CHAPTER lxxxi.

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An Act for incorporating a Company for supplying with Gas and Water the townships of Millom Below and Chapel Sucken, in the parish of Millom, in the county of Cumberland; and for other purposes. [29th June 1875.]

WHEREAS there is in the townships of Millom Below and Chapel Sucken, in the parish of Millom, in the county of Cumberland, (which said townships are herein-after collectively referred to as "the district,") a large resident population which has of late years greatly increased, and still is increasing:

And whereas the district is at present not lighted by gas and is very inadequately supplied with water, and it is expedient that provision be made for lighting the district with gas and for supplying it with water:

And whereas the several persons herein-after named, with others, are willing at their own expense to construct works for lighting the district with gas and for supplying it with water, and are desirous of being incorporated into a Company for those purposes, and it is expedient that they should be incorporated accordingly, and that the powers herein-after contained should be conferred on such Company:

And whereas it is expedient that provision should be made for enabling the Company to sell and transfer, and the Local Board of Health for the time being of the special drainage district of Millom, in the county of Cumberland (herein-after called the Local Board) to purchase and take either the powers by this Act conferred upon the Company, or the undertaking of the Company:

And whereas plans and sections showing the line and level of the waterworks authorised by this Act, and also a plan showing the lands to be taken for gasworks, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Cumberland,

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and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

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

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

Part I.—Incorporation of Company.

Short title.

1. This Act may be cited as "The Millom Gas and Water Act, 1875."

Provisions of certain general Acts incorporated.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869" (herein-after referred to as "the Lands Clauses Acts"), except so far as regards the lands required for the purposes of Part II. of this Act, the provisions of the first-mentioned Act, so far as the same relate to the entry upon, purchase, and taking of lands otherwise than by agreement), "The Companies Clauses Consolidation Act, 1845," Parts I. (cancellation and surrender of shares) and III. (debenture stock, of "The Companies Clauses Act, 1863" (as amended by "The Companies Clauses Act, 1869"), "The Gasworks Clauses Act, 1847," "The Gasworks Clauses Act, 1871," and "The Waterworks Clauses Acts, 1847 and 1863," and the provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the crossing of roads and other interference therewith, and with respect to the temporary occupation of lands near the railway during the construction thereof, are (except where expressly varied by this Act) incorporated with and form part of this Act, and the provisions of "The Railways Clauses Consolidation Act, 1845" shall be read so as to apply only to the construction of the reservoir and other works by this Act authorised, and the works immediately connected therewith, and as if such reservoir and works were therein referred to instead of the railway, and the boundaries of the said reservoir and works were therein mentioned instead of the centre of the railway, and the prescribed limits shall be two hundred yards from the margin of the intended reservoir and works.

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:

The expression "the Company" shall mean the Company incorporated by this Act:

The expressions "the works," "the gasworks," "the waterworks," and "the undertaking," shall respectively mean and include the gasworks and waterworks, and the works connected therewith respectively by this Act authorised to be made and maintained, and any improvement thereof which may be constructed under the powers of this Act, and the lands, buildings, estate, right, title, property, privileges, effects, and undertaking of the Company, and (after the transfer by this Act authorised) of the Local Board, and every part thereof respectively:

The expression "the Sanitary Acts" includes the Acts so defined by "The Public Health Act, 1872:"

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall, 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 common simple contract debt, and not a debt or demand created by statute.

Limits of Act.

4. The limits of this Act shall be the district.

Company incorporated.

5. Sir James Ramsden, knight, George Henry Horsfall, William Barratt, Thomas Woodburne, and Thomas Massicks, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a Company for the purposes herein-after mentioned, and for those purposes shall be and are hereby incorporated by the name of "The Millom Gas and Water Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

General purposes of the Company.

6. The Company shall be established for the purposes of manufacturing and supplying gas within the limits of this Act, and manufacturing and storing of gas and residual products on the lands described in the schedule to this Act, and the supplying of water within the limits of this Act, and generally the carrying the powers of this Act into execution.

Capital.

7. The capital of the Company shall be forty thousand pounds, in four thousand shares of ten pounds each.

Shares not to issue until one fifth paid up.

8. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being

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less than one fifth of the amount of such share is paid in respect thereof.

Calls.

9. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt clause in case of persons not sui juris.

10. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

11. Subject to the provisions of this Act the Company, with the authority of three fourths of the votes of the shareholders present (in person or by proxy) at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share;" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

12. The dividend which would from time to time be payable on any divided share, if the same had continued an entire share, shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend after such rate, not exceeding six per centum per annum, as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder, if any, in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred half shares to be paid out of profits of the year only.

13. Each preferred half share shall be entitled, out of the profits of each year, to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of

the profits of any subsequent year, or out of any other funds of the Company.

Half shares to be registered and certificates issued.

14. Forthwith after the creation of any half shares, the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof; but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their satisfaction that such certificate is destroyed or lost, and on any certificate being so delivered up, the directors shall cancel it.

Terms of issue to be stated in certificates.

15. The terms and conditions on which any preferred half-share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred half shares.

16. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for nonpayment of calls, shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall, for that purpose, be considered an entire share, distinct from the corresponding deferred half share; and, until any forfeited preferred half share shall be sold by the directors, all dividends which would be payable thereon, if the same had not been forfeited, shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred half shares not to be cancelled or surrendered.

17. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

18. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares (whether preferred or deferred, or one of each) held by the same person, shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Power to borrow on mortgage.

19. The Company may from time to time borrow on mortgage any sum not exceeding in the whole ten thousand pounds, but no part thereof shall be borrowed until the whole capital of forty thousand pounds is issued, and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses

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Consolidation Act, 1845," before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on acoount thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

20. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage, or any part thereof, by the creation of shares or stock, instead of borrowing, or to convert into capital the amount borrowed under the provisions of this Act, unless in either case all dividends upon such shares or stock, whether ordinary or preferential, are limited to a rate not exceeding five pounds per centum per annum.

Arrears may be enforced by appointment of a receiver.

21. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Debenture stock.

22. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863," but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Priority of mortgages over other debts.

23. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Company, or their property, in respect of any rent-charge granted or to be granted by them in pursuance of the Lands

Clauses Acts, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock, nor shall anything in this section contained affect any claim for land taken, used, or occupied by the Company for the purposes of the Company's undertaking and works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Company.

Application of moneys.

24. All moneys raised by the Company under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

25. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

26. The number of directors shall be five.

Qualification of directors.

27. The qualification of a director shall be the possession in his own right of not less than fifty shares.

Quorum.

28. The quorum of a meeting of directors shall be three.

First directors.

29. Sir James Ramsden, knight, George Henry Horsfall, William Barratt, Thomas Woodburne, and Thomas Massicks, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of "The Companies Clauses Consolidation Act, 1845," and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Part II.—Gas.

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

30. Subject to the provisions of this Act the Company may, from time to time, upon the lands which are described in the schedule to this Act, or any part thereof, erect, lay down, provide, and from time to time maintain, alter, improve, enlarge, extend, and

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renew or discontinue, gasworks, retorts, gasometers, receivers, drains, sewers, mains, pipes, meters, lamps, lamp-posts, burners, stop-cocks, machinery, and other works and 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, and deal in coal, coke, tar, pitch, asphaltum, ammoniacal oil, and all other products or residuum of any materials employed in or resulting from the manufacture of gas, and also meters, fittings, tubes, pipes, and other articles and things in any way connected with gasworks, or with the supply of gas, as they may from time to time think fit.

Power to take lands.

31. Subject to the provisions of this Act, but by agreement only, the Company may purchase, take, hold, and use, and the Furness Railway Company may sell to the Company, such of the lands delineated on the deposited plans and described in the deposited books of reference as are more particularly described in the schedule to this Act, as may be required for the purposes of this part of this Act.

Power to purchase lands by agreement.

Gas not to be manufactured except on lands scheduled.

32. The Company may, for the purpose of their gasworks, purchase, take, and hold (by agreement but not otherwise), in addition to the lands described in the schedule to this Act, any lands and hereditaments not exceeding in the whole three acres, which the Company may from time to time require for the purposes of their works and undertaking under this part of this Act, but no lands shall be used by the Company for the purpose of manufacturing gas or residuary products except the lands described in the schedule to this Act.

Power to take licences.

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

Limiting the price of gas.

34. The price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed six shillings per one thousand cubic feet.

Pressure of gas.

35. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch, and from sunset to midnight not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer; and any gas examiner

appointed under "The Gasworks Clauses Act, 1871," may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority; and the provisions of "The Gasworks Clauses Act, 1871," with reference to testing of gas and to penalties, shall, mutatis mutandis, apply to such testing of pressure, and two hours previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

Quality of gas.

36. The prescribed number of candles shall be fourteen.

Testing place.

37. Within twelve months from the passing of this Act a testing place shall be provided at the gasworks.

Burner.

38. The prescribed burner shall be an argand fifteen-hole burner, and a seven-inch chimney, or other burner and chimney capable of consuming five cubic feet of gas per hour.

Company to pay interest on money deposited as security for gas meters, &c.

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

Part III.—Water.

Power to make waterworks and to take lands, &c.

40. Subject to the provisions of this Act the Company may make and maintain, in the lines and situations and according to the levels shown on the deposited plans and sections, the waterworks hereinafter described, with all proper embankments, filtering beds, dams, sluices, cuts, channels, stanks, pipes, tanks, engines, buildings, machinery, and other works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans, and described in the deposited books of reference, as may be required for that purpose.

The waterworks herein-before referred to and authorised by this Act are:

1. A reservoir with conduits, pipes, and other conveniences connected therewith and all necessary approaches thereto, to be situated in the townships of Thwaites and Whicham and parishes of Millom and Whicham, in the county of Cumberland, and on the Whicham Beck, which said reservoir will be situated in or upon certain closes or inclosures of land numbered 368, 373, 373a, 374, 377, 378, 379 on the published ordnance map of the said parish of Millom, and in or upon certain other closes or inclosures

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of land numbered 8, 11, 12, 14, 22, 23, 24, 25, 26, 43, 45, on the published ordnance map of the said parish of Whicham, or in or upon some of the said closes or inclosures of land:

2. A conduit or lines of pipes commencing by connections with the proposed reservoir herein-before described in the townships of Whicham and Thwaites, and passing thence in, through, or into the townships of Whicham, Thwaites, Millom Above, and Millom Below, and parishes of Whicham and Millom, and terminating in the last-named parish at a point in the road leading from Millom Railway Station to Millom New Town and Hodbarrow Mines at or near a house known as Lapstone Lodge, in the said township of Millom Below:

Provided always, that nothing in this Act contained shall take away, prejudice, or affect the right (if any) of the Cumberland Iron and Smelting Company, Limited, to construct upon the pieces of land numbered on the deposited plans 33, 35, and 37 in the township of Millom Above, any reservoir which they are now entitled to construct thereon for the purpose of supplying their works with water.

Power to take waters.

41. It shall be lawful for the Company to intercept, take, collect, divert, impound, and appropriate, for the purpose of their waterworks undertaking, the waters of the stream called Whicham Beck, and of all streams, brooks, and springs, and surface or other water which either directly or derivatively flow or proceed into Whicham Beck, and by means of their aqueducts, reservoirs, and other works to convey, appropriate, and use the said waters for the purposes of this Act.

Compensation water and provision as to gauges.

42. As full compensation to the owners, lessees, and occupiers of lands adjoining Whicham Beck, the Company shall, for the use and behoof of the said parties and of the said lands, cause to be discharged continuously from the reservoir before described into the channel of the said beck fifteen thousand gallons of water during each day of every year, and the Company shall erect and construct, and for ever maintain, proper and sufficient measuring gauges, over or through which the said quantity of water from the said reservoir for the supply of the said beck shall respectively flow or be discharged, and shall allow the said parties interested in the waters of Whicham Beck free access thereto.

