CHAPTER xxxiii.

An Act for enabling the Mayor, Aldermen, and Burgesses of the borough of Warrington in the counties of Lancaster and Chester to purchase the Undertaking of the Warrington Gaslight and Coke Company; to consolidate their Mortgage Debt; and for other purposes. [11th June 1877.] A.D. 1877.

WHEREAS by the Warrington Gas Act, 1847, the Warrington Gaslight and Coke Company (herein-after called the Company) were continued incorporated with a share capital of thirty-six thousand pounds, and power to borrow twelve thousand pounds, and with powers to supply gas within the limits of that Act, which included the then town and present borough of Warrington: 10 & 11 Vict. c. xliv.

And whereas by the Warrington Gas Act, 1871, the limits of supply of the Company were enlarged, and they were authorised to raise the further sum of seventy-two thousand pounds by shares and eighteen thousand pounds by borrowing: 34 & 35 Vict. c. liii.

And whereas the Company have, under the authority of the above-mentioned Acts, raised a sum of sixty-four thousand eight hundred pounds in shares and five thousand three hundred and fifty pounds by borrowing:

And whereas the Company have agreed to sell and transfer their undertaking to the mayor, aldermen, and burgesses of the borough of Warrington, herein-after called the Corporation, who have agreed to purchase the same, and it is expedient that the Company be enabled to make, and the Corporation to accept, a transfer of the undertaking of the Company in manner by this Act provided:

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

And whereas it is expedient that all necessary powers for making and supplying gas within the limits of the Company's Acts be

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conferred on the Corporation, and that the Corporation be empowered to exercise within those limits the powers of the Company in relation to the control and management of gas supply:

And whereas estimates have been prepared by the Corporation for the purchase and improvement of the undertaking of the Company, which are permanent works within the meaning of section 234 of the Public Health Act, 1875, and the same amount to two hundred thousand pounds:

And whereas it is expedient that the Corporation be authorised to consolidate the sinking funds for the repayment of the moneys now owing by them with that provided for the repayment of moneys borrowed under this Act:

And whereas a majority of the whole number of the council at a meeting held on the thirty-first day of October one thousand eight hundred and seventy-six, after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the Warrington Guardian, a local newspaper published or circulating in the borough, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate:

And whereas such resolution was published twice in the said newspaper circulating in the borough, and has received the approval of the Local Government Board and of one of Her Majesty's Principal Secretaries of State:

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

And whereas the owners and ratepayers of the borough, by resolution in the manner provided by Schedule III. annexed to "The Public Health Act, 1875," with respect to resolutions of owners and ratepayers under that Act, consented to the promotion of the Bill for this Act:

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

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

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Short title.

1. This Act may for all purposes be cited as "The Warrington Corporation Gas Act, 1877."

Certain provisions of general Acts hereinnamed incorporated.

2. "The Gasworks Clauses Act, 1847," (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 provisions of "The Commissioners Clauses Act, 1847," with respect to mortgages to be executed by the commissioners, so far as the provisions of those Acts respectively are applicable for the purposes of and not expressly varied by or inconsistent with the provisions of this Act, are hereby incorporated with and form part of this Act; and in the construction of those Acts for the purposes of this Act, the terms "the promoters of the undertaking," "the undertakers," and "the commissioners," respectively therein used, mean the Corporation; and the provisions of the Gasworks Clauses Act, 1871, shall apply to the existing undertaking of the Company in the hands of the Corporation as if the same were authorised by this Act.

Interpretation of terms.

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

The term "the borough" shall mean the municipal borough of Warrington:

The term "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough:

The term "the council" shall mean the council of the borough:

The terms "the town clerk," "the treasurer," "the surveyor," shall mean respectively the town clerk, the treasurer, and the surveyor for the time being of the borough:

The terms "the borough fund" and "the borough rate" shall mean respectively the borough fund and the borough rate of the borough:

The term "The Municipal Corporations Acts" shall mean the Act of the session of the fifth and sixth years of King William the Fourth, "to provide for the regulation of Municipal Corporations in England and Wales," and the Acts amending the same, or otherwise relating to municipal corporations in England.

Same meanings to words as in incorporated Acts.

4. Terms to which meanings are assigned in enactments wholly or partially incorporated with this Act, or which have therein special meanings, have in this Act the same respective meanings,

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unless there be something in the subject or context repugnant to such construction; and in this Act, and (for the purposes of this Act) in enactments incorporated with this Act,

"Court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute; and the term "superior courts" shall include any court of competent jurisdiction.

Execution of Act.

