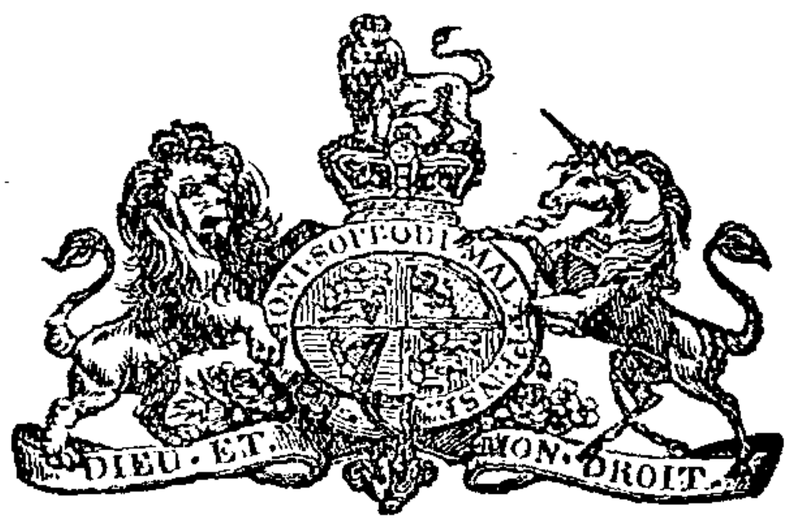

CHAPTER cxc.

An Act for empowering the Local Boards for the Districts of Dukinfield in the County of Chester, and Denton in the County of Lancaster, to make and supply Gas, and for carrying into effect an Agreement between them and the Dukinfield Gas Company for the Joint Purchase by them of that Company's Undertaking; and for other purposes. [2d August 1877.] [A.D. 1877.

WHEREAS part of the township of Dukinfield in the county of Chester is the district of the Local Board of Health of Dukinfield, and the township of Denton in the county of Lancaster is the district of the Local Board of Health of Denton:

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

And whereas by "The Dukinfield Gas Act, 1854," the Dukinfield Gas Company (in this Act called "the Company,") were incorporated and authorised to supply gas within the townships of Denton, Haughton, and Newton, and in the said part of Dukinfield, and also (but only with the consent of the Ashton Gas Company) in the village or place called Hooley Hill and the division of Audenshaw, and the capital of the Company was fixed at thirty thousand pounds, in one thousand five hundred shares of twenty pounds each, the whole of which have been issued and are fully paid up: 17 & 18 Vict. c. clvii.

And whereas the Company were by the recited Act authorised to borrow on mortgage the sum of eight thousand pounds, and they have borrowed, and on the thirty-first day of May one thousand eight hundred and seventy-seven still owed, the sum of five thousand pounds:

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And whereas the Local Boards have entered into an agreement with the Company for the purchase of the undertaking of the Company in consideration of the payment of three thousand annuities of one pound each, and it is expedient that the same be carried into effect:

And whereas it is expedient that a Joint Committee of the Local Boards be constituted to act on behalf of the Local Boards in the execution of this Act, and that they be authorised to purchase additional lands and erect additional gasworks, and to acquire easements for the laying of mains, and that all necessary and proper powers in relation to the control and management of gas supply be conferred on such Joint Committee:

And whereas it is expedient that the Local Boards be empowered to borrow money for the purposes of this Act:

And whereas it is expedient that if the township of Haughton in the parish of Manchester be constituted the district of a separate sanitary authority, provision should be made for such sanitary authority to take part in and share the gas undertaking of the Joint Committee:

And whereas it is expedient that provision be made in certain events for the dissolution of the Joint Committee and the partition of the gas undertaking between the Local Boards then sharing therein:

18 & 19 Vict. c. lxiv.

And whereas the Hyde Gas Company, incorporated by the Hyde Gas Act, 1855, are now supplying gas in the said township of Newton, and also in parts of the said townships of Dukinfield and Haughton, and it has been arranged that the Hyde Gas Company shall cease to supply gas in the said two last-mentioned townships on the application to them in writing by the Joint Committee or the Local Boards, or either of them, and that the Joint Committee, and upon their dissolution the Local Boards or either of them, shall not supply gas within the said township of Newton without the consent in writing of the Hyde Gas Company:

And whereas plans showing the lands which may be acquired or in which easements may be taken under the powers of this Act, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of and describing such lands, have been deposited with the respective clerks of the peace for the counties of Chester and Lancaster, and are in this Act referred to as the deposited plans, sections, and book of reference:

And whereas estimates have been prepared showing that in addition to moneys required for the redemption of the said annuities

the Local Boards may require from time to time to borrow for the purchase of land and the execution of the various works by this Act authorised, being permanent works within the meaning of section two hundred and thirty-four of the Public Health Act, 1875, further sums of money amounting to forty thousand pounds:

And whereas an absolute majority of the whole number of the said Local Board of Dukinfield and of the said Local Board of Denton, at meetings of those respective Boards, held respectively on the seventh and eighth days of December one thousand eight hundred and seventy-six, after ten clear days notice by public advertisement of such meetings respectively, and of the purposes thereof, in the Ashton Standard, a local newspaper published or circulating in the respective districts of the two Boards, such notices being in addition to the ordinary notices required for summoning such meetings, resolved that it was expedient for the two Boards to promote the Bill for this Act:

And whereas such resolutions were published twice in the Ashton Reporter, a newspaper published and circulating in the respective districts of the Local Boards, and have in respect of matters within the jurisdiction of the Local Government Board received the approval of that Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of each of the two Boards at further special meetings held in pursuance of similar notices by the Local Board of Health of Dukinfield on the twenty-second day of February one thousand eight hundred and seventy-seven, and by the Local Board of Health of Denton on the twenty-first day of February one thousand eight hundred and seventy-seven, being in each case not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the respective districts of the two Boards, by resolutions in the manner provided in the third schedule to "The Public Health Act, 1875," for the adoption of that Act, consented to the promotion of the Bill for this Act:

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 Dukinfield and Denton Local Boards (Gas) Act, 1877."

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Certain provisions of general Acts herein named 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;"

"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 the provisions thereof with respect to the qualification of commissioners, and 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, and except also sections forty-two, forty-three, forty-six, and forty-eight;

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.

Interpretation of terms.

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

"The Dukinfield Local Board" means the Local Board of Health for the district of Dukinfield:

"The Denton Local Board" means the Local Board of Health for the district of Denton:

"The Local Boards" means the Dukinfield Local Board and the Denton Local Board:

"The Joint Committee" means the Joint Committee constituted by this Act:

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

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

"Gas revenue" includes every sum of money (not being borrowed money) payable to the Local Boards or the Joint Committee in respect of the gas undertaking:

"The gas limits" means the limits within which the Local Boards or the Joint Committee are for the time being authorised to supply gas:

"Annuity" or "annuities" means any annuity or annuities created by either of the Local Boards under the powers of this Act:

"Dukinfield annuities" and "Denton annuities" means the annuities issued by the Dukinfield Local Board and the Denton Local Board respectively:

"Annuitant" means any person, company, or corporation for the time being entitled to such annuity.

