CHAPTER xxvi.

An Act to empower the Mayor Aldermen and Burgesses of the borough of Morley to purchase the undertakings of the Morley Gas Company and the Churwell Gas Light Company to make further provision in regard to the finance of the said borough and for other purposes. A.D. 1898.

[23rd May 1898.]

WHEREAS the borough of Morley in the west riding of the county of York is under the management and local government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas the Morley Gas Company under and by virtue of the Morley Gas Act 1848 the Morley Gas Act 1868 and the Morley Gas Act 1889 have constructed gasworks and are supplying gas within a part of the borough of Morley and the township of West Ardsley in the west riding of the county of York:

And whereas the paid up capital of the Morley Gas Company consists of 7500*l.* stock entitled to a maximum dividend of ten per centum per annum 3600*l.* stock entitled to a maximum dividend of five per centum per annum and 35000*l.* stock entitled to a maximum dividend of seven per centum per annum and the said Company have borrowed on mortgage of their undertaking or by the issue of debenture stock and now owe the sum of 4700*l.*:

And whereas the Churwell Gas Light Company were duly incorporated under the Joint Stock Companies Acts 1856 and 1857 and have constructed gasworks and are supplying gas in the township of Churwell in the borough:

And whereas it is expedient that the gas supply of the borough should be in the hands of the Corporation and that the undertakings of the Morley Gas Company and the Churwell Gas Light Company should be transferred to and vested in the Corporation in manner provided by this Act and that the Corporation should be empowered

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to extend and improve the gasworks in order to meet the growing demands of the inhabitants within the limits of this Act:

And whereas an agreement relating to the sale and transfer of the undertaking of the Churwell Gas Light Company to the Corporation has been entered into and the same is set forth in the First Schedule to this Act and it is expedient that the said agreement be confirmed and carried into effect:

And whereas it is expedient to empower the Corporation to lend money to the guardians of the poor of the Dewsbury Union and to the Morley School Board and to prescribe an uniform period for the repayment of moneys borrowed by the Corporation:

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

And whereas estimates have been prepared by the Corporation for the purposes herein-after mentioned and such estimates are as follows:—

For the extension and improvement of the gasworks	45000*l.*
For providing working capital - - - -	10000*l.*

And whereas the several works included in such estimates respectively are permanent works within the meaning of section 234 of the Public Health Act 1875:

And whereas an absolute majority of the whole number of the council at a meeting held on the third day of January one thousand eight hundred and ninety-eight after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Morley Observer a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate:

And whereas such resolution was published twice in the said Morley Observer and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the seventh day of February one thousand eight hundred and ninety-eight being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

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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) :—

Preliminary.

Short title.

1. This Act may be cited as the Morley Corporation (Gas &c.) Act 1898.

Incorporation of Acts.

2. The following Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act namely :—

The Lands Clauses Acts ;

The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and with respect to the yearly receipt and expenditure of the undertakers) ; and

The Gasworks Clauses Act 1871 (except sections 7 8 and 35 thereof).

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

"The Corporation" means the mayor aldermen and burgesses of the borough of Morley ;

"The borough" means the borough of Morley ;

"The council" means the council of the borough ;

"The town clerk" "the borough fund" "the borough rate" "the district fund" and "the general district rate" mean respectively the town clerk the borough fund the borough rate the district fund and the general district rate of the borough ;

"The companies" means the Morley Gas Company and the Churwell Gas Light Company ;

"The undertaking of the Morley Gas Company" and "the undertaking of the Churwell Gas Light Company" include respectively all the gasworks engines mains pipes machinery lands buildings plant stock-in-trade gas coal and other stores and all other the real and personal property assets and

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effects of whatever nature and all the rights powers and privileges vested in or belonging to or had or enjoyed by the companies respectively at the respective dates of the transfer of their undertakings to the Corporation under the provisions of this Act except as regards the Churwell Gas Light Company the reserve fund of that company and their cash in hand stock-in-trade and gas rents due to the thirty-first day of December one thousand eight hundred and ninety-eight and except the books and papers relating exclusively to the shareholders in and the members and constitution of the companies respectively;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security (not being annuities rentcharges or securities payable to bearer) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation other than the Corporation or of any other local authority as defined by section 34 of the Local Loans Act 1875.

Execution and limits of Act.

4. This Act shall be carried into execution by the Corporation acting by the council and the limits of this Act shall be the borough and the township of West Ardsley.

Purchase of Undertakings.

Morley Company to sell their undertaking to Corporation.

5.—(1.) The Morley Gas Company shall sell to the Corporation and the Corporation shall purchase the undertaking of that company for such price or consideration being a sum in gross and on such terms and conditions as may be agreed upon between the Morley Gas Company and the Corporation or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the Corporation and the expression "lands" shall mean the undertaking of the Morley Gas Company Provided that in determining such consideration due allowance shall be made by the arbitrators or umpire (as the case may be) for the reasonable expense to be incurred in re-investing the same.

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(2.) The Morley Gas Company shall be entitled to pay the reasonable costs and expenses incurred by them of and incident to the opposition to the Bill for this Act and the preparation and promotion of the Bill promoted by the Morley Gas Company entitled "An Act to extend the limits of supply of the Morley "Gas Company and to confer further powers upon that company "and for other purposes" out of their cash in hand or reserve fund but subject to the right of the Corporation to tax such costs and expenses if they so desire as between solicitor and client.

