CHAPTER lxxi.

An Act for empowering the Local Boards for the districts of Westleigh, Pennington, and Bedford, all in the county of Lancaster, to make and supply Gas, and for carrying into effect an agreement between them and the Leigh District Gas Company for the joint purchase by them of that Company's undertaking; and for other purposes. A.D. 1874.

[30th June 1874.]

WHEREAS each of the three townships of Westleigh and Pennington and Bedford, all in the county of Lancaster, is the district of a Local Board:

And whereas those three Local Boards (in this Act called the three Boards) are desirous of combining for the purpose of supplying gas within their districts and in the neighbourhood thereof:

And whereas by the Leigh District Gas Act, 1861, the Leigh District Gas Company (in this Act called the company) were incorporated and authorised to supply gas within (among other places) the said three townships:

And whereas by the Tyldesley with Shakerley Local Board (Gas) Act, 1865, and the Atherton Local Board Act, 1873, the Local Board of Tyldesley with Shakerley and the Local Board of Atherton were respectively empowered to supply gas within portions of the company's authorised limits of supply, and the company were precluded from supplying gas within those portions:

And whereas the three Boards have entered into an agreement with the company for the purchase of the undertaking of the company, and it is expedient that the same be carried into effect:

And whereas it is expedient that the three Boards be empowered to borrow money for the purposes of this Act, and that a joint committee of the three Boards be constituted to act on behalf of the three Boards in the execution of this Act, and that all necessary and proper powers in relation to the control and management of gas supply be conferred on the joint committee:

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And whereas the estimate for the expenses of the execution of this Act in relation to gasworks, being permanent works within the Public Health Acts, and to gas supply, is seventy-five thousand pounds:

And whereas an absolute majority of the whole number of each of the three Boards, at meetings of the three Boards respectively held on the twelfth day of November one thousand eight hundred and seventy-three, after ten clear days notice by public advertisement of such meetings respectively, and of the purposes thereof, in the Leigh Chronicle, a local newspaper published or circulating in the respective districts of the three Boards, such notices being in addition to the ordinary notices required for summoning such meetings, resolved that it was expedient for the three Boards to promote the Bill for this Act:

And whereas such resolutions were published twice in the said Leigh Chronicle newspaper, and have in respect of matters within the jurisdiction of the Local Government Board received the approval of that 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 each of the three Boards, at further special meetings respectively held, in pursuance of similar notices, on the twenty-second day of April 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 respective districts of the three Boards, by resolutions 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 the objects aforesaid cannot be attained without the authority of Parliament:

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

Short title.

1. This Act may be cited as The Westleigh, Pennington, and Bedford Local Boards (Gas) Act, 1874.

Provisions of certain general Acts incorporated.

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

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, (in this Act referred to as the Lands Clauses Acts,) except the provisions of the Act of 1845 with respect to the entry upon, purchase, and taking of lands otherwise than by agreement:

The Gasworks Clauses Act, 1847, except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit:

The Commissioners Clauses Act, 1847, except sections twelve to sixteen (both inclusive) thereof, and the provisions thereof with respect to the election and rotation of the commissioners, and to the mortgages to be executed, and to the accounts to be kept by the commissioners.

Application of general enactments.

3. With respect to the application to this Act of the enactments incorporated with this Act, and of the Gasworks Clauses Act, 1871, the following provisions shall have effect; (that is to say,)

(1.) The Gasworks Clauses Act, 1847, and the Gasworks Clauses Act, 1871, shall apply to the undertaking of the company, as and when vested in the joint committee under this Act, as if that undertaking were authorised by this Act:

(2.) Within and for the purposes of the Gasworks Clauses Act, 1847, and the Gasworks Clauses Act, 1871, this Act and that undertaking and the joint committee and their gasworks shall respectively be deemed the special Act and the undertaking and the undertakers and the gasworks:

(3.) Sections seven and eight of the Gasworks Clauses Act, 1871, (relating to shareholders and mortgagees) shall not apply to the undertaking:

(4.) The Commissioners Clauses Act, 1847, shall apply only to the joint committee, and the joint committee and the members thereof shall be the commissioners:

(5.) For the purposes of the Commissioners Clauses Act, 1847, the limits of this Act shall be the limits of the districts of the three Boards:

(6.) In the Commissioners Clauses Act, 1847, rates shall be taken to include gas rents, meter rents, and all other sums of money payable to the joint committee.