5. This Act shall (subject to the provisions herein contained) be carried into execution by the Corporation acting by the council and according to the Municipal Corporation Acts and other laws for the time being affecting the Corporation, and with all the authorities conferred by those Acts and laws on the Corporation and on the council and committees of the council, and the officers, agents, and servants of the Corporation, with respect to matters provided for by or comprised in the Municipal Corporation Acts and such other laws as aforesaid, and as nearly as may be in all respects as if the powers, duties, and property vested in, imposed on, or enjoyed by the Corporation by or under this Act were vested in, imposed on, or enjoyed by them by or under the Municipal Corporation Acts and such other laws as aforesaid.

Transfer of undertaking.

6. The undertaking of the Company shall be transferred to the Corporation under and subject to the following provisions; (that is to say,)

(1.) The purchase shall comprise the gas undertaking of the Company, including the gasworks, cottages, buildings, lands, and hereditaments of the Company, together with all gasholders, mains, pipes, stock in trade, debts, credits, books, and all other the rights, powers, and privileges, property, and assets of the Company (including their reserve fund as it may stand at the date when the said works shall be taken over by the Corporation):

(2.) The date at which the undertaking shall be transferred shall be such day as may be agreed upon between the directors of the Company and the Corporation, not later than the thirtieth day of June or the thirty-first day of December, as the case may be, next after the passing of this Act, and which is herein-after called the "vesting period:"

(3.) The consideration for the purchase shall be the payment to the several persons whose names shall appear as shareholders in the books of the Company at the vesting period,

their executors, administrators, and assigns, of the following annuities and bonus; videlicet,

(A.) To the shareholders who hold the one thousand eight hundred twenty-pound shares fully paid up a perpetual annuity of three thousand six hundred pounds per annum, less income tax, payable half yearly, according to the number of shares held by the shareholders respectively, such annuity being equal to two pounds per share per annum;

(B.) To the shareholders who hold the three thousand six hundred twenty-pound shares on which eight pounds per share is paid up a perpetual annuity of two thousand five hundred and twenty pounds per annum, less income tax, payable half yearly, according to the number of shares held by the shareholders respectively, such annuity being equal to fourteen shillings per share per annum;

(C.) To the respective shareholders (whether of old or new shares) a bonus of ten shillings per share in cash according to the number of shares (whether old or new) held by them respectively, in addition to the said annuities, such bonus on the aggregate number of shares amounting to the sum of two thousand seven hundred pounds, and which said bonus shall be paid at the vesting period, and from which date the said annuities are to be allotted and paid:

(4.) The Corporation shall take over and be responsible for the Company's bond debt of five thousand three hundred and fifty pounds, and shall pay the interest thereof from the vesting period:

(5.) Every shareholder of the Company may exercise the option of having, in respect of his share or shares, an annuity bond or annuity bonds which shall be redeemed by the Corporation in one year from the vesting period at twenty-four years purchase, in lieu of the perpetual annuities; provided that such option shall be declared in writing addressed to the Corporation within one month after the passing of this Act:

(6.) The said annuities shall be allotted, secured, and paid to the shareholders as and from the vesting period, to which date the shareholders shall receive dividends on their respective

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shares according to the Company's Acts of Parliament in the same manner as if no such sale and purchase had been agreed upon:

(7.) Until the vesting period the Company's works, business, and affairs shall be carried on and managed (for and on behalf of and as trustees for the Corporation) by and under the control of the directors of the Company, and the directors, and the Company's manager, servants, and other officers, shall act in the same manner and receive the same fees and salaries as if the said sale and purchase had not been agreed upon:

(8.) The gasworks and other property of the Company shall be at the risk of the Corporation on and from the twenty-eighth day of July one thousand eight hundred and seventy-six, and the Corporation shall be responsible for any and every explosion, damage, or destruction by fire, storm, tempest, or otherwise, and for all other accidents which may happen to or upon the said works and property, or to any person or persons, and for which the Company would otherwise be liable or responsible between the date aforesaid and the vesting period:

(9.) The Company's works, cottages, lands, and hereditaments shall be deemed to be sold and purchased for all the estate, term or terms of years or other interest therein to which the Company are or may be entitled, and subject to all chief or ground rents or rentcharges, covenants, and conditions to which the same or any part thereof are or is subject or liable.

Transfer of undertaking to be by deed.

7. Upon the execution by the Company of a deed of conveyance to the Corporation of their undertaking, duly stamped, and in which the consideration is truly stated, which deed shall be in the form set forth in the second schedule to this Act, or to the like effect, and upon payment of the purchase money or security being given for the annuities in manner by this Act provided, the undertaking and property of the Company shall be and the same are hereby vested as and from the vesting period in the Corporation for all the estate and interest of the Company therein, subject to the provisions of this Act.