(3.) The Corporation shall pay the costs of the winding-up of the Morley Gas Company and the chairman of that company shall be appointed liquidator for that purpose at a remuneration of fifty guineas which shall cover all the costs of the liquidation except legal expenses.

(4.) The Corporation shall also pay compensation to any officers and servants other than directors in the regular employment of the Morley Gas Company for whom no regular office or employment shall be found by the Corporation in respect of any loss of office or diminution of salary or income the amount of such compensation in default of agreement to be determined by arbitration as aforesaid Provided that no officer or servant who has been in the employment of the company for fourteen years or upwards shall lose his right to compensation as aforesaid by reason of his declining to continue in the service of the Corporation.

(5.) The Corporation shall pay the purchase money to the Morley Gas Company on such day as may be agreed between that company and the Corporation or failing agreement on the twenty-sixth day of March twenty-fifth day of June thirtieth day of September or twenty-sixth day of December next after the date of the award determining the amount of the purchase money and on such day for payment the undertaking of the Morley Gas Company with their rights powers and privileges shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Corporation and such transfer and vesting are in this Act referred to as "the transfer."

Confirmation of agreement with Churwell Company.

6.—(1.) The agreement dated the twelfth day of March one thousand eight hundred and ninety-eight and made between the Churwell Gas Light Company of the one part and the Corporation of the other part and set forth in the First Schedule to this Act is hereby confirmed and made binding on the parties thereto.

(2.) On payment by the Corporation of the amount of purchase money to the Churwell Gas Light Company or into the Bank of

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England under the provisions of this Act the undertaking of that company with their rights powers and privileges shall subject to the provisions of the said agreement of the twelfth day of March one thousand eight hundred and ninety-eight by virtue of this Act become and shall thenceforth be transferred to and vested in the Corporation and such transfer and vesting are in this Act referred to as "the transfer."

Receipt for purchase-money.

7. The receipt in writing of three directors of either of the companies for any money paid to that company by the Corporation shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof Provided that if from any cause the Corporation are unable to obtain such receipt from either of the companies they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Corporation by the cashier of the said bank for the money which shall have the same effect as the receipt of three directors of such company.

Mortgage and debenture debts of Morley Gas Company to be a charge on undertaking.

8. The mortgage and debenture debts of the Morley Gas Company and the interest thereon shall after the transfer of the undertaking of that company and until discharged be a first charge on the gas undertaking of the Corporation.

Pending actions.

9. If at the date of the transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of either of the companies the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same (if against or in favour of the Morley Gas Company) may be continued prosecuted and enforced against or in favour of the Corporation as and when it might have been continued prosecuted and enforced against or in favour of such company if this Act had not been passed but not further or otherwise.

Contracts &c. of companies to be binding on Corporation.

10. All agreements contracts conveyances deeds and other instruments affecting either of the companies and in force at the time of the transfer shall after the transfer be as binding and of as full force and effect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of such company the Corporation had been a party thereto.

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Application of purchase-money payable to Morley Gas Company.

11. The Morley Gas Company shall hold the purchase-money paid to them by the Corporation under this Act in trust to pay apply and distribute the same amongst the shareholders and stockholders in that company according to the amount of the maximum dividend payable to each shareholder or stockholder and for the purpose of such distribution the several persons whose names shall appear in the books of that company at the date of the transfer to be the proprietors of shares or stock therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders or stockholders of that company and the receipt in writing of such persons or of their executors or administrators or of the committee or guardian of the estate of any of such persons who shall be an idiot lunatic or minor shall be an effectual discharge to that company and the directors thereof for the money therein expressed to be received and shall exonerate them from any obligation affecting the shares stock or interest in respect whereof that money is paid.

Payment into court by directors.

12. Where the directors of the Morley Gas Company are for six months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase-money of that company's undertaking is payable or where any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given or on account of any other reasonable cause the directors may pay the same into the Supreme Court or if not exceeding five hundred pounds into the county court of Yorkshire holden at Dewsbury under any Act for the time being in force for the relief of trustees and every such payment into court shall conclusively discharge the company and directors from all further liability with respect to the money so paid.

Winding up and dissolution of Morley Gas Company.

13.—(1.) So soon as conveniently may be after the transfer the affairs of the Morley Gas Company shall be wound up and for that purpose the directors of the company then in office and the survivors of them shall continue in office without re-election and may and shall exercise all powers necessary for the distribution of the purchase-money and for winding up the affairs of the company and when and so soon as such money shall have been distributed and their affairs shall have been wound up the company shall be by virtue of this Act dissolved.

(2.) If the number of directors of the Morley Gas Company be reduced by death resignation or otherwise below three before the completion of such winding up the continuing directors shall choose

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a shareholder or shareholders of the company to fill the vacancy or vacancies so caused.

Morley Gas Company's debts to be paid and received.

14. All debts rents charges and sums of money including the mortgage and debenture debts of the Morley Gas Company which at the time of transfer are due or owing to or from that company in respect of their undertaking shall be paid discharged settled and satisfied or received by the Corporation Provided that the Corporation shall pay to the company the maximum authorised dividends on the capital of the company from the date up to which dividend shall last have been paid up to the date of transfer the dividends being treated for the purpose of this section as accruing from day to day.

Books &c. to remain evidence.

15. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against either of the companies shall be admitted in evidence in respect of the same or the like matter for or against the Corporation.

Maintenance of undertakings by companies till transfer.

