CHAP. lxvi.

An Act to authorize the Local Board of Oswaldtwistle in the parish of Whalley in the county of Lancaster to make and supply Gas, and to confer various powers upon the said Local Board in reference to gas, water, and street improvements; and for other purposes. [24th June 1869.]

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WHEREAS part of the district of Oswaldtwistle in the parish of Whalley in the county of Lancaster is at present supplied with gas by the Accrington Gas and Waterworks Company, under an agreement between that company and the local board of the district of Oswaldtwistle, in this Act called "the local board," which will expire in the month of July one thousand eight hundred and sixty-nine, and it has been agreed between the local board and the said company that the said company shall sell, and the local board shall purchase, the mains, pipes, meters, fittings, and apparatus both for water and gas of the said company within the limits herein-after described, at the price of six thousand pounds:

And whereas the Oswaldtwistle Gas Company, Limited, (in this Act called the "Oswaldtwistle Gas Company,") has been formed under the Companies Acts, 1862 and 1867, for manufacturing and selling gas within the district of the local board, and they have purchased the land described in the schedule A. to this Act annexed, for the purpose of erecting gasworks thereon, but have not yet proceeded to construct such works:

And whereas it would be of public advantage if the local board were empowered to make and maintain gasworks and supply gas within the limits of this Act:

And whereas the Oswaldtwistle Gas Company and the local board have entered into an agreement for the sale to the local board, subject to the approval of Parliament, of the undertaking of the said company, a copy of which agreement is set out in schedule B. to this Act annexed; and it is expedient that the

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said agreement should be confirmed, and provision made for carrying the same into effect, subject to the provisions of this Act:

And whereas it is expedient to confer on the local board further powers for regulating the supply of water within the district, and to impose and enforce payment of penalties for the waste or misuse of water, and to empower the local board to supply water by agreement to persons within the limits of this Act:

And whereas it is expedient to confer powers upon the local board for providing a town hall and other public buildings and places for markets and fairs, and to confer other powers upon the local board with respect to markets and fairs, and the establishment of public baths and wash-houses:

And whereas it is expedient to authorize the local board to purchase, by agreement, lands and buildings for various purposes, and from time to time to sell any property for the time being acquired by them under this Act, and not required for any of the purposes of the local board:

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

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

Short title.

1. This Act may for all purposes be cited as "The Oswaldtwistle Local Board Act, 1869."

8 & 9 Vict. c. 18., 10 & 11 Vict. cc. 15. & 17., and 23 & 24 Vict. c. 106. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement, and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Gasworks Clauses Act, 1847," except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit, and the provisions of "The Waterworks Clauses Act, 1847," with respect to the recovery of damages not specially provided for, and of penalties, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Same meanings to words in incorporated Acts as in this Act.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction: Provided always, that in the Acts wholly or partially incorporated with this Act, and also in this Act, the

expression "the undertakers," or "the company," shall mean the local board; and the expression "the gasworks" shall mean and include the gasworks and works agreed to be purchased by the local board, as well as the gasworks by this Act authorized to be constructed; and the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Interpretation of terms.

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

The expression "the district" shall mean the district of the local board:

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

Limits of Act for gas.

5. The limits of this Act for the supply of gas shall comprise and include so much of the township of Oswaldtwistle in the parish of Whalley as lies on the easterly side of a straight line drawn from the Ordnance summit on the Accrington branch of the Bury, Haslingden, and Whalley turnpike road near the Mother Red Cap public house to a point in the boundary of that township where the same adjoins the township of Yate and Pickup Bank near the place called Windy Bank, also so much of the township of Church in the parish of Whalley as lies to the south of the Lancashire and Yorkshire Railway, and that portion of the township of Church situate on the northerly side of the said railway which is bounded on the northerly side by the Accrington branch of the said turnpike road, and on the easterly side by the road leading from the Navigation Inn to the Greyhound Inn, and the easterly side of the road leading from the Greyhound Inn to the said railway, which limits are in this Act called "the gas limits;" but, except as aforesaid, the local board shall not supply gas north of the southerly side of the said railway, nor to the Church station of the said railway.

Act to be executed by local board.

6. This Act shall be executed by the local board, with the powers and indemnities and according to the provisions of the Public Health Acts, and those Acts shall in relation to the local

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board and the several objects and purposes of this Act be read and construed as if the purposes and provisions of this Act were purposes and provisions of the Public Health Acts, so far as the same shall be applicable thereto, and except so far as any of the provisions of the Public Health Acts are expressly varied or otherwise provided for by this Act.

Local board may appoint gas committees.

7. For more conveniently carrying this Act into execution, the local board from time to time may appoint out of their own body a committee, to be called "the gas committee," consisting of such number of persons, not exceeding eight, as the local board shall think fit, and may fix the quorum of such committee, and may continue, alter, or discontinue such committee, and such committee may have and exercise such of the discretions, powers, and authorities by this Act given to or reposed in the local board with respect to gas as the local board shall from time to time think proper to delegate to them.

