



CHAPTER ccviii.

An Act to enable the Local Board of Health for the district of Burslem, in the county of Stafford, to acquire the undertaking of the Burslem and Tunstall Gas Company; and for other purposes. A.D. 1877.
[6th August 1877.]

WHEREAS by the Burslem and Tunstall Gas Company's Act, 1857, and the Burslem and Tunstall Gas Company's Amendment Act, 1868, the Burslem and Tunstall Gas Company, in this Bill called "the Company," were incorporated and authorised to make and supply gas in the several parishes, towns, townships, hamlets, villages, and places of Burslem, Rushton Grange, Sneyd, Abbey-Hulton, Cobridge, Sneyd-Green, Tunstall otherwise Tunstall Court, Sandyford, Longport, Brownhills, and Wolstanton, all in the county of Stafford, and the Company have made and supplied gas within the said limits accordingly:

And whereas the Company and the Local Board of Health for the said district of Burslem (in this Bill called the Local Board) have agreed for the transfer of the Company's undertaking, property, and rights to the Local Board, upon the terms and conditions in this Bill contained, and it is expedient that the transfer be effectuated, and that the Local Board be empowered to manufacture and supply gas within the limits of the Company's Acts:

And whereas it is expedient that for the purposes of this Act the Local Board be empowered to levy rates on property within the district of the Local Board:

And whereas it is expedient that, in order to raise money for the purposes of this Act, the Local Board be empowered to borrow on security of the rates and the revenue of the gas undertaking to be acquired as aforesaid:

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

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And whereas an absolute majority of the whole number of the Local Board, at a meeting held on the thirtieth day of November 1876, after ten clear days notice by public advertisement of such meeting, and of the purpose thereof, in the "Potteries Examiner," a local newspaper published or circulating in the district of the Local Board (such notice being in addition to the ordinary notices required for summoning such meeting), resolved that the expense in relation to promoting the Bill for this Act should be charged on the general district rate :

And whereas such resolution was published twice in the Staffordshire "Daily Sentinel," a newspaper circulating in the district of the Local Board, and has received the approval of the Local Government 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 the Local Board at a further special meeting held in pursuance of a similar notice on the seventeenth day of January 1877, being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the district of the Local Board, by resolution in the manner provided in Schedule III. of the Public Health Act, 1875, have consented to the promotion of the Bill for this Act :

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 "Burslem Local Board Gas Act, 1877."

Incorporation of Acts.

2. "The Gasworks Clauses Act, 1847," (except the provisions of the last-mentioned Act with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit,) and "The Gasworks Clauses Act, 1871," are (except where expressly varied by this Act) incorporated with this Act ; and in the construction of those Acts for the purposes of this Act the terms "the promoters of the undertaking," "the undertakers," and "the Company" respectively therein used mean the Local Board ; and the expression "the undertaking" in "The Gasworks Clauses Act, 1847," means the gasworks by this Act authorised to be purchased by the Local Board ; and "The Gasworks Clauses Act, 1871," shall apply to the gas undertaking of the Company in the hands of the Local Board, as if the same were thereby authorised.

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3. In this Act—

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The words "Local Board" mean the Local Board of Health for the district of Burslem, in the county of Stafford;

Interpre-
tation of
terms.

The expression "The Public Health Act" means the Public Health Act, 1875;

The word "owner" means an owner within the meaning of that term as defined in "The Public Health Act, 1875;"

The words "the Company" mean "the Burslem and Tunstall Gas Company;"

The expression "court of competent jurisdiction," or any other like expression in this Act, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; and the expression "superior courts" shall include county courts in all cases where the amount of the debt or demand is within the jurisdiction for the time being of county courts.

Except where otherwise expressly provided, the several terms to which meanings are assigned by the Acts incorporated with this Act have in this Act the same respective meanings.

4. The limits of this Act shall comprise and include the whole of the parish of Burslem and the township of Wolstanton, both in the county of Stafford: Provided always, that nothing in this section contained shall prejudice any application by any sanitary authority formed or to be formed for or to include the said township of Wolstanton, or any part thereof, or the lordship of Abbey-Hulton, in the said parish of Burslem, or any part thereof, for parliamentary powers to supply the said township or lordship respectively, or any part thereof respectively, with gas; and if such powers be granted, the Local Board of Health for the district of Burslem shall sell, and such other sanitary authority shall purchase, all mains, pipes, and other works of the said Local Board of Health for the district of Burslem within the said township or lordship respectively, at the price to be fixed, in default of agreement, by arbitration, under the provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869.