16. Until the transfer the undertakings of the companies shall be maintained and carried on by the companies respectively as heretofore in the ordinary course of business but the companies shall not without the previous consent of the Corporation under the hand of the town clerk make or enter into any contract agreement or obligation except such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the undertaking.

Repeal of Morley Gas Company's Acts.

17. The Morley Gas Act 1848 the Morley Gas Act 1868 and the Morley Gas Act 1889 shall as from the transfer to the Corporation of the undertaking of the Morley Gas Company be repealed except so far as may be necessary to give effect to the provisions of this Act.

Maintenance of Gasworks and Supply of Gas.

Powers as to construction and maintenance of gasworks.

18. Subject to the provisions of this Act the Corporation may maintain alter improve enlarge extend and renew or discontinue the gasworks for the time being belonging to them by virtue of this Act upon the lands on which the same are erected or any part thereof and which are described in the Second Schedule to this Act and they may also erect lay down provide and maintain alter improve enlarge extend and renew or discontinue additional and other gasworks retorts gasometers condensers scrubbers exhausters purifiers gasholders tanks 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 produce sell provide supply and deal in 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 or consumption of gas as they may think fit. A.D. 1898.

For protection of London and North Western Railway Company.

19. The following provisions for the protection of the London and North Western Railway Company (in this section called "the railway company") shall be in force and have effect and be binding on the Corporation :—

(1.) In laying down and executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways or works now belonging to the railway company or the bridges approaches viaducts or level crossings of or repairable by the railway company the same shall be done under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer of the railway company and only according to plans and sections to be submitted to and in such manner as shall previously be reasonably approved by him (or in case of difference by the arbitrator to be appointed as herein-after provided) and in all things by and at the expense of the Corporation who also shall restore and make good the roads over any such bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operation of the Corporation and all such works matters and things shall so far as possible be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches or viaducts or interruption to the passage or conduct of the traffic over such railways and if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid the Corporation shall make compensation in respect thereof to the railway company the amount of such compensation to be recoverable from the Corporation by all and the same means as any simple contract debt is recoverable :

(2.) Any difference which may arise between the Corporation and the railway company touching any of the matters referred to

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in this section shall be decided by an arbitrator to be appointed on the application of either party by the Board of Trade.

Power to purchase lands by agreement. Gas not to be manufactured except on lands scheduled.

20. The Corporation may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the Second Schedule to this Act any lands and hereditaments not exceeding in the whole five acres which the Corporation may require for the purposes of their works and undertaking but the Corporation shall not create or permit a nuisance on any such lands and no lands shall be used by the Corporation for the purpose of manufacturing gas or residual products except the lands described in the Second Schedule to this Act.

Restriction on taking houses of labouring class.

21.—(1.) The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2.) For the purposes of this section the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Power to sell lands.

22. The Corporation may sell lease and dispose of any lands acquired by or vested in them under this Act and not for the time being required for the purposes thereof.

Power to supply gas apparatus &c. for heating motive and other purposes.

23. The Corporation may manufacture purchase provide supply sell let for hire and otherwise deal in and fix set up alter repair remove and refix gas meters and fittings gas engines stoves ranges pipes and other apparatus and appliances articles and things for lighting motive power the warming and ventilation of buildings the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in that behalf and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale supply letting fixing setting up altering repairing or removing of such meters fittings engines stoves ranges pipes and other apparatus and appliances articles and things

as aforesaid and for securing (both as regards the consumer and third parties) their safety and return to the Corporation as may be agreed upon between the Corporation and the person to or for whom the same are sold supplied let fixed set up altered repaired or removed The engines stoves ranges pipes fittings and other apparatus appliances articles and things let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent nor to be taken in execution under any process of a court of law or equity or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such engines stoves ranges pipes fittings apparatus appliances articles and things have upon them a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

Supply of gas for other than lighting purposes.

24. The Corporation may supply gas for heating cooking motive power warming ventilating and other purposes and for the particular requirements of any trade industry manufacture or business and may do all things needful therefor on such terms and conditions in all respects as may be agreed between the Corporation and the person to whom such supply shall be given.

Power to lay pipes in streets not dedicated to public use.

25. The Corporation may upon the application of the owner or occupier of any premises abutting on or being erected in any street laid out or made but not dedicated to the public use within the limits of this Act supply such premises with gas and may lay and repair take up alter relay and renew in across or along such street such pipes as may be requisite or proper for furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Power to lay pipes in buildings.

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

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Limiting price of gas.

27. The price to be charged by the Corporation for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed four shillings for every thousand cubic feet and so in proportion for every smaller quantity.

Pressure of gas.

28.—(1.) All gas supplied by the Corporation 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.

(2.) Any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment 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 Corporation of the time and place at which such testing shall be conducted.

Quality of gas.

29. The prescribed number of candles shall be not less than sixteen.

Testing place.

30. Within six months from the transfer a testing place or testing places shall be provided at some convenient part or parts of the gasworks of the Corporation or at the offices of the Corporation.

Burner.

31. The prescribed burner shall be an argand twenty-four hole burner with a seven-inch chimney or any other burner or chimney approved for this purpose by the Board of Trade on the application of the Corporation.

Prepayment in certain cases.

32. Where the Corporation deem it necessary so to do they may require prepayment for gas required to be supplied for a period of six months or any shorter period and in such case may refuse to supply gas unless the estimated cost thereof for such period as the Corporation may fix be prepaid and at the end of each such period the Corporation shall be paid or shall repay any excess or deficiency of money actually payable for gas so supplied and the Corporation shall pay or allow interest at the rate of not less than four per centum per annum on every sum of ten shillings so prepaid during such period as aforesaid.