Limits of lateral deviation.

43. In the construction of the waterworks authorised by this Act the Company may deviate laterally from the lines thereof as shown on the deposited plans, to the extent of the limits of lateral deviation shown thereon, and beyond those limits, with the consent

of the persons through whose lands any such deviation is proposed to be made, and when in any road no such limits are shown, the boundaries of such road shall be deemed to be such limits.

Limits of vertical deviation.

44. In the construction of the waterworks authorised by this Act the Company may deviate vertically from the levels shown on the deposited sections with reference to the datum line to any extent not exceeding in the case of the reservoir ten feet downwards, and in the case of other works not exceeding three feet upwards or seven feet downwards.

Limits as to reservoir.

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

Lands for extraordinary purposes.

46. The Company may from time to time by agreement purchase or acquire for the purposes of this part of this Act any lands not exceeding in quantity five acres, in addition to the lands which they are by this Act authorised to take by compulsion.

Powers for compulsory purchases limited.

47. The powers of the Company for the compulsory purchase of lands for the purposes of this part of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

48. The works by this part of this Act authorised shall be completed within five years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing any work not so completed, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed; but nothing in this section shall restrict the Company from extending, enlarging, altering, or removing any of their aqueducts, mains, pipes, works, and conveniencies, or increasing or improving their supply of water from time to time whenever they find it requisite.

Contracts between Company and public bodies for supply of water.

49. The Company may from time to time enter into agreements with any local boards, commissioners, corporations, or other public or local bodies for the supply by the Company within the limits of this Act of water to or for those bodies respectively in bulk or otherwise for any purpose whatsoever, for such times and for such remuneration, and on such terms and conditions, as the Company think fit.

As to supply of water

50. The Company may from time to time, on terms mutually agreed on, supply water in bulk or otherwise for domestic or other

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beyond limits.

purposes at places adjoining the limits of this Act, provided the same can be supplied without prejudice to a full supply for the inhabitants within such limits: Provided always, that nothing in this section contained shall prejudice any application by any other company or sanitary authority for Parliamentary powers to supply with water any places adjoining the limits of this Act, which may be so supplied by the Company under this section, and that if such powers be granted the Company shall, if so required by such other company or sanitary authority, sell to them all the mains, pipes, and other works of the Company within the district of such other company or sanitary authority, at the price to be fixed, in default of agreement, by arbitration under the provisions of the Lands Clauses Acts.

Supply of water under pressure.

51. The Company shall not be compelled to carry water to a higher level than can be reached by the pressure afforded by their reservoir herein-before described.

Supply of water to adjacent tenements.

52. Where there are several adjacent tenements no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Company to any other such tenement unless such tenant or occupier be, in respect of the tenement so occupied by him, rated under this Act for a supply of water, and every person so taking or using water, or allowing the same to be used, contrary to the provisions of this Act, shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds.

Rates for supply of water for domestic purposes.

53. The Company shall, at the request of every person entitled to demand a supply of water, furnish to the occupier of every dwelling-house or part of a dwelling-house to which the request relates, a sufficient supply of wholesome water for the domestic purposes (including one watercloset, but not any bath) of every such occupier at any rate not exceeding the following rates; (that is to say,)

Where the annual rackrent or value of a house or part of a house does not exceed six pounds, at a rate not exceeding twopence per week:

Where the annual value of a house or part of a house shall exceed six pounds and not exceed thirty pounds, a yearly rate not exceeding seven pounds per centum on such annual value:

Where such annual value shall exceed thirty pounds, a yearly rate not exceeding six pounds per centum on the amount of such annual value:

Provided, that all inns and hotels, whether public or private, to which the supply is laid on, and the annual value of which exceeds five pounds, shall be liable to a rate not exceeding seven pounds ten

shillings on the amount of such annual value, whether the same exceeds thirty pounds or not.

Rates for waterclosets and baths.

54. The Company may charge in any one year in respect of one bath supplied with water in or belonging to any private dwelling-house the sum of ten shillings, and in respect of every watercloset in excess of one, and of every bath in excess of one, the sum of five shillings.

Rates payable quarterly in advance.

55. The rates for a supply of water shall be payable in advance by equal quarterly payments on Lady Day, Midsummer Day, Michaelmas Day, and Christmas Eve in every year.

Water for other than domestic purposes to be supplied by agreement.

56. The Company may supply any person with water for other than domestic purposes for such remuneration and on such terms and conditions as are agreed on between the Company and the person desirous of having the supply: Provided always, that the Company shall not supply water for other than domestic purposes so as in any way to interfere with or unduly diminish the supply of water for domestic purposes.

Penalty for using water for other than domestic purposes without agreement.

57. Every person using for other than domestic purposes any water of the Company, without having previously agreed with them for a supply of water for other than domestic purposes, or any person using for any purpose other than the purposes so agreed on, any water so supplied by the Company, shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds.

Regulation for supply of water.

58. The Company shall not be obliged to supply any water unless the pipes and cocks and other apparatus necessary for the supply are constructed of such strength, material, and size, and on such principle, as are required by byelaws of the Company approved by the Local Government Board, and are used and maintained so as to prevent the waste or undue consumption of the water of the Company and the access of foul air and other noisome or impure matter to the pipes belonging to or connected with the mains or pipes of the Company.

For preventing fouling of water.

59. The Company shall not be compellable to supply with water any watercloset, or any bath, or the apparatus or pipes connected therewith respectively, unless the same be so constructed and used as to prevent the waste or undue consumption of the water of the Company and the return of foul air or noisome and impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Company, nor unless such bath shall be so constructed that it will not contain, when filled for use, more than fifty gallons of water.

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Entry on premises to cut off supply in certain cases.

