CHAPTER clix.

An Act for effecting the Sale and Transfer to the Colne and Marsden Local Board of the Undertaking of the Colne Gas Company; and for other purposes. [2nd August 1877.]

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Articles of Agreement, dated 17th December 1838.

WHEREAS by certain Articles of Agreement, dated the seventeenth day of December one thousand eight hundred and thirty-eight, several persons formed themselves into a society or company to be called the Colne Gaslight and Coke Company (in this Act referred to as "the Society"), for the purpose of making gas and therewith lighting the streets, houses, mills, and other places in the town and neighbourhood of Colne, in the county of Lancaster:

And whereas the Society have erected gasworks, and have expended in and about the same, and in supplying Colne and other places in the neighbourhood thereof with gas, the sum of thirteen thousand five hundred pounds:

And whereas the demand for gas in Colne and the neighbourhood thereof has increased and is increasing, and it is expedient that the works of the Society should be improved and extended, and that further money should be provided for such improvement and extension:

And whereas an agreement for the sale and transfer of the undertaking, rights, powers, and privileges of the Society to the Local Board for the district of Colne and Marsden, in the county of Lancaster (in this Act referred to as the Local Board), has been made, and the same is set forth in the Second Schedule to this Act:

And whereas it is expedient that the said agreement be confirmed and carried into effect, and that the Local Board be empowered to raise money for the purposes of the said agreement, and that all necessary and proper powers for the making of gas and the supply of gas within the district of the Local Board (in this Act referred to as the district) and the neighbourhood thereof be conferred on the Local Board:

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And whereas an estimate has been prepared by the Local Board for the purchase of the undertaking, rights, powers, and privileges of the Society, and for the extension and improvement of the works, and such estimate amounts to the sum of forty-five thousand pounds:

And whereas the undertaking agreed to be purchased and the proposed extension and improvement of the works are permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act, 1875:

And whereas an absolute majority of the whole number of the members of the Local Board, at a meeting held on the twenty-eighth day of February one thousand eight hundred and seventy-seven, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Colne and Nelson Times, a local newspaper published or circulating in the district, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on the general district rate of the district:

And whereas such resolution was published twice in the Colne and Nelson Times, a newspaper circulating in the district, and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the Local Board at a further special meeting held in pursuance of a similar notice on the second day of May one thousand eight hundred and seventy-seven:

And whereas the owners and ratepayers of the district, by resolution passed in the manner prescribed by the Public Health Act, 1875, (Schedule III.,) have consented to the promotion of the Bill for this Act:

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

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

Short title.

1. This Act may be cited as "The Colne Gas Act, 1877."

Certain provisions of general Acts herein named incorporated.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking,) and 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,) so far as the same respectively are applicable for the purposes of and are not inconsistent with the provisions of this Act, are incorporated with and form part of this Act, and the Gasworks Clauses Act, 1871, shall apply to the gas undertaking of the Local Board, as if the same were hereby authorised.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and the expression "superior court" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Limits of Act.

4. The limits of this Act for the supply of gas shall be the Colne and Marsden urban sanitary district and the township of Trawden, all in the parish of Whalley, in the county of Lancaster, which places are in this Act referred to as "the limits of supply."

Confirmation of agreement for purchase of gas undertaking.

5. The agreement set forth in the Second Schedule to this Act is hereby confirmed and made binding on the Society and the Local Board, and the same shall be carried into effect subject and according to the provisions of this Act, and for that purpose the Local Board and the Society respectively are hereby authorised and empowered to do all things necessary or proper for enforcing and giving full effect to the stipulations of the said agreement, with the lawful and reasonable incidents and consequences thereof.

Transfer of undertaking by deed.

6. The sale under the said agreement shall be carried into effect by a deed duly stamped and truly stating the consideration (which deed may be in the form set forth in the Third Schedule to this Act or to the like effect), and on the execution thereof by the Society or by two members of the committee of management of the Society, the undertaking, property, rights, powers, and privileges of the Society (except as in the said agreement is excepted) shall become and shall thenceforth be by virtue of this Act transferred to and vested in the Local Board for all the estate and interest of the Society therein.