Quorum of committee.

8. The committee so appointed may meet from time to time, and may adjourn from place to place, as they may think proper, for carrying into effect the purposes of their appointment, but no business shall be transacted at any meeting of the committee unless the quorum of members (if any) fixed by the local board, and if no quorum be fixed unless three members, be present; and at all meetings of the committee one of the members present shall be appointed chairman, and all questions shall be determined by a majority of the votes of the members present, and in case of an equal division of votes the chairman shall have a casting vote, in addition to his vote as a member of the committee.

Minute books of committees to be open for inspection.

9. All the minute and other books of the gas committee, and all documents, writings, and papers in the custody of or belonging to that committee, shall at all times be open to the inspection of any member of the local board.

Streets under control of local board may be taken up without notice.

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

For the protection of the Lancashire and Yorkshire Railway.

11. In constructing and maintaining any works affecting the Lancashire and Yorkshire Railway which the local board are authorized to construct and maintain, the local board shall be subject to the following conditions; namely,

All works affecting the Lancashire and Yorkshire Railway, or the works, land, or property of the Lancashire and Yorkshire Railway Company, shall be executed at the expense of the

local board, under the superintendence and to the satisfaction of the engineer for the time being of the Lancashire and Yorkshire Railway Company, and according to plans and specifications previously submitted to the said engineer:

If the surveyor of the local board and the engineer of the Lancashire and Yorkshire Railway Company differ concerning the said plans or specifications, or the method in which the said works are to be executed, all such differences shall be settled by an engineer to be appointed by the said surveyor and engineer of the company, or if they cannot agree upon an engineer, then by an engineer to be appointed by the Board of Trade, on the application of either party:

The said works shall be constructed and maintained so that the traffic upon the Lancashire and Yorkshire Railway shall not be in anywise impeded or interfered with:

If by reason of the construction and maintenance of any of the works of the local board the Lancashire and Yorkshire Railway Company, or their railway, or any of their works, land, or property, shall be damaged or injured, the local board shall compensate the Lancashire and Yorkshire Railway Company for any loss or expense occasioned thereby; and the amount of such compensation shall be settled, in case of difference, in the manner provided by "The Public Health Act, 1848," with respect to the settlement of disputes as to compensation by arbitration.

Local board to purchase pipes, &c. of Accrington Gas and Waterworks Company.

12. The Accrington Gas and Water Company shall sell and transfer to the local board, and the local board shall purchase from the said company, all the main and other pipes, meters, fittings, and apparatus, both for water and gas, belonging to the said company within the gas limits, and the consideration for the transfer shall be the payment by the local board to the said company of the sum of six thousand pounds; and such payment shall be made, and the sale and transfer shall be completed, on the thirtieth day of September next after the passing of this Act; and after the transfer the said company shall not supply gas or water within any part of the gas limits; and the said sum of six thousand pounds shall be applied only in paying off mortgages of the company as they become due, and it shall not be lawful for the company to re-borrow the amount so paid off.

Agreement between gas company and local board confirmed.

13. The agreement between the Oswaldtwistle Gas Company and the local board, a copy of which is set forth in schedule B. to this Act annexed, is by this Act confirmed, and made binding on the said gas company and the local board respectively, and may and shall be carried into full effect by the said gas company and

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the local board respectively, but in construing the said agreement the expression "mortgages and charges" used in Article I. thereof, and referring to mortgages and charges subject to which the said gas company are to sell and the local board are to purchase the gas works and premises therein described, shall not be held to include payments in advance of calls or by way of loan made by shareholders of the company.

Gas company to wind up their affairs.

14. Forthwith after the conveyance or transfer to the local board of the lands, property, powers, rights, and privileges of the Oswaldtwistle Gas Company, the said gas company shall proceed to wind up their affairs, and in order thereto shall, subject to the payment, satisfaction, and discharge of all their debts, contracts, and liabilities which by the said agreement the local board have not agreed to adopt or discharge, distribute and pay their net monies to and among the several persons who at the time of the transfer are the registered shareholders of the said gas company, in proportion to their respective shares of the capital of the said gas company, or their respective executors, administrators, successors, or assigns.

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

15. For the purposes of such winding up, the receipt of the guardian or committee of any shareholder in the said gas company shall be an effectual discharge to the said gas company and to the directors thereof for so much of the purchase money or other monies 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.

Payments into court by gas company.