60. In all cases in which the Company are authorised to cut off the pipe to or turn off water from any premises, the Company, their agents or workmen (after giving notice to the owner or occupier as herein-after provided), may enter into any such premises between the hours of nine in the forenoon and four in the afternoon, for the purpose of cutting off any pipe by which the water of the Company shall be supplied to such premises; and any person or persons preventing or obstructing, or in anywise interfering with the Company, their officers, servants, or workmen, while effecting or endeavouring to effect such entry and cutting off any pipe, shall for every such offence forfeit and pay to the Company a penalty not exceeding forty shillings, and such penalty may be enforced and recovered by the Company by all or any of the methods open to the Company for the recovery of water rates or penalties from consumers of water supplied by the Company.

Mode of giving notice.

61. The notice to be given previous to such entry shall be in writing, and shall be served in manner following; (that is to say,)

If the premises intended to be entered be occupied, then by leaving the notice thereat, or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry;

If such premises be unoccupied, and the owner thereof and his usual place of abode be in England, and be known to the Company, then by delivering the notice to such owner, or by leaving the same at his usual place of abode twenty-four hours, or by sending the same by post by registered letter addressed to him at his usual place of abode forty-eight hours at least previously to such entry;

If such premises be unoccupied, and the owner thereof or his usual place of abode be not in England, or be not known to the Company after due inquiry, then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry, and for the purposes of this provision any person receiving the rents of any such premises, either on his own account or as agent or trustee for any other person, or who would so receive the same if such premises were let at a rent, shall be deemed the owner of such premises.

Service pipes.

62. The service pipes to communicate with the mains and pipes of the Company, and the fittings connected therewith, shall be laid, placed, and removed under the superintendence of the Company, and at the expense of the persons requiring or having the supply, and at their option, either by themselves or by the Company.

Power to Company to

63. The Company may, if requested by any person supplied or about to be supplied by them with water, furnish to him, and from

time to time repair or alter any such pipes, valves, cocks, cisterns, baths, soil-pans, waterclosets, apparatus and receptacles as are required or permitted by their regulations, and may provide all materials and do all work necessary or proper in that behalf.

supply materials, &c.

Part IV.—Gas and Water.

Power to lay gas and water pipes against buildings.

64. The Company, with the consent of the owner and occupier of any building, may lay any water or gas pipe, branch, or any other neeessary apparatus from any water or gas main or branch pipe into, through, or against such building for the purpose of affording a supply of water or gas to any such building, or of watering or lighting any street, road, market-place, or public building or place, and may, with the like consent, provide and set up any apparatus necessary for securing to such building, street, road, market-place, or public building or place, a proper and complete supply of water or 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.

Power to take easements, &c. by agreement.

65. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of those Acts and of this Act, grant to the Company any easement, right, or privilege required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Provisions as to letting meters.

66. The Company may let for hire any meter for ascertaining the quantity of gas or water consumed or supplied, and any fittings thereto, for such remuneration in money, and on such terms with respect to repair of such meter and fittings, and for securing the safety and return to the Company of such meter and fittings, as may be agreed upon between the hirer and the Company, and such remuneration shall be recoverable in the same manner as the gas rents or (as the case may be) water rents due to the Company, and such meters and fittings shall not be subject to distress for rent of the premises where the same are used, or be taken in execution under any process of a court of law or equity, or any proceedings in bankruptcy against the persons having possession thereof.

Power to remove meters and fittings.

67. The Company, by their agents or workmen, after giving forty-eight hours notice in writing to the occupier, or, if unoccupied, then to the owner or lessee of any land, house, or building in which any pipes, mains, meters or fittings belonging to the Company are laid or fixed, and through or in which the supply of gas or water

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shall from any cause other than the neglect or default of the Company or their servants be discontinued, may enter such land, house, or building, between the hours of nine in the forenoon and four in the afternoon, or with the authority in writing of a justice at any other time, and may remove such pipes, mains, meters, or fittings, but repairing all damages caused by such removal; and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known place of abode, or sent by post addressed to such person, or if such person or his address be not known to the Company, and cannot after due inquiry be found or ascertained, then by being affixed for forty-eight hours to some conspicuous part of such land, house, or building.

Meters not to be connected or disconnected without notice to Company.

68. No person shall connect any meter with any pipe through which any gas or water is supplied by the Company to such meter, or disconnect any meter from such pipe, unless he shall have given to the Company not less than twenty-four hours notice in writing of his intention so to do; and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Repair of meters.

69. Every consumer of gas or water of the Company shall at all times, at his own expense, keep all meters belonging to him, whereby any gas or water of the Company is registered, in proper order for correctly registering such gas or water, in default whereof the Company may cease to supply gas or water through such meters; and the Company shall at any time, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, have access to and be at liberty to take off, remove, test, inspect, and replace any meter belonging to a consumer, such taking off, removal, testing, and inspection and replacing to be done at the expense of the Company if the meter be found in proper order, but otherwise at the expense of the consumer.

Register of meter to be prima facie evidence.

70. The register of the meter shall be primâ facie evidence of the quantity of gas or, as the case may be, water consumed in respect of which any gas or water rent is charged and sought to be recovered by the Company: Provided always, that if the Company and the consumer differ as to the quantity consumed, such difference may be determined upon the application of either party by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties.

Fraudulently injuring meter.

71. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipes, meters, or fittings belonging to the Company, or alters the index to any meter,

or prevents any meter from duly registering the quantity of gas or water supplied, or fraudulently abstracts, consumes, or uses the gas or water of the Company, shall, without prejudice to any other right or remedy for the protection of the Company, or the punishment of the offender, for every such offence forfeit and pay to the Company a sum not exceeding five pounds, and the Company may, in addition thereto, recover the amount of any damages by them sustained; and in any case in which any person has wilfully, fraudulently, or by culpable negligence injured or suffered to be injured any pipes, meter, or fittings belonging to the Company, or altered the index to any meter, or prevented any meter from duly registering the quantity of gas or water supplied, the Company may also, until the matter complained of has been remedied, but no longer, discontinue the supply of gas or (as the case may be) water to the person so offending (notwithstanding any contract previously existing), and the existence of artificial means for causing such alteration or prevention, or for abstracting, consuming, or using gas or water of the Company, when such meter shall be under the custody or control of the consumer, shall be primâ facie evidence that such alteration, prevention, abstraction, or consumption, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Company's officers to enter buildings.

