



## CHAPTER lxxxiv.

An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of Clitheroe, in the county of Lancaster, to acquire the Undertakings of the Clitheroe Gas Company and the Clitheroe Waterworks Company; to construct additional Waterworks; to erect a Market; to widen and improve the Streets of the said Borough; and for other purposes. A.D. 1878.  
[17th June 1878.]

**W**HEREAS the Clitheroe Gas Company (in this Act called "the Gas Company") are by the Clitheroe Gas Act, 1861, incorporated and empowered to make and supply gas in the municipal borough of Clitheroe, in the county of Lancaster (in this Act called "the borough") : 24 & 25 Vict.  
c. xxiv.

And whereas an agreement for the sale and transfer of the undertaking of the Gas Company to the mayor, aldermen, and burgesses of the borough, as and being the urban sanitary authority for the borough (in this Act called "the Corporation"), has been made, and the same is set forth in the First Schedule to this Act :

And whereas the Clitheroe Waterworks Company (in this Act called "the Water Company") are by the Clitheroe Waterworks Act, 1854, incorporated and empowered to construct waterworks and to supply water in the borough : 17 & 18 Vict.  
c. xxvii.

And whereas an agreement for the sale and transfer of the undertaking of the Water Company to the Corporation has been made, and the same is set forth in the Second Schedule to this Act :

And whereas it is expedient that the said two agreements (in this Act referred to as "the scheduled agreements") be carried into effect, and that the same be by this Act confirmed and made binding on the Corporation and on the said two Companies respectively (which Companies are in this Act referred to as "the two Companies") :

And whereas it is expedient that the Corporation be empowered to construct further works to improve the supply of water to the borough :

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And whereas it is expedient that powers should be conferred upon the Corporation for the improvement of the streets of the borough :

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

And whereas it is expedient that the Corporation should be authorised to regulate, and, if necessary, to remove or discontinue the fairs which are now held in the public streets of the borough, and that powers should be conferred on them to hold the lands described in the Seventh Schedule to this Act, to provide a cattle market with all necessary conveniences, and to take rates and charges in respect of the user thereof, as in this Act provided :

And whereas it is expedient that the tolls, rates, and other charges relating to the cattle market contained in the Eighth Schedule to this Act be authorised and confirmed :

And whereas it is expedient that the powers herein-after contained should be granted to the Corporation for the acquisition of lands, the borrowing of money, and the improving and better governing of the borough, and generally for the execution of the powers and discharge of the duties of the Corporation in their municipal and sanitary capacities :

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

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the several purposes of this Act, and such estimates are as follows ; (namely,)

With respect to purchase of gasworks, thirty thousand three hundred and fifty pounds ;

With respect to purchase and extension of waterworks, thirty-nine thousand five hundred pounds ;

With respect to improvement of streets, two thousand pounds ;

With respect to markets, four thousand and five hundred pounds :

38 & 39 Vict.  
c. 55.

And whereas those several purposes are permanent works within the meaning of section two hundred and thirty-four of the Public Health Act, 1875 :

And whereas an absolute majority of the whole number of the council, at a meeting held on the twenty-fifth day of August one

thousand eight hundred and seventy-seven, after thirteen clear days notice by public advertisement of such meeting, and of the purpose thereof, in the "Preston Guardian," a local newspaper published or circulating in the borough, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate of the borough, or other rates leviable by the Corporation :

And whereas such resolution was published twice in the "Preston Guardian" newspaper, a newspaper circulating in the borough, and in respect of matters under the control of the Local Government Board has received the approval of that Board, and in respect of other matters has received the approval of one of Her Majesty's Principal Secretaries of State :

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

And whereas the owners and ratepayers of the borough, by resolution in the manner provided in the Third Schedule of the Public Health Act, 1875, consented to the promotion of the Bill for this Act :

38 & 39 Vict.  
c. 55.