Receipt of three members of committee for purchase

7. The receipt in writing of three members of the committee of management of the Society for the purchase money to be paid to them by the Local Board shall effectually discharge the Local Board

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money to be a sufficient discharge.

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 non-application thereof.

Application of purchase money.

8. The Society shall hold all money paid to them by the Local Board under this Act, and all other money for the time being belonging to the Society, in trust to pay thereout all debts and liabilities (if any) properly payable by the Society under the agreement by this Act confirmed, and any costs, charges, and expenses not payable under such agreement by the Local Board, and to distribute the residue among the members or proprietors of the Society, their respective executors, administrators, or assigns, rateably in proportion to their respective shares and interests in the capital of the Society, without preference or priority, and the receipt in writing of the committee or guardian of the estate of a lunatic member or infant member shall discharge the Society and the members of the committee thereof from the money therein expressed to be received, and from any obligation affecting the share or interest in respect whereof that money is paid.

Payments into court by the Society.

9. If the committee of management of the Society are for six months after the receipt by them of the purchase money unable after diligent inquiry to ascertain the person to whom any part thereof ought to be paid, or cannot obtain a sufficient discharge for the same, the said committee may pay the same into the Chancery Division of the High Court of Justice under any Act from time to time in force for the relief of trustees, and every such payment into court shall conclusively discharge the said committee from all further liability with respect to the money so paid into court, and for the purpose of this Act shall be deemed payment thereof to a person absolutely entitled thereto, and any person afterwards showing to the satisfaction of the Court that he is entitled thereto may obtain payment thereof out of court accordingly.

Winding up and dissolution of Society.

10. The committee of management of the Society may exercise all powers necessary and proper for enforcing and giving full effect to the said agreement, and for distributing the assets and winding up the affairs of the Society, and when and as soon as the assets of the Society have been distributed and their affairs have been wound up the Society shall be by virtue of this Act dissolved.

Society's debts, &c. to be paid, &c. by Local Board.

11. All debts, rents, rates, charges, liabilities, and sums of money, actions, suits, and proceedings, and causes of action, suit, or proceeding, which at the time of the transfer are due from or pending or existing against that Society shall be paid, discharged, settled, and satisfied by the Local Board, and any action, suit, or proceeding, or cause of action, suit, or proceeding, so pending or existing shall not

abate or be discontinued, or be in anywise prejudicially affected by reason of the sale or of anything in this Act, but the same may be continued, prosecuted, and enforced against the Local Board as and when it might have been continued, prosecuted, or enforced against the Society if this Act had not been passed, but not further or otherwise, without prejudice to any remedy over for the Local Board against the Society under or by virtue of the agreement confirmed by this Act.

Gas rent, &c. due to the Society to be paid to Local Board.

12. After the transfer of the gas undertaking, all moneys which immediately before the transfer shall be due and payable or accruing to the Society for or in relation to the supply of gas or meters or fittings shall, subject to the said agreement, be payable to and may be collected and recovered by and in the name of the Local Board.

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

13. After the transfer of the gas undertaking to the Local Board, subject to the provisions of this Act, the Local Board may from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue the existing gasworks of the Society upon the lands described in the First Schedule to this Act, and they may also erect, lay down, provide, and from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue additional and other gasworks, retorts, gasholders, condensers, purifiers, drains, sewers, mains, pipes, meters, lamps, lamp-posts, burners, stopcocks, machinery, and other works, apparatus, and conveniences, and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of this Act, and may make, store, and supply gas accordingly, and may manufacture, sell, provide, supply, let on hire, and deal in coal, coke, tar, pitch, asphaltum, ammoniacal liquor, lime, and all other products or residuum of any materials employed in or resulting from the manufacture of gas, and also meters, fittings, tubes, pipes, gas-cooking apparatus, and other articles and things in any way connected with gasworks or with the supply of gas, as they may from time to time think fit.

