CHAPTER cxxxi.

An Act for empowering the Mayor, Aldermen, and Burgesses of the borough of Stoke-upon-Trent, in the county of Stafford, and the Local Board of Fenton, in the same county, to make and supply Gas; and for carrying into effect an Agreement with the Stoke, Fenton, and Longton Gas Company for the purchase of that Company's undertaking; and for other purposes. [4th July 1878.]

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WHEREAS the mayor, aldermen, and burgesses of the borough of Stoke-upon-Trent, in the county of Stafford, (in this Act called "the Corporation,") are incorporated by royal charter:

And whereas the urban sanitary district of Fenton, in the county of Stafford, is the district of the Local Board of Fenton (in this Act called "the Local Board"):

And whereas the Corporation and the Local Board (in this Act called "the purchasers") are desirous of combining for the purpose of supplying gas within the borough of Stoke-upon-Trent (in this Act called "the borough") and within the district of the Local Board (in this Act called "the district"):

And whereas by the Stoke, Fenton, and Longton Gas Act, 1858, (in this Act called "the recited Act,") the Stoke, Fenton, and Longton Gas Company (in this Act called "the Company") were incorporated, and authorised to supply, and for many years have supplied, gas within certain limits, which were afterwards by the Longton Gas Act, 1866, restricted to the parish of Stoke-upon-Trent (except the boroughs of Hanley and Longton) and the parish of Trentham (except the township of Blurton), in the said county, and the limits of supply as so restricted are (except the parish of Trentham) all within the borough or the district:

21 & 22 Vict. c. xl.

29 & 30 Vict. c. cxxv.

And whereas the paid-up capital of the Company consists of thirty-four thousand pounds, and the Company have borrowed the sum of three hundred and fifty pounds, which they still owe:

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And whereas the Company have a reserve fund of four thousand pounds:

And whereas the Corporation has entered into an agreement with the Company for the purchase of the Company's undertaking, but exclusive of the said reserve fund, in consideration of the payment of eighty-five thousand pounds; and it is expedient that the same be carried into effect with such modifications as are herein-after provided for:

And whereas it is expedient that a joint committee of the Corporation and the Local Board be constituted to act on behalf of the purchasers in the execution of this Act after the purchase of the Company's undertaking, and that all necessary and proper powers in relation to the control and management of gas supply be conferred on such joint committee:

And whereas it is expedient that the Corporation and the Local Board be respectively empowered to borrow money for the purposes of this Act:

And whereas the objects aforesaid cannot be attained without the sanction of Parliament:

And whereas estimates have been prepared showing that the Corporation and the Local Board will require from time to time to borrow for the purchase of the Company's undertaking, and for other the purposes of this Act, being permanent works within the meaning of section two hundred and thirty-four of the Public Health Act, 1875, sums of money amounting to one hundred and ten thousand pounds:

38 & 39 Vict. c. 55.

And whereas an absolute majority of the whole number of the Council of the Corporation (herein-after called "the Council") and of the Local Board, at meetings of the Council and the Local Board held respectively on the twentieth day of September one thousand eight hundred and seventy-seven and the first day of January one thousand eight hundred and seventy-eight, after ten clear days notice by public advertisement of such meetings respectively, and of the purposes thereof, in the "Staffordshire Advertiser," a local newspaper published or circulating in the borough and district, such notices being in addition to the ordinary notices required for summoning such meetings, resolved that the expenses in relation to promoting the Bill for this Act should be charged on the borough fund and borough rates and on the general district rates respectively:

And whereas such resolutions were published twice in the "Staffordshire Advertiser," a newspaper published and circulating in the borough and district, and have, in respect of matters within

the jurisdiction of the Local Government Board received the approval of that 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 each of the Council and Local Board at further special meetings held in pursuance of similar notices by the Council on the fifth day of February one thousand eight hundred and seventy-eight, and by the Local Board on the fifth day of February one thousand eight hundred and seventy-eight, being in each case not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough and district respectively, by resolutions in the manner provided in the Third Schedule to the Public Health Act, 1875, for the adoption of that Act, consented to the promotion of the Bill for this Act: 38 & 39 Vict. c. 55.

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

Short title.

1. This Act may be cited as the Stoke-upon-Trent and Fenton Gas Act, 1878.

Incorporation of general Acts.

2. The following enactments (as far as they are applicable for the purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with and shall be part of this Act; (that is to say,)

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; 10 & 11 Vict. c. 15.