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 :

### I.—PRELIMINARY.

1. This Act may be cited as the Clitheroe Corporation Act, 1878. Short title.
2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Markets and Fairs Clauses Act, 1847, and the Waterworks Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act. Incorporation  
of general Acts.  
8 & 9 Vict. c. 18.  
23 & 24 Vict.  
c. 106.  
32 & 33 Vict.  
c. 18.  
10 & 11 Vict.  
c. 14.  
26 & 27 Vict.  
c. 93.
3. In this Act the expression—  
The "Municipal Corporations Acts" means the Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, "to provide for the regulation of Municipal Corporations in England and Wales," and all Acts for the time being in force amending the same, or otherwise relating to municipal corporations in England: Interpreta-  
tion of terms.

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“The council” means the council of the borough as defined in the Municipal Corporations Acts, and acting as an urban sanitary authority under the Public Health Act, 1875 :

The “borough fund” and the “borough rate” mean respectively the borough fund and the borough rate leviable or raised in the borough :

The “district fund” and the “general district rate” mean respectively the district fund and the general district rates leviable or raised in the borough :

38 & 39 Vict.  
c. 55.

“The Public Health Act” means the Public Health Act, 1875, and any Acts for the time being in force amending or extending the same :

“Person” includes a corporation :

“The waterworks” means and includes the waterworks and works connected therewith which may be hereafter vested in the Corporation under the powers of this Act or authorised to be made or maintained by the Corporation, and any improvement thereof which they may construct under the powers of this Act, and the lands, buildings, estate, right, title, property, privileges, and effects appertaining thereto :

“The gasworks” means and includes the undertaking of the Gas Company, with the lands, buildings, property, rights, and privileges connected therewith, by this Act vested in the Corporation, and, after such vesting, means and includes the said gasworks, lands, buildings, property, rights, and privileges as existing at the vesting period, and as the same may from time to time be maintained, extended, and improved by the Corporation :

“The market undertaking” means and includes the “new market” by this Act authorised, with the lands, buildings, property, rights, and privileges connected therewith :

“Water rent” includes every sum of money payable to the Corporation in respect of a supply of water for any purpose :

“Gas rent” includes every sum of money payable to the Corporation in respect of a supply of gas for any purpose :

“Annuity or annuities” means any annuity or annuities created by the Corporation under the provisions of this Act :

“Annuitants” means any persons, company, or corporation for the time being entitled to such an annuity.

And in this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction ; and for the purposes of this Act the expression “superior courts” or “court of competent jurisdiction,” or any other like expression in this Act or any Act wholly or

partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute

A.D. 1878.

4. The limits of this Act shall be the borough.

Limits of Act.

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

Act to be executed by council.

6. Except as is in this Act otherwise expressly provided, the council may appoint out of their own body any committee for the execution of any of the purposes of this Act, and may delegate to each such committee such of the powers and duties of the Corporation under this Act, as such or as a sanitary authority, as the council think fit; and the acts and proceedings of every such committee, within the limits of their delegation, shall be deemed the acts and proceedings of the council, and the quorum of any committee in this section provided for shall be such as the council direct, and the council may from time to time increase the number of any committee and may make such regulations as they think fit for the guidance of a committee; and the council may from time to time remove any members or member of a committee, and appoint in the stead of them, or any of them, other members of the council; provided that the powers of this section shall not be exercised by any committee consisting of less than four members of the council; provided also, that a committee so appointed shall in no case be authorised to borrow any money or make any rate.

Regulations as to committees of council.

7. Subject to the provisions of this Act, all costs, charges, and expenses from time to time incurred by the Corporation in or about the execution of this Act shall be a charge on the district fund and general district rate.

Costs of execution of Act.

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Effect of  
schedules.

8. The schedules to this Act shall be read and have effect as part of this Act.

## II.—GAS AND WATER.

Confirmation  
of scheduled  
agreements.

9. The scheduled agreements are hereby confirmed and made binding on the two Companies respectively and on the Corporation, and the same shall be carried into effect subject and according to the provisions of this Act, and for that purpose the Corporation and the two Companies respectively are hereby authorised and empowered to do all things necessary or proper for giving full effect to the stipulations of the scheduled agreements respectively, with the lawful and reasonable incidents and consequences thereof.

Transfer of  
undertakings  
by deed.