72. The Company's agent or other officer duly appointed for the purpose by the Company may, between the hours of nine of the clock in the forenoon and four of the clock in the afternoon, enter any building or place supplied with gas or water by the Company in order to inspect the meters, pipes, fittings, and apparatus for regulating the supply of gas or water, and to see whether the meters, pipes, fittings, cisterns, or other apparatus provided be in good repair, and if such agent or other officer at any such time be refused admittance into such premises for the purposes aforesaid, or be prevented from making such examination, the occupier, if there be an occupier, and if there be no occupier, then the owner or lessee of such premises, shall for any such offence forfeit to the Company a sum not exceeding five pounds.

Notice of discontinuance.

73. A notice to the Company from a consumer for the discontinuance of a supply of gas or water shall not be of any effect unless it be in writing, and is left at the principal office for the time being of the Company.

Incoming tenant not liable to pay arrears of gas or water rates.

74. In case any consumer of the gas or water of the Company shall leave the premises where such gas or water has been supplied without paying to the Company the rate due from him, the Company shall not be entitled to require from the next tenant of such premises

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the payment of the arrears left unpaid by the former tenant, unless such incoming tenant shall have agreed with the former tenant to pay or exonerate him from the payment of such arrears.

Undisputed rates may be recovered by distress.

75. All rates and sums due to the Company, and all damages, costs, and expenses by this Act directed to be paid, may be levied by distress after the defaulter has been duly summoned, and any justice, on application by the Company, may and shall issue his warrant accordingly.

Costs of distress.

76. Any justice who issues any such warrant of distress may order that the costs of the proceedings for the recovery of the rate or sum shall be paid by the person liable to pay the rate or sum, and the costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of the rate or sum.

Several names in one warrant.

77. Any number of names and sums may be included in any warrant of distress or notice obtained or given by the Company for any of the purposes of this Act, and may be stated either in the body of the warrant or notice, or in a schedule thereto.

Liability to rates not to disqualify justices.

78. No justice or judge of any county court shall be disqualified from acting in the execution of this Act by reason of his being liable to any rate or sum under this Act.

For the protection of the Furness Railway Company.

79. The Company shall, prior to commencing any works by this Act authorised upon, under, or over the railway of the Furness Railway Company or any part thereof, deliver to the Furness Railway Company plans and drawings of the works proposed to be executed upon, under, or over the said railway, with specifications in writing describing the proposed manner of executing the same, and such works shall not be commenced until the Company shall have obtained from the principal engineer of the said Railway Company a certificate under his hand approving of such plans, specifications, and proposed manner of executing the said works, and the same shall be executed accordingly under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the said Railway Company and in no other manner without the consent in writing of the said Railway Company under their common seal: Provided always, that if the said engineer shall disapprove of the said plans or specifications or the proposed manner of executing the works, and the Company shall be unwilling to adopt such modifications or alterations as may be required by the said engineer, then the questions in difference shall be referred to arbitration as herein-after mentioned: Provided always, that in case the said principal engineer of the said Railway Company shall not certify either his approval or disapproval of the plans, drawings, and specifications delivered by the Company within one month after the same shall have been so

delivered, the Company may proceed with their proposed works without such certificate as aforesaid.

In case of injury to railway of Furness Railway Company.

80. If by reason of the construction of any works by this Act authorised upon, over, or under the railway of the Furness Railway Company, or within fifty feet thereof, or the failure of any such works, the railway of the Furness Railway Company, or any of the works thereto belonging, shall be injured or damaged, such injury or damage shall (unless such damage or injury shall have been caused by reason of some special requirement as to the mode of or material for the construction of the said works of the engineer for the time being of the Furness Railway Company) be forthwith made good by the Company at their own expense, or in the event of their failing to do so, then the Furness Railway Company may make good the same, and (unless such damage or injury shall have been caused as aforesaid) recover the expense thereof, with full costs, against the Company in any court of competent jurisdiction, and if any interruption shall be occasioned to the traffic of the said railway by reason of any such works, or failure of such works, the Company shall (unless such interruption shall be the result of any special requirement as to the mode of or material for the construction of the said works of the engineer for the time being of the Furness Railway Company), on demand, pay to the Furness Railway Company all costs and expenses to which they may be put, as well as full compensation for the loss sustained by them by reason of any such interruption, such costs and expenses and compensation to be recovered with full costs as aforesaid. All disputes and differences which may from time to time arise between the Company and the Furness Railway Company touching any of the matters or things herein-before provided with reference to the railway and works of the Furness Railway Company, shall be referred to arbitration in manner provided for by "The Railway Companies Arbitration Act, 1859," and for the purposes of any such arbitration this clause shall be read and have effect as if the Company were a Railway Company within the meaning of the last-mentioned Act.

Penalties not cumulative.

81. Penalties imposed on the Company by several Acts for one and the same offence shall not be cumulative, and for this purpose this Act and each of the several Acts incorporated therewith shall be deemed a separate Act.

Part V.—Transfer of Undertaking.

Power to Local Board to carry Act into execution.

82. If the Local Board shall at any time prior to the commencement of the works by this Act authorised elect to take upon themselves the construction of the said works and the execution of this Act, it shall be lawful for them, subject to the consent of the Local

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Government Board being obtained and to the provisions herein-after contained, so to do.

Provisions in the event of the Local Board carrying Act into execution.