Limits of
Act.

5. This Act shall (subject to the express provisions of this Act) be executed by the Local Board.

Act to be
executed by
Local Board.

6. For more conveniently carrying this Act and the several powers thereof into execution, the Local Board may appoint out of their own body from time to time a committee, to be called the Gas Committee, consisting of such number of persons as the Local

Local Board
may appoint
gas com-
mittee.

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Quorum of committee.

7. Every committee so appointed may meet from time to time, and may adjourn from place to place, as they may think proper for carrying into effect the purposes of their appointment, but no business shall be transacted at any meeting of the committee unless the quorum of members (if any) fixed by the Local Board, and if no quorum be fixed, unless three members be present; and at all meetings of the committee one of the members present shall be appointed chairman, and all questions shall be determined by a majority of the members present, and in case of an equal division of votes the chairman shall have a casting vote, in addition to his vote as a member of the committee.

Books of gas committee to be open to inspection.

8. All the minute and other books of the gas committee, and all documents, writings, and papers in the custody of or belonging to such committee shall at all times be open to the inspection of any member of the Local Board.

Property to be vested in Local Board as a body corporate.

9. All lands, rights, and property purchased or acquired by the Local Board under this Act shall be conveyed or assured to and shall be vested in the Local Board and their successors, in trust for the purposes of this Act, and shall be accepted, taken, and held by the Local Board and their successors as a body corporate.

Power to take lands.

10. The Local Board may, for the purposes of their undertaking, purchase, take, and hold (by agreement, but not otherwise), in addition to the lands described in the schedule to this Act, any lands and hereditaments, not exceeding in the whole five acres, which the Local Board may from time to time require for the purposes of their works and undertaking; but no lands shall be used by the Local Board for the purpose of manufacturing gas or residual products except the lands described in the schedule to this Act.

Board may acquire easements, &c.

11. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Local Board any easement, right, or privilege, not being an

easement of water, required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Act with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

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12. The Company shall sell and the Local Board shall purchase the undertaking, property, and the rights of the Company for the consideration and as and subject to the terms and conditions in this Act stated and appearing, comprising the following; (that is to say,)

Company to
sell their
undertaking.

The sale shall comprise the gasworks, lands, offices, buildings, mains, pipes, machines, apparatus, plant, tools, implements, real and personal estate and effects, works, books, plans, maps, matters, things, powers, rights, and privileges of the Company, but shall not include the reserve fund, working capital, stock-in-trade, or debts of or belonging to the Company prior to the thirty-first day of March one thousand eight hundred and seventy-six.

The sale shall be of the undertaking of the Company as and from the thirty-first day of March one thousand eight hundred and seventy-six, and the undertaking shall be carried on by the Company for and on behalf of and at the risk of the Local Board as from that date, and all profits (if any) arising from the undertaking since the thirty-first day of March one thousand eight hundred and seventy-six shall belong to the Local Board.

The purchase shall be completed on or before the thirtieth day of September one thousand eight hundred and seventy-seven.

The purchase money shall be the sum of eighty thousand pounds, and interest at the rate of five pounds per centum per annum shall be paid by the Local Board on that sum from the said thirty-first day of March one thousand eight hundred and seventy-six, and also on all capital moneys expended by the Company in carrying on the undertaking for the Local Board from that date.

The directors and auditors of the Company shall be paid their customary remuneration from the thirty-first day of March one thousand eight hundred and seventy-six until the completion of the purchase.

13. The Company shall indemnify the Local Board against all obligations, liabilities, and debts of the Company.

Company
to indemnify
Local Board.

14. The sale by the Company of their undertaking, property, and rights to the Local Board shall be carried into effect by a proper deed of transfer duly stamped (truly stating the consideration), and on the execution thereof by the Company the undertaking,

Transfer of
Company's
undertaking
by deed.