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

"The undertaking" means the gas undertaking:

"The undertakers" means the Joint Committee.

In "The Commissioners Clauses Act, 1847," for the purposes of this Act,—

"The Commissioners" means the Joint Committee:

"Rates" includes gas rents.

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

Limits of Act.

4. The limits of this Act for the supply of gas shall be the following; (that is to say,)

The district of the Dukinfield Local Board of Health, (except the small parts thereof which lie on the north side of the present course of the River Tame between the boundary of the borough of Stalybridge near Clarence Street and Alma Bridge,) the township of Newton, in the parish of Mottram in Longdendale in the same county, the village or place called Hooley Hill, and the division of Audenshaw, both in the parish of Ashton-under-Lyne in the county of Lancaster, the chapelry or township of Denton, in the parish of Manchester in the county of Lancaster, and the township of Haughton, in the said chapelry of Denton in the county of Lancaster, and also such parts of the said parish of Ashton-under-Lyne as lie on the south side of the present course of the River Tame

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between the boundary of the borough of Stalybridge and Alma Bridge: Provided always, that the Joint Committee shall not, nor shall the Local Boards or either of them, supply gas within the said village or place called Hooley Hill, or the said division of Audenshaw, without the previous consent of the Ashton Gas Company under their common seal, nor within the said township of Newton without the previous consent of the Hyde Gas Company under their common seal, notwithstanding that the mains of the Joint Committee, or of the Local Boards or either of them, may be laid into or through the said village or place and division, or the said township of Newton.

Incorporation of Joint Committee of Local Boards.

5. There shall be a Joint Committee of the Local Boards for the execution of this Act, constituted as in this Act provided, and called "The Dukinfield and Denton Joint Gas Committee," 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.

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 Local Boards shall appoint four of their members to be their representatives on the Joint Committee:

(2.) The eight persons so appointed, and their successors, shall form and be the Joint Committee:

(3.) The Local 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 Dukinfield Local Board, in Dukinfield, on the sixth Monday after the passing of this Act, at three 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 two 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 two Boards, without payment:

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

(15.) The accounts of the Joint Committee as audited shall be sent by the Joint Committee to each of the Local 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 Local 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 Local 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

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them, which remuneration shall be paid by the Joint Committee:

(2.) The standing arbitrator may be removed from his office by the Local 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 Local Boards shall in manner aforesaid within one month after notice of his death or resignation, or after the removal, appoint another person to be standing arbitrator in his place, and in default a standing arbitrator shall be appointed by the Local Government Board in manner aforesaid:

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

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

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Transfer of Gas Company's undertaking to Joint Committee.

8. The Company's undertaking, including in that expression all the estates, lands, apparatus, machinery, mains, pipes, meters, fittings, plant, stock in trade, stores, materials, gas and meter rents due or accruing due, moneys owing on any account, cash at bankers and elsewhere, reserve fund, rights, powers, authorities, privileges, easements, and other property and effects of the Company, subject to and charged with all the debts and liabilities of the Company, and to and with the payment to the shareholders of the Company of the amount of one year's full maximum dividend on the capital of the Company, such dividend to be retained by the directors of the Company, and to be by them distributed among the shareholders of the Company according to their respective interests therein, and subject also to the rents and liabilities payable or incurred by the Company in respect of any lands or hereditaments belonging to or enjoyed by them, shall, as from the thirtieth day of June one thousand eight hundred and seventy-seven, absolutely vest in the Joint Committee, and be enjoyed, exercised, used, and disposed of by them accordingly, and the period in this section mentioned is in this Act referred to as the vesting period: Provided always, that within three months from the said thirtieth day of June in the year of our Lord one thousand eight hundred and seventy-seven the Joint Committee shall produce to the Commissioners of Inland Revenue a copy of this Act printed by Her Majesty's printer, and duly stamped with the ad valorem stamp duty of the same amount as would have been payable if the transfer of the undertaking had been by a deed of conveyance; and if the said Joint Committee shall not within the said period of three months produce to the said Commissioners such copy of this Act duly stamped as aforesaid, the ad valorem stamp duty, with interest thereon at the rate of five pounds per centum per annum from the vesting period until the day of payment, shall be recoverable from the Joint Committee with full costs of suit, and all costs and charges attending the same.

Mortgage debt of Company first charge on gas revenue.

9. The mortgage debt of the Company existing at the vesting period, and the interest thereon, shall thenceforward be a first charge on the gas revenue, and shall further be a charge on the district fund and the general district rate of each of the Local Boards.

Application of parts of Company's Act to Joint Committee.

10. From and after the vesting period all the rights, powers, privileges, and authorities of the Company under the special Act relating to the Company shall be by virtue of this Act transferred to and vested in the Joint Committee, and that Act shall be read and have effect as if the Joint Committee had been therein named instead of the Company, subject, nevertheless, and according to

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the provisions of this Act and to the following exceptions and provisions; (namely,)

(1.) The provisions of "The Companies Clauses Consolidation Act, 1845," incorporated with the special Act relating to the Company shall not apply to the Joint Committee:

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

Eventual dissolution of Company.

11. As soon as conveniently may be after the vesting period the Company shall proceed to wind up their affairs, and the directors then in office, and the survivors and survivor of them, shall continue without re-election to hold the office of directors until the affairs of the Company shall be wound up, and so soon as the Company shall have wound up their affairs they shall be dissolved and cease to exist.

Joint Committee to pay costs of winding up Company, &c.

12. The Local Boards shall pay in equal shares all the costs, charges, and expenses incurred by the Company of and incidental to the transfer of the gas undertaking and the winding up of the affairs of the Company, not exceeding in the whole the sum of three hundred pounds, and such costs, charges, and expenses shall be deemed part of the costs, charges, and expenses of the obtaining of this Act.

Saving for contracts made or proceedings pending.

13. Nothing in this Act shall prejudicially affect,—

(1.) Any purchase, sale, conveyance, covenant, contract, deed, act, or thing which may have been made, entered into, executed, or done by the Company in relation to their undertaking before the vesting period, or subsequently thereto with the consent of the Joint Committee, and the same respectively shall continue in as full force and be as valid and effectual as if this Act had not been passed, the Joint Committee only being substituted for the Company;

(2.) Any debt or money demand, or any right or cause of action or suit, or other remedy of, for, or against the Company, or any other body or any person, and the same shall and may be paid, discharged, enjoyed, used, and exercised as if this Act had not been passed, the Joint Committee only being substituted for the Company;

(3.) Any action, suit, prosecution, proceeding, or thing commenced before the passing of this Act may be carried on and completed as if this Act had not been passed, the Joint Committee only being substituted for the Company.