Interpretation.

4. In this Act "the Public Health Acts" means the Public Health Act, 1848, the Local Government Act, 1858, and the Acts amending them; and in this Act and in enactments incorporated with this Act the term "court of competent jurisdiction" shall

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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.

Incorporation of joint committee of three Boards.

5. There shall be a joint committee of the three Boards for the execution of this Act, constituted as in this Act provided, and called The Gas Joint Committee of the Westleigh, Pennington, and Bedford Local Boards, and by that name that committee is hereby incorporated, with perpetual succession and a common seal, and with power to take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions, of this Act (which committee is in this Act referred to as the joint committee).

Constitution and proceedings of joint committee.

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

(1.) Within one month after the passing of this Act each of the three Boards shall appoint three of their members to be their representatives on the joint committee:

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

(3.) The three Boards respectively may at any time remove any member of the joint committee representing them respectively:

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

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

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

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

(8.) The joint committee shall hold their first meeting at the office of the Westleigh Local Board on the sixth Wednesday after the passing of this Act, at seven o'clock in the afternoon:

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

question of election of chairman) shall stand referred to the standing arbitrator:

(10.) The quorum of the joint committee (being the prescribed number within section thirty-nine of the Commissioners Clauses Act, 1847,) shall be three:

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

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

(13.) The accounts of the joint committee shall at all reasonable times be open to inspection and transcription by any member of any one of the three Boards without payment:

(14.) The accounts of the joint committee shall be audited as if they were a local board, and the provisions of the Public Health Acts relating to the audit of the accounts of a local board shall extend and apply to the audit of the accounts of the joint committee:

(15.) The accounts of the joint committee as audited shall be sent by the joint committee to each of the three Boards.

Appointment, powers, and duties of standing arbitrator.

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

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

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

(3.) If a standing arbitrator in his year of office dies or resigns, or is removed from office, the three Boards shall, in manner

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aforesaid, within one month after notice of his death or resignation, or after the removal, appoint another person to be standing arbitrator in his place, and in default a standing arbitrator shall be appointed by the Local Government Board in manner aforesaid:

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

(5.) If any difference respecting any matter connected with the execution of any of the powers of this Act at any time arises among the three Boards, or between any two of those Boards, the same shall stand referred to the standing arbitrator, and the standing arbitrator shall proceed with the reference on the request in writing of any of the three Boards:

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

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

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

Purchase of undertaking of company.

8. The company shall sell to the three Boards, who shall accordingly purchase, the company's undertaking, including their gasworks situate on the lands described in the first schedule to this Act, and those lands and all buildings and erections thereon, for such consideration, to be paid or secured at such time and in such manner, and generally on such terms, as in this Act are stated or appear, comprising the following; (that is to say,)

(1.) The consideration money shall be the sum of forty-eight thousand pounds:

(2.) The sale shall comprise all lands and buildings of or in any manner held in trust for the company (whether used for

purposes of manufacture or supply of gas or not), and the gasholders, apparatus, machinery (fixed or unfixed), implements, stock of coal, coke, gas, and other materials and products, pipes (laid or unlaid), meters, stores, and plant belonging to the company, as the same stood on the thirtieth day of June one thousand eight hundred and seventy-four, including therein any money then in the hands of the treasurer or bankers of the company, but exclusive of profits made by the company during the year ending the last-mentioned day, and so that any gas rents accrued due before but received after that day shall be accounted for to the company:

(3.) The sale shall comprise the whole of the company's undertaking, including their rights and powers under the Leigh District Gas Act, 1861, as affected by the Tyldesley-with-Shakerley Local Board (Gas) Act, 1865, and the Atherton Local Board Act, 1873, except their rights and powers relating to their share and loan capital:

(4.) The three Boards shall be liable for and shall pay and discharge all the debts and liabilities of the company affecting or relating to their undertaking, as they stood on the thirtieth day of June one thousand eight hundred and seventy-four, and any arrears of rent, rates, or taxes (other than income or property tax) then payable by the company in respect of their lands, buildings, or undertaking; but the three Boards shall be entitled to deduct from the consideration money, or to recover against the company, the amount of any mortgage charge, debenture stock, or other security affecting the undertaking and granted or created by the company since the twenty-fifth day of November one thousand eight hundred and seventy-three:

(5.) The purchase shall be completed and possession of the property and undertaking sold shall be delivered within one month after the passing of this Act:

(6.) The three Boards shall pay to the company interest on the purchase money at the rate of five per centum per annum for any time that elapses before completion after the thirtieth day of June one thousand eight hundred and seventy-four.

Transfer of company's undertaking by deed.

9. The sale by the company of their undertaking, property, and rights to the three Boards shall be carried into effect by a deed of transfer duly stamped (truly stating the consideration), transferring the same to the joint committee, and on the execution thereof by the company the undertaking, property, and rights of the company shall, by virtue thereof and of this Act, become and the

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same shall thenceforth be transferred to and vested in the joint committee for all the estate and interest of the company therein (which is in this Act referred to as the transfer).

Receipts of three directors a discharge.

10. The receipt of any three of the directors of the company for the purchase money of their undertaking, indorsed on the deed of transfer, shall be a sufficient discharge to the three Boards for the same, and the three Boards or any of them, or the joint committee, shall not be bound to see to the application or be answerable for misapplication or nonapplication thereof.

Pending actions, &c. against company.

11. If at the time of the transfer any action, suit, or proceeding is pending against the company, the same shall not abate or be discontinued by reason of the transfer or of anything in this Act, but the same may be continued and prosecuted against the joint committee as and when it might have been continued and prosecuted against the company if this Act had not been passed, but not further or otherwise, without prejudice to any remedy over against the company under any security given by them to the joint committee or otherwise.

Causes of action, &c. against company.

12. If at the time of the transfer any cause of action, suit, or proceeding is existing against the company, the same shall not be in anywise prejudicially affected by the transfer, or by anything in this Act, but the same may be enforced against the joint committee as and when it might have been enforced against the company if this Act had not been passed, but not further or otherwise, without prejudice to any remedy over against the company under any security given by them to the joint committee or otherwise.

Application of purchase money.

13. The company shall hold the purchase money of their undertaking when paid, and all other money for the time being belonging to them, on trust to pay and discharge thereout all their debts and liabilities, and to distribute the residue among the shareholders of the company, their executors, administrators, or assigns, rateably, and the directors of the company may exercise all powers necessary for paying and discharging the debts and liabilities, distributing the assets, and winding up the affairs of the company.

Company's books evidence as to shareholders.

14. The persons who appear in the books of the company to be proprietors of shares in the capital of the company shall, unless the contrary is proved to the satisfaction of the directors thereof, be considered to be shareholders thereof, for the purposes of the distribution of the company's assets.

Power to company to pay money into court.

15. Where the company are for twelve months after the period for the distribution of their net moneys unable after diligent

inquiry to ascertain the person to whom any part thereof ought to be paid, and who can give an effectual receipt for the same, the company may pay the same into the Court of Chancery under any Act from time to time in force for the relief of trustees.

Company to be dissolved.

16. When and as soon as the debts of the company have been paid and their assets have been distributed in manner aforesaid, and their affairs have been wound up, three directors of the company shall certify the same under their hands and publish their certificate in the London Gazette, and thereupon the company shall be by virtue of this Act dissolved.

Repeal of Leigh District Gas Act, 1861.

