ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

Cap. clxxxi.

An Act to confer upon the Local Board of Health for *Macclesfield* further Powers with reference to the Supply of Gas, and for other Purposes.

[6th *August* 1860.]

WHEREAS by the (Local and Personal) Act of the Seventh Year of King *George* the Fourth, Chapter Eight, the *Macclesfield* Gaslight Company (herein-after called "the Company") were incorporated, with a Capital of Ten thousand Pounds, to be divided into Shares of not less than Fifty Pounds each, and with Power to borrow on Mortgage Ten thousand Pounds, for the Purpose of producing inflammable Air or Gas from Coal, Oil, Tar, Pitch, or other Materials, and for lighting and supplying with Gas all Persons, and all public Places, Roads, Streets, Ways, Lanes, Passages, and Buildings, and also all private Houses, Shops, Manufactories, Properties, and Buildings within the Townships of *Macclesfield*, *Sutton*, and *Hurdsfield* in the Parish of *Prestbury* in the County Palatine of *Chester*, and also for selling and disposing of all and every Product and Products, Refuse, or Residuum arising or to be obtained from the Materials used in or necessary for the Manufacture of Gas, in such Manner as the Company might think proper: And whereas at the Time of the passing of the said Act the Borough of *Macclesfield* comprised only the Township of *Macclesfield*, but 7 G. 4. c. viii.

by the Public General Act (Fifth and Sixth *William* the Fourth, Chapter Seventy-six), to provide for the Regulation of Municipal Corporations in *England* and *Wales*, (herein-after called "the Municipal Corporation Act,") Parts of the adjoining Townships of *Sutton* and *Hurdsfield* were for Municipal Purposes added to and now form Part of that Borough: And whereas by "The *Macclesfield* Improvement Act, 1852," (herein-after called "the Improvement Act,") it was enacted that the Mayor, Aldermen, and Burgesses of *Macclesfield* (herein-after called "the Corporation") should, by the Council of the Borough of *Macclesfield*, be within and for the Borough of *Macclesfield* (as defined by the Municipal Corporation Act) the Local Board of Health, under "The Public Health Act, 1848," and Parts of that Act were incorporated with the Act now in recital: And whereas by the Improvement Act the Corporation, acting by the Council of the said Borough, were empowered to purchase Lands by Agreement, and to erect and make thereon all necessary Works for lighting the Streets, Market Houses, and other public Buildings in *Macclesfield* with Gas or other Light, and for those Purposes to do other Works in that Act mentioned or referred to, and also to levy a separate Rate, to be called "the Lighting Rate," not exceeding One Shilling in the Pound in any One Year, upon the full net annual Value of the Property assessed thereto, and to borrow on Mortgage for the Purposes of that Act any Sum not exceeding Twenty thousand Pounds: And whereas the Improvement Act prohibits any Application to Parliament by the Corporation for further Powers, or for Power to raise further Sums of Money for the Purposes of that Act, or for the Purposes of any further or other Act, until the Local Board should, by Notice given for Two consecutive Weeks in a Newspaper published in *Macclesfield*, or if none, then in the Newspaper published nearest to *Macclesfield*, have called a public Meeting of the Ratepayers of the said Borough, at which Meeting the Corporation should cause to be stated the Object of the intended Application to Parliament, nor unless at such Meeting the Corporation should be authorized by a Majority of the Ratepayers present at such Meeting to make such Application; and that Act also provides for the Mode of voting at such Meeting, and for taking a Poll, if demanded: And whereas the Corporation have not erected any Gasworks, but have from Time to Time contracted with the Company for the Supply of Gas to Street Lamps and for other public Purposes within the said Borough: And whereas the Corporation have not borrowed any Money on the Security of the Lighting Rate or of the General District Rate under the Powers of the Improvement Act: And whereas it would be for the public Advantage that the Powers of the Local Board to construct Works and supply Gas within the Borough should, in either of the Events in this Act in that Behalf mentioned, extend to Gas for private Use as well as for public Purposes: And whereas it is expedient that the Provisions of the Improvement Act relating to lighting, to the Erection of Works for that Purpose, and to the Lighting Rate, should be repealed, and other

15 & 16 Vict. c. x.

Provisions

Provisions made in lieu thereof: And whereas it is expedient that the Local Board should be empowered to purchase the Undertaking of the Company, and that the Company should be empowered to sell the same: And whereas it is expedient that upon and from such Purchase the Local Board should supply Gas to the whole of the Townships of *Sutton* and *Hurdsfield*, and should also be empowered to supply Gas to the adjacent Townships of *Titherington* and *Upton* in the said Parish: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: And whereas the Application for this Act has been authorized by a Majority of the Ratepayers present at a public Meeting called and held in manner directed by the Improvement Act: 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.

I. This Act may be cited for any Purpose as "*Macclesfield* District Gas Act, 1860."

Meaning of certain Terms.

II. In this Act the Expression "the Public Health Acts" means "The Public Health Act, 1848," and the several Acts amending the same, and includes "The Local Government Act, 1858," and any Acts amending that Act; the Expression "the Local Board" means the Mayor, Aldermen, and Burgesses of the Borough of *Macclesfield*, acting by their Council as the Local Board of Health for that Borough; and in the Public Health Acts, and also in this Act, the Expression "the District" means for the Purposes of this Act the Municipal Borough of *Macclesfield*, as defined by the Municipal Corporation Act; and the Term "Gas Rents" includes all Rents, Rates, Charges, and Remuneration for Gas and other Matters, Articles, and Things which the Local Board may supply under this Act.

Act to be executed by Local Board.

III. Except as is by this Act otherwise provided, 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 the Public Health Acts shall, in relation to the Local Board, be read and construed as if the Purposes and Provisions of this Act were Purposes and Provisions of "The Public Health Act, 1848."

8 & 9 Vict. c. 18. and 10 & 11 Vict. c. 15. incorporated.

IV. "The Lands Clauses Consolidation Act, 1845," and "The Gasworks Clauses Act, 1847," (save so far as the Clauses and Provisions thereof respectively are excepted or varied by this Act, and except the Clauses of "The Gasworks Clauses Act, 1847," with respect to the Amount of Profit to be received by the Undertakers when the Gasworks are carried on for their Benefit,) shall be incorporated with this Act; and

and in construing those Acts, as incorporated with this Act, the Expression "the Undertaking" and the Expression "the Gasworks" respectively include the Gasworks and the Works connected therewith by this Act authorized to be purchased as well as those by this Act authorized to be constructed; the Expression "the Undertakers" and the Expression "the Promoters of the Undertaking" respectively mean the Local Board; and the Expression "Superior Courts" includes any Court of competent Jurisdiction: Provided always, that nothing in "The Lands Clauses Consolidation Act, 1845," contained shall authorize the Local Board to purchase, take, or use any Land otherwise than by Agreement with the Owners, Lessees, and Occupiers thereof.