Bond debt of the Company to continue a first charge.

8. The bond debt of the Company and the interest thereon shall after the execution of such conveyance continue a first charge on the undertaking of the Company when vested in the Corporation.

Company's debts to be

9. All debts (including the bond debt of the Company and any debt to their bankers and any unclaimed dividends) and all rates,

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rents, charges, liabilities, and sums of money, actions, suits, and proceedings, and causes of action, suit, or proceeding, and contracts and engagements which at the time of the execution of the conveyance are due from or pending or existing against or binding on the Company shall be paid, discharged, settled, satisfied, and performed by the Corporation, who shall in all respects indemnify and save harmless the Company from and against the same; and any action, suit, or proceeding, or cause of action, suit, or proceeding, so pending or existing shall not abate or be discontinued or be in anywise prejudicially affected by reason of the sale or of anything in this Act, but the same may be continued, prosecuted, and enforced against the Corporation as and when it might have been continued, prosecuted, or enforced against the Company if this Act had not been passed, but not further or otherwise, without prejudice to any remedy over for the Corporation against the Company under the recited agreement.

paid, &c., by Corporation.

10. From and after the vesting period all moneys which immediately before that period are due and payable or accruing or becoming due and payable to the Company for or in relation to any supply of gas or meters or other articles, or on any account whatsoever, shall be payable to and may be collected and recovered by and in the name of the Corporation.

Gas rents, &c. due to the Company to be paid to the Corporation.

11. All books and documents of or concerning the Company which if this Act had not been passed would have been admitted in evidence shall be admitted in evidence as if this Act had not been passed.

Books, &c. to remain evidence.

12. The directors of the Company may exercise all powers necessary and proper for distributing the assets and winding up the affairs of the Company, and when and so soon as the assets of the Company have been distributed and their affairs wound up the Company shall be by virtue of this Act dissolved.

Winding up of Company

13. From and after the vesting period all the powers and authorities of the Company in relation to their undertaking shall be by virtue of this Act transferred to and vested in the Corporation, and the Acts of the Company shall be read and have effect as if the Corporation were therein named instead of the Company, subject to the following exceptions and provisions:

Application of Company's Acts to Corporation.

(1.) The provisions of the Companies Clauses Consolidation Act, 1845, and the Companies Clauses Act, 1863, incorporated with those Acts, or one of them, shall not apply to the Corporation:

(2.) The provisions of the Gasworks Clauses Act, 1847, incorporated with those Acts with respect to the amount of

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profit to be received by the undertakers where the gas-works are carried on for their benefit, shall not apply to the Corporation:

(3.) The provisions of those Acts relating to the constitution or capital, or the dividends or the application of the profits of the Company, shall not apply to the Corporation:

(4.) Any provision of those Acts requiring notice before the opening or breaking up by a company of a street, highway, sewer, or drain, shall not apply where the street, highway, sewer, or drain is under the control or management of the Corporation:

(5.) Penalties imposed by those Acts shall not be cumulative as regards the Corporation.

Section 38 of 34 & 35 Vict. c. liii. to apply for protection of London and North-western Railway Company.

14. Section 38 of the Warrington Gas Act, 1871, (as to works affecting the London and North-western Railway Company,) shall apply to any mains pipes, or works laid down, constructed, or executed in carrying this Act into execution, as fully as if the same were re-enacted in this Act for the protection and benefit of the London and North-western Railway Company with reference thereto.

Charge of annuities on undertaking and rates.

15. The annuities payable by the Corporation to the shareholders of the Company shall by virtue of this Act be charged and issuing as follows; (that is to say,)

First. The same shall be charged on and issuing out of the income of the Company's undertaking when vested in the Corporation, subject only to the bond debt of the Company and the interest thereon, and to any rent or charge issuing out of or charged on that undertaking at the passing of this Act, but in priority to all other charges for the time being affecting the Company's undertaking:

Secondly. The same shall be charged on and issuing out of the income of the gas undertaking for the time being of the Corporation, and on and out of the borough fund and borough rate for the time being of the borough.

Income tax on gas annuities to be paid by Corporation.

16. The Corporation shall pay the income and property tax from time to time payable in respect of the annuities, having first deducted the same from each annuity.

Proofs of partnership of Company.

17. The several persons whose names appear as shareholders in the books of the Company at the vesting period shall, until due proof to the contrary, be considered to be the persons at that date entitled to the annuities and bonuses under this Act.

Notice of Act.

18. At that date the Corporation shall give notice to the several shareholders or reputed shareholders of the Company, stating in such notice the provisions of this Act affecting the shareholders.

Register of annuitants.