16. Provided that where the Oswaldtwistle Gas Company are, for twelve months after the period for the distribution of their net monies, unable, after diligent inquiry, to ascertain the person to whom any part thereof ought to be paid, or where any part thereof is payable to a person who, or whose guardian or committee, cannot give an effectual receipt for the same, the said gas company may pay the same into the Court of Chancery, under any Act from time to time in force for the relief of trustees, and every such payment into court shall conclusively discharge the said gas company from all further liability with respect to the net monies so paid, and for the purposes of this Act shall be deemed to be a payment thereof to the person absolutely entitled thereto, and any person afterwards showing to the satisfaction of the court that he is entitled thereto may obtain payment thereof out of court accordingly.

Power to erect gas works and to maintain

17. After the conveyance to the local board of the lands described in the schedule A. to this Act annexed, or any part thereof, the local board from time to time may, in and upon the lands so con-

veyed, or any part thereof, erect, maintain, enlarge, and discontinue gasworks for the manufacture and supply of gas, and all such conveniences, houses, buildings, roads, and approaches, and do all such acts as they may think proper for manufacturing and storing gas, and for supplying gas within the gas limits, and may convert, manufacture, sell, and dispose of coke, coal, tar, pitch, asphaltum, ammoniacal liquor, oil, and all other refuse or residuary products arising, remaining, produced by, or obtained from the manufacture of gas by them or the materials used therein, and may manufacture and sell such articles as can be produced from or by means of the several matters and things aforesaid, and may contract for, take, and use any leave, licence, or authority to work, use, exercise, or put in practice any invention or inventions under any letters patent at any time heretofore made or hereafter to be made, granting any right or privilege of working, using, exercising, or vending any invention in relation to the manufacture and distribution of gas or the utilization of the residual products arising from the manufacture of gas, or otherwise in relation thereto; but the local board shall not acquire any exclusive right to any such invention; and the local board may also manufacture and sell, let, or deal in gas fittings, tubes, meters, pipes, and all other articles and things in any way connected with gasworks or with the supply of gas to the consumers thereof, in such manner as the local board may think proper: Provided always, that nothing herein contained shall be deemed to exempt the local board from any liability to be proceeded against for nuisance: Provided also, that the local board shall not erect or use any works for the manufacture or storage of gas on any lands other than the lands described in the schedule A. to this Act annexed.

gasworks of gas company when purchased.

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

Power to purchase gas plant by agreement.

19. The local board, with the consent of the owner or occupier of any building, may lay any pipe, branch, or other necessary apparatus from any main or branch pipe into, through, or against such building, for the purpose of lighting it, or any street, road, market place, or public building or place, and may, with the like consent, provide and set up any apparatus necessary for securing to such building, street, road, market place, or public building or place, a proper and complete supply of gas, and for measuring and ascer-

Power to lay pipes against buildings.

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taining the extent of such supply, and may, with the like consent, from time to time, repair, replace, alter, or discontinue and remove any such pipe, branch, or apparatus.

Limiting charge for supply of gas.

20. The maximum price at which gas shall be sold by the local board to all persons who shall burn the same by meter shall not exceed five shillings per thousand cubic feet.

Incoming tenant not liable for arrears.

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

Local board may require consumers to use meters.

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

Consumer to keep his own meter in proper order.

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

Local board to have access to and power to remove and examine meters.

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

Penalty for altering or injuring gas meters.

25. Every person who fraudulently alters any meter or any part of any meter employed for measuring and registering the supply of gas by the local board, or any pipe connected therewith, or who in any way fraudulently, wilfully, or knowingly prevents any such meter from duly measuring or registering the quantity of gas supplied by

the local board, or who knowingly or wilfully destroys or effaces any stamp or mark which is now or may hereafter be used for the stamping or marking of any meter employed for measuring and registering the supply of gas by the local board, shall for every such offence forfeit to the local board a sum not exceeding five pounds, and the local board may, in addition thereto, recover the amount of any damages by them sustained in consequence thereof, and the local board may also take off or discontinue the supply of gas to or for the use of the person so offending, notwithstanding any contract which may have been previously entered into.

Power to remove meters and fittings.

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

As to quality of gas.

27. All the gas supplied by the local board shall be of such quality as to produce from an argand burner having fifteen holes and a seven-inch chimney, and consuming five cubic feet of gas per hour, a light equal in intensity to the light produced by fourteen sperm candles of six in the pound burning one hundred and twenty grains per hour.

Test meter to be erected.

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

Justices on requisition of consumers may appoint inspector of gas.

29. Any justice, not being a member of the local board, on receiving a requisition signed by not less than five consumers of gas of the local board, may, by order in writing, appoint some competent person to proceed to the works of the local board for the

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purpose of testing the illuminating power of the gas supplied by the local board; and the person so employed may, at any reasonable hour in the daytime, on producing such order, enter on the premises of the local board, and in the presence of the manager of the gasworks, or other officer of the local board, make experiment of the illuminating power of the gas passing through such experimental meter as aforesaid; and if it shall be proved to the satisfaction of any two justices, not being members of the local board, after hearing the parties, that the gas supplied by the local board did not, when so tested, equal the illuminating power required by this Act, or that the local board or their officers hindered or prevented such experiment being made, in any such case the local board shall forfeit such sum not exceeding twenty pounds for each offence as the justices shall determine.