10. The sale under each of the scheduled agreements shall be carried into effect by a deed of conveyance duly stamped and truly stating the consideration (which deed shall be in the form set forth in the Third Schedule to this Act, or to the like effect); and on the execution of that deed by the respective selling Company, the undertaking and property of that Company, except as in the respective scheduled agreement is excepted (but including the benefit of all conveyances, grants, and surrenders of lands, rights, powers, privileges, and hereditaments to or in trust for that Company, and conditional or other contracts for the purchase of lands entered into by that Company), shall, by virtue of that deed and of this Act, become and shall thenceforth be transferred to and vested in the Corporation for all the estate and interest of that Company therein, and for all the legal estate vested in any trustees or trustee for that Company, subject and according to the provisions of this Act.

Companies to  
pay their own  
debts.

11. All debts (including the mortgage debt of the respective selling Company, and any debt to their treasurer or bankers, and any unclaimed dividends), and all rents, rates, charges, liabilities, and sums of money, actions, suits, and proceedings, and causes of action, suit, or proceeding, and contracts and engagements which on the twenty-sixth of March one thousand eight hundred and seventy-seven, as to the Water Company, and on the first of July one thousand eight hundred and seventy-seven, as to the Gas Company, were due from or pending or existing against or binding on the respective selling Company, shall be paid, discharged, settled, satisfied, and performed by the respective selling Company, who shall in all respects indemnify and save harmless the Corporation from and against the same, and any action, suit, or proceeding, or cause of action, suit, or proceeding, so pending or existing shall not abate or be discontinued, or be in anywise

prejudicially affected by reason of the sale or of anything in this Act, but the same may be continued, prosecuted, and enforced against the respective selling Company as and when it might have been continued, prosecuted, or enforced against the said Company if this Act had not been passed, but not further or otherwise.

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**12.** Each of the two Companies shall hold all money paid to them by the Corporation under this Act, and all other money for the time being belonging to the respective Company, in trust to pay thereout any costs, charges, and expenses, and any sums the Company may in general meeting order to be paid to officers, servants, agents, and others connected with the respective Company, and to distribute the residue among the shareholders of the Company, their executors, administrators, or assigns, according to the resolution of the Company in general meeting; and for that purpose the persons who at the time of the distribution appear in the books of the Company to be proprietors of shares in that Company shall, unless in any case the contrary is shown to the satisfaction of the directors of the Company, be considered to be shareholders thereof, and the receipt in writing of an executor or administrator of a deceased shareholder, or of the committee of a lunatic shareholder, or of the guardian of an infant shareholder, or of the husband of a female shareholder, shall discharge the Company and the directors thereof from the money therein expressed to be received, and from any obligation affecting the share in respect whereof that money is paid.

Application of money received by Companies.

**13.** The Corporation shall forthwith, after the execution by the respective Companies of the deeds of conveyance, issue to every person entitled to an annuity, on demand, and on delivery of his share certificate, or proof of its loss or destruction, and without charge, a certificate of the annuity, and the certificate shall be in the form in the Fourth Schedule to this Act, or to the like effect, and by agreement one certificate may include any number of annuities.

As to certificates for annuities.

**14.** The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the distribution of the capital of the Company into shares, and to the transfer or transmission of shares (except section 16 thereof), are hereby incorporated with this Act, and shall (except as expressly varied by this Act) apply to the Corporation, and to the annuities and annuitants, as if the Corporation were the Company or the directors, and the town clerk of the borough the secretary, and the annuities were shares

Certain provisions of 8 &amp; 9 Vict. c. 16. to apply to annuities.

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in the Company's undertaking, and the annuitants were shareholders thereof, and the form of transfer of an annuity may be according to the form in the Fifth Schedule to this Act, or to the like effect.

Fee upon transfer, &c. of annuity, &c.

**15.** The fee payable upon the transfer or transmission of an annuity for or in respect of any entry in the register of annuitants, any indorsement on the certificate of the annuity, or any new certificate, shall not exceed one shilling.

Receiver for annuitants.