The sections of the Public Health Act, 1875, with respect to mortgages; 38 & 39 Vict. c. 55.

and the Gasworks Clauses Act, 1871, shall apply to the undertaking of the Company, as and when vested in the purchasers or the joint committee under this Act, as if that undertaking were authorised by this Act. 34 & 35 Vict. c. 41.

Interpretation of terms.

3. In this Act terms to which meanings are assigned in enactments incorporated with this Act, or which have therein special meanings, have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such construction:

"The Municipal Corporation Acts" means the Act of the session of the fifth and sixth years of King William the Fourth,

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chapter seventy-six, to provide for the regulation of Municipal Corporations in England and Wales, and the Acts amending the same:

"The joint committee" means the joint committee constituted by this Act:

38 & 39 Vict. c. 55.

"The Public Health Acts" means the Public Health Act, 1875, and any Acts amending the same:

"The gas undertaking" means the gasworks for the time being of the purchasers or of the joint committee, and includes all the gasworks, estates, lands, apparatus, machinery, mains, pipes, meters, fittings, plant, stock-in-trade, coal, coke, residual products, stores, materials, gas revenue, moneys owing on any account, cash at bankers, reserve fund, books, rights, powers, authorities, and privileges, easements, and other property and effects held by them respectively for gas purposes:

"The gas limits" means the limits within which the purchasers or the joint committee are for the time being authorised to supply gas.

10 & 11 Vict. c. 15.

In the Gasworks Clauses Act, 1847, for the purposes of this Act,—

"The undertaking" means the gas undertaking:

"The undertakers" means the purchasers.

In this Act, and, for the purposes of this Act, in enactments incorporated herewith, the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a simple contract debt, and not a debt or demand created by statute; and the term "superior courts" shall include any court of competent jurisdiction.

Act to be carried into effect by the Council and Local Board.

4. This Act shall be carried into effect by the Corporation and the Local Board: Provided that the Corporation shall act by the Council according to the Municipal Acts and the Public Health Acts, and the Local Board shall act according to the Public Health Acts.

Limits of Act.

5. The limits of this Act for the supply of gas shall be the borough and the district and the parish of Trentham (except the township of Blurton).

Incorporation of joint committee.

6. There shall be a joint committee for the execution of this Act, constituted as in this Act provided, and called "The Stoke-upon-Trent and Fenton Joint Gas Committee;" and by that name such committee is hereby incorporated, with perpetual succession and a common seal, and with power to take, hold, and dispose of lands and other property for the purposes but subject to the restrictions of this Act.

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Constitution and proceedings of joint committee.

7. The joint committee shall be constituted and regulated as follows; (that is to say,)

(1.) The Council and the Local Board respectively shall on or before the twenty-ninth day of September one thousand eight hundred and seventy-eight appoint six of their members to be their representatives on the joint committee:

(2.) The twelve persons so appointed, and their successors, shall form and be the joint committee:

(3.) The Council and Local Board respectively may at any time remove any member of the joint committee representing them respectively:

(4.) Any member of the joint committee shall cease to be a member thereof on his ceasing to be a member of the Council or Local Board by whom he was appointed:

(5.) A vacancy among the members of the joint committee, caused by death, resignation, removal, disqualification, or otherwise, shall be filled up by the Council or Local Board by whom the vacating member was appointed:

(6.) All appointments and removals of members of the joint committee shall be made by writing under the common seal of the Council or Local Board appointing or removing:

(7.) The joint committee may appoint and remunerate a clerk, a treasurer, a solicitor, and such other officers and such clerks and servants as they from time to time think requisite:

(8.) The joint committee shall hold their first meeting at the Town Hall of Stoke-upon-Trent within three months after their appointment:

(9.) If at any meeting of the joint committee there is an equal division of votes on the question, the chairman shall not have a second or casting vote, and the question shall stand referred to the standing arbitrator:

(10.) The quorum of the joint committee shall be three, and no business shall be transacted at any meeting of the joint committee unless that number be present:

(11.) The times and places of the other meetings of the joint committee, and of their annual meeting, shall be such as the joint committee from time to time appoint, and it shall not be necessary for them to hold monthly meetings:

(12.) The chairman or any two or more members of the joint committee may require a special meeting to be held:

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(13.) The accounts of the joint committee shall at all reasonable times be open to inspection and transcription by any member of the Council or of the Local Board, without payment:

(14.) The accounts of the joint committee shall be audited by an auditor to be appointed by the standing arbitrator; and, subject to such appointment, the provisions of the Public Health Acts relating to the audit of the accounts of a Local Board shall extend and apply to the audit of the accounts of the joint committee:

(15.) The accounts of the joint committee as audited shall be sent by the joint committee to the Council and the Local Board.

