Board or their officers hindered or prevented such experiment being made, in any such case the Local Board shall forfeit such sum, not exceeding twenty pounds, for each offence as the justices shall determine.

Costs of experiment.

31. The costs and expenses attending any such experiment shall be ascertained by the said justices, and shall be paid by the Local Board in the event of their being convicted in any such penalty aforesaid, but otherwise shall be paid by the consumers making such requisition as aforesaid.

Power to borrow.

32. The Local Board from time to time, under the authority of this Act, in addition to any moneys they are authorised to borrow under "The Public Health Acts," may borrow at interest on mortgage of the gasworks, lands, and property to be acquired by them under this Act, and of the gas rates and other rates, rents, and

revenue under this Act, and of the general district rates leviable by the Local Board under "The Public Health Acts," or of any such securities, either together or separately, all such sums as they may from time to time think requisite for any of the purposes of this Act, not exceeding in the whole forty thousand pounds, and after having paid off otherwise than by the sinking fund any moneys so borrowed may reborrow the amount so paid off, and so from time to time.

Commissioners Clauses Act, 1847, to apply to mortgages.

33. The sections of the Commissioners Clauses Act, 1847, "with respect to mortgages to be executed by the Commissioners," shall be applicable to the mortgages to be made by the Local Board under this Act: Provided always, that for the purposes of this Act the expression "the Commissioners" in those provisions shall mean the Local Board, and the sum to be set apart yearly by the Local Board as a sinking fund shall be a sum equal to one fiftieth part of the moneys borrowed by the Local Board under this Act; but it shall not be obligatory to set apart or appropriate any moneys to or for the purposes of the said sinking fund until the expiration of five years from the vesting of the undertaking in the Local Board.

Existing mortgages to have priority.

34. All mortgages granted by the Local Board prior to the passing of this Act, and which shall be in force at the time of the passing of this Act, shall during the continuance thereof, and as to the rates or property comprised therein, have priority over all mortgages to be granted by virtue of this Act.

Receiver for mortgagees.

35. The mortgagees of the Local Board under this Act may enforce the payment of arrears of interest or of principal, or of principal and interest, due to them by the appointment of a receiver, and the amount of principal and interest in arrear to authorise the appointment of a receiver shall be four thousand pounds.

Gasworks purchase rates for expenses of carrying powers of Act into execution by Local Board.

36. After the purchase of the undertaking of the company by the Local Board, the Local Board may from time to time, when and as often as occasion requires, and according to the powers, provisions, and limitations of the Public Health Acts, make and levy a general district rate, to be called the gasworks rate, for defraying the charges and expenses of carrying into execution the several powers by this Act vested in the Local Board: Provided always, that the Local Board shall not for these purposes levy in any one year a greater rate than one shilling in the pound upon the annual rental of the district, according to the assessment of the property within the district to the relief of the poor: Provided also, that the Local Board shall not levy such rate, or any part thereof, during such time as they charge less than the maximum price for gas in any part of their limits.

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Gasworks purchase rates may be collected with general district rates.

37. For the purpose of diminishing the expense of assessing, making, levying, and collecting the gasworks rates under this Act, it shall be lawful for the Local Board to include the same in any general district rates under the Public Health Act, and to make, levy, collect, and recover such gasworks rates as part of any such general district rates.

Amount of rate to include expenses of recovering it.

38. The amount of any rate made by the Local Board under "The Public Health Act, 1848," or any Act supplemental thereto, and this Act, may, if they think fit, be of such amount as in their judgment will be sufficient to raise or discharge not only the sum in respect of which the rate is made, but also such a sum as will meet the expenses, or what is in their judgment a due proportion of the expenses, incurred in and about making and recovering the rate.

Separate accounts for gasworks.

39. For the purposes of this Act the Local Board shall keep a distinct and separate account (to be called "the gas account") of all their receipts, credits, payments, and liabilities under this Act, with respect to the execution thereof for the purposes of gasworks and the supply of gas.

Income of Local Board under Act.