19. The Corporation shall from and after the said vesting period keep a book to be called "The Register of Warrington Annuitants," and in such book shall be fairly and distinctly entered from time to time the names of the several corporations and the names and additions and addresses of the several persons respectively entitled to annuities under this Act, together with the amount of the annuities to which such annuitants shall be entitled, and the surnames or corporate names of the said annuitants shall be placed in alphabetical order, and every annuitant, and if such annuitant be a corporation the clerk or agent of such corporation, may at all convenient times peruse such book gratis, and may require a copy thereof or of any part thereof, and for every hundred words so required to be copied the Corporation may demand a sum not exceeding sixpence.

Shareholders receipt.

20. The receipt in writing of the shareholders of the Company registered as such in the Company's books at the vesting period, or the receipts in writing of the executors or administrators of such of them as are then or may be thereafter deceased, shall be a sufficient and effectual discharge to the Corporation for the sums on that day payable by the Corporation; and the receipt in writing of the corporations and persons in the said register, their successors, executors, administrators, or assigns, shall from and after that period be a sufficient and effectual discharge to the Corporation for the annuities and bonuses due to such persons and corporations as and when they shall respectively become payable; and if any shareholder or annuitant be by reason of infancy or lunacy unable to give an effectual receipt, the receipt in writing of the guardian or committee of his or her estate shall be in like manner a sufficient and effectual discharge to the Corporation.

Annuities to represent shares in Company.

21. The annuities and bonuses shall in all respects, both at law and in equity, be substituted for and represent the shares in the capital of the Company in exchange for which the same are respectively granted and paid, and the several parties to whom such annuities and bonuses are granted and paid as aforesaid under this Act 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 their respective shares in the capital of the Company were immediately before such exchange thereof held and subject, and those annuities and bonuses shall accordingly pass

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or be affected by any will or other instrument disposing of or affecting such shares.

Corporation to issue certificates for annuities.

22. The Corporation shall, at their own expense, issue to every person entitled to an annuity under this Act, on delivery by him to the Corporation of the certificate of the share in the capital of the Company for which such annuity is substituted, or on production of other satisfactory evidence of his title to the annuity, a certificate of the annuity, and such certificate may be in the form in the third schedule to this Act annexed, or to the like effect.

Certificate to be evidence.

23. The certificate of any annuity shall be admitted in all courts as primâ facie evidence of the title of the holder thereof to the annuity therein specified.

Certificates of annuities to be renewed when lost, &c.

24. If the certificate of any annuity be worn out or damaged, then on its being produced to the Corporation they may order it to be cancelled, and thereupon they shall issue a similar certificate to the person then entitled to the certificate so worn out or damaged; or if any such certificate be lost or destroyed, then on proof thereof to the satisfaction of the Corporation they shall issue a similar certificate to the person then entitled to the certificate so lost or destroyed; and in either case a due entry of the substituted certificate shall be made by the Corporation in the said register of annuitants, and for every such substituted certificate the Corporation may demand any sum not exceeding two shillings and sixpence.

Certificates for altered numbers of annuities.

25. If at any time an annuitant be desirous of having several certificates instead of one, or one certificate instead of several, then on any such certificate or certificates being produced to the Corporation they may order the same to be cancelled, and shall thereupon issue to him, as he requires, one or more certificate or certificates for the 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 Corporation in the said register of annuitants, and for every such substituted certificate the Corporation may demand any sum not exceeding two shillings and sixpence.

Annuities to be personal estate.

26. The annuities shall be personal estate.

Transfer of annuities to be by deed dulystamped.

27. Every annuitant may sell and transfer all or any of his annuities, and every such transfer shall be by deed duly stamped, in which the consideration shall be truly stated, and such deed may be according to the form in the fourth schedule to this Act annexed, or to the like effect.

Transfer of annuities to be registered.

28. Every such deed of transfer when duly executed shall be delivered to the Corporation and be kept by them; and they shall keep a book called "The Register of Transfers of Annuities," and they shall enter a memorial of every such deed of transfer in that book, and shall indorse such entry on the deed of transfer (such indorsement to be signed by the town clerk), 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 with or without such certificate, the Corporation 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 by the town clerk shall be considered in every respect the same as a new certificate; and until such deed of transfer be so delivered to the Corporation, the transferee shall not be entitled to receive any part of the annuities transferred.

Closing of transfer books.

29. The Corporation may close the register of transfers of the annuities for any period not exceeding fourteen days before the thirtieth day of June and the thirty-first day of December yearly, and any transfer made during the time when that register is closed shall, as between the Corporation and the transferee, but not otherwise, be deemed made after that time.