Corporation to pay interest on money deposited as security for meters.

33. If any person is required by the Corporation to give to them security for the payment of the price or rent of a meter the Corporation shall pay interest at the rate of four 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.

No penalty in case of unavoidable cause.

34. No penalty shall be incurred by the Corporation for neglect or refusal to give a supply of gas in accordance with the provisions of this Act or for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which the court having cognizance of the case are of opinion that such neglect refusal insufficiency defect or excess was caused by circumstances beyond the control of the Corporation or was of so slight or unimportant a character as not materially to affect the value of the supply.

Corporation may contract for supply in bulk.

35. The Corporation may contract with any local authority or person whether within or beyond the limits of this Act (but as to any such authority or person beyond those limits only with the consent of any local authority or company authorised by special Act or Provisional Order confirmed by Parliament to supply gas within the district within which the supply is to be given) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as shall be agreed upon.

Power to refuse to supply persons in debt for other property.

36. If a person requiring a supply of gas for any premises occupies or has occupied other premises at which gas was supplied to him by the Corporation and has not paid all gas or meter rent or other moneys due from him to the Corporation they may refuse to furnish to him a supply of gas for such first-mentioned premises until he pays the same.

Gas consumers to give notice before removing.

37. Twenty-four hours' notice in writing shall be given to the Corporation by every gas consumer before he shall quit any premises supplied with gas by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas rent.

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Notice of discontinuance.

38. A notice to the Corporation from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by the consumer and be left at or sent by post to the office for the time being of the gas department of the Corporation.

Period of error in defective meters.

39. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the current quarter and the amount of the allowance to be made to or of the surcharges to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in any court of competent jurisdiction for the recovery of debts of like amount.

Dwelling-houses for persons in employ of Corporation.

40. The Corporation may maintain and erect dwelling-houses for persons employed by them for the purposes of their gas undertaking upon the lands for the time being belonging to or leased by the Corporation.

Byelaws as to gas fittings &c.

41. The Corporation may make byelaws with respect to the size and nature of the pipes for the supply or distribution of gas in any building and the provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates exclusively to byelaws of a rural sanitary authority) shall apply to byelaws made under the provisions of this section.

Power to inspect gas fittings in new buildings.

42.—(1.) Every person intending to lay down or fix any pipes or other fittings for the supply or distribution of gas by the Corporation in any new building within the limits of this Act which are intended to be covered over shall before such pipes or fittings are covered over give to the Corporation forty-eight hours' notice in writing specifying the situation of such building and any officer of the Corporation duly appointed for that purpose may before the expiration of such notice enter such building between the hours of ten in the forenoon and five in the afternoon and inspect such pipes and fittings and may by order in writing prohibit any such as by reason of improper arrangement inferior workmanship or insufficiency in size or material will in the opinion of such officer be dangerous by allowing the escape of gas or be insufficient to ensure a satisfactory supply of gas to such building and if any

person shall fail to give such notice as aforesaid or shall refuse entry to such officer into such building within the time and for the purpose aforesaid or shall prevent him from making such inspection or shall not to the reasonable satisfaction of such officer make such alteration in the pipes and fittings as he may reasonably require the Corporation shall not be bound to furnish to such person a supply of gas for such building.

(2.) Any person aggrieved by any order made under this section may appeal to a court of summary jurisdiction within seven days after the date of the said order provided he give twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk.

(3.) Notice of the provisions of this section shall be given by advertisement published three times in a local newspaper published or circulated within the limits of this Act.

Finance and Miscellaneous.

Power to borrow.

43.—(1.) The Corporation may independently of any other borrowing power borrow at interest money for the following purposes (that is to say):—

(*a*) For the purchase of the undertakings of the companies and defraying the costs charges and expenses incident to such purchase (other than the costs of this Act) and for the payment of the mortgage and debenture debts of the Morley Gas Company the sums requisite for those purposes:

(*b*) For the extension and improvement of the gas undertaking of the Corporation the sum of forty-five thousand pounds:

(*c*) For working capital for the gas undertaking of the Corporation the sum of ten thousand pounds:

(*d*) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose:

And with the approval of the Local Government Board such further moneys as the Corporation may require for any of the purposes of this Act or otherwise in relation to the gas undertaking of the Corporation.

(2.) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge the district fund and general district rate and the revenue of the gas undertaking of the Corporation.

Certain regulations of Public Health Act as to

44. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which

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borrowing not to apply.

the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Mode of raising money.

45. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions contained in the section of this Act whereof the marginal note is "Sinking fund" shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

Provisions of Public Health Act as to mortgages to apply.

46. Sections 236 to 238 of the Public Health Act 1875 (as to the form register and transfer of mortgages) shall extend and apply to mortgages granted under this Act.

Periods for repayment of money borrowed.