Arbitrator to be appointed.

8. There shall be a standing arbitrator (in this Act called the "standing arbitrator"), appointed and acting as follows; (that is to say,)

(1.) The Council and the Local Board shall, before the thirty-first day of January in each year, by writing under their respective common seals, appoint a standing arbitrator, and fix the remuneration to be paid to him; and in case they fail to do so, a standing arbitrator shall, in or after the month of March next following that failure, be from time to time, on the application of the Council or the Local Board, appointed by the Local Government Board by writing under the hand of their secretary; and the Local Government Board shall fix the remuneration to be paid to the arbitrator appointed by them, which remuneration shall be paid by the joint committee:

(2.) The standing arbitrator may be removed from his office by the Council and the Local Board jointly, by writing under their respective common seals, or, on the representation of either of them, by the Local Government Board, by writing under the hand of their secretary:

(3.) If a standing arbitrator in his year of office dies or resigns or is removed from office, the Council and the Local Board shall, in manner aforesaid, within one month after notice of his death or resignation, or after the removal, appoint another person to be standing arbitrator in his place, and in default a standing arbitrator shall be appointed by the Local Government Board in manner aforesaid:

(4.) A standing arbitrator appointed to supply a casual vacancy shall continue in office as long only as the person in whose place he is appointed would have been entitled to continue in office:

(5.) If any difference respecting any matter connected with the execution of any of the powers of this Act at any time arises between the Council and the Local Board, or if there be an equal division of votes on any question at any meeting of the joint committee, the difference or question shall stand referred to the standing arbitrator, and the standing arbitrator shall proceed with the reference on the request in writing of either the Council or the Local Board:

(6.) If any reference is pending before a standing arbitrator at the time when he goes out of office by effluxion of time, it shall, on the request in writing of the Council or the Local Board, made within one month thereafter, be proceeded with by him, and his decision shall have the like effect as if he had not gone out of office, and otherwise every reference pending before a standing arbitrator when he goes out of office in any manner shall be deemed to be discontinued:

(7.) The decision of the standing arbitrator on any question referred to him by or under this Act shall be final and binding:

(8.) The standing arbitrator for the time being shall, on the request in writing of the Council or the Local Board, review any previous decision of any standing arbitrator, but any alteration of a previous decision shall have a prospective operation only, and shall not affect anything done or suffered under the decision reviewed.

As to purchase of Company's undertaking.

9. The purchasers shall purchase, and the Company shall sell to them, the undertaking, works, lands, properties, assets, powers, rights, privileges, and authorities of the Company (except the reserve fund of the Company), at and for the sum of eighty-five thousand pounds, to be paid in cash on the twenty-ninth day of September one thousand eight hundred and seventy-eight, and, if not then paid, with interest thereon at the rate of five pounds per centum per annum until payment.

Effect of transfer of undertaking.

10. On the said twenty-ninth day of September one thousand eight hundred and seventy-eight, the undertaking of the Company (except the reserve fund), and all causes of action, suit, or proceeding belonging to them, and all their rights and all their

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liabilities (including the sum of three hundred and fifty pounds due on debenture), shall by virtue of this Act become and shall thenceforth be transferred to and vested in the joint committee, subject to all debts, contracts, obligations, and liabilities affecting the same, and subject and according to the provisions of this Act, and thenceforth the joint committee shall have and hold the undertaking, and may enforce the causes of action, suit, or proceeding (which transfer and vesting is in this Act referred to as "the transfer"): Provided always, that within three months from the vesting period the joint committee shall produce to the Commissioners of Inland Revenue a copy of this Act printed by Her Majesty's printer, and duly stamped with the ad valorem stamp duty of the same amount as would have been payable if the transfer of the undertaking had been by a deed of conveyance; and if the joint committee shall not, within the said period of three months produce to the said Commissioners such copy of this Act, duly stamped as aforesaid, the ad valorem stamp duty, with interest thereon at the rate of five pounds per centum per annum from the vesting period to the day of payment, shall be recoverable from the joint committee, with full costs of suit, and all costs and charges attending the same.

Application of the Company's Acts to the purchasers.