Costs of experiment.

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

Power to supply water to persons beyond the limits.

31. The local board, by agreement with the owner or occupier of any house, building, or tenement situate in that part of the township of Church which is included within the gas limits, may supply to such house, building, or tenement any quantity of water that may be required for domestic purposes, upon such terms and conditions as may be agreed upon between the local board and such owner or occupier: Provided always, that the supply of water to all such houses, buildings, and tenements shall not prejudicially interfere with the supply of water for domestic purposes within the district of the local board.

What are domestic purposes.

32. A supply of water for domestic purposes shall not be deemed to include a supply of water for more than one watercloset, or for cattle or for horses, or for washing carriages, where such horses or carriages are kept for hire, or for steam engines, or for railway purposes, or for warming or ventilating purposes in public buildings, or for working any machine or apparatus, or for any trade, manufacture, or business whatsoever, or for watering gardens by means of any tap, tube, pipe, or other like apparatus, or for fountains, or for flushing sewers or drains, or for public or private baths, or for any ornamental purposes whatsoever.

Restriction on supply for other than domestic purposes.

33. No company or person shall be entitled to have under this Act a supply of water for any purpose other than domestic purposes when the supply would interfere with the proper supply of water for domestic purposes by the local board.

Service pipes.

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

Penalty for improperly fitting service pipes.

35. If any person connects any service pipe or other fitting with any of the mains or pipes of the local board otherwise than under the superintendence and in accordance with the reasonable requirements of the proper officer of the local board, every person so offending shall for every such offence forfeit and pay to the local board not exceeding five pounds, and shall pay for all water taken by means of the service pipe or other fitting so improperly connected water rates fourfold the amount of the water rates which would otherwise be payable in respect of the supply.

Power for local board to make regulations for preventing waste of water.

36. Subject to the provisions of this Act, the local board from time to time may make and enforce such reasonable regulations as they find expedient for preventing the waste or misuse of water supplied by them, and, among other things, may prescribe the size, nature, materials, make, strength, and arrangement of the pipes, cocks, cisterns, and other apparatus used for purposes of the supply.

Power for local board to refuse to supply where regulations not complied with.

37. In the event of any of the regulations of the local board with respect to water not being observed by any person having or requiring a supply of water, the local board may refuse to supply water, or cut off the water supplied by them to him, unless and until the regulations be complied with; and if and whenever any difference arises as to whether the regulations are reasonable, or have been complied with by any person whose supply of water is so cut off, the difference may be referred by either party to and shall be determined by any two justices.

Penalty for suffering pipes to be out of repair.

38. Every person supplied by the local board with water who wilfully suffers any pipe, cock, cistern, or other apparatus used for purposes of the supply to be out of repair, so that the water supplied to him by the local board is wasted, shall for every such offence forfeit and pay to the local board not exceeding five pounds over and above the loss which the local board sustain by reason of the waste.

Pipes, &c. out of repair to be repaired.

39. In every such case the local board, by notice in writing under the hand of their clerk or surveyor, delivered to the person allowing the pipe, cock, cistern, or other apparatus to be out of repair, or left for him at the house where the apparatus is, may

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require him to repair the apparatus so as to prevent the waste of water, and if he fail to do so within three days after the service of the notice the local board may repair the apparatus, and the expense thereof shall be repaid to them by the person so in default, and may be recovered as penalties under this Act are recoverable.

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

40. Every person using for other than domestic purposes any water supplied by the local board, and not having previously agreed with the local board for a supply for the other purposes, and every person having agreed with the local board for a supply of water for any other than domestic purposes, and using for any purposes other than the purposes so agreed on the water so supplied by the local board, shall respectively for every such offence forfeit and pay to the local board any sum not exceeding five pounds.

Power for local board to provide water meters, &c.

41. The local board may make, provide, and sell water meters and fittings, and may let for hire meters for ascertaining the quantity of water consumed or supplied, and any fittings thereto.

Notice to local board of putting up water meters.

42. Before any person connects or disconnects any water meter by which any of the water of the local board has been or is intended to be registered, he shall give not less than twenty-four hours notice in writing to the local board of his intention so to do.

Penalty for fraudulently injuring water meter.

43. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any water meter or fitting belonging to the local board, or fraudulently alters the index to any water meter, or prevents any water meter from duly registering the quantity of water supplied, or fraudulently connects with a water meter any water pipe calculated to interfere to the prejudice of the local board with the due action of the water meter, or effaces or alters any mark applied to a water meter, shall, without prejudice to any other right or remedy for the protection of the local board, or the punishment of the offender, forfeit and pay to the local board for every such offence not exceeding five pounds, and the local board may, in addition thereto, recover the amount of any damages by them sustained; and, notwithstanding any contract with respect to the supply of water to the person so offending, the local board may discontinue the supply of water to him until the damage or injury is remedied, and the amount of the damages is paid; and the existence of artificial means for the alteration or prevention when the water meter is in the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently, knowingly, and wilfully caused by the consumer using the water meter.

Register of water meter to be primâ facie evi-

44. The register of the water meter shall be primâ facie evidence of the quantity of water consumed by any customer of the

local board, and in respect of which any rate is charged and sought to be recovered by the local board.

dence of water consumed.

45. The local board may purchase, by agreement, and erect thereon a town hall and offices and other public buildings, and they may from time to time enlarge and improve the same, and furnish and fit up the same with all proper furniture and conveniences.

Power to erect town hall, &c.

46. The local board may, in exercise of any of the powers contained in the fiftieth section of "The Local Government Act, 1858," but subject to the restrictions in that section contained, provide places for markets, fairs, with proper approaches, works, and conveniences, and may demand and receive tolls, stallages, and rents in respect of the markets and fairs not exceeding the tolls, stallages, and rents specified in schedule C. to this Act annexed.

Powers of local board as to markets and fairs.

47. The powers conferred by the Acts relating to the establishment of public baths and wash-houses may be exercised by the local board, who shall for the purpose of carrying those Acts into execution within the district be the commissioners for the execution of those Acts.

Power as to public baths and wash-houses.

48. The local board may, from time to time, by agreement, purchase all or any lands or buildings which they may require for any of the purposes of this Act, and may from time to time re-sell any such lands or buildings which may not be required for any of the purposes of the local board.

Power to purchase land by agreement, &c.

49. For defraying the expenses of the several works by this Act authorized, and of otherwise carrying the powers and provisions of this Act into execution, the local board, from time to time, when and so often as occasion shall require, and according to the powers, provisions, and restrictions of "The Public Health Acts," may make and levy a rate, to be called "The Improvement Rate," upon the owners and occupiers of all kinds of property within the district for the time being assessable under "The Public Health Act" to the general district rate: Provided always, that the local board shall not levy in any one year improvement rates exceeding in the whole one shilling in the pound on the full net annual value of the rateable property in the district.

Improvement rates for expenses of executing Act.

50. The several powers and provisions of "The Public Health Acts" with respect to the making, levying, collection, and recovery of general district rates, and with respect to exemptions and limitations, shall extend and apply to the improvement rates under this Act.

Provisions as to general district rates to apply to improvement rates.

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Improvement rates may be collected with general district rates.

51. For the purpose of diminishing the expenses of assessing, making, levying, and collecting any improvement rate under this Act, the local board may include the same in any general district rate under the "Public Health Acts," and may make, levy, collect, and recover the same as part of any general district rate.

Amount of rate to include expenses of recovering it.

52. The amount of any improvement rate under this Act may, if the local board think fit, be such an amount as in their judgment will be sufficient to raise or discharge, not only the sum in respect of which the rate is made, but also such a sum as will meet the expenses, or what is in their judgment a due proportion of the expenses, incurred and to be incurred in and about making and recovering the rate.

Not to affect power of local board under Public Health Acts.

53. Nothing in this Act contained shall take away, prejudice, or affect the powers of the local board, under "The Public Health Acts," of making any general district, water, highway, or other rates for the purposes of those Acts or any of them.

Power to borrow on mortgage.

54. The local board from time to time, under the authority of this Act, in addition to any monies they are authorized to borrow under "The Public Health Acts," may borrow at interest, on mortgage of the gasworks, lands, and property to be acquired by them under this Act, and of the improvement rates, and of the gas rates, and other rates, rents, and revenue under this Act, and of the general district rates leviable by the local board under "The Public Health Acts," or of any such securities, either together or separately, all such sums as they may from time to time think requisite for any of the purposes of this Act, not exceeding in the whole twenty thousand pounds, and after having paid off, otherwise than by the sinking fund, any monies so borrowed, may re-borrow the amount so paid off, and so from time to time.

10 & 11 Vict. c. 16. to apply to mortgages.

55. The sections of "The Commissioners Clauses Act, 1847," "with respect to mortgages to be executed by the commissioners," shall be incorporated with and form part of this Act, and shall be applicable to the mortgages to be made by the local board under this Act: Provided always, that, for the purposes of this Act, the expression "the commissioners" in those provisions shall mean the local board, and the sum to be set apart yearly by the local board as a sinking fund shall be a sum equal to one fiftieth part of the monies borrowed by the local board under this Act.