47. The Corporation shall pay off all money borrowed by them under this Act and the mortgage and debenture debts of the Morley Gas Company owing at the date of the transfer within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say) :—

As to money borrowed for the purposes (*a*) and (*b*) mentioned in the section of this Act the marginal note whereof is "Power to borrow" (except money borrowed for the payment of the mortgage and debenture debts of the Morley Gas Company) within forty years from the date or dates of the borrowing of the same;

As to the said mortgage and debenture debts and money borrowed for their repayment within forty years from the date of the transfer;

As to money borrowed for the purpose (*c*) in the said section mentioned within twenty years of the date or dates of the borrowing of the same;

As to money borrowed for the purpose (*d*) in the said section mentioned within ten years from the date or dates of the borrowing of the same;

As to money borrowed with the appoval of the Local Government Board within such period as that Board may prescribe:

Provided that the Corporation shall not be bound to commence the payment off of money borrowed for the said purposes (*a*) and (*b*) except money borrowed for the payment of the mortgage and debenture debts of the Morley Gas Company until the expiration of

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one year from the date or dates of the borrowing of the same nor the payment off of the said mortgage and debenture debts or of money borrowed for the repayment thereof until the expiration of one year from the transfer.

Mode of payment off of money borrowed.

48. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act and the mortgage and debenture debts of the Morley Gas Company either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and subject to the provisions of this Act the payment of the first instalment or the first payment to the sinking fund shall be made within one year from the date of borrowing the sum in respect of which the payment is made or (in the case of the mortgage and debenture debts of the Morley Gas Company) within one year from the date of the transfer Provided that as between the Corporation and the mortgagees or debenture stock holders the provisions of this Act relating to the discharge of the mortgage and debenture debts of that company shall not be deemed to alter or affect the terms of the mortgages or the terms on which the debenture stock was issued.

Sinking fund.

49.—(1.) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act or the mortgage or debenture debts of the Morley Gas Company such sinking fund shall be formed and maintained either—

(*a*) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund; or

(*b*) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(2.) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

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(3.) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4.) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5.)—(*a*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation:

(*b*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6.) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7.) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided always that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

(8.) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9.) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with

the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10.) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11.) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Corporation with the consent of the Local Government Board may determine.

Protection of lender from inquiry.

50. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by the Corporation of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Corporation not to regard trusts.

51. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Appointment of receiver.

52. The mortgagees of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest 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

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whom the application for a receiver is made shall not be less than five hundred pounds in the whole The application for the appointment of a receiver shall be made to the High Court.

Power to reborrow.

53. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such reborrowing.

Annual return to Local Government Board.

54.—(1.) The town clerk shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of 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 for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment of the sum accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

(2.) If it appear to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required by this Act for any sinking fund or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which

default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court. A.D. 1898.

Application of money borrowed.

55. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Proceeds of sale of surplus lands.

56. The proceeds of the sale of any lands acquired by the Corporation under the powers of this Act and the fines and premiums received by the Corporation on the lease of any such lands shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed by the Corporation under the powers of this Act but shall not be applied to the payments of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board and borrowed money discharged by the application of such proceeds shall not be re-borrowed.

Application of revenue.

57. The Corporation shall apply all money received by them in respect of their gas undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say):—

First.—In payment of the working and establishment expenses and cost of maintenance of their gas undertaking;

Secondly.—In payment of the interest on the mortgage and debenture debts of the Morley Gas Company until redemption;

Thirdly.—In payment of the interest on moneys borrowed by the Corporation for the purposes of their gas undertaking;

Fourthly.—In providing the requisite instalments or sinking fund payments in respect of moneys borrowed by the Corporation for the purposes of their gas undertaking and in respect of the mortgage and debenture debts of the Morley Gas Company;

Fifthly.—In extending improving and constructing (if the Corporation think fit) any works for the purposes of their gas undertaking;

Sixthly.—In providing a reserve fund (if the Corporation think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound

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interest until the fund so formed amounts to one-fifth of the aggregate capital expenditure for the time being upon the gas undertaking of the Corporation which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from their gas undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the full amount of one-fifth of the said aggregate capital expenditure:

And the Corporation shall carry to the district fund so much of any balance remaining in any year of the income of their gas undertaking (including the interest on the reserve fund when such fund amounts to one-fifth of the said aggregate capital expenditure) as may in the opinion of the Corporation not be required for carrying on their gas undertaking and paying the current expenses connected therewith.

As to deficiency in receipts.

58. Any deficiency in the revenue of the Corporation on account of their gas undertaking shall be made good out of the general district rate made next or next but one after each such deficiency is ascertained.

Power to lend to guardians and school board.

59.—(1.) The Corporation may if they think fit by resolution determine that any sum or sums which the guardians of the poor of the Dewsbury Union or the Morley School Board (each of which authorities is in this section referred to as "the borrowing authority") may be by law authorised to borrow or re-borrow upon the security of any rates or funds and which the borrowing authority may be desirous of borrowing from the Corporation shall be lent by the Corporation accordingly.

(2.) Any sum which the Corporation shall resolve to lend as aforesaid may be borrowed in the same manner as money authorised to be borrowed under this Act and shall be charged upon the borough fund and borough rate.

(3.) The following provisions shall apply to money borrowed or raised for the purpose of loans to the borrowing authority:—

(*a*) The sum shall be lent by the Corporation to the borrowing authority for a period not exceeding that for which the borrowing authority are authorised to borrow or re-borrow the

same and with a provision for repayment by equal annual instalments of principal or of principal and interest combined :

(*b*) If any sum payable to the Corporation for principal in respect of any sum lent to the borrowing authority shall not be received within six months of the time appointed for the payment thereof a like sum shall be set apart out of the borough fund and if after the application or investment of the sum so set apart or the payment thereof as provided by subsection (5) of this section the whole or any part thereof shall be received by the Corporation the sum so received shall be carried to the credit of the borough fund.