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

14. 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 Joint Committee.

Books, &c. to remain evidence.

15. 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.

Consideration for the transfer of gas undertaking.

16. In consideration for such purchase each of the Local Boards shall pay to the shareholders of the Company the following annuities; (namely,)

To the holder of any one or more of the fifteen hundred fully paid-up shares a perpetual annuity of one pound in respect of each such share:

And such annuities shall be called respectively "The Dukinfield Gas Annuities" and "The Denton Gas Annuities," and shall be respectively charged on the district fund and general district rate of the Dukinfield Local Board and the Denton Local Board respectively and on the gas revenue, and as to the gas revenue shall be a charge thereon ranking next after the interest on the mortgage debt of the Company, and as to the district fund and general district rate shall be a charge thereon ranking next after all charges thereon subsisting at the passing of this Act.

Annuities to be computed from 1st July 1877.

17. The said annuities shall be computed from the first day of July one thousand eight hundred and seventy-seven, and shall be respectively paid by equal half-yearly payments on the first day of January and the first day of July in every year by the Local Boards respectively, at their respective offices, personally to the annuitants, or if they respectively so direct in writing, by cheque, to be sent by post to each annuitant to his or her registered address, or otherwise as they may direct.

Proofs as to shareholders of the Company.

18. The several persons whose names appear as shareholders in the books of the Company on the thirtieth day of June one thousand eight hundred and seventy-seven shall, until due proof to the contrary, be considered to be the persons at that date entitled to the annuities under this Act.

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Notice of Act.

19. The Joint Committee shall forthwith after their appointment 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 gas annuitants.

20. Each of the Local Boards, as to the annuities payable by such Board, shall, from and after the said first day of July one thousand eight hundred and seventy-seven, keep a book to be called "The Register of Dukinfield Gas Annuitants" or "The Register of Denton Gas Annuitants," as the case may require, 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 payable by such Board under this Act, together with the amount of the annuities to which such annuitants shall be respectively entitled, and the surnames or corporate names of the 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 books gratis, and may require a copy thereof or of any part thereof, and for every hundred words so required to be copied the Local Board making the same may demand a sum not exceeding sixpence.

Shareholder's receipt.

21. The receipt in writing of the corporations and persons in the said register, their successors, executors, administrators, or assigns, shall be a sufficient and effectual discharge to the Local Boards respectively paying any annuities for the annuities 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 such Local Boards.

Annuities to represent shares in Company.

22. The annuities 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 as aforesaid, and the several parties to whom such annuities are granted 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 shall accordingly pass or be affected by any will or other instrument disposing of or affecting such shares.

Local Boards to issue

23. The Dukinfield Local Board as to annuities payable by them, and the Denton Local Board as to annuities payable by them,

shall, at their own expense, issue to every person entitled to an annuity or annuities under this Act, on delivery by him to the Local Board of the certificate of the share or shares 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 or annuities, a certificate of each annuity, and such certificate may be in the form in the Second Schedule to this Act annexed, or to the like effect. By consent of the annuitant one certificate may include any number of annuities.

certificates for gas annuities.

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

Certificate to be evidence.

25. If the certificate of any annuity or annuities be worn out or damaged, then on its being produced to the Local Board who issued the same 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 Local Board who issued the same, 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 such Local Board in such register of gas annuitants, and for every such substituted certificate such Local Board may demand any sum not exceeding two shillings and sixpence.

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

26. 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 Local Board who issued the same, 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 such Local Board in the said register of gas annuitants, and for every such substituted certificate such Local Board may demand any sum not exceeding two shillings and sixpence.

Certificates for altered numbers of annuities.

27. The annuities shall be personal estate.

Gas annuities, &c. to be personal estate.

28. 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 Second Schedule to this Act annexed, or to the like effect.

Transfer of annuities, &c. to be by deed duly stamped.

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Transfer of annuities to be registered, &c.

29. Each of the Local Boards shall keep a book to be called "The Register of Transfers of Dukinfield Gas Annuities," or "The Register of Transfers of Denton Gas Annuities," as the case may be; and every such deed of transfer when duly executed shall be delivered to the Local Board who granted the annuity transferred, and be kept by them, and such Local Board shall enter a memorial of every such deed of transfer in such of those books as is kept by them and shall indorse such entry on the deed of transfer (such indorsement to be signed by the clerk to such Local Board), and shall on demand deliver a new certificate in the case of annuities to the transferee, and for every such entry of a deed of transfer with such indorsement, and with or without such certificate, such Local Board may demand any sum not exceeding two shillings and sixpence, and on the request of any transferee an indorsement of the transfer to him shall be made on the certificate of the annuity transferred instead of a new certificate being granted, and such indorsement being signed by such clerk shall be considered in every respect the same as a new certificate, and until such deed of transfer be so delivered to such Local Board the transferee shall not be entitled to receive any part of the annuities.

Closing of transfer books.

30. The Local Boards may close the register of transfers of the annuities for any period not exceeding fourteen days before the first day of July yearly, and any transfer made during the time when that register is closed shall, as between the Local Boards, Joint Committee, and the transferee, but not otherwise, be deemed made after that time.

Copy of registers to be given to Joint Committee.

31. Each Local Board shall provide the Joint Committee with a copy of the before-mentioned registers kept by such Board, and shall forthwith after the closing of the transfer books in each year send to the Joint Committee a list of transfers made during the preceding year.

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

32. 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.

33. 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 Her Majesty's High Court of Justice, and such decaration shall be left with the Local Board who granted the annuity, and thereupon they shall enter the name of the person entitled under such transmission in their register of gas annuitants, and for every such entry such Local Board may demand any sum not exceeding five shillings.

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

34. 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 declaration 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 Local Board who granted the annuity, 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 such Local Board may demand any sum not exceeding five shillings.

Local Boards not to regard trusts.

35. The Local Boards shall not be bound to see to the execution of any trust, whether express or implied or constructive, to which any annuity may be subject, and the receipt of the party in whose name any such annuity stands in the said respective registers of annuities shall from time to time be a sufficient discharge to the Local Board who granted the annuity for any money payable in respect of such annuity, notwithstanding any trusts to which such annuity may then be subject, and whether or not such Local Board have had notice of such trusts, and such Local Board shall not be bound to see to the application of the money paid upon such receipt.

Annuities, &c. recovered by suit.

36. If any annuity or any part thereof, being payable, be not paid upon demand thereof in writing made to the Local Board who granted the same by the annuitant, the annuitant 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.