11. From and after the said twenty-ninth day of September one thousand eight hundred and seventy-eight, all the rights, powers, privileges, and authorities of the Company under the recited Act, and all the duties and liabilities of the Company (except as aforesaid), shall be by virtue of this Act transferred to and vested in and devolve upon the joint committee; and the recited Act shall be read and have effect as if the joint committee had been therein named instead of the Company, subject nevertheless and according to the provisions of this Act, and to the following exceptions and provisions; (namely,)

8 & 9 Vict. c. 16.

(1.) The provisions of the Companies Clauses Consolidation Act, 1845, incorporated with the recited Act, shall not apply to the joint committee:

(2.) None of the provisions of the recited Act in any manner relating to the share or loan capital of the Company, or to any limitation of the amount of profit to be received by the Company or undertakers, or to the constitution, meetings, or directors of the Company, shall apply to the joint committee.

Actions, &c. against Company not to abate.

12. If at the time of the transfer any action, suit, or proceeding, or any cause of action, suit, or proceeding, is pending or existing against the Company, 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 may be continued, prosecuted, and enforced against the joint committee as and when it might have been continued, prosecuted, and enforced against the Company if this Act had not been passed, but not further or otherwise.

Receipt of directors to be good discharge.

13. The receipt in writing of three of the directors of the Company for the purchase money to be paid to them by the joint committee shall be an effectual discharge for the sum which in any such receipt shall be expressed or acknowledged to be received; and the joint committee shall not be obliged or concerned to see to the application or distribution of such purchase money, or of any money which may be paid by them to such directors, or be otherwise answerable or accountable for any loss, misapplication, or non-application thereof, or of any part thereof.

Arrangements between the joint committee and the Company.

14. The joint committee shall be entitled to receive all rents, rates, profits, and other credits, and to have the benefit and profit of all contracts and engagements, which on the twenty-ninth day of September one thousand eight hundred and seventy-eight shall be outstanding or subsisting (except interest on the reserve fund), and shall pay to the Company, on or before the first day of January one thousand eight hundred and seventy-nine, such sum (if any) as shall be required to make up, with the rents and profits previously received by the Company, dividends after the rate of ten per centum per annum on the stock and shares of the Company down to the twenty-ninth day of September one thousand eight hundred and seventy-eight.

Company to carry on their business until transfer.

15. Until the said twenty-ninth day of September one thousand eight hundred and seventy-eight the undertaking shall be carried on by the Company according to the ordinary course of their business, and they shall, up to the day of transfer, keep all works, plant, and apparatus forming part of the undertaking in as good a state of repair as the same are in at the time of the passing of this Act (reasonable wear and tear excepted).

Company to wind up their affairs.

16. As soon as conveniently may be after the transfer the Company shall proceed to wind up their affairs, and shall pay and distribute the purchase money and the reserve fund of the Company to and among the several persons and corporations who shall then be the registered shareholders of the Company in proportion to their respective interests therein, or their respective executors, administrators, successors, or assigns, but it shall nevertheless be lawful for the shareholders before such distribution to award out

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of such purchase money and reserve fund such sums as they may think proper to the directors and officers of the Company.

Receipt of guardian or committee of shareholders to discharge Company.

17. For the purposes of such winding-up, the receipt of the guardian of the estate of any shareholder being a minor, or of any committee of the estate of any shareholder in the Company being a lunatic, shall be an effectual discharge to the Company, and to the directors thereof, for so much of the purchase money as in such receipt shall be expressed to be received, and shall exonerate them from any trust or obligation affecting the shares in respect of which such money shall be paid.

Payment into court by Company.

18. Provided that when the Company are for twelve months after the period for the distribution of the purchase money 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 by or on behalf of whom an effectual receipt for the same cannot be given, the Company may pay the same into the Chancery Division of the High Court of Justice under any Act for the time being in force for the relief of trustees.

Dissolution of Company.

19. The Company, when such distribution shall have been effected, and their affairs wound up, shall be and are hereby dissolved.

Power to Corporation to borrow.

20. For the purposes of this Act, the Corporation, in addition to any moneys they have borrowed or are authorised to borrow, may from time to time, under the authority of this Act, borrow at interest, on the security of the general district rates and district fund, such sums as they think requisite, not exceeding in the whole fifty-five thousand pounds, and they may grant mortgages of the said rates and fund.

Power to Local Board to borrow.

21. For the purposes of this Act, the Local Board, in addition to any moneys they have borrowed or are authorised to borrow, may from time to time, under the authority of this Act, raise by mortgage of the general district rates and district fund such sums as they think requisite, not exceeding in the whole the sum of fifty-five thousand pounds, and they may grant mortgages of the same rates and fund.

Mortgages to rank pari passu.