(4.) The following provisions shall apply to money borrowed for the purpose of loans to the borrowing authority and not raised by the issue of stock :—

(*a*) Every sum so borrowed shall be repaid by the Corporation within a period to expire not more than one year after that for which the same was lent by them to the borrowing authority :

(*b*) All sums received from the borrowing authority for interest shall be applied towards the payment of interest payable in respect of moneys so borrowed the balance (if any) being carried to the credit of the borough fund :

(*c*) All sums received from the borrowing authority for principal (except sums which are to be carried to the credit of the borough fund under the provisions of subsection (3) of this section) and all sums set apart out of the borough fund under that subsection shall be applied towards the repayment of the principal payable in respect of moneys so borrowed and until so applied shall be invested in statutory securities the Corporation being at liberty to vary and transpose such investments The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise and if not required for that purpose shall be applied as if the same had been received for interest from the borrowing authority.

(5.) The following provisions shall apply to money raised by the issue of stock for the purpose of loans to the borrowing authority :—

(*a*) All sums received from the borrowing authority for interest shall be paid into the fund which the Corporation may be required to provide for the payment of dividends on stock and shall be applied in paying such dividends :

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(*b*) All sums received from the borrowing authority for principal (except sums which are to be carried to the credit of the borough fund under the provisions of subsection (3) of this section) and all sums set apart out of the borough fund in pursuance of that subsection shall be paid into the fund which the Corporation may be required to provide for the redemption of the stock and shall be applied in the redemption or purchase and extinction of stock and until so applied shall be invested in statutory securities the Corporation being at liberty to vary and transpose such investments The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise :

(*c*) If the sum received as interest from the borrowing authority or derived from such investments as aforesaid is more than is required for the purpose to which the same is to be applied as above mentioned the surplus may be applied in reduction of any contributions payable out of the Corporation revenues in respect of dividends on stock.

(6.) If any doubt shall arise as to how much of any sum received by the Corporation from the borrowing authority is to be regarded as principal or interest the question shall be determined by the Local Government Board.

(7.) The town clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is payable to the Corporation in respect of moneys lent by them to the borrowing authority and raised otherwise than by the issue of stock and at any other time when the Local Government Board may require such a return to be made 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 for the year next preceding the making of such return the amounts which have been received from the borrowing authority for principal the amounts which have been applied directly towards the repayment of the principal payable in respect of moneys raised under this section and the amounts which have been invested and the description of the securities upon which any investment has been made and the purposes to which any portion of the investment has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his wilfully failing to make such return the town

clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(8.) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to apply or invest as required by subdivision (*c*) of subsection (4) of this section any sum by that subdivision required to be applied or invested or have misapplied any of the investments or the produce of the sale thereof the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which such default or misapplication has occurred shall be applied directly towards repayment of principal or be invested and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

As to uniform period for repayment of moneys already borrowed.

60. Notwithstanding anything contained in any Act order or sanction authorising the borrowing or raising by the Corporation of the several loans mentioned or referred to in the Third Schedule to this Act (in this section referred to as "the scheduled loans") an uniform period of forty years from the thirty-first day of March one thousand eight hundred and ninety-eight shall be substituted for the periods prescribed by the said Act order or sanction for the repayment of the scheduled loans and in order to give effect to this enactment the following provisions shall apply (that is to say) :—

(1.) All statutory provisions and all conditions imposed by any public department of State subsisting at the passing of this Act prescribing the time at which or the mode in which any of the scheduled loans shall be repaid are as regards such loans hereby repealed and annulled and all such loans shall be paid off within forty years from the thirty-first day of March one thousand eight hundred and ninety-eight Provided that nothing in this subsection shall be construed to compel the holder of any mortgage or other security granted before the passing of this Act to accept payment of the principal due on his security before the time originally fixed or otherwise agreed in that behalf and the Corporation may continue on loan the sums of money secured by any such mortgage or other security until the time originally fixed or otherwise agreed for the repayment thereof :

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(2.) The repayment of the scheduled loans shall be effected either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund:

(3.)—(*a*) The sinking fund to be formed for the repayment of so much of the scheduled loans as the Corporation shall determine to repay by means of a sinking fund shall be called "the consolidated sinking fund" and shall be an accumulating sinking fund formed and maintained in manner prescribed by the section of this Act whereof the marginal note is "Sinking fund" and the provisions of that section so far as they apply to an accumulating sinking fund shall apply accordingly Provided that the period of forty years from the thirty-first day of March one thousand eight hundred and ninety-eight shall for the purposes of that section be the prescribed period and that the sums to be paid into the consolidated sinking fund shall be such as with the sums to be transferred to that fund under paragraph (*b*) of this subsection and with accumulations on the amounts for the time being in the fund at a rate not exceeding three per centum per annum shall be sufficient to pay off within the prescribed period so much of the scheduled loans as the Corporation determine to repay by means of a sinking fund:

(*b*) All sinking funds formed for the repayment of the scheduled loans which existed or should have been existing on the thirty-first day of March one thousand eight hundred and ninety-eight shall be made up to the proper amount and shall be transferred to the consolidated sinking fund:

(4.) The sums required for the payment of interest on the scheduled loans and for the payment of instalments and for payments into the consolidated sinking fund shall be contributed out of the several revenues and rates out of which the yearly or other sums would have been payable for the purpose of discharging the scheduled loans if this section had not been enacted:

(5.) If at the expiration of the aforesaid period of forty years any mortgages granted before the passing of this Act the holders of which cannot be compelled to accept payment of the sums due to them within the said period are still outstanding the Corporation may keep invested after the expiration of the said period such portion of the consolidated sinking fund as shall be sufficient to pay off the principal moneys secured by such mortgages and the Corporation shall

pay off the same at the times respectively mentioned in that behalf in the respective mortgage deeds and the interest on any such mortgages after the expiration of the said period and until the same are respectively paid off as herein-before provided shall be paid out of the interest and annual proceeds of the moneys which the Corporation are by this subsection empowered to keep invested as aforesaid and if at any time such interest and annual proceeds are insufficient to pay in full the interest on the said mortgages the deficiency so arising shall be made good out of the respective funds or rates which at the passing of this Act are liable in respect of such mortgages and in the order in which they are so liable.