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property, and rights of the Company shall become and the same shall thenceforth be transferred to and vested in the Local Board for all the estate and interest of the Company therein, and subject to all contracts, debts, obligations, and liabilities affecting the same, which transfer and vesting is in this Act referred to as the transfer.

Directors
receipt to
be a good
discharge.

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

Company's
debts to be
paid by the
Local Board.

16. All debts, liabilities, and obligations of the Company incurred subsequently to the thirty-first day of March 1876, and all rents, rates, charges, and sums of money, actions, suits, and proceedings, and causes of action, suits, or proceedings, which at the time of the transfer are due or owing from or pending or existing against the Company subsequently to the thirty-first day of March 1876, shall be paid, discharged, settled, and satisfied by the Local Board.

Pending
actions, &c.
against
Company
not to abate.

17. If at the time of the transfer any action, suit, or proceeding, or cause of action, suit, or proceeding, is pending against the Company, the same shall not abate or be discontinued or be in anywise prejudicially affected by or by reason of the transfer or anything in this Act, but the same may be continued, prosecuted, and enforced against the Company as if this Act had not been passed.

Contracts
prior to Act
to be bind-
ing.

18. All purchases, sales, conveyances, grants, assurances, deeds, securities, contracts, bonds, and agreements entered into or made before the passing of this Act by, to, or with the Company shall be as binding and of as full force and effect in every respect against or in favour of the Local Board, and may be enforced as fully and effectually, as if instead of the Company the Local Board had been a party thereto.

Actions not
to abate.

19. No action, suit, prosecution, or other proceeding, either at law or in equity, commenced either by or against the Company before the passing of this Act, shall abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect both in favour of and against the Local Board in like manner to all intents and purposes as the same might continue and take

effect in favour of or against the Company if this Act had not been passed, save only that when necessary the Local Board shall be substituted therein for the Company. A.D. 1877.

20. If any judgment, decree, or order be at any time after the commencement of this Act obtained against the Local Board in respect of any debt or liability owing or incurred or in respect of any contract made or tort committed by the Company before the commencement of this Act, and be not fully satisfied out of the property of the Local Board, then and in every such case such judgment, decree, or order may be enforced and execution thereon issued against the property and effects of any person who was a shareholder of the Company immediately before the commencement of this Act, or at the time when the contract was made or the tort was committed in respect of which the debt or liability was incurred, or contract made, or tort committed, to the same extent as if this Act had not been passed. Judgments may be enforced.

21. Every person against whom or against whose property or effects such judgment, decree, or order is enforced shall be entitled to recover against the Local Board all loss, damage, costs, and charges which he incurs by reason of any execution issued thereon, and shall be entitled to contribution for so much thereof as remains unsatisfied from the several other persons against whom execution on the judgment, decree, or order might in accordance with this Act have been issued. Persons may recover against Local Board.

22. All documents, books, and writings which, if the dissolution of the Company had not happened, would be receivable in evidence, shall be admitted as evidence in all courts and elsewhere accordingly. Documents to remain evidence.

23. The Local Board may from time to time make byelaws for regulating the supply of gas and preventing waste thereof, and may from time to time repeal, alter, amend, or vary any such byelaws, or make a new byelaw or new byelaws in lieu thereof or in addition thereto. The Local Board may by any byelaw impose penalties for offences against the same, not exceeding in respect of any offence five pounds, and in case of a continuing offence a further daily penalty not exceeding the sum of forty shillings for each day after written notice of the offence shall have been given by the clerk of the Local Board to the offending party: Provided always, that nothing in this Act contained shall authorise the making of any byelaw repugnant to law or to this Act, and all byelaws made by the Local Board under this Act shall be so framed as to allow of part only of the maximum penalty thereby imposed being Byelaws may be made by Local Board.

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Officers. **24.** All officers and persons appointed to or in office or employment under the Company at the time of the transfer shall continue in the respective offices and employments, according to their respective appointments, until removed therefrom by the Local Board; and all such officers and persons shall have the same powers, privileges, and advantages, and shall be liable to the same or like conditions, penalties, obligations, restrictions, and regulations, as if such officers and persons had been appointed by the Local Board under this Act.