22. The mortgages granted by the Corporation and the Local Board under this Act shall be also a charge upon the net revenue of the gas undertaking, and shall rank pari passu.

Form of mortgages and of transfers thereof.

23. The mortgages granted by the Corporation or by the Local Board under this Act, and the transfers thereof, may be according to the forms in the First Schedule to this Act, or to the like effect.

Power to borrow under 38 & 39 Vict. c. 83.

24. Either the Corporation or the Local Board may, if they think fit, borrow any moneys which they are by this Act authorised to borrow, and which they have not borrowed and secured in manner herein-before provided, under the powers and subject to the provisions of the Local Loans Act, 1875, by means of a loan or loans to be raised by the issue of debentures, debenture stock, or annuity certificates, or partly in one way or partly in another. Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the rates, funds, and revenue herein-before respectively mentioned in that behalf. Every such loan shall be discharged within fifty years from the date thereof, and such discharge or any part thereof shall be effected by means of a sinking fund, if the Corporation or the Local Board respectively shall so think fit: Provided always, that if the Corporation or the Local Board respectively at any time think fit to form any such sinking fund, the first payment to be made into the same need not be made until the expiration of four years from the passing of this Act.

Power to re-borrow.

25. The Corporation or the Local Board may from time to time re-borrow any amount borrowed by them respectively under the provisions of this Act, and from time to time paid off by them respectively, unless it be paid off by means of annual instalments or the sinking fund; and in such case, and to the extent of the amount paid off by means of annual instalments or the sinking fund, their respective powers of borrowing and re-borrowing shall cease: Provided that all money so re-borrowed shall be paid off within the period limited in respect of the original loan.

Repayment of money borrowed when no time or place has been agreed upon.

26. If no time be fixed in the mortgage deed for the repayment of any money borrowed under this Act, the Corporation or the Local Board may, at any time after the expiration of twelve months from the date of such deed, pay off the money borrowed upon giving six months previous notice for that purpose; and every such notice shall be in writing or print, or partly in writing and partly in print, and shall be given either personally to the mortgagee, or left at his last known or usual place of abode or business, or, if such place of abode or business be unknown to the Corporation or the Local Board, as the case may be, after diligent inquiry, such notice shall be given by advertisement in the "London Gazette."

Arrears may be enforced by appointment of a receiver.

27. The mortgagees of the Corporation or the Local Board under the provisions of 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 in

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arrear which shall authorise the appointment of a receiver shall be five thousand pounds.

Certain restrictions as to borrowing not to apply.

28. The powers of borrowing money conferred by this Act shall not be restricted by any of the provisions of the Municipal Corporation Acts or the Public Health Acts, and in calculating the amount which the Corporation or the Local Board may borrow under the Public Health Acts any sums which they may borrow under the provisions of this Act shall not be reckoned.

Contribution by Corporation and Local Board.

29. The Corporation and the Local Board shall contribute to the money required by the joint committee for the purposes of this Act, including any money required by the joint committee to pay any debt, damages, penalty, or other sum of money recovered against them, or to meet any other outgoings under this Act, in the proportions following; (that is to say,) with respect to the purchase price of the undertaking in equal shares, and with respect to any subsequent outlay on capital account, or any outlay on revenue account, in such proportions as the joint committee shall determine.

Joint committee may make calls.

30. The joint committee may from time to time make on the Council and the Local Board respectively, in the proportions aforesaid, such calls of money on capital and on revenue account, or either of them, in respect of any amount to be contributed by them under this Act, as the joint committee think fit, and may appoint the persons to whom and the times and places at which the calls are to be paid, giving at least twenty-eight days notice in writing of each call before the day fixed for payment thereof, but a call shall be deemed to be made at a time when a resolution of the joint committee making the same is passed; provided that the account on which such call is made shall be stated therein.

Interest to be paid on calls in arrear.

31. If at the time appointed by the joint committee for payment of any call the Council or the Local Board fail to pay the amount of the call, they shall respectively pay for the same, while in arrear, interest at such rate, not exceeding seven pounds per centum per annum, as the joint committee determine.

Recovery of calls in arrear.

32. If at the time appointed by the joint committee for payment of any call the Council or the Local Board fail to pay the amount of the call, the joint committee may sue the Council or the Local Board for the amount thereof, and may recover the same, and the interest thereon from the day on which the call was payable, in any court of competent jurisdiction.