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

30. If the interest in any annuity become transmitted in consequence of the death or bankruptcy of any annuitant, or in consequence of the marriage of a female annuitant, or by any lawful means other than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing as by this Act provided, and until the transmission be so authenticated any person claiming by virtue thereof shall not be entitled to receive any part of the annuity transmitted.

Contents of declaration in all cases.

31. 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 or before a commissioner to administer oaths in the Supreme Court of Judicature in England, or in any of the courts of law in Scotland or Ireland, and such declaration shall be left with the Corporation, and thereupon they shall enter the name of the person entitled under such transmission in the register of annuitants, and for every such entry the Corporation may demand any sum not exceeding five shillings.

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Contents of declaration in case of transmission by marriage, will, &c.

32. If the 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, with the declaration, be produced to the Corporation, who shall upon such production in either of those cases make an entry of the declaration in the register of transfers of annuities, and for every such entry the Corporation may demand any sum not exceeding five shillings.

Corporation not to regard trusts.

33. The Corporation shall not be bound to see to the execution of any trust, whether express or implied or constructive, to which any annuity under this Act may be subject, and the receipt of the party in whose name any such annuity stands in the register of annuities shall from time to time be a sufficient discharge to the Corporation for any money payable in respect of such annuity, notwithstanding any trusts to which such annuity may then be subject, and whether or not the Corporation have had notice of such trusts, and the Corporation shall not be bound to see to the application of the money paid upon such receipt.

Annuities recoverable by suit.

34. If any instalment of an annuity or bonus, or any part thereof, being payable, be not paid upon demand thereof in writing made to the Corporation by the annuitant or other party entitled thereto, the annuitant or other party entitled thereto may sue for and recover the same with full costs of suit in any court of competent jurisdiction.

Receiver may be appointed if arrears remain unpaid for the time prescribed.

35. If within one month after any instalment of an annuity or bonus, or any part thereof, has become payable, and after demand thereof, in writing, it be not paid, the annuitant, without prejudice to his right to sue for the amount in arrear in any court of competent jurisdiction, may, if his debt alone amount to the sum of twenty pounds, or if his debt does not amount to that sum he may, in conjunction with other annuitants whose debts being so in arrear, after demand as aforesaid, shall together with his debt amount to the said sum, require the appointment of a receiver by an application to be made as in this Act provided.

Mode of appointment of receiver.

36. Every application for a receiver shall be made to two justices, and on such application such justices, by order in writing, after hearing the parties, may appoint some person to receive the whole or a competent part of the rates and rents liable to the payment of such annuities until the annuities in arrear, and in respect whereof

the receiver is appointed, and all costs, including the costs of receiving such rates and rents, be fully paid, and upon such appointment being made all such rates and rents as aforesaid shall be paid to and received by the person so appointed, who is hereby empowered to give good and sufficient discharges for the same, and the money so to be received shall be so much money received by or to the use of the several annuitants interested in the same, and shall be distributed by the receiver accordingly, and after all annuities in arrear and costs shall have been paid the power of the receiver shall cease.

Corporation may redeem annuities.

37. The Corporation may from time to time, by agreement with any annuitant, redeem or purchase any annuity, and when any annuity is so redeemed or purchased an entry of the redemption or purchase thereof shall be made in the register of annuitants, and thereupon such redeemed or purchased annuity shall be wholly extinguished: Provided always, that the Corporation shall not redeem or purchase any gas annuity at a higher rate than twenty-five pounds for every one pound of annuity.

Power to lay pipes against buildings.

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

Pressure of gas.

39. All gas supplied by the Corporation to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch, and from sunset to midnight not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer, 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 Corporation of the time and place at which such testing shall be conducted.

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Application of certain provisions of 34 & 35 Vict. c. 41. (*Public.*)

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

This Act shall be deemed "the special Act:"

The land on which alone the Corporation shall manufacture gas or any residual products shall be the lands described in the first schedule to this Act:

The number of sperm candles shall be sixteen:

The testing place shall be the existing testing place at the offices of the Company in Mersey Street, in the borough, or some other testing place provided for the purpose within the principal gasworks for the time being of the Corporation:

The prescribed burner shall be a Sugg's London argand burner, No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame rises above the top of the glass a six-inch by two-inch chimney shall be used.

Maximum price of gas.