37. If within one month after any annuity 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 and mortgagees whose debts being so in arrear

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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.

38. 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 gas revenue, 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 gas revenue, rates, and rents, be fully paid, and upon such appointment being made all such gas revenue, 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.

Local Boards may redeem gas annuities.

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

For preventing frauds and waste of gas.

40. If and whenever any person supplied with gas by the Joint Committee wilfully does, or causes or suffers to be done, anything in contravention of any of the provisions of this Act for the prevention of the waste, misuse, or undue consumption of the gas of the Joint Committee, or wilfully fails to do anything which under such provisions ought to be done, they may cut off or stop any pipe by or through which gas is supplied to him, and cease to supply him with gas so long as the cause of injury remains or is not remedied, and also may recover in any court of competent jurisdiction from any person so offending the amount of all loss, damage, or injury which they may sustain by reason of any such thing or failure, and the remedies of the Joint Committee under this enactment shall be in addition to their other remedies in this behalf.

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For application of certain provisions of 34 & 35 Vict. c. 41. (*Pub.*)

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

1. This Act shall be deemed "the special Act:"
2. The land on which alone the Joint Committee shall manufacture gas or any residual products shall be the lands described in the First Schedule to this Act:
3. The number of sperm candles shall be fifteen:
4. The testing place shall be the existing testing place at the gasworks of the Company in Dukinfield, and after the construction of the new gasworks by this Act authorised, at those works, or some other testing places provided for the purpose within the gasworks for the time being of the Joint Committee:
5. The burner shall be an argand fifteen-hole burner and a seven-inch chimney, or other burner and chimney capable of consuming five cubic feet of gas an hour, approved by the Board of Trade for this purpose:
6. All gas supplied by the Joint Committee to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset of not less than six tenths of an inch, and from sunset to midnight of not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer; and any gas examiner appointed under "The Gasworks Clauses Act, 1871," may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority, and the provisions of "The Gasworks Clauses Act, 1871," with reference to testing of gas and to penalties, shall, mutatis mutandis, apply to such testing of pressure: Provided that on each occasion of such testing sufficient notice in writing shall be given to the Joint Committee of the time and place at which the same shall be conducted to enable them to be represented:
7. If any person is required by the Joint Committee to give to them security for the payment of the price or rent of a meter, the Joint Committee shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

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Limiting the price of gas.

42. With respect to the price which the Joint Committee may charge for gas supplied by them the following provisions shall have effect; (that is to say,)

(1.) The prices to be charged by the Joint Committee in any year shall be regulated as nearly as may be so as not to produce a net revenue of more than seven pounds per centum per annum on the amount of unredeemed capital for the time being invested in the gas undertaking of the Joint Committee: Provided that in case of any excess of net revenue such excess may be placed to the credit of a reserve fund, and in the case of any defect of net revenue such defect may be made good from and out of such reserve fund:

(2.) The reserve fund may amount to such sum as may be from time to time prescribed by the Joint Committee, being not less than one twentieth nor more than one tenth of the capital invested irrespective of redemption:

(3.) For the purposes of this enactment, the amount of such capital at the time of the passing of this Act shall be taken to be the sum of sixty-three thousand pounds, inclusive of the mortgage debt of the Company, and all money borrowed for the purpose of redeeming the annuities or any of them shall while unpaid be deemed to be unredeemed capital:

(4.) The maximum price of gas shall not exceed five shillings per thousand feet.

Discount to large consumers.

43. Large consumers shall be entitled to a reduction from the largest price charged to the small consumers at and after the following rate on a quarterly consumption; (that is to say,)

Exceeding fifty thousand cubic feet and not exceeding one hundred thousand cubic feet, one penny per one thousand cubic feet;

Exceeding one hundred thousand cubic feet and not exceeding two hundred thousand cubic feet, twopence per one thousand cubic feet;

Exceeding two hundred thousand cubic feet and not exceeding four hundred thousand cubic feet, threepence per thousand cubic feet;

Exceeding four hundred thousand cubic feet and not exceeding eight hundred thousand cubic feet, fourpence per one thousand cubic feet;

Exceeding eight hundred thousand cubic feet, fivepence per one thousand cubic feet.

As to cesser of supply of gas in Dukinfield and Haughton by Hyde Gas Company.

44. The Hyde Gas Company shall, upon the application of the Joint Committee or of the Local Boards, or either of them, cease to supply gas within any part of the said townships of Dukinfield and Haughton, or either of them.

Power to supply gas fittings, &c.

45. 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.

46. 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 utilisation of residual products obtained in the making of gas.

Exception respecting notice of opening streets, &c.

47. 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 either of the Local Boards.

Power to take lands.

48. The Joint Committee may enter upon and take by way of purchase, or on lease for any term or the residue of any term of not less than five hundred years, and use the lands shown on the deposited plans as lands to be acquired for gasworks, and described in the deposited book of reference, and may also, for the purpose of laying, renewing, and maintaining mains and pipes in the lines shown on the deposited plans; purchase, so take on lease, or otherwise acquire, compulsorily or by agreement, easements in and through the lands in the township of Dukinfield, in the parish of Stockport, shown on the deposited plans and described in the deposited book of reference.

Correction of errors, &c.

49. If any omission, mis-statement, or wrong description of any lands, or of any owner, lessee, or occupier of any lands, described in or intended or purporting to be described in the deposited plans and book of reference, be discovered, the following provisions shall have effect; (that is to say,)

1. The Joint Committee may apply to two justices for the correction thereof, giving ten days notice in writing to the owners, lessees, and occupiers of the lands affected by the proposed correction:

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2. If it appear to such justices that the omission, mis-statement, or wrong description arose from mistake, they shall certify the same, stating in the certificate the particulars of the omission, mis-statement, or wrong description:

3. The certificate shall be deposited with the clerks of the peace for the counties of Lancaster and Chester, who shall safely keep the same in like manner and subject to the like regulations as the deposited plans and book of reference:

4. Thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate, and the Joint Committee may enter on and take and use the lands for the several purposes to which they are appropriated by this Act, in accordance with the certificate, as if there had not been any omission, mis-statement, or wrong description:

5. A copy of or an extract from such certificate, purporting to be under the hand of the clerk of the peace of the county in which such lands were situate (which copy or extract he shall give when required under his hand to any person interested), shall be conclusive evidence of such correction.

Time for compulsory purchase of lands.

50. The powers of the Joint Committee for the compulsory purchase of lands and easements shall not be exercised after the expiration of three years from the passing of this Act.

Works affecting Manchester, Sheffield, and Lincolnshire Railway Company.