Power to borrow on mortgage.

14. The Local Board may from time to time under the authority of this Act, in addition to any moneys they are authorised to borrow under the Public Health Act, 1875, borrow at interest on mortgage of the revenue of their gas undertaking, and of the general district rate, 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 (except with the consent of the Local Government Board) the sum of forty-five thousand pounds.

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Power to borrow under provisions of Local Loans Act.

15. The Local Board may from time to time, in manner prescribed by the Local Loans Act, 1875, and subject to the provisions thereof, borrow at interest on the securities described in the last preceding section, or any of them, the money therein authorised to be borrowed, and they may raise such money by the issue of debentures, debenture stock, or annuity certificates.

Certain regulations of the Public Health Act as to borrowing not to apply.

16. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section two hundred and thirty-four of the Public Health Act, 1875, and in calculating the amount which the Local Board may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Payment off of money borrowed.

17. The Local Board shall pay off all money borrowed by them under the powers of this Act, and the interest thereon, within fifty-five years after the same is borrowed, by any one or more of the methods (including a sinking fund) mentioned in the Local Loans Act, 1875, with respect to the discharge of loans borrowed in the manner provided by that Act, but they shall not be bound to commence the payment off any of such moneys until the expiration of three years from the passing of this Act. The annual return provided for by section sixteen of the Local Loans Act, 1875, shall apply and extend to the sinking fund, annual instalments, and other periodical payments to be formed or made for the discharge of loans borrowed under this Act.

Power to re-borrow.

18. The Local Board may from time to time re-borrow any amount borrowed by them under this Act, and paid off otherwise than in compliance with the provisions of the last preceding section.

Deficiency in gas account.

19. If in any year the amount standing to the credit of the gas account herein-after mentioned be insufficient for the payment of the charges thereon and the execution of this Act, the deficiency shall be made up out of the general district rate by carrying an adequate sum therefrom to the credit of the gas account; and the Local Board from time to time, in preparing the estimates of the amount required in their judgment to be raised by means of a general district rate for the purposes of the district, may include therein such sums respectively (if any) as in the judgment of the Local Board are necessary to be provided in aid of the deficiency from time to time arising as aforesaid in the gas account, and shall collect the same as part of such general district rate.

Application of revenue.

20. The Local Board shall keep accounts in respect of their gas undertaking separate from all their other accounts, and shall apply

all money from time to time received by them in respect of their gas undertaking, except borrowed money, as follows:

In payment of the expenses properly chargeable to revenue of conducting, managing, and maintaining the gasworks and otherwise carrying on the gas undertaking of the Local Board;

In payment of the interest upon money borrowed under the provisions of this Act;

In providing the requisite instalments, sinking fund, or other periodical payments under this Act;

and shall carry to the general district fund any balance remaining in any year.

Application of money borrowed.

21. All moneys borrowed by the Local Board under this Act shall be applied in payment of their costs, charges, and expenses of and incidental to all their proceedings in Parliament, and of and incidental to the obtaining and passing this Act, and for the effectual execution of the agreement confirmed by this Act, and the extension and improvement of their gas undertaking in respect of objects to which capital money is properly applicable, and for no other purpose.

Power to purchase lands by agreement.

22. The Local Board may, for the purposes of their gas undertaking, purchase (by agreement, but not otherwise), and may, subject to the provisions of section five of the Gasworks Clauses Act, 1871, hold and use, in addition to the lands described in the First Schedule to this Act annexed, any lands and hereditaments, not exceeding in the whole three acres, which they may from time to time require for the purposes of their gas undertaking.

Power to lay pipes against buildings.

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

Sale of portion of undertaking to Trawden sanitary authority.