17. The Leigh District Gas Act, 1861, shall be repealed as from the date of the transfer, but notwithstanding this repeal the company shall be deemed to exist for the purpose of winding up their affairs and distributing their assets (but for no other purpose) until they are dissolved in manner provided by this Act; and this repeal shall not extend to sections thirty-eight and thirty-nine of that Act, set out in the second schedule to this Act, which sections shall remain in force and be binding on the joint committee as if the joint committee were therein named instead of the company, and section thirty-eight is hereby extended so as to apply to and include all existing and authorised railways and works belonging or leased to or worked by the London and North-western Railway Company, situate within the limits for supply of gas, as by this Act authorised.

Limits of Act.

18. The limits of this Act for purposes of supply of gas are the townships and parts of townships described in the third schedule to this Act.

Power to continue gas-works, &c.

19. The joint committee may continue, maintain, improve, and enlarge or remove retorts, gasholders, apparatus, and works for the making and storing of gas, and of coke and other residual products and matters producible therefrom, and may make and store the same, but the joint committee shall not make or store gas on any lands other than those described in the first schedule to this Act.

Power to supply gas.

20. The joint committee may supply and sell gas for public and private consumption, and light or contract for the lighting of streets and public buildings, and sell and dispose of at their works and elsewhere coke and other residual products and matters producible therefrom.

Power to supply gas fittings, &c.

21. The joint committee may manufacture, purchase, supply, hire, sell, let, lay down, place, and maintain gas fittings, meters, pipes, pillars, lamp-posts, lamps, burners, and other articles and

things connected with gasworks or with the supply of gas for public or private consumption, in such manner as they think proper, and generally may carry on the operations usually carried on by gas companies.

Power to hold licenses under letters patent.

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

Exception respecting notice of opening streets, &c.

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

Power to take additional lands by agreement.

24. The joint committee may by agreement enter on, purchase, take, and use such lands as they think requisite for purposes of this Act, and may hold the same, not exceeding in the whole five acres.

Contribution by three Boards.

25. The three Boards shall contribute in equal shares to the price or consideration money payable for the purchase of the company's undertaking, and to the money required by the joint committee for the purposes of this Act, including any money required by the joint committee to pay any debt, damages, penalty, or other sum of money recovered against them, or to meet any other outgoing under this Act.

Joint committee may make calls.

26. The joint committee may from time to time make on the three Boards respectively such calls of money in respect of any amount to be contributed by them under this Act as the joint committee think fit, and may appoint the persons to whom and the times and places at which the calls are to be paid, giving at least twenty-eight days notice in writing of each call before the day fixed for payment thereof, but a call shall be deemed to be made at the time when a resolution of the joint committee making the same is passed.

Penal interest on calls in arrear.

27. If at the time appointed by the joint committee for payment of any call either of the three Boards fail to pay the amount of the call, that Board shall pay for the same while in arrear interest at such rate not exceeding seven per centum per annum as the joint committee determine.

Recovery of calls in arrear.

28. If at the time appointed by the joint committee for payment of any call either of the three Boards fail to pay the amount of the

call, the joint committee may sue that Board for the amount thereof, and may recover the same and the interest thereon from the day on which the call was payable.

Power to three Boards to borrow.

29. Each of the three Boards may from time to time, for the purpose of enabling them to pay their proportion of the price or consideration money payable for the purchase of the company's undertaking, or to meet any call made on them by the joint committee which that Board are unable or think it inexpedient to meet out of revenue, borrow on the security of their district fund and general district rates such sums, not exceeding in the whole for each Board the sum of twenty-five thousand pounds, as they think requisite, and to secure the repayment of sums so borrowed, with interest, may mortgage their district fund and general district rates, and all money so borrowed shall be applied only for purposes of this Act.

Provision for paying off money borrowed.