51. Any works to be constructed, laid down, or executed, in exercise of or in carrying the powers conferred by this Act into execution, crossing or otherwise interfering with any railway or canal, or the stations, bridges, or works thereof respectively, at any time belonging to or worked or occupied by the Manchester, Sheffield, and Lincolnshire Railway Company, shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of that company, and according to plans to be reasonably approved by him before any such works are begun, but in all things at the expense of the Joint Committee, and so as not to cause any injury to any such railway, canal, stations, bridges, or works, or any interruption of the passage or conduct of traffic over or at any such railway, canal, or stations; and if, owing to or by reason of any of the matters aforesaid, any injury shall arise to any such railway, canal, stations, bridges, or works, or interruption to any such traffic, the Joint Committee shall make full compensation to that company in respect thereof. If any difference arise between the Joint Committee or the Local Boards, or either of them, and the Manchester, Sheffield, and Lincolnshire Railway Company touching anything to be done or not to be done under this section, such difference shall

be determined by an engineer to be agreed on between the parties in difference, or in default of agreement to be appointed on the application of either of them by the President for the time being of the Institution of Civil Engineers, and the costs of the arbitration shall be borne as the arbitrator shall direct.

Works affecting London and North-western Railway Company.

52. Any works to be constructed, laid down, or executed, in exercise of or in carrying the powers conferred by this Act into execution, crossing or otherwise interfering with any railway, or the stations, bridges, or works thereof, at any time belonging to or worked or occupied by the London and North-western Railway Company, shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of that company, and (except in case of repairs or renewals required by bursting or sudden leakage of mains or pipes, or of other like emergency happening) according to plans to be reasonably approved by him before any such works are begun, but in all cases and in all things at the expense of the Joint Committee or of the Local Boards respectively, as the case may be, and so as not to cause any injury to any such railway, stations, bridges, or works, or any interruption of the passage or conduct of traffic over or at any such railway or stations; and if, owing to or by reason of any of the matters aforesaid, any injury shall arise to any such railway, stations, bridges, or works, or interruption to any such traffic, the Joint Committee or the Local Boards respectively, as the case may be, shall make full compensation to that company in respect thereof. If any difference arise between the Joint Committee or the Local Boards, or either of them, and the London and North-western Railway Company touching anything to be done or not to be done under this section, such difference shall be determined by an engineer to be agreed on between the parties in difference, or in default of agreement to be appointed on the application of either of them by the President for the time being of the Institution of Civil Engineers, and the costs of the arbitration shall be borne as the arbitrator shall direct.

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

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

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

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

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

55. 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 under the powers of this Act, 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: Provided that all moneys received for or in respect of any such sale shall be applied for objects to which capital moneys are properly applicable, and for no other purposes.

Contribution by Local Boards.

56. The Local Boards shall contribute in equal shares to the money required by the Joint Committee for the purposes of this Act, including any money required by the Joint Committee to pay any debt, damages, penalty, or other sum of money recovered against them, or to meet any other outgoings under this Act.

Joint Committee may make calls.

57. The Joint Committee may from time to time make on the Local Boards respectively such calls of money on capital and on revenue account, or either of them, in respect of any amount to be contributed by them under this Act, as the Joint Committee think

fit, and may appoint the persons to whom and the times and places at which the calls are to be paid, giving at least twenty-eight days notice in writing of each call before the day fixed for payment thereof, but a call shall be deemed to be made at the time when a resolution of the Joint Committee making the same is passed; provided that the account on which such call is made shall be stated therein.

Penal interest on calls in arrear.

58. If at the time appointed by the Joint Committee for payment of any call, either of the Local 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 pounds per centum per annum as the Joint Committee determine.

Recovery of calls in arrear.

59. If at the time appointed by the Joint Committee for payment of any call, either of the Local 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, in any court of competent jurisdiction.

Power to Local Boards to borrow.

60. Each of the Local Boards may from time to time borrow the following sums for the following purposes:

1. To pay the costs, charges, and expenses of and incidental to the preparing of the agreement for sale and purchase of the undertaking of the Company, and to the preparing, applying for, obtaining, and passing of this Act, the sums necessary for those purposes;
2. For the purchase of lands, the erecting of new gasworks, and for gasworks purposes, and to meet any call made on them by the Joint Committee on capital account, such sums, not exceeding in the whole for each Board the sum of twenty thousand pounds, as they think requisite;
3. To pay off the mortgage debt of the Company four thousand pounds;
4. To redeem the annuities such further sum as the Local Boards respectively from time to time think requisite, not exceeding in the whole the capitalised value thereof at such rate (not exceeding twenty-five years purchase) as may be agreed between the several annuitants and the Local Board who granted the annuities to be redeemed;

and to secure the repayment of sums so borrowed, with interest, may mortgage their district fund and general district rates, and the gas revenue belonging to them, and all money so borrowed shall be applied only for the purposes of this Act.

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Repayment of borrowed moneys.

61. The Local Boards respectively shall pay off all money borrowed by them under the powers of this Act (including the mortgage debt of the Company) as follows; (that is to say,)

1. Either by yearly or half-yearly instalments: Provided that when the payment shall not be made by equal instalments, the instalment or instalments payable in each year, together with the interest payable in such year in respect of the principal moneys of which such instalment or instalments form part, shall in every year amount to the same sum;
2. Or by a sinking fund to be annually set apart and invested in such securities as are herein-after prescribed, and with the accumulations from time to time applied for that purpose as follows:
   (a.) As regards moneys borrowed before the expiration of five years from the passing of this Act for any purpose other than the redemption of the annuities, and as regards the mortgage debt of the Company, within sixty-five years after the expiration of such five years;
   (b.) As regards moneys borrowed after the expiration of five years from the passing of this Act for any purpose other than the redemption of the annuities, within sixty-five years after the same shall have been borrowed;
   (c.) As regards moneys borrowed for the redemption of annuities, in sixty-five years from the passing of this Act;
3. And the annual sums to be set apart shall be such as with the accumulations thereof at compound interest will be sufficient to pay off the said principal sums in the said periods.

Application of sinking funds.

62. The Local Boards may from time to time apply the whole or any part of the sinking funds in or towards the discharge of the principal moneys for the discharge of which such funds respectively shall have been established: Provided that they pay in each year into the fund so applied, and accumulate until the whole of the principal moneys in respect of which it shall have been accumulated shall have been discharged, a sum equivalent to the interest of the sinking fund or part of a sinking fund so applied: Provided also, that whenever and so long as the yearly income arising from any sinking fund shall be equal to the annual interest of such principal moneys then outstanding, and to be paid off by means of such fund, the Local Boards respectively may in lieu of investing the

said yearly income apply the same in payment of such interest, and may during such periods discontinue the payment to such sinking fund of the yearly sums by this Act required to be so paid thereto.

Sinking fund for redemption of annuities.