Existing mortgages to have priority.

56. All mortgages granted by the local board prior to the passing of this Act, and which shall be in force at the time of the passing of this Act, shall during the continuance thereof have priority over all mortgages to be granted by virtue of this Act.

Arrears may be enforced by appointment of a receiver.

57. The mortgagees of the local board under this Act may enforce the payment of arrears of interest or of principal, or of principal and interest, due to them by the appointment of a receiver, and the amount of principal and interest in arrear to authorize the appointment of a receiver shall be two thousand pounds.

Separate accounts for gasworks.

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

Application of monies borrowed.

59. All monies from time to time borrowed under this Act shall be applied by the local board only as follows:

First, in payment of such part as the local board think fit of the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, or otherwise in relation thereto:

Secondly, in the purchase and completing the purchase of the undertaking of the Oswaldtwistle Gas Company, and of the gas plant, gasworks, and other matters and things by this Act authorized to be purchased and acquired from that gas company, or from the Accrington Gas and Waterworks Company, or from any other person or persons, and in payment of the costs, charges, and expenses of and incident thereto, and in the construction and extension of the gasworks by this Act authorized to be constructed:

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

Application of other monies.

60. All monies from time to time received from the improvement rate, and all gas rates, rents, revenue, and other monies under this Act carried to the credit of the gasworks account, except monies borrowed, shall be applied by the local board as follows:

First, in payment of such part as the local board think fit of the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, or otherwise in relation thereto:

Secondly, in payment of the interest on the monies from time to time borrowed by the local board under this Act:

Thirdly, in carrying into execution the several purposes of this Act with respect to gasworks and the supply of gas:

Fourthly, in providing the sinking fund by this Act required:

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Fifthly, in payment of any charges or expenses for the time being payable out of the general district rate of the district, or otherwise, for the public benefit of the inhabitants and the improvement of the district.

Recovery of gas and meter rents by distress.

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

Contents of summons or warrant.

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

Recovery of sums by action.

63. Whenever any person neglects to pay any rent, rate, or sum due to the local board, the local board may recover the same, with full costs of suit, in any court of competent jurisdiction for the recovery of debts of the like amount, and the remedy of the local board under this enactment shall be in addition to their other remedies for the recovery of such rent, rate, or sum.

Application of penalties.

64. Every penalty imposed by this Act or by any Act incorporated with this Act, or any byelaw (except where the local board shall be the party by whom the penalty has to be paid), shall be paid to the treasurer of the local board, and shall be carried by him to the credit of the gasworks account.

Contract for supply of gas not to disqualify members of local board.

65. No person shall be disqualified from being, continuing, or acting as a member of the local board by reason of his being concerned in any contract entered into by the local board for a supply of water or gas, or other matters, articles, or things, under this Act, or for the sale of any land for the purposes of "The Public Health Acts" or this Act, or of his being interested in any contract

with any newspaper in which advertisements are inserted for the local board, nor shall any mortgagee of the rates to be levied under this Act be disqualified as a member of the local board by reason of his being a mortgagee.

Authentication of notices.

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

Penalties not cumulative.

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

Saving rights of local board.

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

Expenses of Act.

69. All the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the local board out of the first monies at their disposal.

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SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

Land purchased by Oswaldtwistle Gas Company (Limited) for Construction of Gasworks.

Land known by the name of Blenkinsop's Meadow, bounded on the northerly side by the turnpike road leading from Blackburn to Accrington, on the westerly side by a certain brook there situate called Foxhill Bank Brook, on the southerly side by certain lands the property or reputed property of John Tomlinson and William Jackson, and on the easterly side partly by certain lands the property of William Woods, Thomas Duxbury, and Daniel Thwaites, and partly by a road leading from the old road from Oswaldtwistle to Enfield to the turnpike road aforesaid.

SCHEDULE B.

AN AGREEMENT made the seventh day of December one thousand eight hundred and sixty-eight between the Oswaldtwistle Gas Company, Limited (herein-after called "the company"), of the one part, and the local board of the district of Oswaldtwistle in the county of Lancaster (herein-after called "the local board"), of the other part.

