CHAPTER cliv.

An Act to empower the Local Board for the district of the town and hamlet of Ulverston in the county of Lancaster to acquire the Undertakings of the Ulverston Gas Company and of the Ulverston Water Company; and for other purposes. [30th July 1874.]

A.D. 1874.

WHEREAS the town and hamlet of Ulverston in the county of Lancaster is governed for local purposes by the Local Board for the district of that town and hamlet, in this Act called "the Local Board," and such district is in this Act called "the district:"

And whereas by "The Ulverston Gas Act, 1864," (in this Act called "the Gas Act,") the Ulverston Gaslight and Coke Company were dissolved and re-incorporated under the name of the Ulverston Gas Company (in this Act called "the Gas Company"), for supplying gas within the limits therein defined (in this Act called "the gas limits"): 27 & 28 Vict. c. xcii.

And whereas the capital of the Gas Company consists of,—

(A.) Five thousand five hundred and fifty pounds original stock, the maximum dividend on which is limited to ten per centum per annum:

(B.) Ten thousand pounds, of which there has been subscribed in one thousand four hundred and eighty additional shares of five pounds each and fully paid up the sum of seven thousand four hundred pounds, and the maximum dividend on which is limited to seven per centum per annum:

And whereas the Gas Company have borrowed on mortgage one thousand pounds, and have given their bond conditioned for payment of a perpetual yearly sum of three pounds as compensation for damage done in executing works, and save the said mortgage

A.D. 1874.

debt and bond there are no other debts of the Gas Company other than simple contract debts of a small amount:

And whereas the whole of the district is within the gas limits:

And whereas it has been agreed between the Gas Company and the Local Board that the Gas Company should sell, and that the Local Board should purchase, the undertaking of the Gas Company, and it is expedient that the said undertaking should be transferred to and vested in the Local Board, and that powers should be conferred on the Local Board for that purpose, and for the extension of the gasworks:

15 & 16 Vict. c. lxx.

And whereas by "The Ulverston Waterworks Act, 1852," (in this Act called "the Waterworks Act,") the Ulverston Water Company (in this Act called "the Water Company") were incorporated for supplying water within the limits therein defined (in this Act called "the water limits"), and were empowered to abstract and use the waters of (amongst other streams) a stream called Pennington Beck:

And whereas the whole of the district is within the water limits:

And whereas the capital of the Water Company consists of eight thousand pounds, divided into one thousand six hundred shares of five pounds each, which are fully paid up, and the Water Company now owe on mortgage four thousand and thirty-seven pounds ten shillings:

36 & 37 Vict. c. cx.

And whereas by "The Barrow-in-Furness Corporation Act, 1873," (in this Act called "the Corporation Act,") the mayor, aldermen, and burgesses of the borough of Barrow-in-Furness in the county of Lancaster (in this Act called "the Corporation") were empowered, for the purpose of their waterworks undertaking, to take and appropriate the waters of the said Pennington Beck, at a point above that where the Water Company were empowered to abstract the waters thereof, but provision was made (section 22) or securing compensation in water to the Water Company:

And whereas it has been agreed between the Water Company, the Local Board, and the Corporation that the Water Company should sell, and that the Local Board as to part, and the Corporation as to other part, should purchase the undertaking of the Water Company, and it is expedient that the said respective parts should be transferred to and vested in the Local Board and the Corporation respectively, and that powers should be conferred on the Local Board and the Corporation respectively for that purpose:

And whereas the markets of the district are held in the open air in the public streets, and it is expedient that the Local Board should

be empowered to provide better and improved market accommodation and acquire market rights:

And whereas it is expedient that the powers of the Local Board with respect to sewage should be extended, and that they should be authorised to execute and maintain the sewage works in this Act described:

And whereas plans and sections showing the line and level of the sewage works authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Lancaster, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas it is expedient that better provision should be made for the regulations of streets and other like matters in the district:

And whereas the Local Board are indebted in the sum of nine thousand five hundred and thirty-five pounds, expended on sewage works, executed under the Sewage Utilization Acts, as defined by "The Public Health Act, 1872," of which eight thousand seven hundred and thirty-five pounds is owing on mortgage, and eight hundred pounds on simple contract:

And whereas it is expedient that the existing borrowing powers of the Local Board should be altered and enlarged, and that they should be empowered to raise money and to apply funds and rates for and towards the objects of this Act:

And whereas estimates have been prepared by the Local Board for the purchase of land for and the execution of the various works by this Act authorised, and such estimates are as follows:—

	£
For gasworks - - - -	10,000
For waterworks - - - -	5,500
For sewage works - - -	1,100
For markets - - - -	9,000

And whereas the several works included in such estimates are permanent works within the meaning of section fifty-seven of "The Local Government Act, 1858:"

And whereas an absolute majority of the whole number of the members of the Local Board, at a meeting held on the twenty-third day of December one thousand eight hundred and seventy-three, after ten clear days notice by public advertisement of such meeting, and of the purpose thereof, in "The Ulverston Mirror," a local

A.D. 1874.

newspaper published in the district, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expenses in relation to promoting the Bill for this Act should be charged on the general district rate of the Local Board:

And whereas such resolution was published twice in the said newspaper, and has received in respect of matters within the jurisdiction of the Local Government Board the approval of such Board, and in respect of other matters the approval of one of Her Majesty's Secretaries of State:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the Local Board, at a further special meeting held in pursuance of a similar notice on the third day of January one thousand eight hundred and seventy-four, being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the district, by resolution in the manner provided in "The Local Government Act, 1858," for the adoption of that Act, consented to the promotion of the Bill for this Act:

And whereas by an Act passed in the thirty-ninth year of King George the Third, intituled "An Act for dividing and inclosing "the commons, waste grounds, and mosses within the town and "hamlet of Ulverstone, in the parish of Ulverstone, in the county "palatine of Lancaster," (herein-after referred to as "the Inclosure Act,") commissioners were appointed for dividing and allotting the said commons, waste grounds, and mosses, who, after making certain allotments as therein prescribed, were directed to divide and set out the remainder of the said commons, waste grounds, and mosses, and to convey the same and the freehold and inheritance thereof unto and to the use of such seven persons (landowners or inhabitants within the said town and hamlet), their heirs and assigns, as should be nominated as therein mentioned, upon the trusts and for the purposes therein declared; and provision was made for the appointment of successors to the said seven trustees, and for authorising them to let the said lands for any term not exceeding twenty-one years, and (subject to certain restrictions) for any term not exceeding ninety-nine years, on building leases; and it was provided that the said trustees should apply the rents, issues, and profits thereof towards the relief of the poor of the said town and hamlet in alleviation of the poor rates, and should apply any surplus, after relieving the said poor as aforesaid, so that no poor assessments should be made within the said town and hamlet in

39 G. 3. c. 70. (*Priv. n. p.*)

A.D. 1874.

alleviation of the constables rate within the said town and hamlet, and should divide any ultimate surplus amongst the proprietors for the time being of lands within the same town and hamlet, in the like proportions as such lands (according to the land tax assessment made for the service of the year one thousand seven hundred and ninety-eight) were respectively rated to the land tax:

And whereas by an award dated the fourteenth day of September one thousand eight hundred and thirteen, made in pursuance of the Inclosure Act, the commissioners, after declaring and awarding that they had made the allotments first directed by the same Act, further awarded that they had set out and allotted the remainder of the said commons, waste grounds, and mosses (containing about four hundred and nineteen acres), and by indentures of lease and release bearing date respectively the nineteenth and twentieth days of November one thousand eight hundred and six, in further pursuance of the Inclosure Act, they duly conveyed the same to seven persons nominated as prescribed by that Act, their heirs and assigns, upon the trusts in that Act declared, and the same lands (in this Act called "the townlands") are now held by the present trustees (who and their successors are herein-after referred to as the "townlands trustees") upon the same trusts:

And whereas in order to render the townlands more available for the alleviation of the rates, and for building and other useful purposes, it is expedient that the townlands trustees should have further powers of dealing with the same in manner in this Act provided:

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

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

Part I.—Preliminary.

Short title.

1. This Act may be cited as "The Ulverston Local Board Act, 1874."

Interpretation of terms.

2. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and the following words and expressions shall have the meanings hereby assigned to them, unless such meanings be repug-

A.D. 1874.

nant to or inconsistent with the context or subject-matter in which such words or expressions occur; (that is to say,)

The expression "the gasworks" means the undertaking of the Gas Company by this Act vested in the Local Board, and, after such vesting, means and includes the said gasworks and the gasworks by this Act authorised to be made or maintained by the Local Board, and any extensions or improvements thereof respectively which they may construct under the powers of this Act:

The expression "the waterworks" means so much of the undertaking of the Water Company as is by this Act vested in the Local Board, and, after such vesting, means and includes the same portion of the said waterworks as existing at the vesting period, and as the same may since have been or may from time to time be maintained, extended, and improved by the Local Board:

The expression "the vesting period" means, as regards both the gasworks and the waterworks, the thirtieth day of June one thousand eight hundred and seventy-three:

The words "annuity," "annuities," "annuitant," and "annuitants" mean respectively the annuity or annuities granted under the provisions of this Act for the purchase of the gasworks, and the person or persons in whom any such annuity or annuities is or are for the time being lawfully vested:

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

The expression "the Lands Clauses Acts" means "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869:"

The word "person" includes an incorporated company and a corporation, aggregate or sole:

The words "lands," "streets," and "justice" have the meanings respectively assigned to the same words respectively in "The Public Health Act, 1848:"

The word "owner" means the person who for the time being receives the rackrent of the lands with reference to which that term is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands were let at a rackrent:

The expression "the surveyor" means the surveyor for the time being of the Local Board:

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall, for the pur-

poses of this Act, be read and have effect as if the debt or demand in respect of which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Part II.—Gas.

Property of Gas Company vested in Local Board.

3. Subject to the provisions of this Act and upon the passing thereof, and as from the vesting period, the undertaking of the Gas Company, and all the lands, gasworks, erections, buildings, rights, easements, plant, stock, machinery, apparatus, moneys, securities, choses in action, books, writings, plans, chattels, credits, effects, and other property, claims, and demands whatsoever of or held in trust for the Gas Company, and the benefit of all contracts and engagements entered into by or on behalf of the Gas Company, and all their authorities, powers, and privileges, shall be and the same are hereby vested in the Local Board to the same extent and for the same estate and interest as the same were previously vested in the Gas Company or any trustee on their behalf, and may, according to the provisions of this Act, be held and enjoyed, sued for, and recovered, maintained, altered, discontinued, removed, dealt with, and disposed of by the Local Board as they think fit: Provided always, that within three months from the passing of this Act the Local Board shall produce to the Commissioners of Inland Revenue a copy of this Act printed by Her Majesty's Printers, and duly stamped with the ad valorem stamp duty of the same amount as would have been payable if the transfer of the said undertaking had been by a deed of conveyance; and if the Local Board 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 shall be recoverable from the Local Board, with full costs of suit, and all costs and charges attending the same.