Company to wind up their affairs. **25.** As soon as conveniently may be after the transfer of the undertaking the Company shall proceed to wind up their affairs, and shall pay all their debts and liabilities, and after such payment shall pay and distribute the residue of the purchase money to and among the several persons and corporations who shall then be the registered shareholders of the Company, in proportion to their respective interests therein, or their respective executors, administrators, successors, or assigns.

Receipt of committee of shareholders to discharge Company. **26.** For the purposes of such winding up the receipt of the guardian of the estate of any shareholder being a minor, or of any committee of the estate of any shareholder in the Company being an idiot or lunatic, shall be an effectual discharge to the Company, and to the directors thereof, for so much of the purchase money as in such receipt shall be expressed to be received, and shall exonerate them from any trust or obligation affecting the shares in respect of which such money shall be paid.

Payment into court by Company. **27.** Provided that where the Company are for twelve months after the period for the distribution of the purchase money unable after diligent inquiry to ascertain the person to whom any part thereof ought to be paid, or where any part thereof is payable to a person by or on behalf of whom an effectual receipt for the same cannot be given, the Company may pay the same into the Chancery Division of the High Court of Justice under any Act for the time being in force for the relief of trustees.

Dissolution of Company. **28.** The Company, when all their debts and liabilities are fully paid and satisfied, and their affairs are wound up, shall be and are hereby dissolved, and the Acts of 1857 and 1868 shall be thereupon repealed.

Powers as to construction and **29.** Subject to the provisions of this Act, the Local Board may from time to time maintain, alter, improve, enlarge, extend, and

renew or discontinue their existing gasworks upon the lands upon which the same are erected, or any part thereof; and they may also erect, lay down, provide, and from time to time maintain, alter, improve, enlarge, extend, renew, or discontinue additional and other gasworks, retorts, gasometers, receivers, drains, sewers, mains, pipes, meters, lamps, lamp-posts, burners, stop-cocks, machinery, and other works and apparatus and conveniences, and may do all such acts as they may think proper for making and storing gas and for supplying gas within the 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, and may take and hold any license or authority under any letters patent to use any invention relative to the manufacture or distribution of gas, or the utilisation of the residual products arising in the manufacture of gas, but they shall not acquire by any such license or authority any right or privilege in any respect of an exclusive character, and the 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.

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—
maintenance
of gasworks,
&c.

30. The price to be charged by the Local Board for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed four shillings per one thousand cubic feet, subject to a discount of twelve and a half per cent. if paid within one month from the delivery of the invoice.

Limiting
the price of
gas.

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

Pressure of
gas.

32. The prescribed number of candles shall be fourteen.

Quality of
gas.

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Testing
place.

Burner.

33. Within twelve months from the passing of this Act a testing place shall be provided at the gasworks of the Local Board.

34. The prescribed burner shall be Sugg's London Argand burner No. 1, burning five cubic feet of gas per hour.

Security for
payment of
rate.

35. Any owner or occupier having or requesting to have a supply of gas from the Local Board shall, if and when so required in writing by them, and before he is entitled to have any service pipes or meter provided and fixed, or to have a supply of gas, give to the Local Board such security for the payment to them of the rate for the gas to be supplied to him as he and the Local Board may agree on, or not exceeding one half-year's calculated supply; and the Local Board shall be liable to a penalty not exceeding twenty pounds if they shall discontinue the supply of gas to any person then having a supply, unless such person shall have failed to give to them such security for seven days after the same shall have been demanded by the Local Board, or there are any arrears due in respect of gas supplied, or any security herein-before provided for has run out or ceased to remain in force.

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

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

Power to
raise money
for gas pur-
poses by
mortgage.

37. The Local Board may, with the sanction of the Local Government Board, raise by mortgage the amount required for the purchase of the undertaking of the Company, and also such further sums of money, not exceeding in the whole twenty thousand pounds, as they may from time to time require for the purposes of this Act with respect to gas.

Form of
mortgage.

38. Every mortgage made by the Local Board under this Act shall be by deed under their common seal, duly stamped, and truly stating the consideration, and may be in the form given in the Second Schedule to this Act, or to the like effect.

Mortgages
to be charged
on gasworks,
&c.