63. Each of the Local Boards in respect of the annuities granted by such Board shall, at the expiration of five years from the passing of this Act, out of the gas revenue, make provision for the extinction of the annuities by a sinking fund to be created by the payment thereto of such equal yearly or half-yearly sums as when invested and accumulated at compound interest will suffice (having regard to the rate of interest of the securities constituting such investments) to extinguish the whole of the annuities granted by such Board in sixty-five years from the passing of this Act, and if at the end of that time the annuities, or any of them, be not wholly extinguished, the Local Board liable to pay the same shall, as long as they are so liable, apply in or towards that payment the annual income arising from such sinking fund; and the provisions contained in the foregoing section, the marginal note whereof is "Application of sinking funds," shall extend and apply, mutatis mutandis, in the case of the sinking fund formed under the provisions of this section: Provided that no payments to such sinking fund need be made in respect of any annuities for the redemption of which any moneys shall have been borrowed under the powers of this Act.

Power to re-borrow.

64. The Local Boards respectively may from time to time, as occasion requires, re-borrow any money borrowed by them under this Act and paid off otherwise than by instalments or a sinking fund.

Power to borrow under 38 & 39 Vict. c. 83. (*Pub.*)

65. Either of the Local Boards may, if they think fit, borrow any moneys which they are by this Act authorised to borrow, and which they have not borrowed and secured in manner herein-before provided, under the powers and subject to the provisions of "The Local Loans Act, 1875," by means of a loan or loans to be raised by the issue of debentures, debenture stock, or annuity certificates, or partly in one way and partly in another. Any moneys borrowed in manner by this section authorised for any of the purposes of this Act by either of the said Boards shall be a charge upon and shall be paid out of the local rate as defined by "The Local Loans Act, 1875," and also the district fund. Every such loan shall be discharged within sixty years from the date thereof, and such discharge, or any part thereof, shall be effected by means of a sinking fund, if such Board shall so think fit: Provided always, that if such Board

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at any time think fit to form any such sinking fund, the first payment to be made into the same need not be made until the expiration of five years from the passing of this Act.

Sinking fund how to be invested.

66. All sums paid into any sinking fund created by either of the Local Boards under the provisions of this Act shall be as soon as may be invested by such Board in any manner in which trustees are by law for the time being authorised to invest trust moneys, or in any debentures, debenture stock, or annuity certificates issued under the powers of the Local Loans Act, or in any securities created under this Act: Provided that in the last-mentioned case the securities in which such sinking fund shall be so invested shall be ipso facto cancelled.

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

67. The clerk to each of the Local Boards in respect of the sinking funds to be set apart by them respectively shall within twenty-one days after the expiration of each year during which any sum is required to be set apart by the respective Boards 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 Local 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.

Borrowing under Public Health Acts.

68. In calculating the amount which the Local Boards respectively 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 Local 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. A.D. 1877.

Priority of mortgages, &c. of Local Boards.

69. Nothing in this Act shall prejudice or affect any mortgages, debentures, or other securities on the funds or rates of the two 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.

Expenses of executing Act may be included in general district rates.

70. The expenses incurred by the Local Boards respectively for or in relation to any of the purposes of this Act, other than expenses to be paid out of borrowed moneys, shall be paid out of their respective district funds, and the Local 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 moneys required by them for the purposes of this Act in one and the same rate or assessment as the money authorised by the Public Health Acts to be levied by means of general district rates, and shall collect the same as part thereof, as if the same were expressly charged by those Acts on those rates.

Application of gas revenue.

71. The Joint Committee shall apply the gas revenue as follows; (that is to say,)

Firstly. In payment of the costs, charges, and expenses of and incidental to the collecting and recovering of gas rents and of the borrowing of money under this Act:

Secondly. In payment of the working and establishment expenses and cost of maintenance of the gas undertaking.

The surplus remaining after making the foregoing payments shall be deemed to be net revenue within the meaning of the foregoing section limiting the price of gas, and shall be applied as follows; (that is to say,)

Firstly. In payment of or in providing for the Local Boards the interest on the mortgage debt of the Company while subsisting:

Secondly. In payment of or in providing the Local Boards with the requisite money for the payment of the annuities:

Thirdly. In providing for the Local Boards the interest on moneys borrowed by them respectively under the powers of this Act: Provided always, that if in any year either of the Local Boards shall require a larger amount than the other of them to pay such interest, the excess of such payment shall remain a debt due from that one of the Local Boards receiving such excess, and such Local Board shall account for the same to the Joint

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Committee upon the distribution of the surplus net revenue herein-after provided for:

Fourthly. In providing the requisite instalments or sinking fund under this Act:

Fifthly. 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 such securities as trustees are for the time being authorised to invest in, and accumulating the same at compound interest until the fund so formed shall amount to the prescribed sum, which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Joint Committee from their gas undertaking, or to meet any extraordinary claim or demand at any time arising against the Joint Committee in respect thereof, and so that if that fund be at any time reduced it may thereafter be again restored to the like sum, and so from time to time.

Any surplus net revenue remaining after the reserve fund shall have been made up to the prescribed amount for the time being may be applied as follows; (that is to say,)

Firstly. So much of such surplus as may be necessary to make up the net revenue to an amount not exceeding seven pounds per centum per annum on the unredeemed capital herein-before mentioned shall be paid over to the Local Boards in equal parts, and be by them carried to the credit of their respective district funds:

Secondly. The residue, if any, of such surplus shall be carried to the credit of the revenue account of the next following year.

Provided that if any dispute arise as to the sufficiency of any reduction in the price of gas, such dispute shall be settled by the Court of Quarter Sessions in the manner prescribed by section thirty-five of the Gasworks Clauses Act, 1847.

As to surplus on general balance of the Company.

72. Subject to the retention by the directors of the Company of one year's full maximum dividend, if not then already paid, the reserve fund of the Company, and the whole or any part of the amount standing to the credit of the general balance account in the accounts of the Company at the vesting period, including the cash at the Company's bankers, may at the discretion of the Joint Committee be applied to and for the carrying on and the maintaining of the gas undertaking, or may be carried to the reserve fund to be formed under this Act, and part thereof may be applied to one or more of such objects, and the remainder to other of such objects.

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Provision for dissolution of Joint Committee.