**16.** The annuitants may, without prejudice to their other remedies, in case any annuity is in arrear for a longer period than twenty-one days after the same shall have become due, and after having given fourteen days previous notice to the Corporation, enforce payment by the appointment of a receiver, as if they were mortgagees of the Corporation, and as if such annuity or annuities in arrear were arrears of interest due on their mortgages, and for that purpose the provisions in that behalf of the Companies Clauses Consolidation Act, 1845, shall apply.

8 & 9 Vict. c. 16.

Recovery of arrears of annuities.

**17.** If within thirty days after an instalment of an annuity becomes payable it is not paid, the annuitant may recover the amount thereof against the Corporation, with interest and costs, by proceedings in any court of competent jurisdiction.

Winding up and dissolution of Companies.

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

Books, &c. of Companies to be evidence.

**19.** All books and documents which would have been evidence in respect of any matter for or against the two Companies shall be admitted as evidence in respect of the same, or the like matter, for or against the Corporation.

Charge of annuities on undertakings and rates.

**20.** The several annuities payable by the Corporation under the scheduled agreements with the respective Companies (in this Act referred to as the gas annuities and waterworks annuities) shall, by virtue of this Act, be charged on and issue out of the respective Company's undertaking as vested in the Corporation, subject only to all rents payable by the said respective Company, and the covenants and agreements affecting the same, at the time of the passing of this Act, but in priority to all other charges for the time being affecting the respective Company's undertaking, and shall be paid out of the revenues and receipts for the time



being of the Corporation on account of their gas undertaking or waterworks undertaking, as the case may be, and next shall be charged on and issue out of the general district fund and general district rate for the time being of the borough, and any deficiency in the said revenues and receipts to pay the annuities shall be from time to time made good out of the general district fund and general district rate for the time being of the borough.

**21.** The Corporation may from time to time, by agreement with any annuitant, redeem the gas and waterworks annuities, or any of them, at a price to be mutually agreed on between the Corporation and the respective annuitant (not exceeding twenty-five years purchase), and on any annuity being redeemed the same shall be extinguished.

Corporation  
may redeem  
annuities.

**22.** The gas or water works annuities shall in all respects at law and in equity be substituted for and represent the shares in the capital of the respective Company in respect of which the same are granted, and the same shall be held and go on, with, and subject to the like trusts, powers, and liabilities as those on, with, and subject to which the shares in respect of which the annuities are granted were held and would have gone, and so as to give effect to and not to defeat any testamentary or other disposition.

Annuities to  
represent  
shares.

**23.** The Corporation shall not be bound to pay any annuity until the party entitled thereto has demanded a certificate of it, and the instalments of an annuity in arrear, not wrongfully withheld by the Corporation, shall not bear interest as against them.

Annuity not  
to be paid  
until cer-  
tificate  
demanded.

**24.** The Corporation shall, from and after the passing of this Act, keep books, to be called respectively "The Register of Waterworks Annuitants," and the "Register of Gasworks Annuitants;" and in such books respectively shall be fairly and distinctly entered from time to time the names of the several corporations and the names and addresses of the several persons respectively entitled to waterworks annuities and gas annuities under this Act, together with the amount of the annuities to which such annuitants are so respectively entitled, and the surnames or corporate names of such annuitants shall, in each book, be placed in alphabetical order, and every waterworks annuitant and gasworks annuitant, or, if any such annuitant be a corporation, the clerk or agent of such corporation, may at all convenient times peruse the register of waterworks annuitants, or, as the case may be, the register of gasworks annuitants, without charge, and may require a copy thereof or of any part thereof; and for every hundred words so required to

Corporation  
to keep  
register of  
annuitants.

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be copied, the Corporation may demand a sum of not exceeding sixpence.

Protection of Corporation in respect of payments.

**25.** The Corporation shall not be bound to see to the application or be answerable for mis-application or non-application of any money paid by them in pursuance of either of the scheduled agreements, and of this Act, to or for either of the two Companies, and the receipt in writing of three directors of the respective Company for any money so paid shall be an absolute discharge in respect thereof to the Corporation.

Application of Companies Acts to Corporation.