39. All mortgages under this Act, in the order in which they shall be granted, shall be a charge upon the revenue of the gas undertaking of the Local Board, and also upon the district fund and general district rates.

Priority of
existing
mortgages.

40. All mortgages granted by the Local Board subsisting at the passing of this Act shall, during their continuance, have priority of charge on the security therein comprised over all mortgages and

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debenture stock granted or issued under this Act or the Local Loans Act, 1875. A.D. 1877.

41. The Local Board may from time to time re-borrow any amount borrowed under the provisions of this Act and from time to time paid off by them respectively, unless it be paid off by means of annual instalments or the sinking fund, in which case, and to the extent of the amount paid off by means of annual instalments or the sinking fund, their powers of borrowing and re-borrowing shall cease. Power to re-borrow

42. A person lending money to the Local Board shall not be bound or entitled to inquire as to the observance by them of any provisions of this Act, or be bound to see to the application or be answerable for any loss, misapplication, or non-application of the money lent by him, or of any part thereof. Protection of lenders from inquiry.

43. The sections of "The Public Health Act, 1875," with respect to mortgages, except so far as they may be inconsistent with any of the provisions of this Act, shall be incorporated with this Act, and shall be applicable to the mortgages of the Local Board under the provisions of this Act. Provisions of "The Public Health Act, 1875," as to mortgages incorporated.

44. The powers of borrowing money conferred by this Act shall not be restricted by any of the provisions of the Public Health Act, 1875, and in calculating the amount which the Local Board may borrow under the Public Health Act, 1875, any sums which they may borrow under the provisions of this Act shall not be reckoned. Certain restrictions not to apply.

45. The Board, if they think fit, may borrow any moneys which they are by this Act authorised to borrow 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 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, and the revenue of the gas undertaking. Every such loan shall be discharged within sixty years from the date thereof, and such discharge, or any part thereof, may be effected by means of a sinking fund, if the Board shall so think fit, and all sums paid into the same shall be, as soon as may be, invested by the Local Board in any manner in which trustees are by law for the time being authorised to invest any trust moneys: Provided always, that the first payment in respect of any sinking Power to borrow under Local Loans Act, 1875.

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Payment off
of money
borrowed by
instalments
or sinking
fund.

46. The Local Board shall within sixty years after the passing of this Act pay off any money borrowed by them under this Act, either by instalments or by means of a sinking fund appropriated and invested, and with the accumulations thereof (if any) from time to time applied for that purpose, and the amount of the several instalments or appropriations shall be such as the Local Government Board shall, having regard to the provisions of this section, approve.

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

47. The clerk of the Local Board shall, within twenty-one days after the expiration of each financial year of the Local Board during which any sum is required to be set apart for a sinking fund or to be paid off by instalments under this Act, transmit to the Local Government Board a return, in the form prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested or applied for the purpose of such sinking fund during the year next preceding the making of such return, and the description of such securities upon which any investment has been made, and the amount paid off by instalment, and the purposes to which any portion of the sinking fund or investment has been applied during the same period, and the total amount (if any) remaining invested at the end of the year, and in the event of any wilful default in making such return he shall be liable to a penalty not exceeding twenty pounds. If it appears to the Local Government Board, by that return or otherwise, that the Local Board have failed to set apart the sum required for the sinking fund or to pay any instalment, or have applied any portion of the money set apart for the sinking fund to any purposes other than those authorised, the Local Government Board may, if they think fit, and after hearing the Local Board (if desirous to be heard), by order direct that a sum not exceeding double the amount in respect of which default has been made shall be set apart and invested or applied as part of the sinking fund, and that order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice.

Application
of revenue.

48. The Local Board shall keep accounts in respect of gas separate from all their other accounts, and shall apply all money

from time to time received by them in respect of their gasworks undertaking, except borrowed money, as follows; (that is to say,) A.D. 1877.

First. In payment of their costs, charges, and expenses of and incidental to the collecting and recovering of gas rents and rates, and of the borrowing of money under this Act;

Second. In payment of the working and establishment expenses and cost of maintenance of their gasworks undertaking;

Third. In payment of the interest on money borrowed under this Act for the purposes of their gasworks undertaking;

Fourth. In providing the requisite instalments or sinking fund under this Act;

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

And shall carry to the district fund any balance remaining in any year, and the annual proceeds of the reserve fund, when amounting to two thousand pounds.