Gas Act of 1864 to form part of this Act.

4. The Gas Act (except the provisions of that Act with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit) and "The Gasworks Clauses Act, 1871" (so far as applicable), and except sections eight (for appointment of a receiver) and thirty-five (relative to accounts), shall form part of and be construed as one Act with this part of this Act; and "The Gasworks Clauses Act, 1871," shall apply to the gasworks as if the gasworks had been by this Act authorised; and in construing (for the purposes of this Act) the Gas Act, and the Acts wholly or partially incorporated therewith, and "The Gasworks Clauses Act, 1871," the expressions "the Company"

A.D. 1874.

and "the undertakers" used therein shall respectively mean the Local Board, and the expression "the undertaking" shall mean the gasworks: Provided always, that the powers of the Gas Company by this Act vested in the Local Board shall not comprise any of their powers with respect to general meetings, or with respect to directors, or with respect to the management of the internal affairs of the Company, or with respect to the raising of money by shares or by borrowing.

Dissolution of Gas Company.

5. On and after the passing of this Act the Gas Company are dissolved, and shall wholly cease to exist, except for the purpose of winding up their affairs.

Execution of Gas Company's Act by Local Board.

6. On and after the passing of this Act, the Gas Act and this Act may and shall, with respect to the gasworks, and subject to the provisions of this Act, be carried into execution by the Local Board, with the powers and indemnities and according to the provisions of the Local Government Acts; and those Acts shall, in relation to the Local Board and the several objects and purposes of this Act relating to the gasworks, be read and construed, subject to the provisions of this Act, as if the said objects, purposes, and provisions of this Act were objects, purposes, and provisions of the Local Government Acts, so far as the same shall be applicable thereto, and except so far as any of the provisions of the Local Government Acts are varied, altered, or otherwise provided for by this Act.

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

7. Except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered under or by virtue of the Gas Act shall be as valid as if this Act had not been passed, and the dissolution and vesting and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if the dissolution and vesting had not taken place and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered; and with respect to all such rights, liabilities, claims, and demands, the Local Board shall, to all intents and purposes, represent the Gas Company and the property of the Gas Company, as the case may be; and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts, &c. of Gas Company to be binding.

8. Except as is by this Act otherwise expressly provided, all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds, and agreements entered into or made before the passing of this Act by, to, or with the Gas Company, or by, to, or with any

other person to whose rights and liabilities they have succeeded, and then in force, shall be as binding and of as full force and effect in every respect against or in favour of the Local Board, and may be enforced as fully and effectually, as if, instead of the Gas Company or the trustees or persons acting on behalf of the Gas Company, the Local Board had been a party thereto.

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

9. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity which was pending by or against the Gas Company in relation to the affairs of the Gas Company, or to which the Gas Company, in relation to such affairs, were parties immediately before the passing of this Act, but such action, suit, or other proceeding may be maintained, prosecuted, or continued by or in favour of or against the Local Board (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by or in favour of or against the Gas Company if this Act had not been passed; and all persons committing offences against any of the provisions of the Gas Act before the passing of this Act may be prosecuted, and all penalties incurred by reason of such offences may be sued for and recovered, in like manner in all respects as if this Act had not been passed, the Local Board being, in reference to the matters aforesaid, in all respects substituted for the Gas Company.

Local Board to satisfy liabilities of Gas Company.

10. From and after the passing of this Act, and except as is by this Act otherwise expressly provided, the Local Board shall in all respects be subject to and shall discharge all obligations and liabilities to which the Gas Company immediately before the passing of this Act were subject, and shall indemnify the members, directors, officers, and servants of the Gas Company, and their respective representatives, from all such obligations and liabilities, and from all expenses and costs in that behalf; and on or before the first day of July one thousand eight hundred and seventy-five the Local Board shall pay off the said mortgage debt of one thousand pounds.

Recovery of gas rents, &c.

11. All gas rents and sums of money which, immediately before or since the vesting period, were due or accruing to the Gas Company, shall be payable to and may be collected and recovered by the Local Board in like manner as if they had become payable for the like matters supplied or done under this Act.

As to payment of debts owing to Gas Company.

12. All persons who, immediately before or since the vesting period, owed any money to the Gas Company, or to any person on their behalf, shall pay the same, with all interest (if any) due or accruing upon the same, to the Local Board, and all debts and

A.D. 1874.

moneys which, immediately before or since the vesting period, were due or recoverable from the Gas Company, or for the payment of which the Gas Company were or but for this Act would be liable, shall be paid, with all interest (if any) due or accruing upon the same, by or be recoverable from the Local Board.

Payments to Gas Company out of moneys due at vesting.

13. The Local Board shall pay to the stock and share holders of the Gas Company a dividend on their stock and shares for the half year ending at the vesting period at the rate of ten per centum per annum on the amount of the original stock, and at the rate of seven per centum per annum on the amount paid up on the additional shares.

Transfers, &c. of gas shares to remain in force.

14. Notwithstanding the dissolution, all sales, transfers, and dispositions heretofore made or executed for and with respect to any stock or shares in the Gas Company shall remain in full force, and continue and be available in all respects as if this Act had not passed.

Books, &c. of Gas Company continued evidence.

15. All documents, books, and writings which, if this Act had not passed, would have been receivable in evidence for or against the Gas Company, shall be admitted as evidence in all courts of law and equity and elsewhere for or against the Local Board, notwithstanding the passing of this Act.

Resolutions of Gas Company to remain in force.

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

Officers of Gas Company to continue until removed.

17. Joseph Royston, an old and now infirm servant of the Gas Company, who has been in the employment of the Gas Company and their predecessors, the Ulverston Gaslight and Coke Company, for many years, shall be permitted by the Local Board to occupy, free of all rents, rates, and taxes, during the remainder of his life, the house he now occupies, and shall be paid by the Local Board, during his life, the sum of one pound a week, he performing such voluntary work and duties only as his age and infirmities will allow, and all other officers and servants of the Gas Company, who were in office immediately before the passing of this Act, shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereunto annexed, until they shall resign the same or be removed therefrom by the Local Board, and shall be subject and liable to the like conditions, obligations, pains, and

penalties, and to the like powers of removal, and to the like rules, restrictions, and regulations in all respects whatsoever as if they had been appointed under this Act.

Provisions as to carrying on of gas-works since the vesting period.

18. From the vesting period to the passing of this Act, the Gas Company shall be deemed to have carried on the gasworks as the agents and on behalf of the Local Board, and within one month after the passing of this Act an account shall be stated between the Gas Company and the Local Board of all receipts and payments by the Gas Company on any account whatsoever subsequent to the vesting period, and in such account the Gas Company shall debit against the Local Board the following matters; (that is to say,)

(1.) All interest accrued due in the interval between the vesting period and the passing of this Act upon the said mortgage debt of the Company, and all payments accrued due during the same interval in respect of the said yearly sum of three pounds;

(2.) Sums equal to the amounts which would have accrued due on the annuities during the same interval, in case the same had been granted at the vesting period;

(3.) A sum of four hundred and seventy-five pounds eleven shillings and tenpence reserved on the treaty for the transfer out of the moneys to be vested in the Local Board for the purpose of distribution among the officers, servants, and shareholders of the Gas Company, at the discretion of that Company;

(4.) All costs of management, including the wages of the said Joseph Royston, accrued due during the interval aforesaid;

(5.) The costs of the Gas Company relative to the passing of this Act;

and the Gas Company shall apply all the moneys so debited to the purposes above mentioned, and the Local Board shall be discharged from all obligation in respect thereto; and the balance appearing at the foot of such account shall be paid by the party against whom the same is found due to the party to whom the same is found due.

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

19. Subject to the provisions of this Act, the Local Board may, from time to time, maintain, alter, improve, enlarge, extend, and renew or discontinue the existing gasworks upon the lands on which the same are erected, or any part thereof, and which are described in Part I. of the first schedule to this Act (being the same lands as are described in section forty-five of the Gas Act), and also upon the other lands described in Part II. of such schedule, and they may also erect, lay down, provide, and from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue additional and

A.D. 1874.

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, and also meters, fittings, tubes, pipes, and other articles and things in any way connected with gasworks, or with the supply of gas, as they may from time to time think fit.

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

20. The Local Board may, for the purposes of the gasworks, purchase, take, and hold (by agreement, but not otherwise), in addition to the lands described in the first part of the first schedule to this Act, all or any of the lands described in the second part of such schedule, and also any lands and hereditaments, not exceeding in the whole three acres, which the Local Board may from time to time require for the purposes of the gasworks, but no lands shall be used by the Local Board for the purpose of manufacturing gas or residual products except the lands described in the first schedule to this Act.

Power to take licenses.

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

Pressure of gas.

22. All gas supplied by the Local Board to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch, and from sunset to midnight not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer; and any gas examiner appointed under "The Gasworks Clauses Act, 1871," may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority; and the provisions of "The Gasworks Clauses Act, 1871," with reference to testing of gas and to penalties, shall, mutatis mutandis, apply to such testing of pressure, and two hours previous notice shall be given to the Local Board of the time and place at which such testing shall be conducted.

Quality of gas.

23. The prescribed number of candles shall be fourteen.

Testing place.

24. The testing place shall be the existing testing place at the gasworks, Ulverston, or some other testing place provided for the purpose within the principal gasworks for the time being of the Local Board.

Burner.

25. The prescribed burner shall be an argand fifteen-hole burner, and a seven-inch chimney, or other burner and chimney capable of consuming five cubic feet of gas per hour, and approved for this purpose by the Local Government Board.

Local Board to pay interest on money deposited as security for gas meter, &c.

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

Local Board to grant annuities.

27. In consideration of the gasworks and the undertaking of the Gas Company being vested in the Local Board, the Local Board shall grant to the holders of the original stock of the Gas Company a perpetual annuity for and in respect of every sum of one pound of the five thousand five hundred and fifty pounds of the original stock, calculated at the rate of ten pounds per centum per annum; and to the holders of the additional share capital of the Gas Company a perpetual annuity for and in respect of every sum of one pound of the seven thousand four hundred pounds paid up on the said share capital, calculated at the rate of seven pounds per centum per annum; and the annuities shall be granted upon the security of the gasworks, and shall be a charge thereon, and on the gas rents, rates, and profits payable to the Local Board under the Gas Act and this Act, for the supply of gas, in priority to all mortgages to be granted under the provisions of this Act; and if and whenever such gas rents, rates, and profits are not sufficient for the payment of the annuities when due, the deficiency shall be charged upon and paid out of the general district rate, and any other rates and tolls of the Local Board, and shall be charged upon all other property of the Local Board and their successors, whether now or hereafter vested in them in their capacity of a Local Board, or in any other capacity.