24. If at any time after the passing of this Act the urban sanitary authority for the district of Trawden shall give not less than six months notice in writing to the Local Board of their desire to purchase that portion of the undertaking of the Local Board which is contained within such district, and shall have obtained the consent of the Local Government Board to such purchase, it shall be lawful for such sanitary authority to apply to Parliament or the

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Local Government Board for power to purchase such portion of the undertaking of the Local Board, and to supply gas within such district, and if such powers be granted the Local Board shall sell, and such sanitary authority shall purchase, the portion of the undertaking of the Local Board within the district of such sanitary authority, at such price as shall be fixed, in default of agreement, by arbitration under the provisions of the Lands Clauses Acts, and the Local Board shall apply the proceeds of any sale under this section in the same manner as they are required to apply moneys borrowed under the powers of this Act: Provided always, that until the completion of the purchase the Trawden sanitary authority shall not supply gas to any part of their district, and that after the completion of the purchase all obligation on the part of the Local Board to supply gas within such district shall cease and determine.

Restriction on works affecting Post Office telegraph system.

25. With respect to the Post Office telegraph system, the following provisions shall take effect:

(A.) The Local Board shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Local Board have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Local Board, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Local Board executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Local Board shall forthwith give notice to the Postmaster General of any such interference, and the reason for the same:

Power for Postmaster General to annex conditions.

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Local Board shall observe and perform the same:

Power of entry for Postmaster General.

(C.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of

the lands and works of the Local Board for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon:

Compensation by Local Board to Postmaster General, and penalty.

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

Provisions to remain in force for one year and to the end of the then next session of Parliament.

(E.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

Quality of gas.

26. The quality of gas supplied by the Local Board shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

Price of gas.

27. The price to be charged by the Local Board for gas supplied by them to consumers shall not exceed five shillings per thousand cubic feet.

Pressure of gas.

28. All gas supplied by the Local Board to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer; and any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this Act may from

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time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority, and at least two hours previous notice shall be given to the Local Board of the time and place at which such testing shall be conducted.

Test meter.

29. The Local Board shall, within six months after the passing of this Act, cause to be provided at their works or their office a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act, 1871; and the burner to be used for testing the gas shall be a Sugg's London Argand No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used.

Local Board to pay interest on deposit.

30. Where any money is deposited by any person by way of security with the Local Board for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, the Local Board shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Authentication of notices.

31. Any summons, warrant, demand, or notice, or other such document, to be issued or given for any of the purposes of this Act, may be in writing or print, or partly in writing or partly in print, and if the same require authentication by the Local Board, the signature thereof by the clerk to the Local Board shall be a sufficient authentication.

Notice to Local Board to discontinue supply.

32. A notice to the Local Board from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing, and be left at the principal office for the time being of the Local Board.

Application of penalties.

33. Every penalty imposed by this Act shall (except where otherwise expressly provided, and except where the Local Board shall be the party by whom the penalty has to be paid) be paid to the Local Board.

Expenses of Act.

34. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall in the first instance be paid by the Society, and shall, to the extent and in the manner provided for by the said agreement, be repaid to the Society by the Local Board on the completion of the purchase.

SCHEDULES referred to in the foregoing Act. A.D. 1877.

THE FIRST SCHEDULE.

Description of Gas Lands.

First. Certain lands situate in Waterside, in the township of Colne, in the parish of Whalley, in the county of Lancaster, bounded on the northerly side thereof by a street called or known by the name of Gas Street, on the southerly side thereof by the river or watercourse there called the Calder or Colne Water, on the easterly side thereof by cottages and garden ground the reputed property of Thomas Thomber England, and the representatives of Nicholas England, deceased, or some or one of them, and on the westerly side thereof by cottages the reputed property of William Stansfield, and the representatives of Thomas Wilkinson, deceased, or some or one of them.