41. The maximum price which the Corporation may charge for every one thousand cubic feet of gas supplied by them, being the price authorised by the Warrington Gas Act, 1871, shall be as follows; (namely,)

(1.) Within the borough of Warrington four shillings:

(2.) For all places beyond the borough, in addition to the price for the time being charged within the borough, a charge not less than the minimum nor more than the maximum charge following:

	Minimum additional charge.	Maximum additional charge.
	s. *d.*	*s.* *d.*
For all places within one mile of the boundary of the borough, measured in a direct line -	0 6	1 0
For all places within two miles of the said boundary, measured in a direct line - -	1 0	1 6
For all places within three miles of the said boundary, measured in a direct line- -	1 6	2 0
For all places within four miles of the said boundary, measured in a direct line - -	2 0	2 6

Provided always, that if payment be made within one month after the delivery of the half-yearly account, the Corporation shall make a deduction by way of discount at the following rates per one thousand cubic feet of gas consumed during the half year, either within or without the borough; that is to say,

Sixpence per 1,000 to consumers under 100,000 cubic feet:

Sevenpence per 1,000 to consumers over 100,000 cubic feet and under 800,000 cubic feet:

Eightpence per 1,000 to consumers over 800,000 cubic feet:

Provided further, that all consumers of gas without the borough who consume during any half year not less than two hundred and fifty thousand feet of gas shall not be charged for such half year a higher price than that charged to consumers within the borough.

Sale of portions of gas undertaking to sanitary authorities.

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

Application by Corporation of gas revenue.

43. The Corporation shall keep an account in respect of their gas undertaking separate from all their other accounts, and shall apply all money from time to time received by them in respect thereof, except borrowed money, in the manner and in the order following and not otherwise; (that is to say,)

First, in payment of the costs, charges, and expenses of and preliminary and incidental to the preparing for, obtaining, and passing of this Act, as far as the same are not paid out of money borrowed under this Act, and of the costs, charges, and expenses in any manner relating to the transfer to and vesting in them of the undertaking of the Company;

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Secondly, in payment of the costs, charges, and expenses of and incidental to the granting and issuing of annuities and mortgages under this Act;

Thirdly, in payment of the working and establishment expenses and cost of maintenance of their gas undertaking, and the costs of collection and recovery of gas rents;

Fourthly, in payment of the interest on the bond debt of the Company, and afterwards of the annuities issued by virtue of this Act;

Fifthly, in payment of the interest on the mortgages of the Corporation granted and issued under this Act;

Sixthly, in providing the requisite sinking funds, or instalments for repayment of moneys borrowed under this Act, and for the redemption of annuities;

Seventhly, in payment of all other expenses of executing this Act;

Eighthly, in providing a reserve fund, if they think fit, by setting aside such money as they from time to time think reasonable, and investing the same and the resulting income thereof in Government or other securities, and accumulating the same at compound interest until the fund so formed amounts to ten thousand pounds, which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their gas undertaking, or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the sum of ten thousand pounds, and so from time to time as often as such reduction happens;

And they shall from time to time carry to the borough fund the net surplus remaining after the fulfilment of the several purposes aforesaid, and the annual proceeds of the reserve fund when amounting to ten thousand pounds.

Power for Corporation to borrow money.

44. The Corporation may from time to time (without prejudice to the provisions of this Act relating to priorities of charges) borrow at interest on the security of the income of the gas undertaking of the Corporation, and the borough fund and borough rate, or any of them, or any part of any of them, for any purpose of the gas undertaking of the Corporation or of this Act requiring the expenditure of a capital sum of money, such money as they think necessary, not exceeding, except with the approval of the Local Government Board, the sum of two hundred thousand pounds, and may mortgage the same income, fund, and rate, or any of them, or any part of any of

them, as security for repayment of the money so borrowed with interest accordingly: And for the purpose of this section the issue of annuities under this Act shall, during the continuance of such annuities, be taken as reducing the amount by this Act authorised to be borrowed without the approval of the Local Government Board to the extent of the capitalised value of the annuities issued, such value to be calculated on the basis of twenty-five years purchase; but on the redemption by the Corporation of any such annuities (except in relation to the sinking fund) the amount so authorised to be borrowed without such approval as aforesaid shall be increased by the amount of the capitalised value (calculated as aforesaid) of the annuities redeemed.

Form of mortgage.

45. Every mortgage made by the Corporation under this Act shall be by deed under their common seal duly stamped, and truly stating the consideration, and may be in the form given in the fifth schedule to this Act, or a form to the like effect, and every transfer of a mortgage shall be by deed duly stamped wherein the consideration shall be truly stated, and may be in the form given in the sixth schedule to this Act or to the like effect.

Arrears may be enforced by appointment of receiver.

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

Sinking fund.

47. The Corporation shall not after the passing of this Act set apart any sum for the sinking funds in respect of the moneys now owing by them until the first day of January one thousand eight hundred and eighty-one, on which day, and thenceforth annually on the same day, they shall set apart as a sinking fund for the payment of that debt, and of the further money borrowed under this Act, and the bond debt of the Company, such instalment or sum of money as shall with interest thereon be sufficient to pay off the same with interest respectively within fifty years from the said first day of January one thousand eight hundred and eighty-one, and each of the said instalments or the sinking fund shall in each case be set apart out of the respective fund or account on which the debt or money or bond debt in respect whereof it is set apart is charged: Provided always, that any sum of money now standing to the credit of the existing sinking funds of the Corporation shall be treated as part of and in addition to the instalments or sinking fund hereby provided.