Vesting annuities in shareholders of Gas Company.

28. The annuities shall vest in and belong to the several persons who at the passing of this Act were stock and share holders of the Gas Company, in proportion to the amount of stock and shares held by them respectively, and shall rank pari passu with each other.

A.D 1874.

Gas Company to deliver to Local Board a list of their shareholders.

29. The Gas Company shall, on the passing of this Act, deliver to the Local Board a list of the names and addresses, as appearing in the stock and share registers of the Gas Company, of the persons who were at the passing of this Act stock or share holders in the Gas Company, with a statement of the number, description, and class of the stock or shares held by each stock or share holder, and such register shall, unless the contrary be proved to the satisfaction of the Local Board, be considered to be the list of stock or share holders of the Gas Company for all the purposes of this Act with respect to the Gas Company.

Annuities to represent shares in Gas Company.

30. The annuities shall in all respects, both in law and in equity, be substituted for and represent the stock and shares in the capital of the Gas Company in respect of which the same are granted, and the annuitants shall be possessed thereof respectively upon the same trusts and subject to the same powers, provisions, charges, and liabilities as those upon and to which the stock or shares in respect of which the annuities are granted were, at the passing of this Act, respectively held and subject, and the annuities shall accordingly pass or be affected by any will or other instrument disposing of or affecting such stock or shares.

Commencement of payment of annuities.

31. The annuities shall be computed from the vesting period, and shall be payable at the office at Ulverston of the treasurer to the Local Board, clear of all deductions (except income tax), by equal half-yearly payments on the first day of January and the first day of July in every year, the first payment to be made as on the first day of January one thousand eight hundred and seventy-four.

Local Board to keep register of annuities.

32. The Local Board shall, from and after the passing of this Act, keep a book, to be called "The Register of Gas Annuities," and in such book shall be fairly and distinctly entered from time to time the names and addresses of the annuitants, together with the amount of their respective annuities, and the surnames of the annuitants shall be placed in alphabetical order; and every annuitant may at all convenient times peruse such book without any charge, and may require a copy thereof, or any part thereof, and for every hundred words so required to be copied the Local Board may demand a sum not exceeding sixpence.

Certificates of annuities to be issued to the annuitants.

33. The Local Board shall, at their own expense, issue to every annuitant, or to his successors, executors, administrators, or assigns, on demand made by him or them to the Local Board, and on delivery by him or them to the Local Board of the certificates of the stock or shares in the capital of the Gas Company for which the annuity

is substituted, a certificate of the annuity; and such certificate may be according to the form in Part III. of the first schedule to this Act, or to the like effect: Provided that, except as herein-after prescribed, no annuitant shall be entitled to claim from the Local Board more than one certificate in respect of the whole amount of the capital in stock or shares held by him.

Certificates to be evidence.

34. The certificate of any annuity shall be admitted in all courts as primâ facie evidence of the legal title of the holder thereof, his successors, executors, administrators, or assigns, to the annuity therein specified; nevertheless the want of such certificate shall not prevent any annuitant from disposing thereof.

Provision in case of loss of certificate of stock or shares in Gas Company.

35. If any certificate of stock or shares in the capital of the Gas Company be lost or destroyed, then, on satisfactory proof thereof to the Local Board, they shall issue to the person entitled to the certificate so lost or destroyed a certificate of the annuity substituted for such stock or share.

Several certificates may be granted to one annuitant.

36. If at any time an annuitant be desirous of having several certificates instead of one, or one certificate instead of several, then, on his existing certificate or certificates being produced to the Local Board, they may order the same to be cancelled, and shall thereupon issue to him, as he requires, two or more certificates of annuities or a certificate of an annuity of the aggregate amount of the annuity or annuities the certificate or certificates for which is or are so cancelled, and in every such case a due entry of the substituted certificate or certificates shall be made by the Local Board in the register of gas annuities, and for every such substituted certificate the Local Board may demand any sum not exceeding two shillings and sixpence.

Certificates of annuities to be renewed when destroyed.

37. If the certificate of any annuity be worn out or damaged, then, upon the same being produced to the Local Board, they may order it to be cancelled, and thereupon the Local Board shall issue a similar certificate to the annuitant; or if any such certificate be lost or destroyed, then, upon satisfactory proof thereof to the Local Board, they shall issue a similar certificate to the annuitant; and in either case a due entry of the substituted certificate shall be made by the Local Board in the register of gas annuities, and for every such substituted certificate the Local Board may demand any sum not exceeding two shillings and sixpence.

Annuities to be personal estate.

38. The annuities shall be personal estate.

Transfer of annuities to be by deed.

39. Subject to the regulations herein contained, every annuitant may sell and transfer all or any of his annuities, and every such

A.D. 1874.

transfer shall be by deed duly stamped, and in which the consideration shall be truly stated, and such deed may be according to the form in Part IV. of the first schedule to this Act, or to the like effect.

Transfer of annuities to be registered, &c.

40. Every such deed of transfer (when duly executed) shall be delivered to the Local Board, and be kept by them, and they shall keep a book to be called "The Register of Transfers of Gas Annuities," and shall enter a memorial of every such deed of transfer therein, and shall indorse such entry on the deed of transfer (such indorsement to be signed by the chairman and countersigned by the clerk to the Local Board), and shall, on demand, deliver a new certificate to the transferee, and for every such entry of a deed of transfer, with such indorsement and certificate, the Local Board may demand any sum not exceeding two shillings and sixpence, and on the request of any transferee an indorsement of the transfer to him shall be made on the certificate of the annuity transferred, instead of a new certificate being granted, and such indorsement, being signed and countersigned as aforesaid, shall be considered in every respect the same as a new certificate, and for every such indorsement the Local Board may demand any sum not exceeding two shillings and sixpence; and until such deed of transfer be so delivered to the Local Board the transferee shall not be entitled to receive any part of the annuity transferred, and every annuitant shall be entitled to inspect the register of transfers of gas annuities without any charge.

Closing of transfer book.

41. The Local Board may close the register of transfers of gas annuities for a period not exceeding twenty-one days before the first day of January and the first day of July yearly, and any transfer made during the time when the register is closed shall, as between the Local Board and the transferee, but not otherwise, be considered as made after that time.

Transmission of annuities by other means than transfer to be authenticated by a declaration.

42. If the right to any annuity becomes transmitted in consequence of the death or bankruptcy or insolvency of any annuitant, or in consequence of the marriage of a female annuitant, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing in such manner as the Local Board shall require, and every such declaration shall state the manner in which and the party to whom the annuity is transmitted, and shall be made and signed by some credible person before a justice, and such declaration shall be left with the Local Board, and thereupon they shall enter the name of the person entitled under such transmission in the register of transfers of gas annuities, and for every such entry the

Local Board may demand any sum not exceeding two shillings and sixpence, and until such transmission has been so authenticated no person claiming by virtue of any such transmission shall be entitled to receive any part of the annuity transmitted.

Proof of transmission by marriage, will, &c.

43. If such transmission be by virtue of the marriage of a female annuitant, the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of the annuity, and if the transmission be by virtue of any testamentary instrument, or by intestacy, the probate of the will, or the letters of administration, or an official extract therefrom, shall, together with the declaration, be produced to the Local Board, and upon such production, in either of those cases the Local Board shall cause an entry to be made of the declaration in the said register of transfers of gas annuities, and for every such entry the Local Board may demand any sum not exceeding two shillings and sixpence.

Local Board not bound to see to the execution of trusts.

44. The Local Board shall not be bound to see to the execution of any trusts, whether express, implied, or constructive, to which any annuity may be subject, and the receipt of the person in whose name any such annuity shall stand in the register of gas annuities, or if it stands in the names of more persons than one, the receipt of any such person, shall from time to time be a sufficient discharge to the Local Board for any money payable in respect of such annuity, notwithstanding any trust to which such annuity may then be subject, and whether or not the Local Board have had notice of such trust, and the Local Board shall not be bound to see to the application of the money paid upon such receipt, and if any annuity is payable to an annuitant being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Local Board.

Certificate to be demanded before annuity recoverable.

45. The Local Board shall not be bound to pay any annuity until the person entitled thereto has demanded a certificate of it, and the instalments of an annuity in arrear, and not wrongfully withheld by the Local Board, shall not bear interest.

Recovery of arrears of annuities.

46. If within thirty days after any half-yearly portion of any annuity becomes payable, and after demand thereof in writing, it be not paid, the annuitant may recover the same from the Local Board in any court of competent jurisdiction.

Power to redeem annuities by agreement.

47. The Local Board may from time to time, by agreement with any annuitant, redeem all or any of his annuities.

A.D 1874.

Annuitant to deliver up certificate of annuity redeemed.

48. On redemption of any annuity, the annuitant shall deliver up to the Local Board the certificate of such annuity, and shall give to the Local Board a discharge for the redemption money, and upon any annuity being redeemed, an entry of the redemption thereof shall be made in the register of gas annuities, and the annuity so redeemed shall be wholly extinguished.

Sinking fund for redemption of annuities.

49. The Local Board shall, in order to create a sinking fund for the redemption of the annuities, by agreement, after the expiration of five years from the passing of this Act, every year set apart and appropriate a sum equal to one-hundredth part of the capitalised value at twenty years purchase of the annuities for the time being subsisting, and shall from time to time cause such sum to be invested in the purchase of Exchequer bills or other Government securities, and to be increased by accumulation, in the way of compound interest or otherwise, until such time as is herein-after mentioned.

Application of sinking fund.

50. The Local Board may and shall apply the sinking fund to be so created, and in any order of priority that they think fit, in the redemption of such of the annuities as they may from time to time be able to redeem, and in paying off from time to time the moneys (if any) borrowed for the purpose of such redemption: Provided always, that whenever any of the annuities have been redeemed, the Local Board shall thenceforward, until the whole of the annuities have been redeemed and all moneys borrowed for the purpose of such redemption have been paid off and discharged, 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 amount of the annuities redeemed: Provided further, that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual amount of the annuities then outstanding, and no moneys borrowed as aforesaid remain owing, the Local Board may, in lieu of investing the said yearly income, apply the same in payment of such outstanding annuities, and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

Part III.—Water.