Same Meanings to Words in incorporated Acts as in this Act.

V. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction, or other Meanings be assigned to them by this Act.

Limits of Act.

VI. The Limits of the District shall be the Limits within which this Act shall be put in force for the Supply of Gas and levying Rates and Gas Rents: Provided always, that if and when the Local Board shall have purchased the Undertaking of the Company the Limits of this Act shall for all Purposes (except levying the Lighting Rate) include also those Parts of the said Townships of *Sutton* and *Hurdsfield* which are not within the District, and also the whole of the said Townships of *Titherington* and *Upton*, and this Act shall be put in force accordingly.

Certain Sections of 15 & 16 Vict. c. x. repealed.

VII. Upon and from the passing of this Act, but subject to the Provisions of this Act, the Sections of the Improvement Act numbered respectively 25, 26, 27, 28, and 29, relating to lighting, and the Purchase of Lands, Erection of Works, and doing of other Matters and Things for that Purpose, and also the Section of that Act numbered 46, relating to the Lighting Rate, and also so much of the Twenty-second Section of that Act as incorporates therewith or relates to the Clauses of "The Towns Improvement Clauses Act, 1847," with respect to lighting the Town or District, are by this Act repealed.

Local Board to continue possessed of Lamps, &c.

VIII. Notwithstanding the Repeal of Part of the Improvement Act, all Pillars, Lamps, Posts, Lamp Irons, and other Apparatus, Works, and Conveniences for lighting Streets, Market Places, or public Buildings, before the passing of this Act purchased or provided, laid down, erected, or placed in, upon, or against any Street, Market Place, or public Building, by the Local Board or the Corporation, or of or to which the Local Board or the Corporation were immediately before the passing of this Act possessed or entitled, shall henceforth be or remain vested in and be and be deemed the Property of the Local Board.

IX. Not-

Saving former Lighting Rates, &c.

IX. Notwithstanding the Repeal of Part of the Improvement Act, all Lighting Rates and Assessments to Lighting Rates made before the passing of this Act shall be and continue as good and valid, and all Arrears of those Rates, and all other Monies due, payable, or accruing to or by the Corporation, or the Local Board, under or by virtue of that Act, shall be payable to and may be collected and recovered by or from them respectively as if such Repeal had not happened.

Saving existing Contracts, &c.

X. Notwithstanding the Repeal of Part of the Improvement Act, all Contracts or Agreements for lighting the public Lamps, and all other Contracts and Agreements, Deeds and Instruments, heretofore made under that Act or for the Purposes thereof, shall be as effectual to all Intents, for, against, and with reference to every Person and Corporation Party thereto or referred to therein, and may be proceeded on and enforced as fully and effectually as if such Repeal had not happened.

Actions not to abate.

XI. Notwithstanding the Repeal of Part of the Improvement Act, any Action, Suit, Prosecution, or other Proceeding before the passing of this Act commenced either by or against the Corporation or the Local Board 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 Corporation or (as the Case may be) the Local Board, in like Manner and as fully and effectually as if such Repeal had not happened.

Saving previous Rights and Liabilities.

XII. Notwithstanding the Repeal of Part of the Improvement Act, and except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or under or confirmed by the repealed Part of the Improvement Act shall be as valid as if such Repeal had not happened, and such Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if such Repeal had not happened and this Act were not passed would be incident to or consequent on any and everything so done or suffered: Provided always, that the Generality of this Enactment shall not be confined or restricted by any other Provisions of this Act.

Power to purchase Lands as in Sched. (A.)

XIII. For the Purposes of this Act, the Local Board may (by Agreement, but not otherwise,) purchase, take, and hold the Lands and Hereditaments specified in the Schedule (A.) to this Act.

Powers as to Construction of Gasworks, &c.

XIV. The Local Board may (subject to the Restrictions herein-after contained) manufacture Gas, and from Time to Time make, erect, lay down, provide, and maintain Gasworks, and also Retorts, Gasometers, Receivers, Drains, Mains, Pipes, Meters, Lamps, Lamp Posts, Burners, Stopcocks,

Stopcocks, Machinery, and other Works and Apparatus, Houses, Buildings, and Approaches, and may do all such Acts as they think proper for making and storing Gas, and for supplying Gas within the Limits for the the Time being of this Act, for private Use as well as for public Purposes, and may make, store, and supply Gas accordingly, and may purchase and provide Coal, Lime, and Materials for the Manufacture and Purification of Gas, and may manufacture, sell, supply, and deal in Coke, Tar, Pitch, Asphaltum, Ammoniacal Liquor, Oil, and all other Products and Residuum of any Materials employed in or resulting from the Manufacture of Gas, and may dispose of any Materials, Articles, or Things acquired by them under this Act which may become superfluous or unnecessary, and also may make or purchase and supply Meters, Fittings, Tubes, Pipes, and other Articles and Things in any way connected with Gasworks, or with the Supply of Gas, as they from Time to Time think fit; and (subject to the Restrictions herein-after contained) the Local Board may also, when they shall have purchased the Gasworks of the Company, maintain, alter, improve, enlarge, extend, or discontinue the same or any Part thereof.

Restriction on Erection of new Works.

XV. Provided always, That nothing in this Act contained shall authorize the Local Board to erect, enlarge, or extend any Works for the Manufacture of Gas elsewhere than on the Lands specified in the Schedule (A.) to this Act, and (if and when the Local Board shall have purchased the same) the Site of the Gasworks of the Company.

Further Restriction on Erection of new Works.

XVI. Provided also, That nothing in this Act contained shall authorize the Local Board to erect, enlarge, or extend any Works for the Manufacture of Gas within Three hundred Yards of either of the Cottages in *Danes Moss* now in the respective Occupations of *John Sherratt* and *Sally Walwyn* during their respective Occupancies, without his or her respective Consent, nor within Three hundred Yards of the House called *Lower Beach House*, now in the Occupation of *Thomas Oldham*, during his Occupancy, without his Consent, nor within Three hundred Yards of the House in *Garden Street* belonging or reputed to belong to *John Ollerenshaw*, without his Consent.

LocalBoard's Power to erect Gasworks only to be exercised in certain Events.

XVII. Provided also, That, notwithstanding anything to the contrary in this Act contained, the Local Board shall not commence or prosecute any Works for the Supply of Gas until the Occurrence of One or other of the Two Events herein-after mentioned (whichever shall first happen); that is to say, until either the Undertaking of the Company shall have been purchased by the Local Board under the Powers of this Act, or for Two Years and Three Months from the passing of this Act the Company shall have failed to procure an Act repealing the before-recited Act of the Seventh Year of King *George* the Fourth, Chapter Eight, and re-incorporating the Company, and incorporating with the Act so to be

obtained

obtained "The Gasworks Clauses Act, 1847," and the other Provisions now usual in Acts of Parliament for the Incorporation of Companies for supplying Gas.