WHEREAS the company was incorporated under the Joint Stock Companies Act by the name of "The Oswaldtwistle Gas Company, Limited," and obtained a certificate of incorporation on the twenty-ninth day of April one thousand eight hundred and sixty-eight, and was established for the purpose of the manufacture and sale of gas from coal, cannel, and other substances, and the purchase, renting, and otherwise acquiring of land and buildings at or near Oswaldtwistle and elsewhere in the county of Lancaster, and erecting on such land buildings, sheds, gasometers, and other apparatus for the manufacture and sale of gas, and the repairing and maintaining of the premises, and the acquiring by purchase, lease, or otherwise of such interest in lands, rights of water, and other easements, tenements, and hereditaments as the company think requisite, and the doing all such other things as are incidental or conducive to the attainment of the above objects: And whereas the local board intend in the ensuing session of Parliament to apply for an Act enabling them (amongst other things) to manufacture and supply gas for public and private purposes within the district of Oswaldtwistle and elsewhere: And whereas the company

have agreed that (in the event of the company and the local board being respectively authorized by the said Act of Parliament so to do) the company shall sell and the local board shall purchase the undertaking of the company, upon the terms herein-after expressed: Now these presents witness, that the company, so far only as regards their own acts and defaults, do hereby agree with the local board, and the local board, so far only as regards their own acts and defaults, do hereby agree with the company, as follows:

1. The company in the event aforesaid, but not otherwise, shall sell, and the local board shall purchase, all the gasworks, lands, buildings, mains, pipes, meters, machinery, apparatus, plant, and implements of trade, powers, rights, and privileges whatsoever of the company (herein-after called the purchased premises), subject to such mortgages and charges as may be subsisting on the completion of the purchase, and which affect the company or the purchased premises, and subject also to all contracts and agreements which may be then subsisting for the purchase of the coal, cannel, machinery, and apparatus for the manufacture of gas, and to all contracts and agreements which may be then subsisting for the sale of gas, ammoniacal liquors and other products of gas, and subject also to any agreement which may be then subsisting between the company and any person or persons for the manufacture of gas on behalf of the company, and the said company and local board respectively shall perform all acts and execute all deeds necessary to carry out such sale and purchase. And all then subsisting contracts and agreements for the purchase of coal, cannel, machinery, and apparatus for the manufacture of gas, and for the sale of gas, ammoniacal liquors, and other products, and any such agreement as aforesaid with any person or persons for the manufacture of gas on behalf of the company, shall also be taken up by the local board, who hereby agree to accept and perform the same.

2. The purchase shall be completed on the first day of July one thousand eight hundred and sixty-nine, and until the completion of the purchase the parliamentary committee of the local board, consisting of George Walmsley of Oswaldtwistle, cotton spinner, Robert Watson of the same place, cotton spinner, John Haworth of the same place, cotton manufacturer, Joseph Green of the same place, cotton spinner and manufacturer, and William Hoghton of the same place, cotton manufacturer, are hereby empowered to direct and control the expenditure of the company in the purchase of land and the erection of works, and the proceedings of the company in respect of all contracts and agreements for the purchase of coal, cannel, machinery, and apparatus for the manufacture of gas, and for the sale of gas, ammoniacal liquors, and other products, and in respect of any such agreement as aforesaid with any person or persons for the manufacture of gas on behalf of the company.

3. The consideration for the said purchase shall be the amount as ascertained on the said first day of July one thousand eight hundred and sixty-nine contributed or advanced by the several shareholders of the company for the purposes of the company, either in payment of calls or in advance of calls, or by way of loan, with interest thereon at the rate of five pounds per centum per annum.

4. If from any cause other than the failure to obtain the authority of Parliament for the confirmation of this agreement, the purchase is not completed

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on the said first day of July one thousand eight hundred and sixty-nine, the local board shall pay interest at the rate of five pounds per centum per annum on the amount of principal and interest, as ascertained on the said first day of July one thousand eight hundred and sixty-nine, from the said first day of July one thousand eight hundred and sixty-nine until the completion of the said purchase.

In witness whereof the said company have hereunto caused their common seal to be affixed, and the said local board have hereunto caused their seal to be affixed, and five of the members of the said board have hereunto set their hands, the day and year first before written.

The common seal of the said gas company was affixed by Thomas Knowles, one of the directors of the said company, in the presence of

Wm. Gourlay,
Secretary to the Oswaldtwistle Gas Company, Limited.

L. S.

THOMAS KNOWLES.

The seal of the local board of the district of Oswaldtwistle in the county of Lancaster was affixed, and the signatures of George Walmsley, Robert Watson, Joseph Green, William Nutter, and William Metcalf, five of the members thereof, were subscribed, at a meeting of the said board held on the seventh day of December one thousand eight hundred and sixty-eight, in the presence of

Wm. Gourlay,
Clerk to the local board.

L.S.

GEORGE WALMSLEY.
ROBERT WATSON.
JOSEPH GREEN.
WILLIAM NUTTER.
WILLIAM METCALF.

SCHEDULE C.

Tolls, Stallages, and Rents to be taken at the Markets and Fairs.