Secondly. Certain lands situate at Grindlestonehirst, in the township of Great and Little Marsden, in the parish of Whalley, in the county of Lancaster, bounded on the northerly side thereof by the said river or watercourse called the Calder or Colne Water, on the southerly side thereof partly by cottages or dwelling-houses and land belonging or reputed to belong to Robert Rushton, partly by cottages and land belonging or reputed to belong to Thomas Butterfield Hey, and partly by cottages and land belonging or reputed to belong to Hartley Sutcliffe, on the easterly side thereof by messuages or dwelling-houses, land, and garden ground belonging or reputed to belong to Edward James Taylor, and on the westerly side thereof by land belonging or reputed to belong to Henry Hargreaves Bolton, and also certain other lands at Grindlestonehirst aforesaid lying between and adjoining the lands lastly herein-before described and the highway leading from Waterside in Colne aforesaid to Primet Bridge, and forming the approach from the said highway to the works now belonging to the Society.

THE SECOND SCHEDULE.

Agreement between the Society and the Local Board.

An agreement made the sixth day of April 1877 between Richard Sagar, of Heyroyd, near Colne, in the county of Lancaster, Esquire, and Henry Pickles, draper, James Hudson, painter, Henry Waddington Hartley, gentleman, William Richmond, ironmonger, John Smith (of Wackersall), farmer, John

A.D. 1877. Holroyd, gentleman, William Holmes, draper, William Stansfield, gentleman, William Ayrton Wilkinson, tobacco manufacturer, John Judson Hartley, grocer, Lazarus Threlfall, gentleman, and William Henry Varley, plumber, all of Colne aforesaid, (being the committee for the time being of the Society or Company called the Colne Gaslight and Coke Company, which said Society or Company shall for the purposes of these presents be deemed to be a Gas Company, and which said committee shall for those purposes be deemed to be the directors of such Gas Company within the meaning of the Public Health Act, 1875, and which said Society or Company and committee respectively are accordingly herein-after referred to as the Company and the directors,) of the one part, and the Local Board for the urban sanitary district of Colne and Marsden, in the county of Lancaster, herein-after called "the Local Board," of the other part: Whereas at a special general meeting of the Company, duly convened as required by the said Act, and held on this sixth day of April 1877, it was duly resolved, in manner thereby prescribed, that under and by virtue of the powers thereof all the rights, powers, and privileges, and all the lands, premises, works, and other property of the Company (except all past and accruing profits) should be sold and transferred to the Local Board upon the terms and conditions herein-after expressed and contained: Now these presents witness that, under and by virtue of the powers of the said Act, the directors, in pursuance of the resolution herein-before recited, do, for themselves, their executors and administrators, agree with the Local Board, and the Local Board do, for themselves, their successors and assigns, agree with the directors as follows:

1. The Company shall sell and the Local Board shall purchase all the rights, powers, and privileges, and all the lands, premises, works, and other property of the Company (all of which are herein-after styled "the undertaking"), subject to all liabilities attached to the same, for the sum of £32,000, and the purchase shall be completed on the 1st day of October 1877.

2. The undertaking shall not include the profits of the Company, but the latter will reserve, without accounting for, all such profits as shall have been received by or be due to them on the day fixed for the completion of the purchase, and within one month after that day an account of all such profits or other income of the Company as shall accrue due in respect of the then preceding quarter, but remain unreceived by the Company at the end of one month thereafter, shall be made out by the directors, and delivered to the clerk to the Local Board, and the Local Board shall within one week after such delivery pay to the Company (in addition to the said purchase money) the amount appearing upon such account to be due to the Company, after deducting therefrom the amount of all such debts as, having regard to the circumstances of the persons from whom the same shall be due, the directors and the Local Board shall deem irrecoverable, and a reasonable sum for collection.

3. If on the day fixed for the completion of the purchase any coal, coke, tar, lime, or other materials shall be upon or about the premises at the gasworks, the value thereof shall be paid by the Local Board to the Company, in addition to the said purchase money, and the amount thereof shall be ascertained and settled by Mr. Thomas Varley, the Company's manager.

4. If from any cause whatever the purchase shall not be completed on the day fixed for that purpose, then on and from that day, and until the purchase shall be completed, the Local Board shall pay interest upon the purchase money at the rate of £5 per centum per annum.