Property of Water Company vested in Local Board.

51. Subject to the provisions of this Act and upon the passing thereof, and as from the vesting period, the undertaking of the Water Company, and all the lands, works, erections, buildings, reservoirs, streams, springs, waters, rights, easements, mains, pipes, plant, plugs, gauges, meters, syphons, machinery, apparatus, stock, moneys, securities, choses in action, books, writings, plans, chattels,

A.D. 1874.

credits, effects, and other property, claims, and demands whatsoever of or held in trust for the Water Company, and the benefit of all contracts and engagements entered into by or on behalf of the Water Company, and all their authorities, powers, and privileges, shall be and the same are hereby vested in the Local Board to the same extent and for the same estate and interest as the same were previously vested in the Water Company, or any trustees or trustee on their behalf, and may, according to the provisions of this Act, be held and enjoyed, sued for, and recovered, maintained, altered, discontinued, removed, dealt with, and disposed of by the Local Board as they think fit.

Vesting part of Water Company's undertaking in the Corporation.

52. There shall be excepted out of the last preceding section the following property or reputed property of the Water Company, or of any trustees or trustee in their behalf; (that is to say,)

(A.) A certain mill situate on the said Pennington Beck, and known as the Pennington Mill, and the lands and buildings thereto belonging, and the water rights and other easements thereto appurtenant;

(B.) Such water rights as are appurtenant to a certain other mill situate on the said Pennington Beck, and known as the Low Mill, in respect of the part of Pennington Beck, and all streams flowing into the same, situate and being above Pennington Church, in the parish of Pennington in the county of Lancaster;

all which are herein-after referred to as "the excepted premises;" and subject to the provisions of this Act and upon the passing thereof, and as from the vesting period, the excepted premises, with their respective rights, members, and appurtenances, shall be and the same are hereby vested in the Corporation to the same extent and for the same estate and interest as the same were vested in the Water Company, or any trustees or trustee on their behalf, and the same shall accordingly be and form part of the waterworks undertaking of the Corporation authorised by the Corporation Act, and may, according to the provisions of that Act, be held and enjoyed, maintained, altered, discontinued, recovered, dealt with, and disposed of by the Corporation as they think fit.

Stamping of Act as to water undertaking.

53. Within three months from the passing of this Act the Local Board shall produce to the Commissioners of Inland Revenue a copy of this Act printed by Her Majesty's Printers, and duly stamped with the ad valorem stamp duty of the same amount as would have been payable if the transfer of the whole undertaking of the Water Company to the Local Board and the Corporation had been by one

A.D. 1874.

deed of conveyance; and if the Local Board shall not within the said period of three months produce to the said Commissioners such copy of the Act duly stamped as aforesaid, the ad valorem stamp duty shall be recoverable from the Local Board, with full costs of suit, and all costs and charges attending the same, and as between the Local Board and the Corporation the amount of such stamp duty shall be paid by the Local Board and the Corporation in due proportions.

Consideration for transfer of waterworks undertaking.

54. The consideration for the transfer and vesting of the waterworks and the undertaking of the Water Company in the Local Board and the Corporation respectively, as herein-before provided, shall be the sum of nineteen thousand six hundred pounds, with interest thereon after the rate of five pounds per centum per annum, computed from the vesting period up to the date of payment.

Cost of purchase apportioned between the Local Board and the Corporation.

55. The consideration for the transfer and vesting shall be borne and paid by the Local Board and the Corporation in the following proportions, viz., the principal sum of sixteen thousand pounds and its relative interest by the Local Board, and the remaining principal sum of three thousand six hundred pounds and its relative interest by the Corporation.

Power to Corporation to pay for purchase.

56. The Corporation may, out of the moneys which they are authorised to borrow under the Corporation Act, pay the said sum of three thousand six hundred pounds and interest for the acquisition of the excepted premises, as if the said acquisition was one of the purposes of the Corporation Act in connexion with water.

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

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

Water Company to wind up affairs.

58. As soon as conveniently may be after the passing of this Act, the directors of the Water Company shall proceed to wind up the affairs of the Company, and after payment, satisfaction, and discharge of all their mortgages or bonds, debts, contracts, and liabilities, shall distribute and pay their net moneys to and among the several persons who at the time of the payment of the consideration shall be registered shareholders of the Company, their respective executors,

administrators, successors, or assigns, in proportion to their respective shares in the capital of the Company.

Books evidence as to shareholders.

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

Receipt of representatives of shareholders to discharge Water Company.

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

Payment into Court by Water Company.

61. If, at the expiration of twelve months from the date of the payment of the consideration, any moneys which ought to be paid to the shareholders of the Water Company shall remain in the hands of the directors thereof, either by reason of the absence from Great Britain, or incapacity of any shareholder or of his executors, administrators, or assigns, or on account of his residence or place of abode not having been ascertained by the Company after reasonable inquiry, or on account of the Company being in doubt as to the true legal ownership of any shares or of any money distributable under this Act, or as to the sufficiency of any acquittance or discharge proposed to be given to them in respect thereof, or on account of any other reasonable cause, the directors may pay the same into the Court of Chancery under any Act for the time being in force for the relief of trustees, previously deducting therefrom the costs of and incidental to such payment into Court, such costs to be ascertained by one of the taxing masters of the said Court.

Water Company to be dissolved.

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

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

63. Except as by this Act otherwise expressly provided, everything before the passing of this Act done or suffered under or by virtue of the Waterworks Act shall be as valid as if this Act had not been passed, and the dissolution and vesting and this Act

A.D. 1874.

respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if the vesting had not taken place and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered.

Contracts, &c. of Water Company to be binding.

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

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

65. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity which was pending by or against the Water Company in relation to the affairs of the Water Company, or to which the Water Company in relation to such affairs were parties immediately before the passing of this Act, but such action, suit, or other proceeding may be maintained, prosecuted, or continued by or in favour of or against the Water Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by or in favour of or against the Water Company if this Act had not been passed; and all persons committing offences against any of the provisions of the Waterworks Act before the passing of this Act may be prosecuted, and all penalties incurred by reason of such offences may be sued for and recovered, in like manner in all respects as if this Act had not been passed, the Local Board being in reference to such offences and penalties in all respects substituted for the Water Company.

The Water Company to satisfy their liabilities.

66. The Water Company shall discharge all obligations and liabilities to which they immediately before the passing of this Act were subject, and shall indemnify the Local Board and the Corporation respectively from all such obligations and liabilities, and from all expenses and costs in that behalf.

Recovery of water rents, &c.

67. All water rents and sums of money which immediately before the vesting period were due or accruing to the Water Company shall be payable to and collected and recovered by the

Water Company as if this Act had not been passed; and as regards current or accruing debts or credits at the vesting period in this and the last preceding section provided for, a due apportionment thereof shall be made between the Water Company and the Local Board or the Corporation, as the case may require.

As to payment of debts owing to Water Company.

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

Books, &c. of Water Company continued evidence.

69. All documents, books, and writings which, if this Act had not passed, would have been receivable in evidence for or against the Water Company, shall be admitted as evidence in all courts of law and equity and elsewhere for or against the Local Board or the Corporation, as the case may be, notwithstanding the passing of this Act.

Resolutions of Water Company to remain in force.

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

Officers of Water Company to continue until removed.

71. All officers and servants of the Water Company who were in office immediately before the vesting period shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereunto annexed, until they shall resign the same or be removed therefrom by the Local Board or the Corporation, as the case may be, and shall be subject and liable to the like conditions, obligations, pains, and penalties, and to the like powers of removal, and to the like rules, restrictions, and regulations in all respects whatsoever as if they had been appointed under this Act.

Waterworks Act to form part of this Act.

72. The Waterworks Act (except the provisions of that Act with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit) and "The Waterworks Clauses Act, 1863," (so far as applicable,) shall form

A.D. 1874.

part of and be construed as one Act with this part of this Act, and the Waterworks Clauses Act, 1863, shall apply to the waterworks as if the waterworks had been by this Act authorised; and in construing (for the purposes of this Act) the Waterworks Act and the Acts wholly or partially incorporated therewith, and the Waterworks Clauses Act, 1863, the expressions "the Company" and "the undertakers" used therein shall mean respectively the Local Board, and the expression "the undertaking" shall mean the waterworks: Provided always, that the powers of the Water Company by this Act vested in the Local Board shall not comprise any of their powers with respect to general meetings or with respect to directors, or with respect to the management of the internal affairs of the Company, or with respect to the raising of money by shares or by borrowing: Provided also, that if there shall be any inconsistency between the provisions of the Waterworks Act and the provisions of "The Waterworks Clauses Act, 1863," incorporated herewith, the latter provisions shall prevail: Provided also, that after the expiration of two years from the passing of this Act, section thirty of the Waterworks Act shall be read and have effect as if the rate, not exceeding seven pounds per centum per annum, included dwelling-houses having in or appurtenant to them respectively one watercloset and no more, and as if the additional rates for waterclosets applied only to waterclosets in excess of one.

Execution of Water Company's Act by Local Board.

73. On and after the passing of this Act, the Waterworks Act and this Act may and shall, with respect to the waterworks, and subject to the provisions of this Act, be carried into execution by the Local Board, with the powers and indemnities and according to the provisions of the Local Government Acts, and those Acts shall, in relation to the Local Board and the several objects and purposes of this Act relating to the waterworks, be read and construed, subject to the provisions of this Act, as if the said objects, purposes, and provisions of this Act were objects, purposes, and provisions of the Local Government Acts, so far as the same shall be applicable thereto, and except so far as any of the provisions of the Local Government Acts are varied, altered, or otherwise provided for by this Act.

Repeal of section 22 of Corporation Act.

74. Section twenty-two of the Corporation Act is hereby repealed.

Corporation to supply Local Board with water.

75. The Local Board shall be entitled to demand and take, and the Corporation shall supply and deliver to the Local Board at the existing works of the Water Company at or near Pennington aforesaid, or such other works as may from time to time be substituted

there, from the reservoir authorised by the Corporation Act, and in priority to the supply by the Corporation of any water from such reservoir, or the streams supplying it, to any other person or to any other reservoir or waterwork of the Corporation, or another person, the following quantities of water; (that is to say,)

(A.) Any quantity which the Local Board may from time to time require for the purposes of the waterworks, not exceeding four hundred thousand gallons in any one day, free of all rate, charge, or payment for the same:

(B.) Any further quantity which the Local Board may from time to time require for the like purposes, not exceeding the further quantity of two hundred thousand gallons in any one day:

Any such further quantity shall be paid for by the Local Board at the rate of threepence for every one thousand gallons required and actually delivered, such payments to be made quarterly on the first day of January, the first day of April, the first day of July, and the first day of October in each year. The water to be supplied as aforesaid shall be supplied at an uniform rate during the twenty-four hours of each day, or during such other time as may be agreed upon from time to time between the Local Board and the Corporation, or in case they shall be unable to agree, then as the Local Government Board shall from time to time determine.