83. In the event of the Local Board so electing as aforesaid, then subject as aforesaid, and to the giving by the Local Board to the Company of one calendar month's notice in writing of their intention to take upon themselves the construction of the said works and the execution of this Act, and upon payment by the Local Board to the Company of all the costs, charges, and expenses of and incident to the application for and passing of this Act, and of all such further costs, charges, and expenses (if any) as the Company may have incurred subsequent to the passing of this Act in or about the execution of or carrying into effect this Act or any of the provisions thereof, together with interest at the rate of five pounds per centum per annum, upon all sum and sums of money from time to time expended by the Company or the promoters of this Act in or about such application for, passing, execution, or carrying into effect as aforesaid from the respective dates at which such sum and sums of money was or were so expended, this Act may and shall, subject to the provisions hereof, be carried into execution by the Local Board, with the powers and indemnities and according to the provisions of the Sanitary Acts, and those Acts shall, in relation to the Local Board and the several objects and purposes of this Act, be read and construed, subject to the provisions of this Act, as if the said objects, purposes, and provisions of this Act were objects, purposes, and provisions of the Sanitary Acts, as far as the same shall be applicable thereto, and except so far as any of the provisions of the Sanitary Acts are varied, altered, or otherwise provided for by this Act; and in construing for the purposes of this section the Acts wholly or partially incorporated herewith, the expression "the Company" and "the undertakers" used therein shall respectively mean "the Local Board;" and the provisions with reference to a transfer of the undertaking of the Company to the Local Board and the subsequent proceedings thereon contained in clauses 87 to 101 of this Act, inclusive, shall, so far as the same are applicable, apply and have effect as if the taking by the Local Board upon themselves of the construction of the said works and the execution of this Act were a transfer of the undertaking of the Company to the Local Board as herein-after provided, and as if the sum and sums of money herein-before provided to be paid by the Local Board to the Company were the consideration for such transfer: Provided always, that the powers of the Company by this part of this Act vested in the Local Board shall not comprise any of their powers with respect to general meetings, or with respect to directors, or with respect to the management of the internal affairs of the Company, or with respect

to the raising of money by shares or by borrowing, or with respect to the amount of profit to be received by the undertakers when the works are carried on for their benefit.

Property of Company may be vested in Local Board.

84. If at any time the Local Board shall be desirous of acquiring the undertaking of the Company, and shall give to the Company one calendar month's previous notice in writing of such their desire, then, subject to the sanction of the Local Government Board being obtained by the Local Board, and to the provisions of this Act, the Company shall sell and transfer, and the Local Board shall, with the sanction of the Local Government Board, but not otherwise, purchase the undertaking of the Company, and all the lands, gas-works, waterworks, erections, buildings, reservoirs, streams, springs, waters, rights, easements, mains, pipes, plant, plugs, gauges, meters, syphons, stock, machinery, apparatus, moneys, securities, choses in action, books, writings, plans, chattels, credits, effects, and other property, claims, and demands whatsoever of or held in trust for the Company, and all their authorities, powers, and privileges, or any part or parts thereof, and, upon the execution by the Company and the Local Board of the deed of transfer and payment by the Local Board to the Company of the consideration herein-after mentioned, the undertaking and the premises shall be vested in the Local Board to the same extent and for the same estate and interest as the same were previously vested in the Company or any trustee on their behalf, and may, according to the provisions of this Act (so far as applicable as aforesaid), be held and enjoyed, sued for, and recovered, maintained, altered, discontinued, removed, dealt with, and disposed of by the Local Board as they think fit.

Transfer to be by deed.

85. Such transfer shall be by deed, duly stamped, in which the consideration shall be fully set forth.

Consideration for transfer.

86. The consideration for the transfer shall be an aggregate sum made up as follows:

(*a.*) Of a principal sum not exceeding the amount of the cost price of the works and all other incidental charges properly incurred on capital account, including the acquisition of land and the costs of this Act as defined by the last section thereof;

(*b.*) Of a sum equal to interest on the above principal sum from the respective times of the amounts constituting that principal sum being respectively disbursed or incurred at the rate of five pounds per centum per annum less any profits that may have been divided:

And in case of any difference arising as to the amount of such aggregate sum the same shall be settled by arbitration in the

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manner prescribed by "The Railway Companies Arbitration Act, 1859," and as if for the purposes of this section the Company and the Local Board were Railway Companies within the meaning of that Act.

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

87. The receipt in writing of three of the directors of the Company for the consideration shall be given and shall effectually discharge the Local Board from the sum which in such receipt shall be acknowledged to have been received, and from being answerable or accountable for the loss, misapplication, or nonapplication thereof; and the Local Board shall not be required to take notice of nor shall they be bound by any trust respecting such money or respecting any share in the Company's undertaking.

Company to wind up affairs.

88. As soon as conveniently may be after the transfer the directors of the Company shall proceed to wind up the affairs of the Company, and after payment, satisfaction, and discharge of all their mortgages or bonds, debts, contracts, and liabilities, shall distribute and pay their assets to and among the several persons who at the time of the payment of the consideration shall be registered shareholders of the Company, their respective executors, administrators, successors, or assigns, in proportion to their respective shares in the capital of the Company.

Books evidence as to shareholders.

89. The persons who shall appear on the books of the Company to be proprietors of shares in the capital of the Company at the time of the payment of the consideration shall, unless the contrary is proved to the satisfaction of the directors of the Company, be considered to be shareholders of the Company for the purpose of the distribution of the Company's assets.

Receipt of representatives of shareholders.

90. For the purposes of such winding up, the receipt of the guardian or committee of the estate of any shareholder in the Company who may be an infant, idiot, or lunatic shall be an effectual discharge to the Company and to the directors thereof for so much of the consideration or other moneys as in such receipt shall be expressed to be received, and shall exonerate them from any trust or obligation affecting the shares in respect of which such money shall be paid.

Payment into court by Company.

91. If at the expiration of twelve months from the date of the payment of the consideration any moneys which ought to be paid to the shareholders of the Company shall remain in the hands of the directors thereof, either by reason of the absence from Great Britain or incapacity of any shareholder or of his executors, administrators, or assigns, or on account of his residence or place of abode not having been ascertained by the Company after reasonable inquiry,

or on account of the Company being in doubt as to the true legal ownership of any shares, or of any money distributable under this part of this Act, or as to the sufficiency of any aquittance or discharge proposed to be given to them in respect thereof, or on account of any other reasonable cause, the directors may pay the same into the Court of Chancery under any Act for the time being in force for the relief of trustees, previously deducting therefrom the costs of and incidental to such payment into court, such costs to be ascertained by one of the taxing masters of the said court.