30. The three Boards respectively shall, under such provisions as shall be sanctioned by the Local Government Board, pay off all money borrowed by them under this Act, either by half-yearly or yearly instalments, or by means of a sinking fund from time to time set apart, and with the produce and accumulations thereof applied in that behalf; (that is to say,)

They shall pay off all money so borrowed within fifty-three years from the time of borrowing, but they shall not be bound to pay any instalment or to set apart a sinking fund until after the expiration of five years from the passing of this Act.

Power to re-borrow.

31. The three Boards respectively shall not re-borrow any principal money borrowed by them under this Act and paid off by instalments or by means of a sinking fund, but, subject thereto, they may from time to time, as occasion requires, re-borrow any money borrowed by them under this Act and paid off.

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

32. The clerk to each of the three Boards shall within twenty-one days after the expiration of each year during which any sum is required to be set apart by the respective Board for a sinking fund, or to be paid by instalments 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 paid by instalments or 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 respective Boards have failed to pay any instalment or 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 Mandamus to be obtained by the Local Government Board out of the Court of Queen's Bench.

Power to include money required in general district rates.

33. The three Boards respectively in estimating the amount required to be raised by means of general district rates for the purposes of their respective districts, and in making such rates, shall include the money required by them for the purposes of this Act in one and the same rate or assessment as the money authorised by the Local Government Act, 1858, to be levied by means of general district rates, and shall collect the same as part thereof, as if the same were expressly charged by that Act on those rates.

Borrowing under Public Health Acts.

34. In calculating the amount which the three Boards may borrow under the Public Health Acts, the amount which they borrow or are authorised to borrow under this Act shall not be reckoned, and the powers of the three Boards of borrowing or re-borrowing under this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts.

Priority of mortgages.

35. Nothing in this Act shall prejudice or affect any mortgages, debentures, or other securities on the funds or rates of the three Boards respectively existing at the passing of this Act, and the same shall have priority over any mortgages, debentures, or securities on the same funds or rates granted under this Act.

Price of gas.

36. The price charged by the joint committee for gas supplied by them shall not exceed six shillings per one thousand cubic feet.

Number of candles and provision for testing place.

37. With reference to section twelve of the Gasworks Clauses Act, 1871, the prescribed number of candles shall be fourteen; and with reference to section twenty-eight of the same Act the prescribed place shall be some part of the gasworks of the joint committee; the prescribed time shall be three months from the passing of this Act; the prescribed burner shall be an argand burner having fifteen holes and a seven-inch chimney, and consuming at the rate of five cubic feet of gas per hour; and the prescribed

pressure shall be such as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and from sunset to midnight a column of water 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 by which each consumer is supplied; 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.

Accounts to be kept by joint committee.

38. The joint committee shall keep an account of their receipts, credits, payments, and liabilities under this Act, and shall defray out of those receipts the expenses of the execution by them of this Act, and the ultimate net balance to the credit of that account in any year shall be divided into three equal parts, one whereof shall be paid by the joint committee to the treasurer of each of the three Boards, and be carried to the credit of their respective district fund account.

Interest on security for meters.

39. Where any owner or occupier is required by the joint committee to give to them security for the payment of the price or rent of a meter, the joint committee shall pay interest at the rate of five 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.

Power to dispose of property not required for purposes of Act.

40. The joint committee may from time to time sell or otherwise dispose of all or any part of the lands, buildings, works, and other property from time to time vested in them, and not required by them, to such persons, for such considerations, on such terms and conditions, either absolutely or for any term, estate, or interest, or subject to any restriction, and either by way of conveyance or by way of demise, or of exchange or otherwise, and generally in such manner in all respects as they think proper.

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

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

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Form of notices, &c.

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

Recovery of penalties, &c.

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

Transfer in case of union of districts.

44. If at any time, under sections twenty-six to thirty-two (both inclusive) of the Public Health Act, 1872, or under any enactment for the time being substituted for those sections, the districts of the three Boards (with or without a part of any adjacent township or district) are formed into a united district for all purposes of the Sanitary Acts, then the powers and functions of the joint committee shall thereupon cease, and their gas undertaking, together with all their other property and rights, subject to their contracts and liabilities, shall be transferred to or for the benefit of and carried on by the joint Board for the united district.