For open Markets and Fairs.

	s.	d.
For every horse, mare, or gelding - - - -	0	6
For every ass or mule - - - - - -	0	3
For every bull, ox, or steer - - - - -	0	6
For every cow, heifer, or stirk - - - - -	0	4
For every calf - - - - - - -	0	2
For every score of sheep and lambs - - - -	1	3
For a less number than a score, or for a fraction over a score, per head	0	1
For every pig - - - - - - -	0	1
For every skip or crate of sucking pigs containing not exceeding six -	0	6
For every ditto exceeding six - - - - -	1	0

For Pens and Lairs.

	s.	d.
Open pens for calves, sheep, or pigs, etc., each	0	6
Covered pens for calves, sheep, or pigs, &c., each	1	0
Lairs:		
For every horse, mare, or gelding	0	6
For every ass or mule	0	3
For every bull, ox, steer, cow, heifer, or stirk	0	3
For every calf, sheep, lamb, pig, or goat	0	0½

In a covered Market.

For every waggon load of hay, straw, or fodder	1	0
For every cart load of hay, straw, or fodder	0	6

Covered Provision and Vegetable Market and Carcase Market Tolls.

Shops.

From the occupier of every enclosed shop or stall, whether for sale of butcher's meat, game, poultry, fish, vegetables, fruit, china, glass, earthenware, baskets, hardware, or other commodities, articles, or things, according to the size and dimensions of such shop, namely, for each superficial foot or fractional part thereof, if let by the week, any weekly sum not exceeding	0	1½

Butchers Stalls.

From every person occupying or using any butcher's stall or standing on any ground space, for the sale of meat, according to the size and dimensions of the same; namely, for each superficial foot or fractional part thereof, every such stall standing on ground space occupied or used by him, if let by the week, any weekly sum not exceeding	0	1½

And if let by the day a proportionate part of such weekly charge.

Carcase and Skin Tolls.

For every carcase or part of a carcase of a bull, bullock, cow, steer, heifer, calf, sheep, or pig brought into the market to be disposed of otherwise than by sale by retail, and whether sold or not, any sum not exceeding	0	6
For every hide or skin, raw, undressed, or dressed, brought into the market for sale, and whether sold or not, any sum not exceeding	0	2

Open Markets.

Provision, Vegetable, and other Stalls, Stands, and Ground Space.

	s.	d.
From every person occupying or using any stall, standing, cart, barrow, basket, box, bench, or barrel for the sale of vegetables, provisions, fruit, fish, game, poultry, china, glass, earthenware, baskets, hardware, or other commodities, articles, or things, according to the size and dimensions of the same, viz., for each superficial square foot and fractional part of a superficial square foot of the ground space covered or occupied by any such stall, standing, cart, barrow, basket, box, bench, or barrel, any sum not exceeding for every day - - - - - -	0	1

Ground Space.

For every person occupying or using any space on the surface of the ground, according to the size and dimensions of the same, viz., for each superficial square foot of the ground space occupied or used by him any daily sum not exceeding - - - -	0	1

Tolls at Fairs.

For every stall, basket, cart, barrow, standing, box, bench, barrel, or ground space, occupied or used by any person exposing to sale any goods, articles, commodities, or things whatsoever, and for every show, caravan, exhibition, booth, tent, theatre, or place of amusement, according to the size and dimensions thereof, viz., for every superficial square foot of the ground space covered by such stall, basket, cart, barrow, standing, box, bench, barrel, show, caravan, exhibition, booth, tent, theatre, or place of amusement, and of any ground space occupied or used by him, any sum not exceeding for each day - - - - - - -	0	1½
From any person carrying or exposing for sale any provisions, vegetables, goods, articles, commodities, or things whatsoever, in any market or market place, or places for fairs in the district, or in any lands connected therewith, and who shall not be otherwise chargeable under this schedule as occupying any stall, standing, or ground space, any sum not exceeding for each day - -	0	6

Weighing and Measuring Tolls to be taken in the several Markets and Fairs.

For every article, matter, or thing, of whatever description, weighing not more than twenty pounds avoirdupois - - -	0	0½
For every article, matter, or thing, of whatever description, weighing more than twenty pounds avoirdupois and not exceeding two hundred and forty pounds - - - - -	0	1
For every article, matter, or thing, of whatever description, weighing more than two hundred and forty pounds - -	0	

	s.	d.
For measuring any quantity of goods, article, matter, or thing, sold by measure, not exceeding one bushel - - - - -	0	0½
For measuring every quantity more than one bushel and not exceeding two bushels - - - - -	0	1
And for every bushel beyond two bushels - - - -	0	0½

Tolls to be taken for weighing Carts and their Loadings.

For a cart containing any quantity not exceeding three tons of coal or manure - - - - - -	0	2
For a cart containing any quantity not exceeding three tons of hay, straw, grass, clover, or other goods - - - -	0	3
For a cart, waggon, or lurry, containing exceeding five tons -	0	4
For a cart, waggon, or lurry, containing five tons and not exceeding ten tons - - - - - - - - -	1	0
For empty carts, waggons, or lurries, re-weighed for tare - -	0	1

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