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Sinking fund for redemption of annuities.

48. In order to create a sinking fund for the redemption of annuities created under the powers of this Act, and for the moneys borrowed for that purpose, the Corporation shall after the expiration of three years from the passing of this Act every year set apart and appropriate out of the net profits derived by them from the supply of gas such instalments or sum of money as shall with interest thereon be sufficient to pay off a sum representing the capitalised value of such annuities at twenty-five years purchase, with interest thereon, in seventy-five years from the expiration of the said three years, and shall apply the same from time to time as opportunity shall occur in the redemption of such annuities as they may then be able to purchase by agreement.

As to accumulations in sinking funds.

49. The sums set apart for sinking funds under this Act shall be from time to time invested in the name of the Corporation in any securities in which by law trust moneys may from time to time be invested, and shall be accumulated in the way of compound interest, and the Corporation shall from time to time apply the sums so set apart in manner required by this Act.

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

50. The treasurer shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for an instalment or 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 instalment or 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 instalments or 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 treasurer shall be liable to a penalty not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to set apart the sum required by this Act for any instalment or for the sinking fund, or have applied any portion of the moneys set apart for instalments or 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 of instalment or sinking fund in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus, to be obtained by the Local Government Board out of the High Court of Justice.

Protection of lenders from inquiry.

51. A person lending money to the Corporation shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application or be answerable for any loss or non-application of such money, or of any part thereof.

Power to re-borrow.

52. If the Corporation pay off any part of any money borrowed by them otherwise than by means of instalments or a sinking fund, they may re-borrow the same, and so from time to time.

Application of money borrowed.

53. All money borrowed under this Act shall be applied as capital for purposes of this Act, and not otherwise.

Rating for railways and canals.

54. The occupier of any land used as a railway constructed under the powers of any Act of Parliament for public conveyance, or covered with water and used as a canal or towing-path for the same, shall be assessed in respect thereof in the proportion of one-fourth part only of the net annual value thereof as regards the payment or contribution to the borough fund or borough rate for the sums required to pay the said annuities, or the principal so by this Act authorised to be borrowed and re-borrowed by the Corporation, or the interest thereon, in case and for so long as such annuities, principal, and interest, or any of them, or any part thereof respectively shall be paid out of or be charged on the borough fund or borough rate; and if any sum in excess of one-fourth part shall be paid by such occupier to or towards such fund or rate in respect whereof he shall under the provision contained in this enactment be liable to pay in the proportion of such one-fourth part only, the Corporation shall allow to such occupier a drawback on his assessment equal to three fourths of such rate, and the amount of such drawback may be recovered from the Corporation by action at law in any court of competent jurisdiction, or may be deducted out of the next rate to which such occupier may be liable.

Saving for existing charges.

55. Nothing in this Act shall prejudicially affect any charge on the corporate estates of the Corporation, and the borough fund and borough rate, or either of them, by way of annuity, mortgage, or otherwise, subsisting at the passing of this Act; and every annuitant, mortgagee, or incumbrancer, or person for the time being entitled to the benefit of any such charge, shall have the same priority of charge, and all the like rights and remedies in respect of the property subject to his charge as if this Act had not been passed; and all such charges created before the passing of this Act shall, during the subsistence thereof, have priority over any mortgage or charge granted or created under this Act.

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Corporation not exempted from indictment.

56. Nothing in this Act shall exonerate the Corporation from any indictment, action, or other proceeding for nuisance in the event of any nuisance being caused by them.

Expenses of Act.

57. All the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be borne by the Corporation, and shall be paid by them in the first instance out of the first moneys coming to their hands under the powers of this Act, and subsequently shall be a charge on the gas account; and such costs shall include the costs incurred by the Corporation in complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, with respect to the Bill for this Act, and all matters relating thereto, as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons: Provided that nothing in this Act contained shall be construed to exempt such costs, charges, and expenses from the operation of the sixth section of the same Act.

SCHEDULES referred to in the foregoing Act. A.D. 1877.

THE FIRST SCHEDULE.

Lands on which Gas or Residual Products may be manufactured.

Lands situate in the borough of Warrington in the county of Lancaster, bounded on the north-east by Academy Street, on the north-west by Chrimes Yard, and a house and yard late in the occupation of Mr. Fairclough, but now of the Conservative Club, on the south-west by Lower Bank Street and Upper Bank Street, and on the south-east by Mersey Street, and containing in the whole four acres little more or less.