5. The Company shall continue to carry on the undertaking and conduct the business thereof as heretofore until the day fixed for completion of the purchase, but the Company shall not make any payment nor, without the consent in writing under the seal of the Local Board, enter into any contract or do any act not necessary in the ordinary course of their business.

6. This agreement shall, if possible, be confirmed or given effect to by the Bill now being promoted by the Company, and the Company and the Local Board shall concur in all proceedings by petition for additional provision or otherwise necessary for that purpose.

7. Failing the confirmation or giving effect to this agreement by the said Bill on technical grounds the Local Board will not further oppose the Bill, and will take such proceedings either by Bill or Provisional Order as they may be advised for the purpose of giving effect to this agreement during the session of 1878, and the Company will at the cost of the Local Board concur in such last-mentioned proceedings.

8. In the event of this agreement not being confirmed or given effect to till the session of 1878, the day for the completion of the purchase shall be the 30th day of September 1878: Provided that all additions to works and plant which, if this agreement had not been made, would have been made by the Company, and charged by them to capital and not to revenue, may be made by the Company, and shall be paid for by the Local Board, and in the interim the necessary funds may be raised by the Company by loan or otherwise, as they and the Local Board may agree, so that the profits of the undertaking to which the Company are entitled under Article 2 shall not be diminished except by such expenditure as, if this agreement had not been made, would have been charged to revenue.

9. The Company shall pay their costs in relation to the said Bill now pending up to the application for the confirmation of this agreement; and the Local Board shall pay all the costs of the Company's Parliamentary agents in relation to such application, and properly incurred in the promotion of the said Bill subsequent to such application, whether such application be successful or not, including the costs of any witnesses, other than the solicitors for the Company, who may be necessary to prove the preamble of the Bill in either House of Parliament, and all the costs of the Company in relation to the proceedings (should any such be necessary) for giving effect to this agreement in the session of 1878.

10. This agreement shall be subject to such alterations as Parliament may think fit to make therein, but if any material alteration be made therein, the Company or the Local Board may elect to vacate this agreement.

11. If any doubt, difference, or dispute shall arise touching these presents, or touching any matter, clause, or thing arising out of or in connexion therewith, the matter in difference shall be referred to arbitration pursuant to and so as, with regard to the mode and consequences of the reference, and in all

A.D. 1877. other respects, to conform to the provisions in that behalf contained in the Public Health Act, 1875, and the directors shall be deemed to be the other party to the reference within the meaning of that Act.

Signed by the above-named Richard Sagar, Henry Pickles, James Hudson, Henry Waddington Hartley, William Richmond, John Smith, John Holroyd, William Holmes, William Stansfield, William Ayrton Wilkinson, John Judson Hartley, Lazarus Threlfall, and William Henry Varley, in the presence of

W. H. HARTLEY,
Solicitor, Colne.

R. Sagar.
Henry Pickles.
James Hudson.
H. W. Hartley.
W. Richmond.
John Smith.
Jno. Holroyd.
Wm. Holmes.
Wm. Stansfield.
W. A. Wilkinson.
J. J. Hartley.
Lazs. Threlfall.
W. H. Varley.

The common seal of the above-named Local Board was hereunto affixed at a meeting of the said Local Board held on the sixth day of April 1877, in the presence of

Wm. Jas. CARR,
Clerk to the Local Board.

L.S.

T. T. ENGLAND,
Chairman of the Local Board.

THE THIRD SCHEDULE.

Form of Deed of Transfer.

In pursuance of and subject to the provisions of the Colne Gas Act, 1877, and in consideration of [*here insert the consideration*], the Colne Gaslight and Coke Company hereby transfer and convey unto the Local Board for the district of Colne and Marsden the undertaking, property, rights, powers, and privileges of the Company (except as in the agreement set forth in the Second Schedule to the said Act is excepted), to hold the same unto the said Local Board, their successors and assigns, and the said Local Board do accept the same accordingly.

In witness whereof two of the members of the Committee of Management of the said Company have hereunto, on behalf of the Company, set their hands and seals, and the said Local Board have caused their common seal to be affixed, this day of 187 .

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