Gas to be consumed by Meter, on Request.

XVIII. Every Consumer of Gas supplied by the Local Board shall, on Request in Writing by the Local Board, consume the Gas supplied to him by Meter.

Provision of Service Pipes.

XIX. All Service Pipes shall be provided by the Local Board, at the Expense of the Consumer, or (at the Option of the Consumer) by the Consumer, and approved by the Local Board, and shall be maintained to the Satisfaction of the Local Board, and may from Time to Time be examined by them.

Local Board may remove Pipes from unoccupied Premises, on giving Notice to Owner.

XX. In all Cases in which the Local Board are by "The Gasworks Clauses Act, 1847," incorporated with this Act, authorized to cut off and take away the Supply of Gas from any House, Building, or Premises, then, if such House, Building, or Premises be unoccupied, the Local Board, their Agents, Servants, or Workmen, after giving Twenty-four Hours previous Notice to the Owner, by serving the Notice on him, or, if the Owner be not known to the Local Board, by affixing the same for Three Days on some conspicuous Part of such House, Building, or Premises, may enter into such Building or Premises between the Hours of Nine in the Forenoon and Four in the Afternoon, and remove and carry away any Pipe, Meter, or Fittings, or other Works the Property of the Local Board, making Compensation to such Owner for any Damage which may be occasioned to him thereby.

Maximum Price of Gas.

XXI. 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 for every Thousand Cubic Feet, and so on in proportion for any greater or less Quantity.

Local Board may contract for lighting.

XXII. The Local Board may, if and when they think fit, contract, for any Period not exceeding Three Years at any One Time, with any Company or Person, for the Supply of Gas or Oil or other Means of lighting the Streets, Market Places, and public Buildings within the District, and may provide such Lamps, Lamp Posts, and other Materials as they think necessary for lighting the same.

Power to lay Pipes against Buildings.

XXIII. The Local Board, with the Consent of the Owner and 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, Market Place, or public Building, and may, with the like Consent, provide and set up any Apparatus necessary for securing to such Building, Street, Market Place, or public

public Building 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.

Quality of Gas.

XXIV. All the 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, or other approved Burner and Chimney, and consuming Five Cubic Feet of Gas *per* Hour, a Light equal in Intensity to the Light produced by Eighteen Sperm Candles of Six in the Pound burning One hundred and twenty Grains *per* Hour.

Local Board to erect a Meter to test Purity of Gas.

XXV. The Local Board shall, within Six Months next after they begin supplying Gas for private Use, cause to be erected in some convenient Part of their Works, and in such a Situation as to test the whole of the Gas supplied by them, an experimental 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 *per* Hour, with other necessary Apparatus for testing the illuminating Power of the Gas.

Power to test the Purity of the Gas.

XXVI. It shall at any Time be lawful for any Two Justices (not being Members of the Local Board), on receiving a Requisition signed by Five or more Consumers of the Gas of the Local Board, complaining that the Gas supplied by the Local Board is not in their Judgment and Belief of the full illuminating Power prescribed by this Act, if they shall think fit, by Order in Writing, to appoint some competent Person, not being a Member or Officer or Servant of the Local Board or of the Corporation, to proceed to the Works of the Local Board, and the Person so appointed, on giving Six Hours previous Notice in Writing to the Local Board, may, at any reasonable Hour in the Daytime, on producing the said Order, enter on the Premises of the Local Board, and in the Presence of the Superintendent or other Officer of the Local Board make Experiments of the illuminating Power of the Gas by means of the experimental Meter and other Apparatus before mentioned; and the Local Board and their Officers shall afford all reasonable Facilities and Assistance to the making of such Experiment; and if it shall be proved to the Satisfaction of such Two Justices, after hearing the Parties, that the illuminating Power of the Gas supplied by the Local Board did not, when so tested as aforesaid, equal the illuminating Power by this Act prescribed, or that the Local Board or their Officers refused to afford such reasonable Facilities as aforesaid, or hindered or prevented the making of such Experiment, then and in any such Case the Local Board shall forfeit such Sum not exceeding Twenty Pounds as the said Justices shall determine.

XXVII. The

Cost of Experiment to be paid according to Event.

XXVII. 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 Local Board, shall be paid together with such Penalty by the Local Board, but in the event of the Gas being found when tested to be of not less illuminating Power than is by this Act prescribed, such Costs shall be awarded to be paid to the Local Board by the Persons making such Requisition as aforesaid, and shall be paid and levied accordingly.

Power to Company, with Consent of Proprietors, to sell their Undertaking.

XXVIII. The Company, with the Sanction of not less than Three Fifths of the Votes of the Proprietors in the Company present, personally or by Proxy, at any Special General Meeting of the Company convened with Notice of this Object, may sell and transfer to the Local Board all the Undertaking of the Company (including all Gasworks, Gasholders, Purifiers, Mains, Pipes, Meters, Apparatus, and other Works and Conveniences, Lands, Buildings, Easements, Rights, Interests, Privileges, Securities, Choses in Action, Books, Writings, Goods, Chattels, and Effects, Rents or Rates, and Arrears thereof, and all Claims and Demands whatsoever, of or to which the Company are for the Time being, by virtue of the firstly recited Act or otherwise howsoever, seised, possessed, or in anywise entitled at Law or in Equity, or otherwise howsoever, with the Appurtenances), but subject to all Mortgages, Charges, Incumbrances, Labilities, Claims, and Demands whatsoever for the Time being affecting the same or the Company in respect thereof, and the Local Board may accept and take such Transfer accordingly.

Evidence and Effect of Transfer.

XXIX. At the Time agreed on for the Transfer taking effect, or if no Time be specified for that Purpose then upon and from the Transfer, the Undertaking of the Company shall, by virtue of this Act and of such Transfer, be vested in the Local Board, and thenceforth the Local Board may have and hold such Undertaking, and may (subject to the Provisions and Restrictions of this Act) use, exercise, and enjoy all the Powers, Rights, Privileges, and Authorities vested in the Company immediately before the Transfer, or which but for the Transfer might accrue to them, or such of the same Powers, Rights, and Privileges as are not agreed to be excepted out of such Transfer: Provided always, that every such Transfer shall be evidenced by a Deed of Transfer duly stamped, and in which the Consideration shall be fully and truly set forth.

Conveyances, &c. to remain valid.