Company to be dissolved.

92. When and as soon as the debts and liabilities of the Company have been fully paid and satisfied, and the assets of the Company shall have been distributed in manner aforesaid and their affairs wound up, the Company shall by virtue of this Act be actually dissolved.

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

93. Except as by this Act otherwise expressly provided, everything before the transfer done or suffered under or by virtue of this Act shall be as valid as if the transfer had not taken place, and the dissolution and vesting, 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 the transfer had not taken place would be incident to or consequent on any and everything so done or suffered.

Contracts, &c. of Company to be binding.

94. Except as by this Act otherwise expressly provided, all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds, agreements, and notices entered into, made, or given before the transfer, by, to, or with the Company, or by, to, or with any other person to whose right and liabilities they have succeeded and then in force, shall be as binding and of as full force and effect in every respect against or in favour of the Local Board, and may be enforced as fully and effectually as if instead of the Company, or the trustees or persons acting on behalf of the Company, the Local Board had been a party thereto.

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

95. Nothing in this part of this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity which was pending by or against the Company in relation to the affairs of the Company, or to which the Company in relation to such affairs were parties immediately before the transfer, but such action, suit, or other proceeding may be maintained, prosecuted, or continued by or in favour of or against the Company (as the case may be), in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by or in favour of or against the Company if the transfer had not

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taken place, and all persons committing offences against any of the provisions of this Act before the transfer may be prosecuted, and all penalties incurred by reason of such offences may be sued for and recovered in like manner in all respects as if the transfer had not taken place, the Local Board being in reference to such offences and penalties in all respects substituted for the Company.

The Company to satisfy their liabilities.

96. The Company shall discharge all obligations and liabilities included in the consideration for the transfer to which they immediately before the transfer were subject, and shall indemnify the Local Board from all such obligations and liabilities, and from all expenses and costs in that behalf.

Recovery of gas and water rents, &c.

97. All gas and water rents and sums of money which immediately before the transfer shall be due or accruing to the Company shall be payable to and collected and recovered by the Company as if the transfer had not taken place; and, as regards current or accruing debts or credits at the transfer in this and the last preceding section provided for, a due apportionment thereof shall be made between the Company and the Local Board, as the case may require.

As to payment of debts owing to Company.

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

Books, &c. of Company continued evidence.

99. All documents, books, and writings, which if the transfer had not taken place would have been receivable in evidence for or against the Company, shall be admitted as evidence in all courts of law and equity and elsewhere for or against the Local Board, notwithstanding the transfer.

Resolutions of Company to remain in force.

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

Officers of Company to continue until removed.

101. All officers and servants of the Company who were in office immediately before the transfer shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereunto annexed, until they shall resign the same or be removed

therefrom by the Local Board, and shall be subject and liable to the like conditions, obligations, pains, and penalties, and to the like powers of removal, and to the like rules, restrictions, and regulations in all respects whatsoever.

Execution of this Act by Local Board.

102. This Act may and shall after the transfer, and subject to the provisions of this Act, be carried into execution by the Local Board, with the powers and indemnities and according to the provisions of the Sanitary Acts, and those Acts shall, in relation to the Local Board and the several objects and purposes of this Act, be read and construed, subject to the provisions of this Act, as if the said objects, purposes, and provisions of this Act were objects, purposes, and provisions of the Sanitary Acts, so far as the same shall be applicable thereto, and except so far as any of the provisions of the Sanitary Acts are varied, altered, or otherwise provided for by this Act; and in construing for the purposes of this section the Acts wholly or partially incorporated herewith, the expression "the Company" and "the undertakers" used therein shall respectively mean "the Local Board:" Provided always, that the powers of the Company by this part of this Act vested in the Local Board shall not comprise any of their powers with respect to general meetings, or with respect to directors, or with respect to the management of the internal affairs of the Company, or with respect to the raising of money by shares or by borrowing, or with respect to the amount of profit to be received by the undertakers when the works are carried on for their benefit.

Regulations for preventing waste of water.

103. In the event of the Local Board taking upon themselves the construction of the works and execution of this Act, or acquiring the undertaking of the Company in manner herein-before provided, then, for preventing waste, misuse, undue consumption, or contamination of the water of the Local Board, the following provisions shall have effect; (that is to say,)

(1.) The Local Board may from time to time make such regulations as they think fit for those objects: Provided that such regulations shall have no validity, unless and until they shall have been approved by the Local Government Board;

(2.) The Local Board shall not be bound, under any agreement or otherwise, to supply, or to continue to supply, water to any person, unless their regulations are duly observed by him;

(3.) The Local Board, if any person does not observe their regulations, may, if they think fit, after twenty four hours, notice in writing, by or under the direction of their

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authorised officer, repair, replace, or alter any pipe, valve, ball, tap, cock, cistern, or other receptacle belonging to or used by any person supplied by them, and the power of entry given by section fifteen of "The Waterworks Clauses Act, 1863," and the provisions of that section relative thereto, shall extend and apply to entry for the purposes of such repair, replacement, or alteration, and the expenses thereof shall be repaid to the Local Board by the person on whose credit the water is supplied, and may be recovered by them in any court of competent jurisdiction;

and, in either of the events aforesaid, this clause shall be in substitution for clauses fifty-eight and fifty-nine of this Act; and from and after the date of the taking upon themselves the execution of this Act, or acquiring the undertaking of the Company by the Local Board as aforesaid, the said last-mentioned clauses shall be of no force or effect, but, until such date as last aforesaid, the same shall remain and be in full force and effect.

Power to the Local Board to borrow on mortgage.