49. All moneys borrowed from time to time under this Act on mortgage of the undertaking shall be applied by the Local Board as follows:

Application
of moneys
borrowed
on mortgage
of gasworks.

Firstly. In payment of the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, or otherwise in relation thereto, or of such part thereof as the Local Board think fit;

Secondly. In the purchase of the undertaking of the Company, and in payment of the costs, charges, and expenses of and incident thereto, and in the extension of the gasworks;

Thirdly. In the exercise of the powers of this Act with respect to the paying off, otherwise than by means of the sinking fund or by instalments, of moneys borrowed on mortgage of the gasworks, and of re-borrowing.

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Contracts
for gas not
to disable
members of
Local Board.

50. No person shall be disqualified for being, continuing, or acting as a member of the Local Board by reason of his being concerned in any contract entered into by the Local Board for a supply of gas to him under this Act, or for the sale of a meter or apparatus to be furnished to him, or for any work to be done for him relating to such supply, unless he shall act or vote as a member of the Local Board on any question touching any matter in which he is directly or indirectly concerned, but the validity of any act of the Local Board shall not be affected by any person so acting or voting as aforesaid.

Books to be
evidence.

51. The books of the Local Board, and all entries made therein in manner by this Act directed, shall be received as *primâ facie* evidence by virtue of this Act.

Judges, &c.
not dis-
qualified.

52. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any gas rent, meter rent, or any other charge payable to the Local Board, or by reason of his being a mortgagee of the district fund or general district rates, or a holder of debenture stock.

Contents of
summons,
&c.

53. Any summons or warrant issued for any purpose of this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Costs of
distress.

54. Any justice who issues a warrant of distress for any purpose of this Act may order that the costs of recovery of the money to be levied be paid by the person liable to pay such money, and in that case such costs shall be ascertained by the justice, and shall be included in the warrant of distress.

Application
of penalties.

55. Penalties recovered by the Local Board under this Act shall belong to the Local Board, and shall be paid to the treasurer of the Local Board, and shall be carried to the credit of the district fund.

Penalties not
cumulative.

56. Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative, and for that purpose this Act and every Act incorporated wholly or in part herewith shall be deemed several Acts.

Form and
service, &c.
of notices by
Local Board.

57. Any instrument (including a notice, order, or requisition, consent, demand, or other document) made, given, delivered, or served under this Act by the Local Board may be either in print or in writing (including lithograph), or partly in print and partly in writing (including lithograph), and shall be sufficiently authenticated by the name of the clerk of the Local Board being affixed

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thereto, in print or writing, or by a stamp on behalf of the Local Board; and it shall be sufficient in all cases where any such instrument is required to be given to or served on the owner or occupier of any property to address it to such owner or occupier by his description as owner or occupier, as the case may be, of the property, such property being therein named or generally described, without further name or description of the owner or occupier; and any such instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring houses or buildings collectively, and when so addressed may be served on more owners or occupiers than one (so that separate copies be served on the respective owners and occupiers of the several houses or buildings concerned); and any such instrument may be served on any owner, occupier, or other person either personally or by sending the same through the post by prepaid letter addressed to him by name at his last-known place of abode or business, or in case of an occupier, to any inmate of the building in respect of which it is given or served, or if the building is unoccupied and the place of abode of the person to be served is, after diligent inquiry, unknown, it shall be sufficient to affix it, or a copy thereof, on some conspicuous part of the building; and if such instrument is sent by post, it shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such last-mentioned service it shall be sufficient to prove that the instrument was properly addressed and put into the post.

58. Nothing in this Act shall exempt the Local Board from the provisions of any general Act passed or to be passed for the improvement of the sanitary condition of towns or the abatement of nuisances.

Saving for
general Acts.

59. Nothing in this Act shall exempt the Local Board from any indictment, suit, action, or other proceeding at law or in equity in respect of any nuisance caused by them.

Saving for
actions, &c.