Expenses of executing Act may be

33. The expenses incurred by the Corporation and the Local Board respectively for or in relation to any of the purposes of this

Act shall be paid out of the general district rates and district fund of the borough and the district respectively. And the Corporation and the Local Board respectively, in estimating the amount required to be raised by means of rates for the borough and the district respectively, shall include the moneys required by them for the purposes of this Act in one and the same rate or assessment, as the money authorised by the Public Health Acts to be levied by means of rates, and shall collect the same as part thereof, as if the same were expressly charged by those Acts on those rates.

included in rates.

Sale of portions of gas undertaking to sanitary authorities.

34. If at any time after the passing of this Act any rural sanitary district within the limits of the gas supply of the joint committee shall be constituted an urban sanitary district, and the urban sanitary authority of such district shall give not less than six months notice in writing to the joint committee of their desire to purchase that portion of the undertaking of the joint committee which is contained within such district, and shall obtain the consent of the Local Government Board to such purchase, and shall apply to Parliament or the Local Government Board for power to purchase such portion of the undertaking of the joint committee (except the mains and pipes or other apparatus which shall be necessary for supplying with gas any other part of the joint committee's limits of supply), and to supply gas within such district, then it shall not be lawful for the joint committee to oppose such application (except as to the details thereof); and if such powers be granted the joint committee shall sell, and such sanitary authority shall purchase, such portion of the undertaking of the joint committee (except as aforesaid) within the district of such sanitary authority, at such price as shall be fixed, in default of agreement, by arbitration under the provisions of the Lands Clauses Acts; and the joint committee shall apply the proceeds of any sale under this section in the same manner as they are required to apply moneys borrowed under the powers of this Act: Provided always, that no such authority shall be authorised until after the completion of such purchase to supply gas to any part of such district, and that after the completion of such purchase all obligation on the part of the joint committee to supply gas within such district shall cease and determine.

As to application of revenue.

35. The joint committee shall apply all money from time to time received by them in respect of the gas undertaking as follows; (that is to say,)

First, in payment of their costs, charges, and expenses of and incidental to the collecting and recovering of gas rents and rates:

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Secondly, in payment of the working and establishment expenses and cost of maintenance of the gas undertaking:

Thirdly, in payment to the Corporation and the Local Board respectively of the interest paid by them on money borrowed under this Act: Provided that if either of the said bodies shall, by payments on account of principal money borrowed or otherwise, owe for the time being a less sum than the other of them, there shall be paid to such Corporation or Local Board a sum to make up an amount equal to that paid to the other of them in respect of such interest:

Fourthly, in providing the requisite instalments or sinking fund for payment of moneys borrowed under this Act:

Fifthly, in providing a reserve fund, not exceeding five thousand pounds, which shall be invested in any securities which by law trust moneys may from time to time be invested:

Sixthly, the balance shall be paid to the Corporation and to the Local Board in proportion to the consumption of gas within the borough and district respectively during each preceding year, and shall be carried by the Corporation and the Local Board to the district fund of the borough and Local Board respectively.

As to application of money borrowed.

36. All money from time to time borrowed by the Corporation or the Local Board under this Act shall be applied only to the purposes by this Act authorised, and for objects to which capital money is properly applicable.

As to repayment of money borrowed.

37. The repayment of any money borrowed by the Corporation or the Local Board under this Act shall be made by equal annual instalments of such an amount as will repay the principal and interest within a period of not exceeding fifty years from the expiration of four years from time of borrowing, or by equal annual instalments of the principal sum borrowed, with interest on the balance from time to time owing, extending over a similar period, or by means of a sinking fund in manner herein-after mentioned.

As to application of sinking fund.

38. If a sinking fund be provided, the Corporation and the Local Board shall respectively set apart and appropriate annually from the rates and rents forming the security such equal yearly sums as when invested and accumulated at compound interest will suffice (having regard to the rate of interest of the securities constituting such investments) to pay off in fifty years from the passing of this Act the principal moneys which shall have been borrowed by

them as a sinking fund for the repayment of those principal moneys, which sinking fund shall be from time to time invested in the name of the Corporation or the Local Board, as the case may be, in any securities in which by law trust moneys may from time to time be invested, and shall be accumulated in the way of compound interest or otherwise; and the Corporation or the Local Board, as the case may be, shall from time to time apply the sum so set apart in repayment of the principal sums so borrowed: Provided always, that whenever any of such principal moneys have been so paid off, the Corporation or the Local Board, as the case may be, shall thenceforward, until the whole of such principal moneys have been paid off, pay into the sinking fund every year, in addition to the other sums herein-before required to be set apart and appropriated, a sum equal to the annual interest of the principal money so paid off: Provided further, that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding, the Corporation or the Local Board, as the case may be, may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

Annual return to Local Government Board with respect to sinking fund and annual instalments.