XXX. From and after the Transfer, all Conveyances, Leases, Deeds, Appointments, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made or entered into before the Transfer, to, with, or in favour of, or by, for, or on behalf of the Company, or any Person on their Behalf, shall be and remain as good, valid, and effectual in favour of, against, and with reference to the Local Board, and may be proceeded on and enforced

in the same Manner, to all Intents and Purposes, as if the Local Board, 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.

Actions, &c. not to abate.

XXXI. Any Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the Company before the Transfer shall not abate or be discontinued or prejudicially affected by the Transfer, but, on the contrary, shall, after the Transfer, continue and take effect both in favour of and against the Local Board, in the same Manner, to all Intents and Purposes, as, if this Act had not passed and the Transfer had not been made, the same would have continued and taken effect in favour of and against the Company; 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 Local Board to be substituted for the Name of the Company as Party to such Action, Suit, Prosecution, or other Proceeding; and the Name of the Local Board shall, after any such Substitution, be used in such Action, Suit, Prosecution, or other Proceeding, in like Manner as if the Local Board, instead of the Company, had been originally Party thereto.

Gas Rates due at Time of Transfer to be recovered by Local Board.

XXXII. From and after the Transfer, all Gas Rates, and Rents, or Remuneration for Meters, Pipes, and other Articles, which immediately before the Transfer are 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 Local Board in like Manner as the Gas Rents may be collected and recovered under this Act.

Debts due to and by Company to be paid to and by the Local Board.

XXXIII. From and after the Transfer, all Persons who immediately before the Transfer owe any Money to the Company, or to any Person on their Behalf, shall pay the same, with all the Interest (if any) due or to accrue due for the same, to the Local Board; and all Debts and Monies which immediately before the Transfer are due or owing by or recoverable from the Company, or for the Payment of which the Company are 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 Local Board.

Present and future Rights and Liabilities under other Acts saved.

XXXIV. Provided always, That, except as in this Act otherwise provided, everything before any such Transfer done and suffered respectively shall be as valid and effectual as if this Act were not passed and such Transfer had not been made, and every such Transfer and this Act respectively shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Transfer had not been made and this Act were not passed, would be incident to and consequent on any and every thing so done and suffered respectively; and

and with respect to all such Things so done and suffered respectively, and all such Rights, Liabilities, Claims, and Demands, the Local Board shall to all Intents and Purposes represent the Company: Provided also, that the Generality of this Enactment shall not be confined or restricted by any other Provisions of this Act.

Terms of Transfer.

XXXV. Such Transfer may be made on such Terms and for such Consideration as the Company and the Local Board agree upon, and the Consideration may be either wholly a Sum in gross, or wholly an Annuity to the Company or several Annuities (herein-after called "Proprietors Annuities") to be granted to the Proprietors of the Company in exchange for their respective Shares in the Company, or partly a Sum in gross and partly an Annuity to the Company or Proprietors Annuities; and any such Annuity to the Company or Proprietors Annuities may be either perpetual, or for a Life or Lives, or a Term of Years, and either redeemable or irredeemable, and, if redeemable, either redeemable at any Time or after any given Time, and in either Case with or without any previous Notice, as may be agreed upon, and the Local Board may grant any such Annuity to the Company and any such Proprietors Annuities accordingly.

Application of Compensation for Transfer and other Monies by Company.

XXXVI. The Directors of the Company shall stand possessed of any Money received in respect of any such Transfer, whether in gross or by way of Annuity to the Company, or for the Redemption of any such Annuity, and of all other Monies which at the Time of the Payment of such Money are in their Hands or Power or under their Control, and also of all other Monies thereafter coming to their Hands on account of or for the Benefit of the Company, upon trust (after paying or providing for all the Debts, Liabilities, and Engagements, if any, of the Company then outstanding,) to divide all such Monies between or among the several Persons who at the Time of the Payment of such Monies respectively shall be the Proprietors of the Company, and their respective Executors, Administrators, and Assigns, in proportion to the Amount of their respective Shares therein.

Receipt to be sufficient Discharge.

XXXVII. A Receipt in Writing under the Hands of any Three of the Directors for the Time being of the Company, or under the Common Seal of the Company, for any Monies payable to the Company in respect of any such Transfer, or of any Annuity granted to the Company, or of the Redemption of any such Annuity, shall be an effectual Discharge to the Local Board for the Money therein expressed to be received, and from all Liability, Claims, or Demands in respect thereof.

Proofs of Proprietorship of Company.

XXXVIII. The several Persons whose Names appear in the Books of the Company as the Holders of Shares therein at the Time when any Monies became payable to the Company under this Act shall, until the Directors

Directors of the Company receive Notice to the contrary, be considered to be the Persons entitled to participate in the Distribution of such Monies, or of such Part thereof as shall be divisible among the Proprietors in the Company under this Act.

Power to enter into Contracts.

XXXIX. The Company, with such Sanction as aforesaid, and the Local Board, may enter into any Contracts or Agreements for effecting all or any of the Purposes of this Act, or any Objects incidental to the Execution thereof, and every such Contract or Agreement may contain such Covenants, Clauses, Powers, Provisions, and Conditions as are mutually agreed upon between the Parties thereto: Provided always, that such Sanction shall not be requisite to any Contract for the Supply of Gas, Oil, or other Means of lighting which may be made between the Company and the Local Board under the Powers of this Act.

Annuities to represent Shares in Company.

XL. The Proprietors Annuities shall in all respects, both in Law and in Equity, be substituted for and represent the Shares in the Capital of the Company in exchange for which the same are respectively granted, and the several Parties to whom such Annuities are granted 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 immediately before such Exchange thereof held and subject, and those Annuities shall accordingly pass or be affected by any Will or other Instrument disposing of or affecting such Shares.

Local Board to issue Certificates for Annuities.

XLI. The Local Board shall, at their own Expense, issue to every Party entitled to any Proprietors Annuity, or to his Successors, Executors, Administrators, or Assigns, on Delivery by him or them to the Local Board of the Certificate of the Share in the Capital of the Company for which such Annuity is exchanged, a Certificate of the Annuity, and such Certificate may be in the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Provision in case of Loss of Certificates of Shares in Company.

XLII. Provided always, That if any Certificate of a Share in the Capital of the Company be lost or destroyed, then, on Proof thereof to the Satisfaction of the Local Board, they may issue to the Party entitled to the Certificate so lost or destroyed a Certificate of the Proprietors Annuity substituted for that Share.

Number of Annuities for which Certificate is to be issued.

XLIII. The Certificates for Proprietors Annuities issued by the Local Board to any Party shall be so many, and each of them for an Annuity of such Amount, as the Local Board and the Company agree upon.

Certificates to be numbered.