60. 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 Board out of any money now in their hands or to be received by them under this Act or the Public Health Act, 1875, and such costs shall include the costs incurred by the Local Board in complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, with respect to the Bill for this Act, and all matters

Expenses of
Act.

[Ch. ccviii.] *The Burslem Local Board Gas* [40 & 41 VICT.]
Act, 1877.

A.D. 1877. relating thereto, as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons.

61. With respect to the Post Office telegraph system the following provisions shall take effect :

Restriction on works affecting Post Office telegraph system.

(A.) The Local Board shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Local Board have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Local Board, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him : Provided always, that this section shall not be deemed to prevent the Local Board executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Local Board shall forthwith give notice to the Postmaster General of any such interference, and the reason for the same :

Power for Postmaster General to annex conditions.

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Local Board shall observe and perform the same :

Power of entry for Postmaster General.

(C.) 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 highways, lands, and works of the Local Board 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 Board to Postmaster General, and penalty.

(D.) The Local Board 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 Board, 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 Board 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 Board 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 Board:

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- (E.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

Provisions to remain in force for one year and to the end of the then next session of Parliament.

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SCHEDULES referred to in this Act.

SCHEDULE 1.

SCHEDULE OF GAS LANDS.

All those several plots of land situate at Longport, in the parish of Burslem, in the county of Stafford, containing by admeasurement 3 acres 1 rood 26 perches, or thereabouts, together with the manager's house, board-room, offices, retort-house, 'gas-holders, workshops, store-rooms, railway sidings, and other buildings erected thereon, with the gardens and land adjoining thereto, and all rights of road and other the rights, privileges, easements, and appurtenances thereunto belonging or in anywise appertaining, or therewith usually held, occupied, or enjoyed; all which said premises are now in the occupation of the Company or their under-tenants.

SCHEDULE 2.

MORTGAGE OF GAS UNDERTAKING AND GENERAL DISTRICT RATES.

The
by virtue of the above-mentioned Act, and subject to the provisions thereof relating to priorities of charges, the Local Board of Health for the district of Burslem, in consideration of _____ pounds paid to them
by _____ of _____,
do hereby grant to him, his executors, administrators, and assigns, the revenue of the gas undertaking of the Local Board of Health, and the district fund and general district rates of the district, to hold until the said sum be repaid to him or them, with interest at the yearly rate of _____ in the hundred, by equal half-yearly payments on the _____ day of _____ and the _____ day of _____ in every year from the date hereof. The principal to be repaid on the _____ day of _____ at the option of either party, and all payments, whether of principal or interest, to be made at the office of the clerk to the Local Board.

Given under the seal of the Local Board this _____ day of _____ 187 .

(L.S.)

SCHEDULE 3.

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FORM OF CERTIFICATE OF DEBENTURE STOCK.

Debenture Stock Certificate No. .

Amount £ . Register No.

This is to certify that _____ of
is registered in the books of the Local Board of Health for the district of
Burslem, in the county of Stafford, as the proprietor of
_____ pounds sterling debenture stock created by virtue of the _____,
bearing interest at the rate of £ _____ per cent. per annum, payable half
yearly on the 1st day of _____ and the 1st day of _____ in
each year, the first payment to be made on the _____ day of
next.

Given under the common seal of the Local Board this _____ day of
187 .

(L.S.)

Clerk to the Local Board.

Entered _____ A.D. 18 .

NOTE.—This stock certificate must be deposited with the deed of transfer,
whether for the whole or any portion thereof, before a new certificate can be
issued in exchange.

All certificates will bear the common seal of the Local Board.

SCHEDULE 4.

FORM OF TRANSFER OF DEBENTURE STOCK.

I, _____, of _____, in consideration
of the sum of _____, do hereby transfer to
(herein-after called the transferee) the sum of _____ pounds
debenture stock of the Local Board of Health for the district of Burslem, with
all interest due and to become due thereon, to hold unto the transferee, his
executors, administrators, and assigns, subject to the several conditions on which
I hold the same at the time of execution hereof. And I, the transferee, do
hereby agree to take the same debenture stock subject to the same conditions.

As witness our hands and seals this _____ day of _____ in
the year of our Lord 18 .

(L.S.)

(L.S.)