40. All the moneys from time to time borrowed by the Local Board under this Act, and all moneys from time to time received by or for the use of the Local Board under this Act, or in carrying it into execution, shall from time to time forthwith after the receipt thereof be paid to the treasurer of the Local Board, and be carried by him to the credit of the proper account.

Expenditure by Local Board under Act.

41. All costs, charges, and expenses of and incident to the executing by the Local Board of this Act, and all moneys from time to time borrowed by the Local Board under this Act, and the interest thereon, and all other the expenses and liabilities of the Local Board under and with respect to this Act and the purposes and execution thereof, and all sums of money payable by the Local Board under the said agreement, are by this Act charged on and shall be paid out of the revenue of the Local Board arising under this Act, and gasworks rates by this Act authorised; and any surplus which in any year may remain after satisfying and paying such charges, expenses, liabilities, and sums of moneys, and setting apart the prescribed sum as a sinking fund, shall be applicable, first, to such extensions of the mains and works and to such other purposes connected with their gas undertaking as shall from time to time, in the judgment of the Local Board, be requisite or desirable, and, secondly, to such works and improvements for sanitary purposes within their district as the Local Board shall approve and direct.

Application of moneys borrowed.

42. All moneys from time to time borrowed under this Act shall be applied by the Local Board only as follows:

First, in payment of the costs, charges, and expenses of the Local Board and of the company, in accordance with articles 18 and 19 of the scheduled agreement:

Secondly, in payment of the costs, charges, and expenses of and incident to the passing of this Act, or otherwise in relation thereto:

Thirdly, in payment of the purchase money and completing the purchase of the undertaking of the company, and of the gas plant, gasworks, and other matters and things by this Act authorised to be purchased and acquired from the company or from any other person or persons, and in payment of the costs, charges, and expenses of and incident thereto, and in the extension and improvement of the gasworks by this Act authorised to be purchased by them:

Fourthly, in the exercise of the powers of this Act with respect to the paying off of moneys borrowed and of re-borrowing.

Recovery of gas and meter rents by distress.

43. If and whenever any person shall neglect or refuse to pay the amount due from him to the Local Board in respect of gas rates or rents, or the sale or hire of gas fittings, meters, main pipes, or tubes for the space of fourteen days after demand thereof by the Local Board, their agent or collector, it shall be lawful for any justice to issue his summons to such person requiring him to appear at a time and place named therein, and then and there to show cause why the amount so demanded should not be paid, and if on the appearance of such person, or in default of appearance after proof of service of the summons, either personally or at the last known place of abode or business of such person, no sufficient cause can be shown to the contrary, it shall be lawful for such justice to issue his warrant of distress for the seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such justice to be due from such person, together with such costs, including the costs of cutting off the gas, if the same shall have been cut off by the Local Board, as to such justice shall seem just and reasonable.

Contents of summons or warrant.

44. Any summons, warrant, notice, demand, or other process issued for any of the purposes of this Act may contain in the body thereof, or in a schedule thereto, several names and several sums.

Recovery of sums by action.

45. Whenever any person neglects to pay any rent, rate, or sum due to the Local Board, the Local Board may recover the same, with full costs of suit, in any court of competent jurisdiction for the

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recovery of the debts of the like amount, and the remedy of the Local Board under this enactment shall be in addition to their other remedies for the recovery of such rent, rate, or sum.

Application of penalties.

46. Every penalty imposed by this Act or by any Act incorporated with this Act, except where the Local Board shall be the party by whom the penalty has to be paid, shall be paid to the treasurer of the Local Board, and shall be carried by him to the credit of the gas account.

Contract for supply of gas not to disqualify members of Local Board.

47. No person shall be disqualified from being, continuing, or acting as a member of the Local Board by reason of his being concerned in any contract entered into by the Local Board for a supply of gas or other matters, articles, or things under this Act, or for the sale of any land for the purposes of the Public Health Acts or this Act, or of his being interested in any contract with any newspaper in which advertisements are inserted for the Local Board, nor shall any mortgagee of the gas rents and rates to be levied under this Act be disqualified as a member of the Local Board by reason of his being a mortgagee, but no member shall vote upon any question in which he is interested personally otherwise than as a consumer of the gas of the Local Board.