SECOND SCHEDULE.

Form of Deed of Conveyance of Undertaking of Company to Corporation.

In pursuance of and subject to the provisions of the Warrington Corporation Gas Act, 1877, and in consideration of , the Warrington Gaslight and Coke Company do hereby convey and assign unto the mayor, aldermen, and burgesses of the borough of Warrington, in the counties of Lancaster and Chester, the undertaking of the Warrington Gaslight and Coke Company, with the land, buildings, works, and other property of the said Company, and their rights, things in action, and causes of action, suit, or proceeding, of or belonging to the said Company: To hold the same unto the said mayor, aldermen, and burgesses, their successors and assigns, subject to the rents, covenants, provisions, enactments, bond debts, contracts, and liabilities affecting the same; and the said mayor, aldermen, and burgesses do accept the same accordingly.

In witness whereof the Warrington Gaslight and Coke Company and the said mayor, aldermen, and burgesses have hereto set their respective common seals, this day of 187 .

THE THIRD SCHEDULE.

Form of Certificate of Gas Annuity.

The Warrington Corporation Gas Act, 1877.

Certificate of Annuity, No. £.

By virtue of the Warrington Corporation Gas Act, 1877, the mayor, aldermen, and burgesses of the borough of Warrington, in the counties of Lancaster and Chester, certify that *A.B.* of is under that Act entitled to perpetual annuity (*or* annuities) of pounds charged on the income of the gas undertaking and borough fund and borough rate by that Act charged therewith, and substituted for the share (*or* shares) of pounds (each) in the Warrington Gaslight and Coke Company numbered (respectively) , and such annuity (*or* annuities) is (*or* are) payable to him, his executors, administrators, or assigns, in perpetuity, at the office in Warrington of the treasurer of the Corporation, by equal half-yearly payments on the 30th day of June and the 31st day of December yearly, the first payment to be made on the 31st day of December 1877.

Given under the seal of the Corporation this day of in the year of our Lord .

THE FOURTH SCHEDULE.

Form of Transfer of Gas Annuity.

The Warrington Corporation Gas Act, 1877.

I, *A.B.*, of , in consideration of pounds paid to me by *C.D.* of , transfer to him, his executors, administrators, and assigns, the annuity (*or* annuities) number of pounds charged by the Warrington Corporation Gas Act, 1877, on the income of the gas undertaking and borough fund and borough rate by that Act charged therewith, and substituted for the share (*or* shares) of pounds (each) in the Warrington Gaslight and Coke Company numbered (respectively) , and payable at the office in Warrington of the treasurer of the Corporation, by half-yearly payments on the 30th day of June and the 31st day of December yearly, and all my rights and interests therein and thereto.

As witness my hand and seal this day of in the year of our Lord .

THE FIFTH SCHEDULE.

Form of Mortgage Deed.

The Warrington Corporation Gas Act, 1877.

Mortgage No. £.

By virtue of the Warrington Corporation Gas Act, 1877, and subject to the provisions thereof relating to priorities of charges and other things, we, the mayor, aldermen, and burgesses of the borough of Warrington, in the counties of Lancaster and Chester, in consideration of the sum of pounds paid to us by *A.B.*, of , do assign unto the said *A.B.*, his executors, administrators, and assigns, the income of the gas undertaking and borough fund and borough rate by that Act authorised to be mortgaged or charged therewith, and all the estate, right, title, and interest of the Corporation to the same: To hold unto the said *A.B.*, his executors, administrators, and assigns, as at and from the day of 187 , until the said sum of pounds, together with interest for the same at the rate of per centum per annum, payable to him, his executors, administrators, or assigns, at the office in Warrington of the treasurer of the Corporation, by equal half-yearly payments on the day of and the day of yearly, be satisfied, the principal sum to be paid at the end of years from the said day of 187 at the said office.

Given under the seal of the Corporation this day of in the year of our Lord .

THE SIXTH SCHEDULE.

Form of Transfer of Mortgage.

The Warrington Corporation Gas Act, 1877.

I, *A.B.*, of , in consideration of pounds paid to me by of , do hereby transfer to him, his executors, administrators, and assigns, a certain mortgage, number , made by the mayor, aldermen, and burgesses of the borough of Warrington to , bearing date the day of , for securing the sum of pounds and interest (*or if such transfer be by endorsement*, the within security), and all my right, estate, and interest in and to the money thereby secured, and in and to the income of the gas undertaking and borough fund and borough rate thereby assigned.

As witness my hand and seal this day of in the year of our Lord .

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