39. The town clerk and the clerk to the Local Board shall respectively, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amount which has been invested for the purpose of such sinking fund, and the manner in which the accumulated interest on the fund has been applied, during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund, and the interest thereof, have been applied during the same period, and the total amount remaining invested at the end of the year; and if the Corporation or the Local Board, as the case may be, repay any money borrowed under the powers of this Act by equal annual instalments, the said town clerk or the clerk to the Local Board shall, within twenty-one days after the period in each year when such instalments become due, transmit to the Local Government Board a statement of the instalments so paid off; and in the event of any wilful default in making any such return or statement such clerk

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respectively shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board, by such return or otherwise, that the Corporation or the Local Board have failed to set apart the sum required by this Act for the sinking fund, or to repay any instalment of money borrowed under this Act, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus.

Application of certain provisions of 34 & 35 Vict. c. 41.

40. For the purposes of the application of the Gasworks Clauses Act, 1871, to the gas undertaking, the following provisions shall have effect; namely,

(1.) This Act shall be deemed "the special Act:"

(2.) The land on which alone the joint committee shall manufacture gas or any residual products shall be the lands described in the Second Schedule to this Act:

(3.) The number of sperm candles shall be fourteen:

(4.) The testing place shall be the existing testing place at the gasworks of the Company in Stoke-upon-Trent, or some other testing places provided for the purpose within the gasworks for the time being of the joint committee:

(5.) The burner shall be an argand fifteen-hole burner and a seven-inch chimney, or other burner and chimney capable of consuming five cubic feet of gas an hour, approved by the Board of Trade for this purpose:

(6.) All gas supplied by the joint committee to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset of not less than six tenths of an inch, from sunset to midnight of not less than eight tenths of an inch in height, at the main, as near as may be to the junction therewith of the service pipe supplying such consumer; and any gas examiner appointed under the Gasworks Clauses Act, 1871, may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority; and the provisions of the Gasworks Clauses Act, 1871, with reference to testing of gas and to penalties, shall, mutatis mutandis, apply to such testing of pressure; provided that, on each occasion of such testing, sufficient notice in writing shall

34 & 35 Vict. c. 41.

be given to the joint committee of the time and place at which the same shall be conducted to enable them to be represented:

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

Limiting price of gas.

41. The maximum price of gas to be charged by the joint committee shall not exceed five shillings per thousand feet.

Power to supply gas fittings, &c.

42. The joint committee may manufacture, purchase, supply, hire, sell, let, lay down, place, and maintain gas fittings, meters, pipes, pillars, lamp-posts, lamps, burners, and other articles and things connected with gasworks or with the supply of gas for public or private consumption, in such manner as they think proper, and generally may carry on the operations usually carried on by gas companies.

Power to hold licenses under letters patent.

43. The joint committee may take, hold, and use any license or authority (not being exclusive) under any letters patent to use any invention relative to the making or distribution of gas, or to the utilization of residual products obtained in the making of gas.

Exception respecting notice of opening streets, &c. 10 & 11 Vict. c. 15.

44. Sections eight to twelve (both inclusive) of the Gasworks Clauses Act, 1847, relating to notice and superintendence in case of the opening or breaking up of a street, bridge, sewer, drain, or tunnel, shall not have effect for the purposes of this Act where the street, bridge, sewer, drain, or tunnel is under the control or management of the Council or the Local Board.

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

45. The joint committee may, for the purposes of their undertaking, purchase and hold (by agreement, but not otherwise), in addition to the lands they may otherwise acquire under the powers of this Act, any lands and hereditaments, not exceeding in the whole five acres, which the joint committee may from time to time require for the purposes of their works and undertaking, but no lands shall be used by the joint committee for the purpose of manufacturing gas or residual products except the lands described in the Second Schedule to this Act.

Power to construct and maintain gasworks, &c.

46. Subject to the provisions of this Act, the joint committee may from time to time after the completion of the purchase of the Company's undertaking, upon the lands or any part of the lands

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described in the Second Schedule to this Act, maintain, alter, improve, enlarge, extend, and renew or discontinue the existing gasworks of the Company, and from time to time erect, maintain, alter, improve, enlarge, extend, and renew or discontinue additional and other gasworks, retorts, gasometers, receivers, drains, sewers, mains, pipes, meters, lamps, lamp-posts, burners, stop-cocks, machinery, and other works and apparatus and conveniences, and may do all such acts as they may think proper for making and storing gas, and for supplying gas within the gas limits, and may make, store, and supply gas accordingly, and may manufacture, sell, provide, supply, and deal in coal, coke, tar, pitch, asphaltum, ammoniacal oil, and all other products or residuum of any materials employed in or resulting from the manufacture of gas or of residual products arising therefrom, and also meters, fittings, tubes, pipes, and other articles and things in any way connected with gasworks or with the supply of gas, as they may from time to time think fit.