Authentication of notices.

48. Any summons, demand, or notice, or other such document to be given by the Local Board under this Act, or under "The Public Health Acts," or any of them, may be in writing or print, or partly in writing and partly in print, and if the same require authentication by the Local Board, the signature thereof by the clerk of the Local Board shall be a sufficient authentication.

Penalties not cumulative.

49. Penalties imposed on the Local Board for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act and the Acts wholly or partially incorporated therewith and "The Public Health Acts" shall be deemed several Acts.

Saving rights of Local Board.

50. Except as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, alter, or prejudice any of the estates, rights, powers, or privileges of the Local Board.

Saving rights of trustees of turnpike roads.

51. Save and except such powers as are conferred on the Cleckheaton Gas Company by "The Cleckheaton Gas Act, 1869," in reference to the breaking up of turnpike roads, and the laying of mains and pipes, and other interference with such roads, nothing herein contained shall take away, alter, or diminish any of the rights, powers, or privileges of the trustees of the Leeds and Whitehall and Leeds and Elland turnpike roads respectively.

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Expenses of Act.

52. All the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Local Board out of the first moneys at their disposal.

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SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

A PIECE of land near Lower Rawfolds in the township of Gomersal and parish of Birstal and West Riding of the county of York, bounded on the north and west by a bridge and rivulet, on the east by the turnpike road leading from Cleckheaton to Littletown, and on the south by cottages belonging or reputed to belong to Mr. Frank Sykes, and now or late occupied by Edwin Jones and others; and also a certain plot or parcel of land situate at or near to Upper Rawfolds, in the township of Liversedge in the said parish of Birstal and West Riding of the county of York, bounded on the north by a certain street called Wood Street, on the west by another street called John Street, on the east by the said turnpike road leading from Cleckheaton to Littletown, and on the south by a certain street or lane called the Walk, leading from the said turnpike road to Upper Rawfolds aforesaid.

SCHEDULE (B.)

ARTICLES of AGREEMENT made the 7th day of April in the year of our Lord 1869, between George Anderton, worsted spinner; Edward Atkinson, worsted spinner; Edward Goldthorp, card manufacturer; and James Atkinson, maltster, all of Cleckheaton in the parish of Birstal in the county of York; and Robert Heward Goldthorp, card manufacturer; Joshua Thornton, machine maker; and Thomas Hardy Jackson, manufacturing chemist, all of Liversedge in the parish of Birstal aforesaid, the Directors of the Cleckheaton Gas Company (herein-after called the said company), of the one part; and the Local Board of the district of Cleckheaton (herein-after called the said Local Board), of the other part.

WHEREAS the said company are the promoters of a Bill in the present session of Parliament for incorporating and granting further powers to the said company: And whereas the said Local Board have petitioned the House of Commons against the said Bill: And whereas, on or about the 18th day of March last, it was mutually agreed between the parties hereto, subject to the approval of a meeting of ratepayers of the said district of Cleckheaton, to be called for the purpose, that the said company should sell, and the said Local Board should purchase, the undertaking of the said company, at the price or sum of 23,562*l.*:

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And whereas at a meeting of the ratepayers of the said district of Cleckheaton, holden on the 22nd day of March 1869, it was unanimously resolved, "That this "meeting, having heard and discussed the report now read, by which it appears "that the works, premises, and property of the Cleckheaton Gas Company can "be purchased by the Local Board at the price of 23,562*l.*, this meeting "hereby approve of the Local Board becoming the purchasers at that price:" And whereas, in pursuance of such resolution, it has been agreed that these presents shall be entered into, for the purpose of carrying out such arrangement: Now, therefore, these presents witness that, subject to the sanction of Parliament, the said company do hereby agree with the said Local Board, and the said Local Board do hereby agree with the said company, as follows:

1. The said company shall sell, and the said Local Board shall purchase, all the present gasworks, lands, buildings, mains, pipes, machinery, apparatus, plant, and implements of trade, powers, rights, and privileges whatsoever of the said company, herein-after called the purchased premises, free from all mortgages, charges, and incumbrances whatsoever, except only the ordinary contracts for the gas, and all existing contracts for the sale of ammoniacal liquor and other products of gas, and the said company and Local Board respectively shall perform all acts and execute all deeds necessary to carry out such sale and purchase, and all such existing contracts for gas and ammoniacal liquors, and other products shall also be taken up by the said Local Board, who hereby agree to accept the same.

2. The consideration for the purchase shall be 23,562*l.*

3. The purchase shall be completed by the execution of a conveyance and the payment of the purchase money on the 1st day of August 1869; but if from any cause whatever, other than the wilful default of the said company, the purchase money be not fully paid on that day, then the purchase money, or so much thereof as is not paid on that day, shall bear interest at the rate of 5*l.* per cent. per annum from that day till the time of payment, not to exceed twelve months after the passing of the Act, and after the expiration of that period the rate of interest shall be 10*l.* per cent. upon the said purchase money until payment.

4. Until the said 1st day of August next the said company will carry on their business as heretofore at their own expense and risk, and for their own benefit, and will maintain and keep in as good repair and condition as at present (reasonable wear and tear being allowed) all the purchased premises, and any extensions thereof and additions thereto.

5. Until the said 1st day of August next the said company will make all such extensions of and additions to their works and plant as they in their discretion shall consider proper and sufficient for the due carrying on as heretofore and developement of their business, and will provide the funds for all expenditure in that behalf.

6. If at any time or times before the said 1st day of August next the said Local Board require the said company to make any extension of or addition to their works or plant not provided for by the 5th article, and furnish to the said

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company the funds for all the expenditure in that behalf, the said company shall duly make all such extensions and additions required.

7. All extensions and additions under the 5th and 6th articles shall be made only with the approval and under the direction of the engineer of the said Local Board.

8. The said company shall keep proper and sufficient accounts and vouchers of all their expenditure under the 5th and 6th articles.

9. On the said 1st day of August next the said Local Board shall pay to the said company the amount of the expenditure of the said company under the 5th article, and of such part (if any) of their expenditure under the 6th article as is not covered by the funds furnished under that article by the said Local Board, with interest after the rate of 7*l.* per cent. per annum on all moneys so expended in excess by the said company under the 6th article, from the respective times of the outlay thereof.

10. On the said 1st day of August next the said company will deliver over the purchased premises to the said Local Board with the ordinary proper and sufficient store of gas in the said company's gasholders of at least as good quality as the gas now supplied by the said company, and with the whole of the gasworks in as complete working condition as at present (damage by inevitable accident and reasonable tear and wear excepted), and so that the supply of gas may not be in any way interrupted, and shall further leave on the said premises and deliver over to the said Local Board coals to the extent of at least 100 tons to enable them to carry on the said works.

11. The coals (including the coals mentioned in the 10th article), coke, tar, meters unfixed, and ammoniacal liquor of the said company, whether now belonging to or hereafter provided by them, are not included in the purchased premises; but on the said 1st day of August next the said company will sell, and the said Local Board will purchase, at a valuation, the said coals, coke, tar, unfixed meters, and gas in the meters of the said company then belonging to them.

12. Provided always, that it shall not be obligatory on the said Local Board to purchase any other or more of the stores of the said company than such as shall be proper and sufficient for carrying on of the said business.

13. The valuation under the 11th article shall be made by two competent valuers, one to be named by each party, or by an umpire to be named by such two valuers, before they enter on the business of the valuation, but if either party do not, within 14 days after being thereunto requested by the other party, name a valuer, then the valuation shall be made by the valuer appointed by the party making the request.

14. Within one month after the making of the valuation the said Local Board will pay to the said company the amount thereof, with interest after the rate of 5*l.* per cent. per annum thereon, computed from the said 1st day of August 1869 to the time of the actual payment of the amount of such valuation.