XLIV. The Certificates of the Proprietors Annuities shall be numbered in arithmetical Progression, beginning with Number One, and

and every such Certificate shall be distinguished by its appropriate Number, and shall express the Numbers of the Shares in the Capital of the Company for which the Annuities specified in the Certificate are substituted.

Certificates of Annuities to be renewed when lost, &c.

XLV. If the Certificate of any Proprietor's Annuity be worn out or damaged, then, on its being produced to the Local Board, they may order it to be cancelled, and thereupon the Local Board 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, on Proof thereof to the Satisfaction of the Local Board, 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 Local Board in the Register of Gas Annuitants, and for every such substituted Certificate the Local Board may demand any Sum not exceeding Two Shillings and Sixpence.

Certificates for altered Numbers of Annuities.

XLVI. If at any Time an Annuitant be desirous of having several Certificates instead of One, or One Certificate instead of several, for his respective Proprietors Annuities or any of them, then, on any such Certificate or Certificates being produced to the Local Board, they may order the same to be cancelled, and shall thereupon issue to him, as he requires, One or more Certificate or Certificates for the Annuities the Certificate or Certificates for which is or are so cancelled, and in every such Case a due Entry of the substituted Certificate or Certificates shall be made by the Local Board in the Register of Gas Annuitants, and for every such substituted Certificate the Local Board may demand any Sum not exceeding Two Shillings and Sixpence: Provided always, that in every such Case the substituted Certificate or Certificates shall express the Number or the respective Numbers of the Share or Shares in the Capital of the Company represented by the Annuity or Annuities specified in the cancelled Certificate or Certificates.

Certificate to be Evidence.

XLVII. The Certificate of any Proprietors 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 Holder of any such Annuity from disposing thereof.

Register of Gas Annuitants.

XLVIII. The Local Board shall keep a Book called the "Register of Gas Annuitants," and shall enter therein, fairly and distinctly, from Time to Time, the Names of the several Corporations, and the Names and Additions of the several Persons respectively entitled to the Proprietors Annuities, and the Number of Certificates of Annuities to which they respectively are entitled, and the respective Amounts of their

Annuities; and their Surnames or Corporate Names shall be placed in alphabetical Order.

The Gas Annuitants Address Book.

XLIX. The Corporation shall also keep a Book called "The Gas Annuitants Address Book," and shall enter therein, fairly and distinctly, from Time to Time, in alphabetical Order, the Corporate Names, with the Places of Business, of the Annuitants being Corporations, and the Surnames of the other Annuitants, with the respective Christian Names and Places of Abode and Descriptions, so far as the same are known to the Local Board; and every Annuitant, or if such Annuitant be a Corporation their Clerk or Agent, and every Burgess of the Borough of *Macclesfield*, may at all convenient Times inspect the Book *gratis*, and may require a Copy thereof or of any Part thereof; and for every One hundred Words so required to be copied the Local Board may demand a Sum not exng Sixpence.

Annuities to be Personal Estate.

L. The Proprietors Annuities shall be Personal Estate, and transmissible as such, and shall not be of the Nature of Real Estate.

Transfers of Annuities to be by Deed duly stamped.

LI. Every Annuitant may sell and transfer all or any of his Annuities, and every such Transfer shall be by Deed duly stamped, 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.

Transfer of Annuities to be registered.

LII. Every such Deed of Transfer, when duly executed, shall be delivered to the Local Board, and be kept by them; and they shall keep a Book called "The Register of Transfers of Gas Annuities," and they shall enter a Memorial of every such Deed of Transfer in that Book, and shall endorse such Entry on the Deed of Transfer (such Endorsement to be signed by the Clerk of the Local Board), and shall, on Demand, deliver a new Certificate to the Transferee; and for every such Entry of a Deed of Transfer, with such Endorsement, and with or without such Certificate, the Local Board may demand any Sum not exceeding Two Shillings and Sixpence; and on the Request of any Transferee an Endorsement of the Transfer to him shall be made on the Certificate of the Annuities transferred, instead of a new Certificate being granted; and such Endorsement, being signed by the Clerk of the Local Board, shall be considered in every respect the same as a new Certificate; and until such a Deed of Transfer be so delivered to the Local Board the Transferee shall not be entitled to receive any Part of the Annuities transferred.

Closing of Transfer Books.

LIII. The Corporation may close the Register of Transfers of the Gas Annuities for not exceeding Fourteen Days before the First Day of *February*

February and the First Day of *August* yearly; and any Transfer made during the Time when that Register is closed shall, as between the Local Board and the Transferee, but not otherwise, be deemed made after that Time.

Transmission of Annuities by other Means than Transfer to be authenticated by a Declaration.

LIV. If the Interest in any Proprietor's Annuity 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 lawful Means other than by a Transfer according to the Provisions of this Act, such Transmission shall be authenticated by a Declaration in Writing as by this Act provided, and until the Transmission be so authenticated any Person claiming by virtue thereof shall not be entitled to receive any Part of the Annuity transmitted.

Contents of Declaration in all Cases.

LV. 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, or before a Commissioner to administer Oaths in Chancery in *England*; and such Declaration shall be left with the Local Board, 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 Local Board may demand any Sum not exceeding Two Shillings and Sixpence.

Contents of Declaration in case of Transmission by Marriage, Will, &c.

LVI. If the 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, with the Declaration, be produced to the Local Board, and upon such Production in either of those Cases the Local Board shall make an Entry of the Declaration in the Register of Transfers of Gas Annuities.

Local Board not bound to regard Trusts.

LVII. The Local Board shall not be bound to see to the Execution of any Trust, whether expressed or implied or constructive, to which any Proprietor's Annuity may be subject; and the Receipt of the Party in whose Name any such Annuity stands in the Register of Gas Annuitants shall from Time to Time be a sufficient Discharge to the Local Board for any Money payable in respect of the Annuity, notwithstanding any Trusts to which the Annuity may then be subject, and whether or not the Local Board have had Notice of such Trusts, and the Local Board shall not be bound to see to the Application of the Money paid upon such Receipt.

Commencement and Payment of Annuities.

LVIII. The Proprietor's Annuities shall be paid at the Office in the District of the Treasurer of the Local Board, in net Money, clear of all Deductions

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 *February* and the First Day of *August* in every Year, the First Payment of each such Annuity to be made on such One of those Days as shall first occur after the granting of the Annuity, and to be proportionate to the Interval between the granting of the Annuity and that Day.

Annuities recoverable by Suit.

LIX. If any Annuity to the Company, or any Proprietor's Annuity, or any Part of any such Annuity, being payable, be not paid, on Demand thereof in Writing of the Local Board, made by the Company, or (as the Case may be) by the Annuitant or his authorized Agent, the Company, or (as the Case may be) the Annuitant, may sue for and recover the same, with full Costs of Suit, in any Court of competent Jurisdiction.