Corporation to lay down connecting pipe between reservoir and waterworks.

76. The Corporation shall, at their own expense and risk, provide, lay down, and fix, and maintain in good working order, repair, and condition, and in all respects to the reasonable satisfaction of the engineer or surveyor for the time being of the Local Board,—

(A.) A main pipe and other works, apparatus, and conveniences necessary and effectual for delivery into the existing works of the Water Company at or near Pennington aforesaid of the said several quantities of water:

(B.) All gauges, meters, and apparatus necessary and effectual for ascertaining, measuring, and registering the quantity of water from time to time delivered to the Local Board:

(C.) All proper and sufficient connexions between the existing works of the Water Company and the works of the Corporation mentioned in sub-section (A.):

At all reasonable times the Local Board shall have and the Corporation will afford to them full and free access to and user of all gauges, meters, and apparatus for ascertaining the quantity of water so from time to time supplied, with all proper and sufficient facilities in that behalf.

A.D. 1874.

Corporation not to divert water until reservoir made.

77. The Corporation shall not, without the previous consent in writing of the Local Board under their common seal, by catch-waters or other works, collect, divert, impound, or appropriate any of the waters included within the powers in that behalf given by the Corporation Act before the reservoir authorised by that Act shall have been made and completed, except at times when a larger quantity of water than six hundred thousand gallons per day shall be flowing past Pennington Mill aforesaid, and then not to any greater extent than such as shall leave six hundred thousand gallons per day flowing past the same mill; and the Corporation shall during the construction of the said reservoir by all proper and sufficient means prevent any of the said waters from being fouled or rendered unclean or unfit for domestic purposes.

Penalty on Corporation for non-supply of water.

78. If the Corporation shall, at any time after they shall have commenced supplying water to the Local Board under the preceding provisions, fail to supply to the Local Board the quantities of water required by the Local Board under the same provisions, and which the Corporation are thereby bound to supply to the Local Board, then the Corporation (unless such failure be occasioned by frost or other inevitable cause beyond the control of the Corporation) shall for every such failure pay to the Local Board the full sum of twenty pounds, and also the further sum of ten pounds for every day during which such failure continues, which sums may be recovered by the Local Board, by way of liquidated damages, in any court of competent jurisdiction.

Until water delivered to Local Board by Corporation, Local Board may take same.

79. Until the Corporation shall commence to deliver to the Local Board the quantities of water herein-before provided to be so delivered, the Local Board may exercise and enjoy all the powers and rights of taking and using water conferred upon the Water Company by the Waterworks Act, as fully and effectually in all respects as the Water Company might have done if the Corporation Act and this Act had not passed.

Corporation not to supply water within water limits.

80. The Corporation shall not sell or supply water to any person other than the Local Board within the water limits.

Part IV.—Markets.

Power to continue and establish markets and fairs.

81. With respect to markets and fairs within the market limits, the Local Board shall have the following powers and duties; (namely,)

(1.) They may continue and from time to time appoint and provide proper market places and market houses for the sale of marketable articles, and places for fairs, with proper stalls,

sheds, standings, pens, and other buildings, approaches, works, and conveniences:

(2.) They may continue the markets held in the market place and approaches thereto, and the fairs held within the market limits, and may from time to time establish and hold new markets and fairs:

(3.) They may provide and keep sufficient and proper weighing houses or places, weights and measures, scales and machines, for weighing or measuring articles and weighing carts in the markets or fairs, and shall appoint and keep proper persons to attend to such weighing or measuring during the holding of the markets or fairs:

(4.) They may demand and receive tolls, stallages, and rents (not exceeding the tolls, stallages, and rents to be approved by the Local Government Board) from persons selling, offering, or exposing for sale articles in the markets or fairs, and in any new markets or fairs to be established and held under this Act, or using the buildings or conveniences in the markets or fairs, or frequenting the markets or fairs, or using the weighing houses or places, weights, measures, scales, or machines, in the markets or fairs:

(5.) They may alter or discontinue any market or fair, and enlarge, improve, alter, or remove any market place or market house, or any place for fairs, or any approach, work, or convenience, or any weighing house or place:

(6.) For the purposes aforesaid they may from time to time purchase by agreement or take at a rent any lands and any easements or rights in, over, or affecting lands, or appropriate any lands for the time being belonging to them or under their control:

(7.) They may from time to time by agreement purchase and acquire any franchise and other rights of and with respect to markets and fairs and the holding of markets and fairs within the market limits, and taking tolls thereat.

Compensation to persons having other markets, &c.

82. The Local Board shall, within one month next after the passing of this Act, give, by advertisement in two or more newspapers circulating in the district, notice that all persons legally entitled to any market rights or franchises or fairs within the district which may or shall be interfered with by this Act, may require that the Local Board shall purchase those market rights or franchises or fairs or make compensation, by reason of the same being interfered with by or under this Act, and the amount of the purchase

A.D. 1874.

money, if not agreed on, shall be ascertained, and the purchase money or compensation shall be recovered and applied in accordance with the provisions in that behalf of the Lands Clauses Acts.

Prohibition of markets, &c., except those of Local Board.

83. From and after the time when the Local Board have purchased or compensated for all legal market rights or franchises or fair rights (if any) within the market limits, or if within three months after the giving of such notice as is prescribed by the last preceding section hereof no person shall have made a claim to any such rights, then from and after that period all market rights or franchises or fair rights (if any) within the market limits shall be vested in the Local Board, and no other markets or fairs, not being the markets or fairs of the Local Board, shall be held in any of the streets or elsewhere within the market limits.

Certain provisions of Lands Clauses Acts incorporated.

84. For the purposes of this Act as regards markets, the Lands Clauses Acts (except so far as the same relate to the purchase and taking of lands otherwise than by agreement) are, so far as the same are applicable for those purposes, and are not varied by or inconsistent with this Act, hereby incorporated with and shall form part of this part of this Act.

10 & 11 Vict. c. 14. incorporated.

85. "The Markets and Fairs Clauses Act, 1847," is (except where expressly varied by this Act) incorporated with and forms part of this part of this Act.

Lands for extraordinary purposes.

86. The quantity of land to be taken by the Local Board by agreement for the extraordinary purposes mentioned in "The Markets and Fairs Clauses Act, 1847," shall not exceed two acres.

Market limits.

87. The limits of the markets and fairs of the Local Board shall be the district.

License for sale out of market.

88. The Local Board may from time to time, if they think fit, grant to any person a license to sell or expose for sale in a place (other than a market place or market house, or in his own dwelling-house or shop), or from door to door, any article in respect of the sale or exposure for sale whereof in any market place or market house, or in respect of the user of any stall or other convenience for the sale or exposure for sale whereof in any market place or market house, any toll, stallage, or rent is leviable by or payable to the Local Board, every such license being granted on such terms and conditions as the Local Board think fit, and to endure for a period not exceeding twelve months, and to be revocable in such cases as the Local Board prescribe, and the Local Board may demand and take for every such license for a period of twelve months any sum not exceeding one pound, and if any person does

any act for which such a license is authorised without having obtained such license, or does any act in contravention of or omits to do anything required by any license granted to him, he shall be liable on summary conviction to a penalty not exceeding forty shillings for every day on which any such offence is committed by him.

Prohibition of sale except in markets, &c.

89. Every person who shall sell or expose for sale in the district, without the license and consent of the Local Board under their common seal, except in his dwelling-house or shop, or in the dwelling-house or shop of the buyer or intended buyer, or carries about for sale any article in respect of the sale or exposure for sale whereof in the market place or market house or fair, or in respect of the user of any stall or other convenience for the sale or exposure for sale whereof in the market place or market house or fair, the Local Board are entitled to take any toll, stallage, or rent, shall be liable to a penalty not exceeding forty shillings; but nothing in this or the preceding section shall extend to a licensed hawker, (that is to say,) a person who is required by law to take out a license as hawker, and who has taken out such license, and who produces the same on demand to the market inspector or other authorised officer of the Local Board, and who is selling, or exposing or carrying about for sale articles in respect of which such a license is required: Provided further, that nothing in this or the preceding section relative to the market house shall have effect until from and after the opening of the market house for public use.

Sale of cattle out of market.

90. Every person who, within the market limits, except in the cattle market established by the Local Board, sells or offers or exhibits for sale, or permits to be sold or to be offered or exhibited for sale, any cattle other than cattle which are the bonâ fide property of such person, and have been in his possession within the market limits for the space of seven days prior to such sale, offer, or exhibition, shall be liable to a penalty not exceeding five pounds; but nothing in this section shall prevent the bonâ fide owner of any horses or cattle, or any licensed horse dealer on behalf of such owner, from selling or exposing the same for sale otherwise than by auction on his own premises, or from showing or trying any horse preliminary to any such sale or intended sale thereof.

Power to let stalls, &c.

91. The Local Board may from time to time let to any person any stalls, standing, shed, site, place, or other convenience in the market place or market house or fair, for any term not exceeding three years, at such rent and on such terms, pecuniary and otherwise, and conditions as the Local Board and their lessees mutually agree upon.

A.D. 1874.

Market tolls for stalls, &c. payable by successive occupiers.

92. The several tolls payable in respect of the occupation or use of any stall, shed, standing, station, or place shall be paid not only by the original taker or occupier thereof for part of a day if he do not occupy it the whole day, but also by any subsequent taker or occupier of the same for any subsequent part of the same day.

Tolls to be payable by successive sellers of articles.

93. The several tolls to be levied in respect of any article shall be paid not only by the original seller, but also by any subsequent seller or person who offers such article for sale, and such tolls shall become payable before such article is sold or offered for sale.

Tolls to be taken by officers of the Board.

94. The several tolls by this Act authorised may be demanded and taken by the officers of the Local Board.

Recovery of tolls.

95. If any person liable to the payment of any toll, stallage, or rent payable to the Local Board under this Act, does not pay the same when demanded, the Local Board, or any person authorised by the Local Board to collect the same, may seize and detain the article in respect of which the same is payable, or any other article then or thereafter in the market place or market house or fairs belonging to the person liable to pay the same or under his charge, and if the amount of the toll, stallage, or rent, and the reasonable charges of such seizure and detention, and of the keeping and maintenance of the article seized, be not paid in case of perishable articles seized, forthwith, and in the case of other articles within four days from the time of seizure, the Local Board may forthwith, or on the expiration of those four days (as the case may be), sell the article seized, and out of the money arising thereby may pay and retain the toll, stallage, or rent, and the charges aforesaid and those of the sale, returning the overplus (if any), on demand, to the owner of the article seized, or such toll, stallage, or rent may be recovered in any court of competent jurisdiction.