Expenses of Act.

45. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the three Boards in equal shares out of their respective general district rates, and ultimately out of money borrowed under this Act.

SCHEDULES.

THE FIRST SCHEDULE.

Lands on which Gasworks may be continued.

Lands belonging or reputed to belong to the company on which their existing works are erected, situate in and near to Down Croft and Gas Street, within the township of Pennington and parish of Leigh in the county of Lancaster, and bounded on the north by Gas Street and on the west by Down Croft, and containing by admeasurement two acres two roods and thirty-four perches, or thereabouts.

THE SECOND SCHEDULE.

Sections of the Leigh District Gas Act, 1861, not repealed by this Act.

For protection of the London and North-western Railway Company.

XXXVIII. The main and other pipes of the company shall be so constructed over or under the existing railways and works of the London and North-western Railway Company, and of their new proposed railway and works from Eccles, Tyldesley, and Wigan (if the same be authorised by Parliament), as not to obstruct or interfere with the traffic upon such railways respectively, and according to plans first approved by and to the reasonable satisfaction of the engineer for the time being of the said Railway Company.

Gaspipes, &c. not to be laid or maintained within the lands, &c. of the Duke of Bridgewater's trustees or of the Earl of Ellesmere, in Tyldesley-with-Shackerley, without consent.

XXXIX. Provided nevertheless, That, notwithstanding anything contained in this Act or in any Act incorporated therewith, it shall not be lawful for the company to open or break up any sewers, drains, or tunnels, or lay down, place, maintain, repair, alter, discontinue, or remove any pipes, conduit, service pipes, or other works or apparatus, or make any sewers, or manufacture gas, or erect any pillars, lamps, or other works, or do any other acts within, upon, under, over, or through any of the lands, tenements, soil, freehold, or hereditaments now belonging to the trustees acting under and in execution of the will of the Most Noble Francis late Duke of Bridgewater, or now belonging to the Right Honourable George Granville Francis Egerton Earl of Ellesmere, in the said township of Tyldesley-cum-Shackerley (except the common called Tyldesley Common or the Little Common), or within, upon, under, over, or

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through any public or private turnpike road, carriage road, or other way or road in the said township of Tyldesley-cum-Shackerley which is bounded on each side thereof by any lands, tenements, or hereditaments now belonging to such trustees and the said Earl respectively, or either of them, or which is bounded on one side by the lands, tenements, or hereditaments now belonging to such said trustees, and on the other side by the lands, tenements, or hereditaments now belonging to the said Earl, without the consent in writing of such trustees, their heirs or assigns, in respect of the lands, tenements, soil, freehold, and hereditaments now belonging to such trustees, and of the said Earl, his heirs or assigns, in respect of the lands, tenements, soil, freehold, and hereditaments now belonging to him the said Earl.

THE THIRD SCHEDULE.

Limits of Act for Gas Supply.

(A.) The townships of Westleigh, Pennington, and Bedford, in the parish of Leigh, in the county of Lancaster.

(B.) So much of the township of Atherton in the same parish as lies to the west and south-west of an imaginary line drawn from the boundary of the townships of Atherton and Bedford, at a north-westerly point of the township of Bedford, near to Lion Bridge, and passing thence in a north-westerly direction for a distance of sixty-six yards or thereabouts to the south-east corner of Lion Bridge, thence in a northerly direction along and on the eastern side of the road from Lion Bridge to Old Hall Mill Lane, and thence along and on the eastern side of such lane to its junction with the Bolton and Saint Helen's turnpike road, and thence in a straight line in a north-westerly direction for a distance of seven hundred and sixty yards or thereabouts to a boundary stone fixed at the boundary line of the townships of Atherton and Westleigh.

(C.) The townships of Golborne, Lowton, and Kenyon, in the parish of Winwick, in the county of Lancaster.

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