Annuities Recoverable by Receiver.

LX. If within Thirty Days after any Annuity to the Company, or any Proprietor's Annuity, or any Part of any such Annuity, is payable, and after Demand thereof in Writing, it be not paid, the Company, or (as the Case may be) the Annuitant, may, without Prejudice to his Right to sue for the Amount in arrear, require the Appointment of a Receiver; and several Annuitants whose Annuities are so in arrear may join in requiring the Appointment of a Receiver.

Arrears may be enforced by Appointment of a Receiver.

LXI. Every Application for such a Receiver shall be made to Two Justices, and on any such Application the Justices may, by Order in Writing, after hearing the Parties, appoint some Person to receive the whole or a competent Part of the Monies then in the Hands of the Local Board under this Act, and of all or any other Monies then and thereafter payable to or for the Local Board under this Act, until the Annuity or Annuities in arrear, and all Costs, including the Costs of receiving such Monies, be paid or satisfied; and when such Appointment is made, the Monies so ordered to be paid to the Receiver shall be paid to him by the Treasurer, and the Persons liable to pay the same to or for the Local Board respectively, and the Receipts of the Receiver for the Monies so paid shall be valid Discharges for the same, and from all Claims and Demands by the Local Board, the Company, and the Annuitants, in respect thereof, and the Money so received by the Receiver shall be so much Money received by or to the Use of the Annuitants; and after the Annuities in arrear, and Costs, have been so received, the Power of the Receiver shall cease: Provided always, that if during the Continuance of the Receivership any Part of the Annuity or Annuities become payable, he may apply any surplus Monies in his Hands in or towards Payment thereof.

LXII. The

Local Board may redeem Annuities.

LXII. The Local Board may from Time to Time, by Agreement with the Company or any Annuitant, redeem all or any of their or 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 Local Board shall not redeem any Annuity at a higher Rate, as regards perpetual Annuities, than Twenty-five Pounds for every One Pound of Annuity, and, as regards other Annuities, than such a Rate as that the Amount of the Annuity will during the unexpired Term thereof repay the Price paid for Redemption thereof, together with Interest thereon at a Rate not less than Four *per Centum per Annum*.

Eventual Dissolution of Company.

LXIII. If the Terms agreed upon for the Transfer do not include any Annuity to the Company, or if any such Annuity be subsequently wholly redeemed or purchased by the Local Board, then in the first Case upon and from the Transfer, and in the second Case upon and from such Purchase or Redemption, the Company shall be dissolved, and shall cease to exist, except only in so far and for such Time as may be necessary to wind up their Affairs, and discharge their then existing Debts, Liabilities, and Engagements (if any).

Lighting Rate.

LXIV. For the Purposes of this Act the Local Board may and shall, from Time to Time, when and as often as Occasion shall require, make and levy, in addition to any other Rates, a Rate to be called "the Lighting Rate," to be assessed only upon Houses and Buildings, with their Appurtenances, situate within the District, and either wholly or partly within One hundred and fifty Yards of some public Light for the Time being maintained by or at the Expense of the Local Board, and in all other respects to be made, assessed, levied, and recovered upon and from the same Persons, with the same Powers and Provisions, and in the same Manner, as General District Rates are by "The Local Government Act, 1858," directed to be made, assessed, levied, and recovered: Provided always, that the total Amount of the Lighting Rates to be made in any One Year shall not exceed One Shilling in the Pound on the full net annual Value of the Property to be assessed thereto.

Gasworks Account.

LXV. The Local Board shall keep a separate and distinct Account of all their Receipts, Credits, Payments, and Liabilities in and about the Execution of this Act, and from or on account of the Gas Rents and Lighting Rate, to be called "the Gasworks Account," which Account shall be subject to the same Provisions as to Audit, Examination, Report, Inspection, Copies, and Extracts, and Production of Vouchers, as other Accounts of the Local Board under the Public Health Acts, except that any additional Remuneration to be paid to the Auditors in respect of the

Audit of the Gasworks Account shall be paid out of the Gas Rents and Lighting Rate.

Power for Local Board to borrow on Security of Gas Rents, &c.

LXVI. The Local Board, in addition to any other Sums which they may borrow under the Powers of the Public Health Acts, may from Time to Time, for any of the Purposes of this Act, and under the Authority thereof, borrow at Interest on the Security of the Gas Rents and the Lighting Rate under this Act, and the General District Rates under the Public Health Acts, such Sums as they think necessary, not exceeding Forty-nine thousand Pounds, and may secure the Repayment of the same, with Interest, by Mortgage accordingly: Provided always, that if the Local Board grant any Annuity to the Company, or any Proprietors Annuities, then the Power of the Local Board to borrow Money under this Act shall be reduced to the Extent of the Value of such Annuity or Annuities; and for this Purpose the highest Price which under the Provisions of this Act the Company might pay for the Redemption of such Annuity or Annuities shall be deemed the Value thereof.

General District Rates and Estimates to include Sums payable thereout under this Act.

LXVII. After any Annuity to the Company or Proprietors Annuities shall have been granted, or any Money shall have been borrowed under the Powers of this Act, the Amount of the Lighting Rate and General District Rates, and of the several Estimates to be prepared of the Money required for the Purposes of those respective Rates, shall together include all Sums required for Payment of any Monies from Time to Time due or accruing due upon or in respect of all such Annuity or Annuities and Mortgages, and the Sinking Fund to be set apart, in accordance with the Provisions of this Act and the Public Health Acts.

Gas Rents to be primarily, and Lighting Rate secondly liable.

LXVIII. As between the Gas Rents, the Lighting Rate, and the General District Rates, the Gas Rents shall be primarily and the Lighting Rate secondly liable to be applied in satisfaction of all Annuities granted, and of Monies borrowed under the Powers of this Act, and of the Interest on such Monies, and in setting apart such Sinking Fund as aforesaid; and all Sums paid out of the General District Rates under the Powers or for the Purposes of this Act shall from Time to Time be reimbursed and repaid out of any Balance from Time to Time standing to the Credit of the Gasworks Account, after Application to the Objects to which Monies carried to that Account are under the Provisions of this Act to be firstly, secondly, thirdly, fourthly, fifthly, and sixthly applied; but nothing herein contained shall prejudice the Security of any Person or Corporation lending Money to or accepting any Annuity from the Local Board, under the Powers of this Act, and every such Person and Corporation may enforce all his or their Rights and Remedies as if this present Section had not been inserted in this Act.

LXIX. Pro-

Rates not to be reduced under certain Circumstances.