15. The said Local Board will as soon as can be after the said 1st day of August next collect and recover all gas rates or rents due at that date to the said

company, and all such gas rates or rents then current as the said company cannot collect and recover, and will from time to time at the end of every calendar month from the said 1st day of August next pay to the said company the amount of the gas rates or rents due at the time of such completion, or the fair proportions of the gas rates or rents then current, and respectively so collected and recovered, less a commission after the rate of 5*l.* per cent. for the trouble and expense of the collection, and less also all expense reasonably and properly incurred in enforcing the recovery.

16. The said company and the said Local Board will use their utmost endeavours to pass the Bill now promoted in Parliament by the said company, and the said Local Board will forthwith withdraw their petition against and all further opposition to the said Bill.

17. The said Bill shall contain a clause confirming this agreement and making the same binding on the said company and the said Local Board, and also all such provisions as the said company may think proper and sufficient for enabling them, after the sale of their undertaking, to realize their assets and discharge their liabilities, and divide their surplus assets among their shareholders and wind up their affairs, and for their eventual dissolution; and the said Bill shall also (subject to the approval of Parliament) contain clauses to enable the said Local Board to raise the said purchase money on security of the general, district, or other rates, and such other clauses as the said Local Board may deem necessary or reasonably require.

18. In case Parliament shall in the present session refuse to confirm this agreement, the company will at the request and costs of the Local Board, in the session of Parliament of the year 1870, concur in and support a Bill to be promoted by the Local Board, at their expense, to give effect to this agreement for the sale and purchase of the undertaking; but in case the Parliament of that session shall refuse to confirm this agreement, then the same shall be void and of no effect.

19. The Bill shall henceforth be prosecuted by the solicitors and agents for the said company jointly with the solicitors and agents of the Local Board; and the costs, charges, and expenses of both parties which have already been or shall or may hereafter be incurred, as well in connexion with and incidental to the promotion and prosecution of as in the negotiations for and of and incident to the pending Bill, the petition by the Local Board, and this agreement, shall be borne and paid by the Local Board; but upon the payment of the said costs, charges, and expenses, the said company will (inclusive of any moneys they have already advanced on account thereof) contribute and pay the sum of 1,071*l.* in and towards payment of such costs, charges, and expenses.

20. If at any time any question shall arise between the said company and the said Local Board as to the intent, construction, effect, and meaning of this agreement, every such question shall (unless it can be otherwise satisfactorily arranged and disposed of) be referred to and be determined by arbitration, according to the provision with respect to the determination of disputes by arbitration of "The Companies Clauses Consolidation Act, 1845;" and those

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provisions, so far as they are applicable to this arrangement, shall for that purpose be deemed to be incorporated with and form part of these presents.

In witness whereof the said parties have hereunto set their hands, and the said Local Board the common seal of the said board have affixed, the day and year first before written.

Signed by the said George Anderton and Edward Atkinson, in the presence of
GEORGE CURRY,
Cleckheaton.

GEO. ANDERTON.

EDWARD ATKINSON.

Signed by the said Edward Goldthorp, James Atkinson, Robert Heward Goldthorp, Joshua Thornton, and Thomas Hardy Jackson, in the presence of
CHAS. H. DOUTHWAITE,
Clerk to
Messrs. Terry, Robinson, & Jackson,
Solicitors, Cleckheaton.

EDWARD GOLDTHORP.

JAMES ATKINSON.

R. H. GOLDTHORP.

JOSHUA THORNTON.

THOMAS H. JACKSON.

L.S.

The common seal of the Cleckheaton Local Board, and the signatures of Elymas Wadsworth, Samuel Blackburn, Alfred Law, William Beevor Birkby, and Ephraim Gibson, five members thereof, were hereto affixed in the presence of
JOHN GILL,
Clerk to the Board.

E. WADSWORTH,
Chairman.

S. BLACKBURN.

ALFRED LAW.

W. B. BIRKBY.

EPHRAIM GIBSON.

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