Part V.—Sewage Works.

Power to construct sewage works.

96. Subject to the provisions of this Act, the Local Board, on any lands taken by them under this Act or otherwise belonging to them, may make and maintain, in the line and according to the levels and within the limits of deviation shown on the deposited plans and sections, the works herein-after described, with all proper works and conveniences connected therewith. The works herein-before referred to and authorised by this Act are,—

A conduit or line of pipes, seventy-seven yards or thereabouts in length, commencing near the present filtering tanks of the

Local Board, situate in a field called Broad Meadow, near the New Road in Ulverston, and terminating in the Morecambe Road;

with all necessary or proper tunnels, man-holes, sewers, drains, junctions with sewers, sluices, cuts, pipes, filtering and disinfecting beds, machinery, waste gates, gauges, regulating basins, pumping stations, tanks, pumps, approaches, and conveniences connected therewith, or necessary or convenient for the intercepting, lifting, conveying, receiving, storing, disinfecting, distributing, and utilising the sewerage and sewage matter now or at any time hereafter flowing through or into or being in or upon any of the reservoirs, tanks, sewers, drains, or works of the Local Board, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as they may require for those purposes respectively.

Certain general Acts incorporated.

97. The Lands Clauses Acts are (except where expressly varied by this Act) incorporated with and form part of this part of this Act.

Time for completion of sewage works.

98. The works herein-before authorised shall be completed within one year from the passing of this Act, and if the same shall not be completed within that period, then on the expiration thereof the powers by this Act granted to the Local Board for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for compulsory purchase.

99. The powers of the Local Board for the compulsory purchase of lands for the purposes of the sewage works authorised by this Act shall not be exercised after the expiration of one year after the passing of this Act.

Power to Local Board to purchase lands and easements by agreement.

100. The Local Board from time to time by agreement may purchase, take upon lease, or otherwise acquire any lands, and any easements or rights in, over, or affecting lands (but not easements in or over any water), which they may deem necessary or convenient for any of the purposes of this Act with respect to sewage works, or for extraordinary purposes connected therewith.

Power to provide tanks, &c.

101. The Local Board may from time to time, as they think fit, construct and provide on any land for the time being belonging to them such buildings, cesspools, tanks, or other receptacles as may be necessary for the purpose of collecting and depositing therein the sewage water and refuse of the sewers and drains and other places under the jurisdiction of the Local Board for sewage purposes, and

A.D. 1874.

such apparatus and machinery as they think requisite for disinfecting the sewage water and refuse, and provide and lay such pipes, pumps, and apparatus in such manner and in such places as they think requisite for collecting and distributing the same on any lands in the occupation of the Local Board, or for sale or other disposition to any person agreeing with the Local Board to purchase or otherwise take the same, either within or beyond the limits of the jurisdiction of the Local Board for sewage purposes.

Conduit, &c. to be constructed so as not to be a nuisance.

102. The Local Board shall cause the conduit and other works by this Act authorised, and the lands connected therewith, to be so respectively constructed, covered, kept, and used as not to create a nuisance or be injurious to health.

Part VI.—Streets.

In certain cases Local Board may cause footpaths to be flagged at the expense of the owners of adjoining lands.

103. Whereas in certain streets parts only of the footways or parapets thereof have been flagged by the owners of the lands abutting on such parts, therefore in any such street, although a public highway at the passing of this Act, the Local Board may cause the parts of the footway or parapet not so flagged to be flagged in such manner as they think fit, and the expenses incurred by the Local Board in respect thereof shall be repaid to them by the owners of the lands abutting on such parts according to the frontage of their respective premises, and such expenses shall be recoverable from such owners respectively, in a summary manner, under the Local Government Acts, and thereafter such parts shall be repaired by the Local Board out of the general district rate.

Streets may be sewered only or paved only, and expenses recovered.

104. The Local Board may, under the provisions of the Local Government Acts, order any street (not being a highway repairable by the inhabitants at large) to be sewered, drained, and levelled only, without also requiring it to be flagged and paved or macadamised; and in that case all the provisions of the Local Government Acts with respect to the sewering, draining, levelling, flagging, paving, macadamising, or otherwise completing of streets, shall be applicable to the sewering, draining, and levelling only of such street, but a street sewered, drained, and levelled only shall not be declared to be a highway until it has also been flagged, paved, or macadamised, and otherwise completed to the satisfaction of the Local Board, and if the Local Board at any time after any street is sewered, drained, and levelled, think proper to have the same flagged, paved, macadamised, or otherwise completed, all the provisions of the Local Government Acts with respect to sewering, draining, levelling, flagging, paving, macadamising, or otherwise

completing of streets shall be applicable to the flagging, paving, macadamising, or otherwise completing only of such street, and the expenses thereof or incidental thereto shall be recoverable accordingly.

Power to stop up certain highways.

105. The Local Board may by order stop up the portion of Green Lane commencing at the east end of certain cottages there known as Green Lane Cottages, and terminating at the Sandside Road, and the portion of the Sandside Road commencing where the road leading from Outcast joins the same, and terminating at Canal Foot; and on such portions respectively being so stopped up, all public and other rights of way and other rights in, over, or upon the same shall be absolutely extinguished; but no such order shall be executed until after the expiration of one month from the time when it has been publicly posted at each end of the highway to which it relates.

Power to execute works, &c., in default of person liable.

106. Whenever by or by virtue of this Act any work, act, or thing is required to be done by any owner, occupier, or other person, and default is made therein, or if any such work, act, or thing is improperly or insufficiently done, the Local Board may cause such work, act, or thing to be executed, re-executed, or done (as the case may require), and also whenever any work, act, or thing is by or by virtue of this Act prohibited being done, and it nevertheless is done, the Local Board may remove, abate, or alter the work, act, or thing so done, and the expenses incurred by the Local Board in any such case, or incidental thereto, shall be repaid to them by the person making default in the execution or doing of or improperly or insufficiently or unlawfully executing or doing such work, act, or thing, as the case may be, notwithstanding any penalty may be imposed upon such person by this Act.

Saving of special contracts as to expenses of works.

107. Nothing in this Act shall alter the liabilities respecting the payment of any expenses made payable or recoverable by this Act of any owner and occupier as between themselves under any special contract relative thereto made before or after the commencement of this Act.

Recovery of street expenses, &c.

108. All expenses which are to be repaid by the owners or occupiers of buildings or lands to the Local Board under the provisions of this Act, shall be deemed to be expenses to which section 23 of "The Local Government Act (1858) Amendment Act, 1861," applies, and to be a charge and be recoverable accordingly.

Power to apply general district

109. Whenever the Local Board are by this Act authorised to execute, re-execute, or alter any work, act, or thing, in default of the owner, occupier, or other person required to do the same, and

A.D. 1874.

fund in executing works for private owners.

whenever the Local Board execute any works upon the application of or by agreement with the owner of any lands, houses, or other property, for or in respect of which the same are to be executed, the Local Board may apply the general district rate in or towards the executing, re-executing, or altering of such work, act, or thing; but this section shall not affect the liability of any such owner, occupier, or other person to repay the moneys expended by the Local Board.

Part VII.—Rates and Borrowing.

Power to the Local Board to borrow on mortgage.

110. The Local Board from time to time, under the authority of this Act, in addition to any moneys which they have borrowed or are authorised to borrow at interest, may borrow on mortgage of the waterworks and the gasworks, and of the water rates and the gas rates, and other rates, rents, and profits payable to the Local Board for the supply of water and gas respectively, and of the other rates, rents, and tolls payable to them under this Act, and of the general district rates leviable by the Local Board under the Local Government Acts and this Act, or of any such securities, either together or separately, all such sums as they may from time to time think requisite for all or any of the purposes of this Act, but not exceeding the amounts herein-after named; (that is to say,)

With respect to gas, ten thousand pounds;
With respect to water, twenty thousand pounds;
With respect to markets, nine thousand pounds;
With respect to sewage, two thousand pounds;
With respect to street improvements and other purposes, five thousand pounds;

and they may also borrow in like manner such sum of money as shall be sufficient to pay off the amount remaining due at the passing of this Act of the debt of nine thousand five hundred and thirty-five pounds contracted for sewerage purposes as herein-before recited: Provided that for the purposes of markets and street improvements above mentioned the Local Board shall not borrow any sums under this section except with the consent of the Local Government Board.

Power to borrow for redemption of gas annuities.

111. Whenever the Local Board agree to redeem any of the annuities according to the provision in that behalf herein-before contained, they may, in addition to any moneys which they have borrowed or are authorised to borrow, borrow at interest on mortgage of all or any of the securities in the last preceding section mentioned such sums of money as shall be sufficient to redeem the annuities in accordance with the said provision.

Sanction of Secretary of State, &c. not required to borrowing.

112. Except as herein-before provided, the sanction of the Local Government Board shall not be required for the exercise by the Local Board of the powers of borrowing expressly conferred upon them by the last two preceding sections, or the power of re-borrowing herein-after authorised.

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

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

Borrowing under Local Government Acts.

114. In calculating the amount which the Local Board may borrow under the Local Government Acts, the amount which they borrow, or are authorised to borrow, under this Act shall not be reckoned, and the powers of the Local Board of borrowing or re-borrowing under this Act shall not be in any way restricted by the Local Government Acts.

Existing mortgages to have priority.

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

Gas annuities to have priority.

116. No mortgages granted by the Local Board in pursuance of the powers of this Act, either wholly or partly on the security of the gasworks, shall, during the continuance of any of the annuities granted by the Local Board in pursuance of the powers of this Act, have priority over any such annuities against the gasworks.

Priority of mortgages over other debts.

117. All money raised or to be raised by the Local Board on mortgage under the provisions of this Act, shall have priority against the Local Board and the property from time to time of the Local Board over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Local Board or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Local Board, in pursuance of any Act relating to the Local Board, which is entitled to rank in priority

A.D. 1874.

to or pari passu with the interest on their mortgages, nor shall anything in this section contained affect any claim for land taken, used, or occupied by the Local Board for the purposes of the Local Board's undertaking and works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Local Board.

Protection of lenders.

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

Application of borrowed money.

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

Power to re-borrow.

120. If the Local Board pay off any part of any money borrowed under any former Act and remaining owing at the passing of this Act, or under this Act, otherwise than by means of the annual instalments or sinking funds provided by this Act, they may from time to time re-borrow the amount so from time to time paid off.