LXIX. Provided always, That if and so long as any Money shall be due from the Gasworks Account in respect of Monies paid out of the General District Rates the Local Board shall levy the full Amount of the Rates for Supply of Gas by this Act authorized.

Power to reborrow.

LXX. The Local Board may from Time to Time reborrow any Amount from Time to Time paid off by them, unless it be paid off by means of the Sinking Fund to be set apart under this Act and the Public Health Acts, in which Case, and to the Extent of the Amount so paid off, their Powers of borrowing and reborrowing shall cease.

Forms of Mortgage, &c.

LXXI. Any Mortgage under this Act, and any Transfer of any such Mortgage, may be made according to the respective Forms of Mortgage and Transfer authorized by "The Public Health Act, 1848," with such Modifications thereof as may render them applicable to the Purposes of this Act; and the Clauses and Provisions of that Act, as amended by "The Local Government Act, 1858," relative to Mortgages and the Rights of Mortgagees, to borrowing Money to pay off existing Mortgages, to Registers and Registration of Mortgages and Transfers, to Payment of Interest, to the Appropriation, Investment, and Application of the Sinking Fund, and to the Appointment of a Receiver, shall (except in so far as those Clauses and Provisions limit the Purposes for which Money is to be borrowed, and the Amount to be borrowed, or are otherwise inconsistent with this Act,) extend and apply to Mortgages under this Act, and to Monies borrowed and Mortgages and Transfers made under the Powers of this Act: Provided always, that if any redeemable Annuity or Annuities be granted under this Act, then in every Year thereafter the Local Board shall (in addition to the Sums to be applied or set apart, in accordance with "The Local Government Act, 1858," for the Discharge of any Mortgages granted under the Powers of this Act,) apply in or towards the Redemption of such Annuity or Annuities, or set apart as a Sinking Fund for that Purpose, a Sum equal to One Thirtieth Part of the annual Amount of the Annuity if only One, or of all such Annuities if more than One, for the Time being unredeemed: Provided also, that the Balance (if any) of the Sinking Fund to be set apart under this Act which may remain after the Discharge of all Mortgages and Annuities to which that Fund is applicable shall be applied first to the Repayment of any Sums advanced for the Purposes of this Act out of the General District Rates, and not previously repaid, and secondly to the Restoration, Improvement, and Extension of the Gasworks.

Certain Restrictions not to apply.

LXXII. Provided always, That the Powers of borrowing Money by this Act given shall not be restricted in Amount by any of the Provisions of the Public Health Acts, and in calculating the Amount which the Local

Local Board may borrow under the Public Health Acts any Sums which they may borrow under this Act shall not be reckoned.

Application of Monies received by Local Board.

LXXIII. All Gas Rents, Lighting Rates, and other Monies which shall be received by the Local Board under the Powers of this Act (other than Sums raised by the Local Board as Part of the General District Rates, and Sums raised by the Local Board by Mortgage,) shall be applied as follows; (that is to say,)

Firstly, in paying the Costs, Charges, and Expenses attending or incident to the applying for and passing of this Act:

Secondly, in paying any Sums from Time to Time payable by the Local Board under or in respect of any Contract for lighting the Streets, Market Places, and public Buildings for the Time being in force:

Thirdly, in paying the Interest from Time to Time due upon all Monies borrowed by the Local Board under the Powers of this Act, and for the Time being remaining due, and all Annuities from Time to Time granted by the Local Board under the Powers of this Act, and for the Time being remaining payable and unredeemed:

Fourthly, in paying off Mortgages by Instalment and redeeming Annuities, or in setting apart and appropriating the Sinking Fund for Payment of Mortgages and Redemption of Annuities:

Fifthly, in constructing the Works by this Act authorized, and in paying any gross Sums payable upon any Purchase of the Undertaking of the Company, and in improving, enlarging, altering, and extending the Works of the Company for making and storing Gas when so purchased:

Sixthly, in maintaining and extending the Gasworks and Pipes from Time to Time as Occasion shall require, and carrying this Act into execution:

Seventhly, in repaying any Monies advanced out of the General District Rates under the Powers or for the Purposes of this Act, and not previously repaid:

Eighthly, in paying off all Principal Monies borrowed by the Local Board under the Powers of this Act, and for the Time being remaining due, and in redeeming or purchasing any Annuities from Time to Time granted by the Local Board under the Powers of this Act, and for the Time being remaining payable, which may have been created as redeemable Annuities, or which, not having been so created, the Annuitant may be willing to sell:

And lastly, in the Reduction of the Gas Rents, Lighting Rates, and General District Rates authorized to be levied as aforesaid, or of such of them as the Local Board shall from Time to Time order and direct:

And all Sums raised under this Act by the Local Board as Part of the General District Rates shall be applied to all or any of the Purposes thirdly, fourthly, and eighthly herein-before specified; and all Sums raised under this Act by the Local Board by Mortgage shall be applied to all or any of the Purposes firstly, fourthly, fifthly, seventhly, and eighthly herein-before specified.

Contracts for Supply of Gas, &c. not to disqualify Members of Local Board.

LXXIV. No Person shall be disqualified for 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 this Act, or of his being a Proprietor of or interested in any Newspaper in which Advertisements are inserted for the Local Board, or in any Loan of Money to the Local Board, or in any Security given by the Local Board for the Payment of Money, unless he shall discuss, act, or vote as a Member of the Local Board on any Question touching any Matter in which he is directly or indirectly concerned, in which event and immediately thereupon he shall become disqualified, and cease to be a Member of the Board.

Liability to Rates not to disqualify Justices.

LXXV. No Person shall be incapable of acting as a Justice in the Execution in any respect of this Act by reason of his being interested in any Contract under this Act for a Supply of Gas or other Matters, Articles, or Things, or being liable under this Act to the Payment of any Rate or other Money.

Costs of Distress.

LXXVI. Any Warrant of Distress may order that the Costs of the Proceedings for the Recovery of the Lighting Rate, Gas Rent, or Sum be paid by the Person liable to pay such Lighting Rate, Gas Rent, or Sum; and such Costs shall be ascertained by the Justice or Justices issuing such Warrant, and shall be included in the Warrant of Distress for the Recovery of such Lighting Rate, Gas Rent, or Sum.

Recovery of Sums under 50*l.*

LXXVII. Nothing contained in this Act or any Act incorporated with or referred to in this Act shall prevent the Local Board from recovering any Sum of Money not exceeding Fifty Pounds which shall be due to them for Lighting Rate, Gas Rents, Damages, Costs, or Expenses, in such Manner as is by Law provided for the Recovery of Debts not exceeding Fifty Pounds.

Penalties not cumulative.