104. The Local Board from time to time may under the authority of this Act, and with the sanction of the Local Government Board, in addition to any moneys they are authorised to borrow under the Sanitary Acts, borrow on mortgage of the waterworks undertaking and the gasworks undertaking and of the water rates and gas rates and other rates, rents, and profits payable to the Local Board for the supply of water and gas respectively, and of the general district rates leviable by the Local Board under the Sanitary Acts, or of any such securities either together or separately, all such sum or sums of money as they may from time to time think requisite for all or any of the purposes of this Act, but not exceeding in the whole the sum of sixty thousand pounds.

Mortgages under Act to be in accordance with Local Government Acts.

105. Subject to the provisions of this Act the mortgages from time to time granted by the Local Board under this Act shall be granted in accordance with the provisions of the Sanitary Acts with respect to mortgages of the general district rate, and all the powers and provisions of the Sanitary Acts relating to mortgages on the general district rate, and transfer of the mortgages, and the appointment of a receiver, and otherwise, shall have effect with respect to the mortgages granted under this Act by the Local Board as if those mortgages were mortgages of the general district rate alone.

Existing mortgages to have priority.

106. All mortgages granted by the Local Board, in pursuance of the powers of any Act of Parliament before the transfer, and subsisting at the time of such transfer, shall, during the continuance of such mortgages, have priority over any mortgages granted by virtue of this part of this Act.

Priority of mortgages over other debts.

107. All money raised or to be raised by the Local Board on mortgage under the provisions of this Act shall have priority against the Local Board, and the property from time to time of the Local Board, over all other claims on account of any debts incurred or engagements entered into by them after the transfer: Provided always, that this priority shall not affect any claim against the Local Board, or their property, in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Local Board, in pursuance of any Act relating to the Local Board which is entitled to rank in priority to or pari passu with the interest on their mortgages, nor shall anything in this section contained affect any claim for land taken, used, or occupied by the Local Board for the purposes of the Local Board's undertaking and works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Local Board.

Protection of lenders.

108. No person advancing money to the Local Board on mortgage under the powers of this Act shall be bound to see to the application thereof or be bound to inquire as to the observance by the Local Board of any of the provisions of this Act.

Application of borrowed money.

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

Power to re-borrow.

110. If the Local Board pay off any part of any money borrowed under this Act otherwise than by means of the annual instalments or sinking fund provided by this Act, they may from time to time re-borrow the amount so from time to time paid off.

Period for paying off moneys borrowed by the Local Board.

111. The period within which any money borrowed by the Local Board under the authority of this Act is to be paid off by means of a sinking fund or otherwise shall be thirty years from the transfer.

Repayment of money borrowed by instalments or sinking fund.

112. The Local Board shall by and out of the moneys from time to time received by them, and herein-after directed to be applied to a sinking fund, or by and out of the general district rate, or any other rates leviable by them in the district, or out of any other property of the Local Board, or by all or any of those modes, either pay off the respective moneys borrowed by equal annual or other instalments, or otherwise, as the Local Government Board may require, within thirty years, reckoned from the transfer, or else appropriate out of the said moneys, rates, and property respectively as a sinking fund every year and until the respective moneys so borrowed are fully paid off, a sum not less than one thirtieth part

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of the respective moneys so borrowed, and such sinking fund shall be invested, accumulated, and applied, according to section eighty-four of "The Commissioners Clauses Act, 1847," and it shall be lawful for the Local Board to repay the said loans respectively by equal half-yearly or yearly amounts of principal combined with interest, and to compute the amounts requisite to be paid every year in order to the repayment of the respective loans within the said thirty years reckoned as aforesaid, according to the principles of calculation on which are based the tables published in the year one thousand eight hundred and fifty-eight by Messieurs Eyre and Spottiswoode, and purporting to have been examined by the actuary of the National Debt Office for the objects of or in connexion with "The Local Government Act, 1858."

Annual return to Local Government Board with respect to sinking fund.

113. The clerk to the Local Board shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund, or to be paid by way of instalment, under this Act, transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration, if so required by them, showing the amount which has been invested for the purpose of such sinking fund, or paid off by instalments, during the year preceding the making of such return and the description of the securities upon which the amount invested for the purpose of such sinking fund has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period and the total amount remaining invested at the end of the year; and if at any time the clerk to the Local Board, without lawful excuse, proof whereof shall lie on him, fails to make the return required by this section, he shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board, by that return or otherwise, that the Local Board have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, or have failed to pay any instalment required by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund; and such order shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the Court of Queen's Bench.

Separate accounts to be kept.

114. The Local Board shall keep distinct and separate accounts, to be called respectively "the Waterworks Account," and "the Gas-works Account," of all their receipts, payments, and liabilities

under this Act with respect to the execution thereof for the several purposes of the waterworks and the supply of water, and the gas-works and the supply of gas respectively, and may from time to time apportion between those accounts, as they think fit, the items relating to both. A.D. 1875.

Application of income.

115. All moneys from time to time received by the Local Board under this Act (other than moneys borrowed) shall be applied by them to the following purposes, and in the following order; (that is to say,)

(*a*) In payment of the interest on the moneys from time to time borrowed by the Local Board under this Act;

(*b*) In carrying into execution the purposes of this Act;

(*c*) In providing the sinking fund or paying the instalments by this Act required;

(*d*) In payment of any charges or expenses for the time being payable out of the general district rates of the Local Board or otherwise, for the public benefit of the inhabitants and the improvement of the district.

Expenses of Act.

116. All the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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SCHEDULE referred to in the foregoing Act.

A piece or parcel of land, in the township of Millom Below, in the parish of Millom, containing one acre and three roods or thereabouts, and belonging to or reputed to belong to the Furness Railway Company, and bounded as follows; (that is to say,) On the north for a distance of one hundred and sixty yards or thereabouts by the Millom Ironworks and Hodbarrow Branch of the Whitehaven and Furness Railway; on the west by land belonging or reputed to belong to the said Furness Railway Company; and on the south by land belonging or reputed to belong to Edward Satterthwaite, Arthur Jukes, Alan Backhouse Salmon, and the Reverend James Marie Crolly; and on the east by land belonging or reputed to belong to the Cumberland Iron Mining and Smelting Company, Limited, and the Earl of Lonsdale.

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