Period for paying off existing debt.

121. The period within which the amount remaining due at the date of this Act of the said sum of nine thousand five hundred and thirty-five pounds, or any money hereafter to be borrowed by the Local Board under the authority of this Act for payment of the same, is to be paid off by means of a sinking fund or otherwise, shall be sixty years from the passing of this Act, anything contained in the Act or Acts or any order or orders thereunder authorising the borrowing of the said sum of nine thousand five hundred and thirty-five pounds, or any part thereof, notwithstanding, and all provisions of any such Acts or orders respectively with respect to the payment off of the said sum of nine thousand five hundred and thirty-five pounds are hereby repealed and annulled.

Period for paying off moneys borrowed by the Local Board.

122. The period within which any money hereafter to be borrowed by the Local Board under the authority of this Act, except for the redemption of the annuities, is to be paid off by means of a sinking fund or otherwise, shall be sixty years from the passing of this Act.

Repayment of money borrowed by instalments or sinking fund.

123. The Local Board shall, by and out of the moneys from time to time received by them, and herein-after directed to be applied to a sinking fund, or by and out of the general district rate, or any other rates leviable by them in the district, or out of any other property of the Local Board, or by all or any of

those modes, either pay off the respective moneys borrowed for purposes other than the redemption of the annuities by annual or other instalments, or otherwise, within sixty years, reckoned from the passing of this Act, or else appropriate out of the said moneys, rates, and property respectively as a sinking fund every year, and until the respective moneys so borrowed are fully paid off, a sum not less than one-sixtieth part of the respective moneys so borrowed, and such sinking fund shall be invested, accumulated, and applied according to section eighty-four of "The Commissioners Clauses Act, 1847," and it shall be lawful for the Local Board to repay the said loans respectively by equal half-yearly or yearly amounts of principal combined with interest, and to compute the amounts requisite to be paid every year in order to the repayment of the respective loans within the said sixty years reckoned as aforesaid, according to the principles of calculation on which are based the tables published in the year one thousand eight hundred and fifty-eight by Messieurs Eyre and Spottiswoode, and purporting to have been examined by the actuary of the National Debt Office, for the objects of or in connexion with "The Local Government Act, 1858."

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

124. The clerk to the Local Board shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund 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 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 have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return, such clerk 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 Local Board have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, 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

A.D. 1874.

Mandamus to be obtained by the Local Government Board out of the Court of Queen's Bench.

Separate accounts to be kept.

125. For the purposes of this Act, the Local Board shall keep distinct and separate accounts, to be called respectively "The Waterworks Account," "The Gasworks Account," "The Markets Accounts," and "The Sewage Works Account," of all their receipts, payments, and liabilities under this Act with respect to the execution thereof, for the several purposes of the waterworks and the supply of water, and the gasworks and the supply of gas, the markets, and sewage works respectively, and may from time to time apportion between those accounts, as they think fit, the items relating to more than one.

Application of income.

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

(1.) So much thereof as shall be received from the gas rates and other rates, rents, and profits payable to the Local Board for or in respect of the supply of gas shall be applied,—

(a.) In discharging the said yearly sum of three pounds, and the interest from time to time payable on the mortgage debt as herein-before stated of the Gas Company during the subsistence thereof respectively;

(b.) In paying the annuities;

(c.) In forming, if and as the Local Board shall see fit, the gas depreciation or contingency fund required by this Act:

(2.) And afterwards the whole of the moneys so received by the Local Board under this Act shall be applied,—

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

(b.) In carrying into execution the several purposes of this Act, except the purposes of Part VIII. of this Act relative to the townlands;

(c.) In providing the sinking funds by this Act required;

(d.) In forming, if and as the Local Board shall see fit, the water depreciation or contingency fund required by this Act;

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

Amount of gas and water contingency or depreciation funds.

127. The sums to be yearly set apart by the Local Board as a gas contingency or depreciation fund, and as a water contingency or depreciation fund, shall be such respective amounts as the Local Board may from time to time think fit, but not so as to exceed in any year a sum equal to one pound per centum upon the aggregate amount of moneys raised by the Local Board by mortgage granted under the provisions of this Act on account of the gasworks or the waterworks respectively, and no money shall be carried to the respective depreciation fund when and so long as the amount thereof is equal to five pounds per centum of that respective aggregate amount.

Application of gas and water contingency or depreciation funds.

128. The gas and water contingency or depreciation funds shall be respectively applied from time to time by the Local Board in meeting any extraordinary contingencies which may arise in respect of the gasworks or the waterworks respectively, or as regards the gas contingency or depreciation fund, in making good the deficiency of any half year's gas revenue of the Local Board to pay the interest upon mortgages of the Local Board under this Act on account of the gasworks in full, and the moneys from time to time set apart for such respective contingency or depreciation funds, and the interest thereon, which shall not be immediately required for any such purpose as aforesaid, shall be invested in Government or other securities, and the Local Board may sell such securities from time to time, as occasion requires.

Power to redeem the yearly sum of three pounds payable by Gas Company.

129. The Local Board may at any time by agreement redeem the yearly payment or sum of three pounds payable under the bond of the Gas Company herein-before referred to, on such terms and conditions as may be mutually agreed on.

Recovery of certain water rents, &c.

130. The Local Board shall have the like powers and remedies for recovering and enforcing payment of the amounts due to them in respect of water rents, or the sale or hire of water meters, mains, pipes, or tubes, as by virtue of this Act they will have for the recovery of water rates, including the power of separating pipes and stopping the supply of water.

Incoming tenant not to be liable for arrears.

131. In case any person supplied with water by the Local Board shall leave the premises where such water has been supplied to him without paying to the Local Board the water rent or meter rent due from him, the Local Board shall not be entitled to require from the

A.D. 1874.

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

Part VIII.—The Townlands.

Repeal of provision of Inclosure Act as to building leases.

132. The provision of the Inclosure Act set forth in the second schedule to this Act is hereby repealed.

This Act and the Inclosure Act to form one Act.

133. This part of this Act, and so much of the Inclosure Act as remains unrepealed, as far as it relates to the townlands, shall be construed together as one Act, and as if the expression "this Act" used in those parts of the Inclosure Act referred to and meant this part of the present Act.

Power of sale over townlands.

134. The townlands trustees may from time to time sell any part or parts of the townlands, except those portions thereof which are in the plan referred to in the herein-before recited award distinguished by the numbers 89 and 91, which portions are called or known by the names of Hoad and Outrake, and contain about eighty-five acres two roods and thirty-four perches.

Mode of sale.

135. Any such sale may be made either by public auction or by private contract, and the townlands trustees may make any stipulations as to title or evidence, or commencement of title or otherwise, in any conditions of or contract for sale, and may buy in or rescind or vary any contract for sale, and re-sell.

Sale with or subject to rights of way, &c.

136. Any such sale may be made with any rights of way or other rights or easements upon, over, or under any other part of the townlands, or reserving any such rights of way or other rights or easements; and any purchaser may be required to enter into any covenants or submit to any restrictions of any description which the townlands trustees may deem beneficial to the property retained, or any part thereof, or otherwise expedient, and the assurance of the premises sold may be made in such manner and form as may be expedient for effectually creating any such right or easement, or for giving effect to every or any such exception, reservation, or restriction as aforesaid.

Execution of conveyance, &c.

137. Any of the townlands sold under the power aforesaid shall, upon payment of the purchase money for the same, be conveyed to the purchaser by the townlands trustees, and for effectuating any such sale the townlands trustees may from time to time execute and do all such assurances and things as they think fit.

Application of proceeds of sale.

138. The townlands trustees shall apply the money produced by any such sale in the manner and order following, and not otherwise:

First. They shall defray thereout the expenses attending the sale:

Second. They shall invest the surplus, if any, in the names of the townlands trustees, or some of them, in some of the public stocks or funds or Government securities of Great Britain, with power to the townlands trustees from time to time to vary or transfer such stocks or funds into or for others of the same or a like nature, or in the purchase from time to time of freehold lands situate in the county of Lancaster, to be conveyed to the townlands trustees upon the trusts of the Inclosure Act, as far as it relates to the townlands as varied by this Act, or in both or either of these modes.

Application of income of investments.

139. The townlands trustees shall apply the dividends, rents, and income arising from any such stock, funds, or lands for the same purposes and in like manner as the rents, issues, and profits received by them from the townlands are by the Inclosure Act directed to be applied, or for such of those purposes as are for the time being subsisting.

Power to sell out investments.

140. The townlands trustees may from time to time sell out and transfer any part or parts of such stocks or funds, whenever they may think it necessary or proper to do so, for the purpose of raising money for defraying the expenses of the execution of the Inclosure Act, or of the execution of this Act, as far as they respectively relate to the townlands, and shall apply the money so raised accordingly, and not otherwise.

Trustees may dedicate part of townlands for roads, &c.

141. The townlands trustees may from time to time lay out and appropriate any part or parts of the townlands for streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, or other works of accommodation and convenience, either to be dedicated to the public or not, in such manner as the townlands trustees may from time to time think convenient or conducive to the general benefit of the property, and the townlands trustees may from time to time direct that the part or parts so laid out and appropriated shall either remain vested in the townlands trustees or be conveyed to or vested in other trustees, upon such trusts for securing the continued appropriation thereof to the purposes aforesaid, and with such provision as to the right and terms of user and enjoyment thereof for the purposes for which the same shall have been appropriated, and consistently with

A.D. 1874.

such appropriation, and as to the appointment of new trustees thereof when required, and in other respects as the townlands trustees shall deem advisable, and the townlands trustees may do all such things for effectuating the appropriation and other objects aforesaid, or any of them, as shall be considered necessary or expedient.

Power to grant building leases.

142. The townlands trustees may from time to time demise, for any term of years not exceeding ninety-nine years, to take effect in possession within six calendar months from the making of the demise, all or any of the townlands for the time being, subject to the provisions of the Inclosure Act, except Hoad and Outrake aforesaid, to any person or persons who shall improve the same by erecting or building thereon any house, erection, or building, or by rebuilding, repairing, enlarging, or improving any house, erection, or building then standing thereon, or shall covenant or agree so to do within two years or any other reasonable time (according to the circumstances) after the date of such demise, or agreement for such demise, together with all such liberties, licenses, powers, easements, and privileges for or in aid of any of the purposes aforesaid (including, if so thought fit, liberty to appropriate any part or parts of the lands to be demised to any of the objects specified in the last preceding section), and subject to such exceptions, reservations, restrictions, and conditions as to the townlands trustees shall seem expedient, having regard to the nature and objects of the lease, so as there be reserved on every such demise the best yearly rent or rents (either uniform or not, but so that a peppercorn or other merely nominal rent may be made payable during all or any part of the first five years of any such term,) that can be reasonably gotten, without taking anything in the nature of a fine or premium, and so as there be contained in every lease a condition of re-entry for non-payment within a reasonable time to be therein specified of the rent or rents thereby reserved, and so as the lessee or lessees do execute a counterpart thereof, and do thereby covenant for the due payment of the rent or rents thereby reserved.