LXXVIII. Penalties imposed by several Acts for the same Offence shall not be cumulative, and for this Purpose this Act and the Acts incorporated with this Act shall be deemed several Acts.

Application of Penalties.

LXXIX. The Justices by whom any Penalty or Forfeiture shall be imposed under this Act shall, where the same is payable by any Person

or Corporation other than the Local Board, and the Application thereof is not otherwise provided for, award the same to the Local Board.

Forms in Schedules of Public Health Act may be used.

LXXX. The Forms given in Schedule B., Schedule C., Schedule D., and Schedule E. to "The Public Health Act, 1848," may be used for the Purposes of this Act, with such Variations as may be necessary for referring to this Act, and to render them applicable to those Purposes.

Fund for Payment of Wages, &c.

LXXXI. The Salaries, Wages, and Allowances of all Officers or Servants employed by the Local Board solely for the Purposes of this Act, and any additional Salaries, Wages, and Allowances allowed by the Local Board for Services under this Act to any Officers or Servants employed by them for other Purposes, shall be payable out of the Income of the Local Board received under the Provisions of this Act.

Authentication of Notices, &c.

LXXXII. Any Summons, Demand, or Notice, or other such Document, under or for the Purposes of this Act or 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 to the Local Board shall be a sufficient Authentication.

Forms of Conveyance, &c.

LXXXIII. All Lands and Premises, Rights, Easements, Powers, and Privileges which shall be purchased or taken by the Local Board under the Powers of this Act may be conveyed, demised, granted, and assured to the Local Board and their Successors in trust for the Purposes of this Act, and shall be accepted, taken, and held by them as a Body Corporate.

Saving Rights of Corporation and Local Board.

LXXXIV. This Act or anything herein contained shall not by Implication take away, lessen, alter, or prejudice any of the Rights, Privileges, or Authorities of the Local Board or of the Corporation under any other Act of Parliament, or otherwise howsoever.

Not exempt from Provisions of 22 & 23 Vict. c. 66.

LXXXV. Nothing in this Act contained shall exempt the Local Board, or any Meters supplied or used by them or by any Consumer of Gas within the Limits for the Time being of this Act, from any of the Provisions of the Public General Act, Twenty-two and Twenty-three *Victoria*, Chapter Sixty-six, for regulating Measures used in Sales of Gas (including any Act for amending that Act or for the same Purpose).

The SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

A Plot of Land situate in the Township and Borough of Macclesfield, Parish of Prestbury, and County of Chester, with the Buildings and Erections thereon, now or late belonging to Sarah Broadhurst, Charles Swaine, Thomas Heapy, William Rawlinson, Joseph Westwood, George Parker, John Upton, Rachel Upton, John Upton, junior, Lawrence Upton, James Upton, Samuel Upton, Elias Derbyshire and Sarah his Wife, and the Representatives of the late John Johnson, Esquire, and others, or some of them, and bounded on the North by Windmill Bank, and Property now or late belonging to Samuel Buckley and Sarah Swarbrook, on the South by Snow Hill, on the East by Land and Buildings now or late belonging to Thomas Allen, Thomas Heapy, and George Hatton, and on the West by the North Staffordshire Railway, and which said Plot of Land, Buildings, and Erections now are or late were in the Occupation of James Bradley, Elizabeth Minshull, Thomas Peake, Thomas Cresswell, Joseph Kennerley, Caroline Greenley, Richard Jepson, Sarah Nixon, James Nixon, Thomas Scantliffe, Charles Thorneycroft, Jonathan Hall, William Grant, John Cliffe, Thomas Higginbotham, Alice Smith, Joseph Hall, William Norbury, Robert Longden, Thomas Bamford, Henry Mellor, Joseph Wootton, Lawrence Upton, Elias Derbyshire, Rachel Upton, Elizabeth Barnshaw, Thomas Coxon, Samuel Pott, Fanny Farmer, John Penniston, and Prudence Brindley.

A Plot of Land situate in the Township of Sutton in the Parish and County aforesaid, and adjoining or near to the Borough, now or late belonging to the Earl of Lucan, bounded on the East by Land now or late belonging to the said Earl, on the South by the Macclesfield Canal, on the North by Lands now or late belonging to the Representatives of the late Thomas Clulow, deceased, Frances Wakefield, and Thomas Parrott, and on the West by Gaw End Road, and which said last-mentioned Plot of Land is in the Occupation of Samuel Linley.

A Field adjoining the existing Gasworks of the Macclesfield Gaslight Company, situate in part in the Township of Macclesfield in the Borough of Macclesfield, and in part in the Township of Titherington, all in the Parish of Prestbury and County of Chester, and now or late belonging to John Brocklehurst, Esquire, and occupied by John Scragg, and bounded on the North by Lands now or late belonging to the said John Brocklehurst and Thomas Wardle, Esquire, on the South by Land belonging to the London and North-western Railway Company and by Hibel Road, on the East by the River Bollin, and on the West by Land belonging to the London and North-western Railway Company.

SCHE-

SCHEDULE (B.)

Form of Certificate of Annuity.

THE MACCLESFIELD DISTRICT GAS ACT, 1860.

Certificate of Proprietors Annuity, No. , £ .

By virtue of the Macclesfield District Gas Act, 1860, the Local Board of Macclesfield certify that *A.B.* of is under that Act entitled to (Perpetual) Annuity [*or* Annuities] of £ , charged on the Gas Rents, Lighting Rate, and General District Rates, and substituted for the Share [*or* Shares] of Pounds [each] in the Macclesfield Gaslight Company, numbered [respectively] ; and such Annuity [*or* Annuities] is [*or* are] payable to him, his Executors, Administrators, or Assigns, at the Office in Macclesfield of the Treasurer of the Local Board, by equal half-yearly Payments on the First Day of February and the First Day of August yearly (except that on the first of those Days happening after the Date hereof £ only is payable).

Given under the Seal of the Local Board, this Day in the Year of our Lord .

SCHEDULE (C.)

Form of Transfer of Proprietors Aunuity.

THE MACCLESFIELD DISTRICT GAS ACT, 1860.

I *A.B.* of in consideration of £ paid to me by *C.D.* of transfer to him, his Executors, Administrators, and Assigns, the (Perpetual) Annuity [*or* Annuities] No. of £ charged by the Macclesfield District Gas Act, 1860, on the Gas Rents, Lighting Rate, and General District Rate, and substituted for the Share [*or* Shares] of Pounds [each] in the Macclesfield Gaslight Company, numbered [respectively] and payable at the Office in Macclesfield of the Treasurer of the Local Board, by half-yearly Payments on the First Day of February and the First Day of August yearly, and all my Rights and Interest therein and thereto.

As witness my Hand and Seal, this Day of in the Year of our Lord .

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1860.