Liability to rates, &c. not to disqualify justices.

47. No person shall be incapable of acting as a justice in the execution in any respect of this Act in consequence of his being a mortgagee of the Corporation or the Local Board, or of his being liable to the payment of any gas rent, rate, or sum of money to the joint committee.

Form of notices, &c.

48. Any summons, demand, or notice, or other document under or for purposes of this Act may be in writing or print, or partly in writing and partly in print.

Recovery of penalties, &c.

49. The justices before whom any penalty is recovered under this Act, except where it is recovered by the joint committee, shall direct the penalty to be paid to the clerk of the joint committee, and the same shall be applied as gas rents received by them are applicable.

Expenses of Act.

50. The costs, charges, and expenses preliminary to, and of and incidental to the preparing of, and applying for, and the obtaining and passing of this Act (including the costs, charges, and expenses of the Company) shall be paid by the Corporation and the Local Board in equal shares.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Form of Mortgage.

The Stoke-upon-Trent and Fenton Gas Act, 1878.

Mortgage No. £

By virtue of the above-named Act, the Mayor, Aldermen, and Burgesses of the borough of Stoke-upon-Trent, in the county of Stafford, [*or* the Local Board for the urban sanitary district of Fenton, in the county of Stafford,] in consideration of pounds paid to the treasurer of the said borough [*or* Local Board] by [*A.B.*] of for the purposes of the above-named Act, do grant to him, his executors, administrators, and assigns, the interests of the said Mayor, Aldermen, and Burgesses [*or* of the said Local Board] in the gas rates, rents, and money to be received in respect of the gasworks of the said Mayor, Aldermen, and Burgesses and of the said Local Board, and the general district rate of the borough [*or* the general district rate of the said district], to hold until the said sum of pounds, with interest at the rate of pounds per centum per annum for the same, shall be fully paid and satisfied [and it is hereby declared that the said principal sum shall be paid on the day of at].

Given under the common seal of the Mayor, Aldermen, and Burgesses of the borough of Stoke-upon-Trent, in the county of Stafford [*or* the seal of the said Local Board], this day of in the year of our Lord .

Form of Transfer of Mortgage.

The Stoke-upon-Trent and Fenton Gas Act, 1878.

I [*A.B.*] of , in consideration of pounds paid to me by [*C.D.*] of , do hereby transfer to the said [*C.D.*], his executors, administrators, and assigns, the Mortgage No. granted on the day of by the Mayor, Aldermen, and Burgesses of the borough of Stoke-upon-Trent, in the county of Stafford, [*or* by the Local Board for the urban sanitary district of Fenton, in the county of Stafford,] under the above-named Act, for securing the sum of and interest, [*or, if the transfer be by indorsement,* the within-written security,] and all my right and interest in and under the same.

As witness my hand and seal this day of .

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THE SECOND SCHEDULE.

1. A plot of freehold land belonging to the Company, containing 2,618 square yards or thereabouts, situate in the borough of Stoke-upon-Trent, on the east side of and fronting to Wharf Street, and extending therefrom to the towing-path of the Trent and Mersey Canal, together with the gas manufactory, offices, gasholders, and other erections and fixtures thereon.

2. A plot of freehold land belonging to the Company, containing 1,513 square yards or thereabouts, situate on the east side of the Trent and Mersey Canal, and extending therefrom to Winton Street, together with the bridge over the canal connecting the same with the first-described plot, and the gas purifier and other buildings and fixtures thereon.

3. A plot of freehold land belonging to the Company, containing 2,437 square yards or thereabouts, situate on the east side of Winton Street, in the borough of Stoke-upon-Trent, and extending therefrom to the North Staffordshire Railway, together with the gasholder and other erections and fixtures thereon.

4. A plot of freehold land belonging to the Company, containing 2,599 square yards or thereabouts, situate in the township of Fenton Vivian (within the limits of the Local Board), adjoining the canal tramway from Stoke to Longton, together with the messuage, gasholder, and other buildings and fixtures thereon.

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