As to terms of surrender of leases.

143. In case, under the power of leasing herein-before contained, any lease shall be made on the surrender of a former lease or agreement for a lease, the value of the lessees' interest under such surrender, lease, or agreement may be taken into account in fixing the terms of the new lease, and no lease made under any such circumstances shall by reason of such allowance be considered as made otherwise than at the best rent within the meaning of this Act.

Power to enter into contracts for leases.

144. The townlands trustees may enter into any contract they may think fit to grant at a future time, and upon the performance of any conditions they may think fit, any lease or leases in pursuance of the power herein-before contained, and may in any such contract agree for the apportionment of any entire rent between different parts of the property to be demised, at the option of the lessee or otherwise; and the townlands trustees may from time to time make or consent to alterations in the terms of any such contract by way of addition, explanation, or otherwise, and also wholly or partially release from any such contract any person or persons bound thereby, and also vary or depart from the terms of the contract in any lease or leases founded upon any such contract.

Trustees receipts to be discharges.

145. The receipts of the townlands trustees for any money becoming payable on any such sale as aforesaid, or for any other money paid, or any stocks or funds transferred to the townlands trustees under or in the execution of any of the powers of this Act, as far as it relates to the townlands, shall effectually discharge the person paying or transferring the same respectively therefrom, and from being bound to see to the application or being answerable for the loss, non-application, or misapplication thereof.

Saving for provisions of Inclosure Act.

146. Except as is by this Act otherwise expressly provided, nothing in this Act shall prejudicially affect any power or authority given to the townlands trustees by any of the provisions of the Inclosure Act.

Consent of Charity Commissioners required.

147. Provided always, that the townlands trustees shall not exercise any of the powers under Part VIII. (the townlands) of this Act without the consent of the Charity Commissioners for England and Wales, which consent the said Commissioners are hereby empowered to give either in any particular case or by any general scheme from time to time to be approved by them.

Part IX.—Miscellaneous.

Power to lay gas and water pipes against buildings.

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

A.D. 1874.

repair, replace, alter, discontinue, and remove any such pipe, branch, or apparatus.

Power to provide offices, &c.

149. The Local Board may provide and maintain, on any lands acquired by or belonging to them, public offices and buildings for the transaction of their business, and may from time to time enlarge and improve the same, and furnish and fit up the same with all proper furniture and conveniences; and the Local Board may from time to time purchase by agreement any lands for the purposes of such public offices and buildings.

Power to take easements, &c. by agreement.

150. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of those Acts and of this Act, grant to the Local Board any easement, right, or privilege (not being an easement of water) required for the purposes of this Act in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Lands not required to be sold.

151. The Local Board may sell and dispose of any lands which are vested in them by this Act, or which they are authorised to purchase, or which they may hereafter acquire, and which shall not be required for the purposes of this Act, and the provisions of "The Lands Clauses Consolidation Act, 1845," sections one hundred and twenty-eight to one hundred and thirty-two (both sections inclusive) shall apply to any such sale; but upon any such sale the Local Board may reserve to themselves all or any part of the water or water rights or other easements belonging thereto, and may make the sale subject to such reservation, and also to such other reservations, special conditions, restrictions, and provisions with respect to use of water; exercise of noxious trades, or discharge or deposit of manure, sewage, or other impure matter, as they think fit.

Contents of summons, warrants, &c.

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

Application of penalties.

153. Every penalty imposed by this Act shall (except where the Local Board is the party by whom the penalty is to be paid) be paid to the treasurer of the Local Board, and shall be carried by him to the credit of the proper account.

Contracts not to disquality members of the Local Board.

154. 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 Local Government

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 or rents to be levied or taken under this Act be disqualified as a member of the Local Board by reason of his being a mortgagee; but no member of the Board shall vote upon any question relating to any such contract in which he is personally interested. A.D. 1874.

Authentication of summons, &c.

155. Any summons, demand, or notice, or other such document to be given by the Local Board under this Act 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 sufficient authentication.

Penalties not cumulative.

156. Penalties imposed on the Local Board for one and the same offence by several Acts of Parliament shall not be cumulative, and for the purpose of this enactment this Act and the Acts wholly or partially incorporated herewith shall be deemed several Acts.

Saving rights of Local Board.

157. Except as is by this Act expressly provided, this Act shall not, nor shall anything therein contained, take away, lessen, alter, or prejudice any of the estates, rights, powers, or privileges of the Local Board or of the Local Government Board under the Sanitary Acts, as defined by "The Public Health Act, 1872."

Powers of Act to be cumulative.

158. Except where otherwise herein expressly provided, the powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred upon the Local Board by any Act of Parliament, law, or custom, and the Local Board may exercise such other powers as if this Act had not been passed.

Saving for nuisances.

159. Nothing in this Act contained shall exempt the Local Board from any action or other proceeding at law or in equity in respect of any nuisance.

Provisions for general Acts.

160. Nothing in this Act contained shall exempt the Local Board from the provisions of any general Act hereafter passed with respect to markets, or from any revision by Parliament of the tolls by this Act authorised to be taken by the Local Board.

Expenses of Act.

161. All the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Local Board out of the general district rate of the Local Board, and ultimately shall be defrayed out of any money borrowed under this Act.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE (AS TO GAS).

Part I.

All that piece of land being in front fifty yards, and in depth backwards thirty yards, and containing by admeasurement one thousand five hundred square yards, situate in one of the three fields of freehold tenure lying near the town of Ulverston, called the Elfair.

All that piece of land adjoining the gasworks in the town of Ulverston, containing six hundred and forty-four and one half square yards, which said piece formed part of and was situated in one of the said three fields of freehold tenure called the Elfair, subject to the payment of the yearly free rent of one shilling and threepence three farthings.

All that piece of land in the New Road, Ulverston, which forms part of and is inclosed by the walls of the gasworks, containing six hundred and ninety-two and one half square yards.

All that freehold messuage, with a beerhouse adjoining thereto, and the portion of yard immediately opposite and behind the same, situate at Hill Fall in Ulverston.

All that piece of land situate in the New Road aforesaid, forming part of a parcel of land commonly known as the Gas House Field, which said piece of land contains by admeasurement one thousand nine hundred and six square yards, or thereabouts.

Part II.

A piece of land situate at Sandside, near Ulverston, belonging or reputed to belong to and occupied by the Ulverston Brick Company, Limited, containing about three acres, situated to the south of the Lund Road, and is bounded on the north-east and north-west by land belonging or reputed to belong to the said Brick Company, on the south-east by land belonging or reputed to belong to Mr. Arthur Brogden, and on the south-west by the Lund Road.

Part III.

Form of Certificate of Gas Annuity.

Certificate of Gas Annuity No. £

By virtue of "The Ulverston Local Board Act, 1874," the Local Board for the district of the town and hamlet of Ulverston, in the county of Lancaster, certify that *A.B.*, of , is, under and subject to the provisions of that Act, entitled to a perpetual annuity of charged on the gas undertaking and other property of the Local Board, and such annuity is payable to him, his executors, administrators, or assigns, at the office in Ulverston of the treasurer of the Local Board, by equal half-yearly payments on the first day of January and the first day of July yearly.

Given under the common seal of the Local Board this day of , in the year of our Lord one thousand eight hundred and .

Part IV.

Form of Transfer of Gas Annuity.

I, *A.B.*, of , in consideration of £ paid to me by *C.D.*, of , transfer to him, his executors, administrators, and assigns, the perpetual annuity (*or* annuities) No. of , charged by "The Ulverston Local Board Act, 1874," on the gas undertaking and other property of the Local Board, and payable at the office in Ulverston of the treasurer of the Local Board by equal half-yearly payments on the first day of January and the first day of July yearly, and all my right and interest therein and thereto, subject to the conditions and provisions of the said Act, and I, the said *C.D.*, hereby agreed to hold the said annuity subject to the same conditions and provisions.

As witness our hands and seals this day of , in the year of our Lord one thousand eight hundred and .

THE SECOND SCHEDULE.

Provision of Inclosure Act repealed.

Power to let building leases.

Provided always, and be it further enacted, That it shall and may be lawful to and for the said Commissioners at any time or times previous to the execution of the indentures of lease and release last herein-before mentioned, and for the said Trustees for the time being, on the expiration or sooner determination of any lease or leases to be granted as aforesaid, with the consent and approbation in writing of the major part in value of the landowners and inhabitants of the said town and hamlet of Ulverstone paying poor rates within the said town and hamlet, assembled personally or by proxy at a meeting to be convened by the said Commissioners or Trustees for the purpose (whereof such notice shall be given as last herein-before directed), by indenture or indentures duly executed,

A.D. 1874.

to demise or lease any part or parts of the said commons or waste grounds which shall be vested in them respectively by virtue of this Act, unto any person or persons who shall be willing to build upon the same in the manner by such leases respectively to be specified, and also to lay out and appropriate any part of the premises to be comprised in any such demise or lease, demises or leases, as or for a garden or gardens, yard or yards, to the messuage or messuages, building or buildings, which may be erected or built upon the premises, or as or for a way or ways, road or roads, street or streets, for the use and convenience of the lessee or lessees, and the other tenants or occupiers of the same premises, in such manner and upon such terms as shall be mentioned and agreed upon in such demise or lease, demises or leases, for any term of years not exceeding ninety-nine years, to commence from the making thereof, so as in such last-mentioned lease or leases there be reserved the best and the most improved ground-rent or ground-rents that can be had or obtained, to be paid to the said Trustees and their successors half-yearly for the purposes herein-after mentioned, without taking any sum of money or other thing by way of fine or foregift for the same, and so as the lessee or lessees execute a counterpart or counterparts of such lease or leases, and enter into covenants to pay the rent hereby reserved, and to build and keep in repair the messuages or buildings agreed to be built thereon, and to surrender the same at the expiration of the term by such lease or leases to be granted, and so as in every such leases there shall be contained a power for re-entry on non-payment of the ground-rent or ground-rents thereby to be reserved, and so as in every such letting to be made as aforesaid there shall not be comprised in any one let any greater quantity than one statute acre.

LONDON: Printed by George E. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1874.