Expenses of execution of Act.

61. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the district fund and general district rate.

Audit of accounts.

62. The accounts of receipts and expenditure of the Corporation under this Act shall be audited examined and published in like manner and with the same consequences as the other accounts of the Corporation are audited examined and published under the Municipal Corporations Act 1882.

Inquiries by Local Government Board.

63.—(1.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2.) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Costs of Act.

64. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped by the moneys which the Corporation are authorised to borrow under the powers of this Act.

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SCHEDULES.

THE FIRST SCHEDULE.

This Agreement made the twelfth day of March one thousand eight hundred and ninety-eight between the Churwell Gas Light Company (herein-after referred to as the Company) of the one part and the Mayor Aldermen and Burgesses of the Borough of Morley (herein-after referred to as the Corporation) of the other part.

Witnesseth that the parties hereto agree as follows:—

1. The Company shall sell and the Corporation shall purchase as a going concern the whole undertaking of the Company including their gasworks premises and other property (save as herein-after stated) at a price to be agreed or fixed in manner herein-after provided.

2. The price shall be such a sum as shall represent the value as on the thirty-first day of December one thousand eight hundred and ninety-eight of the Company's undertaking (save as herein-after stated) as a going concern and shall if not determined on or before the thirty-first day of December one thousand eight hundred and ninety-eight by mutual agreement between the parties hereto be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the Corporation and the expression "lands" shall mean the undertaking of the Company.

3. There shall be excluded from the purchase the reserve fund of the Company and also cash in hand stock in trade and gas rents due to the thirty-first day of December one thousand eight hundred and ninety-eight but the Company shall pay all its debts and liabilities up to and including that date The stock in trade shall be taken over by the Corporation at an amount to be agreed or settled by arbitration.

4. The sale and purchase shall include all the books of the Company except their share registers and transfer books but if such share registers and transfer books shall hereafter be handed over by the Company to the Corporation reasonable access shall at all times be given to directors shareholders and others interested in the Company.

5. The Corporation shall accept without investigation such title as the Company has to all the real and personal property intended to be hereby sold and purchased. .D. 1898.

6. The Company shall execute and do upon completion and at the expense of the Corporation all such assurances and things as shall be reasonably required by the Corporation for vesting in them the undertaking of the Company and for winding-up the affairs of the Company and for giving to the Corporation the full benefit of this agreement.

7. If the purchase shall not be completed on the thirty-first day of December one thousand eight hundred and ninety-eight the Company shall as from that date carry on the business of the Company for the benefit of the Corporation and shall maintain the several works and the plant of the Company in good and efficient order for the benefit and at the risk of the Corporation Provided that the Company shall not contract enter into undertake or otherwise incur after the date hereof (except in the ordinary way of business) any debt or liability without the consent in writing of the Corporation under the hand of their town clerk.

8. If the purchase shall not be completed on the thirty-first day of December one thousand eight hundred and ninety-eight the Corporation shall pay to the Company interest at the rate of four per centum per annum upon the amount of the purchase money as agreed or ascertained under the provisions of this agreement from that date until the actual completion of the purchase.

9. Mr. Lister the gas manager of the Company shall become an officer of the Corporation at the same salary and subject to the same conditions as he now receives and is subject to.

10. The Corporation shall pay to the Company upon the completion of the purchase their costs of these presents.

11. From and after the sealing of this agreement the Company shall suspend all proceedings in connexion with the promotion of the Churwell Gas Order and shall withdraw the application for such Order on the passing of the Morley Corporation Gas Bill and the confirmation of this agreement.

12. This agreement shall be scheduled to the Morley Corporation Gas Bill and clauses shall be inserted therein making it compulsory on the parties hereto to carry this agreement into effect and the Company shall if so desired by the Corporation at the expense of the Corporation support the passing of the said Bill.

13. This agreement is conditional upon the Bill promoted by the Corporation being passed empowering the Corporation to purchase the undertaking of the Morley Gas Company.

14. If any doubt question difference or dispute (other than the question as to the amount of the purchase price) shall arise between the parties hereto touching this agreement or the construction thereof or any clause or

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thing therein contained or any matter in any way relating to or connected with the premises or the rights duties or liabilities of either party hereunder the same shall be referred to the arbitrament of one arbitrator to be agreed upon by the parties hereto or in default of agreement to be appointed by the Board of Trade and this clause shall operate as a submission to arbitration within the meaning of the Arbitration Act 1889 or any statutory modification or re-enactment thereof for the time being in force.

15. This agreement is made subject to such alterations (if any) as Parliament may think fit to make therein Provided that if Parliament shall require any material alteration therein to be made it shall be competent to either party by notice in writing to the other to be given before the Act confirming this agreement shall have received the Royal Assent to rescind the same in which case the same shall be rescinded and of no effect.