73. The Joint Committee may be dissolved at any time by consent of the Local Boards, and may be dissolved at any time after the expiration of six years from the passing of this Act, and the completion of so much of the gasworks authorised by this Act to be constructed in the district of Denton as shall be sufficient in the opinion of the standing arbitrator for the manufacture and supply of gas to the townships of Denton and Haughton, by twelve calendar months notice being given by either of the Local Boards in writing under their common seal to the other of them of their desire for such dissolution, and the following provisions shall thereupon have effect; (that is to say,)

1. The Local Boards shall within one month after service of such notice appoint a competent person, and in default of their agreeing on one such person, the Local Government Board, on the application of either of the Local Boards in writing under their common seal in that behalf, shall appoint such person to value the portions of the gas undertaking situate in the areas of supply as in this section defined, including in the case of each of such portions respectively and as part thereof the gas rents accruing due or accrued due and unpaid within those areas respectively, and shall ascertain what (if any) is the excess of value of the said portions of the gas undertaking to be respectively vested in the Local Boards as herein-after provided, having due regard in the making of such valuation to all the circumstances of the case, and the rights, privileges, and goodwill transferred:
2. The Local Boards respectively may appear by their counsel, solicitors, and witnesses before the valuer upon such valuation:
3. The costs, charges, and expenses of and incidental to the valuation and award and the partition of the gas undertaking shall be paid by each Local Board in equal shares out of borrowed moneys, and their borrowing power under this Act shall be increased by the amount so to be paid:
4. Such excess in value (if any) shall be paid by that one of the Local Boards in whom the most valuable portion shall be vested to the others of them within three months after the award of such valuer shall have been published, and if not then paid may be recovered from such Local Board by the other of them in any court of competent jurisdiction:

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5. On payment of such excess the said portion of the gas undertaking which is situate in the area of supply of the Dukinfield Local Board shall vest in that Board, and that portion of the gas undertaking which is situate in the area of supply of the Denton Local Board shall vest in that Board:

6. The areas of limits for the supply of gas by the Local Boards respectively shall be as follows; (that is to say,)

   The area for such supply by the Denton Board shall be the townships of Denton and Haughton;

   The area for such supply by the Dukinfield Local Board shall be the limits of this Act other than the said townships of Denton and Haughton:

7. Upon such vesting the Joint Committee shall be dissolved:

8. From and after such vesting the Local Boards within their respective limits of supply shall have and may exercise all the powers, rights, and privileges (except the power of making calls) and shall be subject to all the duties of the Joint Committee, and may carry on their respective gas undertakings as separate and distinct undertakings:

9. On such vesting the mortgage debt of the Company, if then subsisting as such, and all interest to accrue thereon, shall during its subsistence or accrual be (but only as between the Local Boards, and not so as to affect the mortgagees) divided equally between the Local Boards, and each shall be liable to and shall pay one half thereof respectively; and any money paid on that account over and above such one half by either Local Board shall be repaid by the other on demand, and in default of such payment may be recovered by the Local Board so paying from the other in any court of competent jurisdiction:

10. The Local Board who shall have to pay such excess may borrow the money requisite to pay the same, and their borrowing power under this Act shall be increased by the amount so to be paid:

11. The borrowing powers under this Act of the Local Board which shall receive such excess shall be reduced by the amount of such excess:

12. All the provisions of this Act with respect to the borrowing, re-borrowing, and repaying of moneys by such Local Board shall extend and apply, mutatis mutandis, to the moneys so borrowed:

13. The Local Board which shall receive such excess shall pay the same over to the credit and to form part of the sinking fund applicable for the repayment of such mortgage debt, and if there shall then be no such mortgage debt, to the credit and to form part of the sinking fund for the redemption of annuities payable by that Local Board, or otherwise to form part of the district fund:

14. Unless so expressly provided, nothing in this section shall affect the validity, invalidity, effect, or consequence of anything at the date of the dissolution of the Joint Committee already done or suffered, or any then existing status or capacity, or any right then already acquired or accrued, or any debt then owing to or by the Joint Committee, or any penalty then incurred, or any remedy or proceeding in respect of such right or debt or penalty, or the proof of any then past act or thing, and any such debt or penalty may be recovered by or against the Local Board in respect of whose district or area of supply the same may have accrued or been incurred, instead of against the Joint Committee.

Provision for sanitary authority of Haughton combining.

74. If at the passing of this Act, or within six months thereafter, the township of Haughton be constituted a sanitary district, the sanitary authority of such district (herein-after referred to as the Haughton sanitary authority) may, within six months after they shall have been so constituted, by resolution passed by an absolute majority of the whole number of that authority, and confirmed by a meeting of owners and ratepayers to be passed by resolution in the manner prescribed in Schedule III. of the Public Health Act, 1875, determine to combine in the gas undertaking, and thereupon that authority shall give notice in writing under their corporate seal to the Local Boards of such resolutions, and the following provisions shall thereupon have effect:

1. The Haughton sanitary authority shall be deemed to have combined in the gas undertaking:
2. One-half part of the share of the Denton Local Board in the gas undertaking shall vest in the Haughton sanitary authority:
3. One half of all moneys contributed by the Denton Local Board or for which they may be liable for any of the purposes of this Act (including the costs, charges, and expenses of and incidental to the preparing of the said agreement, and the preparing, applying for, obtaining, and passing of this Act) shall be a debt due from the Haughton sanitary authority to the Denton Local Board, and shall be

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repaid by them with such interest as that Local Board shall have paid in respect of such moneys:

4. The Haughton sanitary authority shall contribute the one-fourth part of the expenses (as herein-before defined) of carrying the Act into execution, and the contribution thereto of the Denton Local Board shall be reduced by one half:

5. The Haughton sanitary authority shall become jointly liable with the Denton Local Board to the annuities to be paid by that Board, and separately liable to one fourth of the mortgage debt of the Joint Committee:

6. If in any half year the gas revenue be insufficient to pay the annuities, or the interest on any mortgage created under the powers of this Act, or the interest payable on the mortgage debt of the Company, then one half of such of the deficiency as will have to be met by the Denton Local Board shall be forthwith paid by the Haughton sanitary authority to the Denton Local Board:

7. The Haughton sanitary authority shall appoint two members of their own body to be their representatives on the Joint Committee:

8. The number of representatives to be appointed by the Denton Local Board shall upon such appointment by the Haughton sanitary authority be reduced to two, and the representative members of that Board who shall go out of office shall be determined at a meeting of the Denton Local Board by ballot:

9. All the provisions of this Act relating to the making and enforcing of calls by the Joint Committee, the borrowing, re-borrowing, and repaying of moneys, and the payment of expenses of executing the Act by the Local Boards, shall, mutatis mutandis, extend and apply to and in respect of the like matters to and in relation to the Haughton sanitary authority: Provided that the borrowing powers of the Denton Local Board under this Act shall be reduced by the amount borrowed by the Haughton sanitary authority for the purposes and under the powers of this Act:

10. Any money payable to the Denton Local Board by the Haughton sanitary authority, and not so paid on demand thereof by that Board in writing, may be recovered by that Board from that authority, with interest at the rate of five pounds per centum per annum and full costs of suit, in any court of competent jurisdi ion:

11. If any question arise between the Denton Local Board and the Haughton sanitary authority touching anything to be done or not to be done or any moneys to be paid by reason of this enactment, such question shall be settled by the standing arbitrator:

12. The Local Board of Denton shall not give notice to dissolve the Joint Committee except with the consent of the Haughton sanitary authority under their common seal:

13. If under the provisions of this Act in that behalf the Joint Committee be dissolved, and the Haughton sanitary authority shall previously thereto have combined in the gas undertaking, a joint committee consisting of three members of that authority and three members of the Denton Local Board shall be constituted for the purpose of carrying on for the benefit of the respective districts of that Board and that authority the portion of the gas undertaking so vested in the Denton Local Board, and when constituted shall be by virtue of this Act incorporated by the name of the Denton and Haughton Gas Joint Committee, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act, and thereupon such part of the gas undertaking as is vested in the Denton Local Board shall in like manner vest in such joint committee:

14. All the provisions of this Act with reference to the Dukinfield and Denton Joint Gas Committee, and to the appointment and duties of a standing arbitrator, shall extend and apply, mutatis mutandis, to the Denton and Haughton Joint Gas Committee and their standing arbitrator.

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

75. 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 either of the Local Boards, or of his being liable to the payment of any gas rent, rate, or sum of money to the Joint Committee, or to either of the Local Boards, or the Haughton sanitary authority.

Form of notices, &c.

76. 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.

77. The justices before whom any penalty is recovered under this Act, except where it is recovered by the Joint Committee, shall direct the penalty to be paid to the clerk of the Joint Committee, or after the dissolution thereof to the clerk of the Local Board or

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sanitary authority in whose district such penalty shall have been incurred, and the same shall be applied as gas rents received by them are applicable.

Power of entry for Postmaster General.

78. The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the lands and works of the Local Boards for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon.

Compensation by Local Boards to Postmaster General, and penalty.

79. The Local Boards shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Local Boards, by any work or thing executed or done by them, interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Local Boards shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Local Boards to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Local Boards.

Expenses of Act.

80. 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 Local Boards in equal shares out of moneys borrowed by them respectively under this Act.

SCHEDULES to which the foregoing Act refers. A.D. 1877.

THE FIRST SCHEDULE.

Part I.

Lands on which Gasworks may be continued.

Lands containing seven thousand nine hundred and seventy-five square yards or thereabouts, belonging or reputed to belong to the Company, on which their existing works are erected, situate in the township of Dukinfield in the parish of Stockport in the county of Chester, bounded on the north and west by parts of the lands firstly described in Part III. of this schedule, on the south by a street or intended street called or intended to be called Blandford Street, and on the east by the towing-path of the Peak Forest Canal, belonging or reputed to belong to the Manchester, Sheffield, and Lincolnshire Railway Company.

Part II.

Lands on which Gasworks may be erected.

Lands containing two thousand nine hundred and seventeen square yards or thereabouts, belonging or reputed to belong to the Company, and now used by the Company for the storage of gas, situate in the said township of Denton, adjoining the lands secondly described in Part III. of this schedule, and to be acquired by the Local Board, bounded on the north by land and buildings belonging or reputed to belong to the trustees or executors of the late James Clayton, and occupied by William May, Ann Beech, Aaron Stafford, and another, on the west and part of the south by the said land to be acquired by the Local Boards, and on the remaining part of the south side by land and buildings belonging or reputed to belong to Dorothy Jenkinson, and occupied by George Fidler, James Bardsley, and another, and on the east by the Stockport and Newhouses turnpike road leading from Denton to Ashton-under-Lyne.

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Part III.

Additional Lands on which Gasworks may be erected.

(1.) Certain plots of land in the said parish of Stockport (adjoining the said land of the Company described in Part I. of this schedule), containing eight thousand six hundred square yards or thereabouts, situate in the said township of Dukinfield, and bounded on the north by the River Tame, on the north-west by the new diversion of the River Tame, on the south by land intended to form part of Blandford Street, but at present belonging or reputed to belong to Francis Dukinfield Astley, and occupied by Joseph Lomas, and in other part by the said lands described in Part II. of this schedule, and belonging or reputed to belong to the Company, and on the east in part by the towing-path of the said canal, and on the remaining part of the east side by the said lands now leased by the Company for the manufacture of gas.

(2.) Certain lands in the township of Denton in the parish of Manchester in Lancashire, containing ten thousand square yards or thereabouts, bounded on the north by land in the parish of Ashton-under-Lyne in Lancashire belonging or reputed to belong to the Right Honourable the Earl of Stamford and Warrington, and occupied by James Walker, on the west and parts of the south by land belonging or reputed to belong to the Right Honourable the Earl of Wilton, and occupied by Samuel Lees, and on other part of the south by land and premises belonging or reputed to belong to and occupied by Henry Richardson, James Woolley, and Thomas W. Smith, on other part of the south side by land belonging or reputed to belong to Samuel Bromley and Sarah Catlow, and on the remaining part of the south side by two intended streets, and on the east in part by the said land now used by the Company for the storage of gas, and in other part by land and premises belonging or reputed to belong to Mary Ashworth, and occupied by John Hughes and William Connell, and on the remaining part by land and premises belonging or reputed to belong to James Ashworth, and occupied by the said James Ashworth and by John Chadwick and Henry Booth, which land so to be acquired adjoins a plot of land now used by the Company for the storage of gas.

THE SECOND SCHEDULE.

Form of Certificate of Annuity.

Dukinfield [Denton] Local Board of Health Gas Annuities.

Annuity No. £

By virtue of the Dukinfield and Denton Local Boards (Gas) Act, 1877, the Local Board of Health for the District of Dukinfield [Denton] (herein-after called the Local Board) do hereby certify that of is under and subject to the provisions of that Act entitled to a perpetual annuity of one pound charged on and issuing out of the revenue of the gas

undertaking of the Local Board, and on and out of the district fund and general district rate for the time being of the district of Dukinfield [Denton], which annuity is payable to the said , his executors, administrators, or assigns, by equal half-yearly payments on the first day of January and the first day of July in each year.

Given under the common seal of the Local Board of Health for the district of Dukinfield [Denton] this day of 187 .

Entered

L.S.

Clerk to the said Local Board.
Treasurer to the said Local Board.

Form of Transfer of Annuity.

I, of , in consideration of the sum of £ paid to me by , of , do hereby transfer to (herein-after called the transferee) the annuity or annuities of numbered , created under the Dukinfield and Denton Local Boards (Gas) Act, 1877, and all my right and interest therein and thereto, to hold unto the transferee, his executors, administrators, and assigns, subject to the several conditions on which I held the same at the time of the execution hereof, and I, the transferee, do hereby agree to take the same annuity [*or* annuities, *as the case may be*] subject to the same conditions.

As witness our hands and seals this day of 187 .

L.S.

L.S.

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