In witness whereof the said parties to this agreement have hereunto affixed their seals the twelfth day of March one thousand eight hundred and ninety-eight.

The common seal of the Company has this day been affixed hereto in the presence of

Robt. S. Balden
Chairman.

James Wilkinson
Secretary.

The Common Seal of the Churwell Gas Light Company.

The corporate common seal of the mayor aldermen and burgesses of the borough of Morley was hereunto affixed in the presence of

Charles Scarth
Mayor of the said borough.

L.S.

R. Borrough Hopkins
Town clerk of the said borough.

THE SECOND SCHEDULE.

Lands upon which or part of which the existing works of the Morley Gas Company are erected situate in the borough and consisting of—

(1.) A piece of land containing 1 acre 2 roods 5 perches or thereabouts bounded on or towards the north and west by land belonging to the London and North Western Railway Company on or towards the south by the Valley Road and on or towards the east by land belonging or reputed to belong to the Valley Mill Company :

(2.) A piece of land containing 2 acres 37 perches or thereabouts situate immediately to the south of a now disused colliery known as the Dartmouth Colliery and bounded on or towards the east and north by land belonging or reputed to belong to the Earl of Dartmouth on or towards the west by the siding known as Lister's siding leading from the London and North Western Railway to the said Dartmouth Colliery and on or towards the south by the piece of land next herein-after described :

(3.) A piece of land containing 4 acres 9 perches or thereabouts adjoining and on the northern side of the London and North Western Railway extending northwards from that railway for a distance of 125 yards or thereabouts and bounded on or towards the north by the piece of land lastly herein-before described on the west by the aforesaid siding known as Lister's siding and on the east by land belonging or reputed to belong to the Earl of Dartmouth.

A piece of land upon which the existing works of the Churwell Gas Light Company are erected situate in the township of Churwell in the borough containing 2 roods 24 perches or thereabouts bounded on the north by the township road called the Churwell Old Road on the south by the Leeds and Elland Road on the east by property belonging to Messrs. Hepworth and Company and on the west by property belonging to the London and North Western Railway Company.

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THE THIRD SCHEDULE.

Outstanding Loans.

Water.

Act under which Loan contracted.	Purpose.	Date of Borrowing.	Period authorised for Repayment.	Balance outstanding on 31st March 1898.
				£ s. d.
Local Government Act 1858 -	Waterworks -	1857	30 years	1,100 0 0
Do. -	Do. -	1869	30 years	4,500 0 0
Do. -	Do. -	1871	50 years	1,700 0 0
Public Health Act 1875 -	Do. -	1879	30 years	416 13 4
Do. -	Do. -	1884	30 years	1,400 0 0
Do. -	Do. -	1886	30 years	1,000 0 0
Do. -	Do. -	1896	30 years	2,000 0 0
Morley Corporation Water Act 1890.	Do. -	1891	60 years	46,520 0 0
Do. -	Do. -	1892	60 years	8,200 0 0
Do. -	Do. -	1893	60 years	37,900 0 0
Do. -	Do. -	1896	60 years	7,300 0 0
Do. -	Do. -	1896	50 years	8,500 0 0
Do. -	Do. -	1896	30 years	27,400 0 0
Do. -	Do. -	1892	15 years	6,000 0 0
			£	153,936 13 4

Amount originally borrowed £170,645.

Various Sanitary Purposes.

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Act under which Loan contracted.	Purpose.	Date of Borrowing.	Period authorised for Repayment.	Balance outstanding on 31st March 1898.
				£ s. d.
Local Government Act 1858 -	Sewerage -	1871	30 years	100 0 0
Do. -	Do. -	1872	50 years	800 0 0
Public Health Act 1875 -	Do. -	1879	30 years	333 6 8
Do. -	Do. -	1877	30 years	1,900 0 0
Do. -	Street Improvement.	1879	20 years	1,100 0 0
Do. -	Do. -	1894	3 years	1,000 0 0
Do. -	Do. -	1894	50 years	1,777 0 0
Do. -	Do. -	1894	20 years	1,500 0 0
Do. -	Laying out park	1889	20 years	3,000 0 0
Do. -	Do. -	1888	10 years	300 0 0
Do. -	Do. -	1888	30 years	650 0 0
Do. -	New road -	1888	25 years	1,850 0 0
Do. -	Do. -	1893	25 years	300 0 0
Do. -	Do. -	1894	25 years	1,400 0 0
Do. -	Churwell Waterworks.	1876	50 years	5,700 0 0
Do. -	Sewerage Isolation Hospital.	1893	50 years	1,000 0 0
Do. -	Do. -	1893	28 years	2,000 0 0
Do. -	Land for store yard.	1895	50 years	2,000 0 0
Do. -	Stables - -	1897	30 years	1,000 0 0
				£27,710 6 8

Amount originally borrowed £46,327.

A.D. 1898.

Municipal Purposes.

Act under which Loan contracted.	Purpose.	Date of Borrowing.	Period authorised for Repayment.	Balance outstanding on 31st March 1898.
				£ s. d.
Burial Acts - - -	Cemetery -	1883	50 years	4,500 0 0
Do. - -	Do. -	1884	—	900 0 0
Do. - - -	Do. -	1888	—	400 0 0
Municipal Corporations Act 1882 and Local Government Act 1888.	Town Hall -	1893	30 years	25,000 0 0
Do. -	Do. -	1897	20 years	16,120 0 0
				£46,920 0 0

Amount originally borrowed £46,920.

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