**26.** On the vesting in the Corporation of the respective undertaking of either of the two Companies, all the powers and authorities of that Company shall be, by virtue of this Act, transferred to and vested in the Corporation in relation to the undertaking of that Company and the works in connexion therewith by this Act authorised; and the Act of that Company, save as varied by this Act, shall thenceforth be read and have effect as if the Corporation had been therein named instead of the Company, subject nevertheless and according to the following exceptions and provisions; (that is to say,)

8 & 9 Vict.  
c. 16.

(1.) The provisions of the Companies Clauses Consolidation Act, 1845, incorporated with either of the Acts of the two Companies, except as herein-before mentioned, shall not apply to the Corporation:

10 & 11 Vict.  
c. 15.

(2.) The provisions of the Gasworks Clauses Act, 1847, and the Waterworks Clauses Act, 1847, incorporated with either of those Acts with respect to the amount of profit to be received by the undertakers when the gasworks and waterworks are carried on for their benefit, shall not apply to the Corporation:

10 & 11 Vict.  
c. 17.

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

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

(5.) Penalties imposed by those Acts shall not be cumulative.

Power to lay pipes against buildings.

**27.** The Corporation, with the consent of the owner and occupier of any building, may lay any pipe, branch, or any other necessary apparatus from any main or branch pipe into, through, or against such building for the purpose of lighting it, and may, with the like consent, provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas,

and for measuring and ascertaining the extent of such supply, and may from time to time, with the like consent, repair, replace, alter, discontinue, and remove any such pipe, branch, or apparatus. A.D. 1878.

28. The Gasworks Clauses Act, 1871, shall apply to the gasworks of the Gas Company when vested in the Corporation as if the same were authorised by this Act, subject and according to the following provisions; (that is to say, Application of 34 & 35 Vict. c. 41.

(1.) With reference to section three this Act shall be the special Act:

(2.) With reference to section five this Act shall be the special Act, and the lands on which alone the Corporation shall manufacture gas or any residual products shall be the lands described in the Sixth Schedule to this Act:

(3.) Sections seven and eight (relating to shareholders and mortgagees) and section thirty-five (relating to accounts) shall not apply to the Corporation:

(4.) With reference to section eleven, the prescribed pressure shall be such as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and from sunset to midnight a column of water not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe by which each consumer is supplied; and any gas examiner appointed under the Gasworks Clauses Act, 1871, may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of the Corporation, or any public street, road, passage, or place; and the provisions of the Gasworks Clauses Act, 1871, relating to testing of gas and to penalties, shall (with such variations as may be requisite) apply to the testing of pressure, and two hours previous notice shall be given to the Corporation of the time and place at which the testing of pressure shall be conducted: 34 & 35 Vict. c. 41.

(5.) With reference to section twelve the prescribed number of candles shall be fourteen:

(6.) With reference to section twenty-eight the prescribed place shall be some part of the gasworks of the Corporation, and the prescribed time shall be six months after the passing of this Act:

(7.) With reference to Schedule (A.) the prescribed burner shall be Sugg's London Argand Burner No. 1, consuming at the rate of five cubic feet of gas per hour:

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Power to  
construct  
works and  
take lands.

29. Subject to the provisions of this Act, the Corporation may, after acquiring the waterworks of the Water Company, make and maintain, in and according to the lines and levels shown on the deposited plans and sections, the reservoir, aqueducts, or lines of pipes, and other works and conveniences following, or some of them (all which works will be wholly situate in the township of West Bradford and parish of Mitton, in the west riding of the county of York) :—

1. A reservoir commencing about sixty-nine yards, measuring in a north-westerly direction, from the western corner of the farm buildings known as Whittakers, in the occupation of Thomas Jackson, and terminating about two hundred and two yards, measuring in a south-easterly direction, from the southern end of the farm buildings called Lowcocks, in the occupation of James Hargreaves, the said reservoir to be about four hundred and fifty feet in length from north to south, and about three hundred and eighty-eight feet in width from east to west :
2. An aqueduct or line of pipes (No. 1) commencing by a junction with the existing aqueduct of the Water Company at a point about sixty yards, measuring in an easterly direction, from the house called Lowcocks, and terminating in the reservoir by this Act authorised, at or near the northern end thereof :
3. An aqueduct or line of pipes (No. 2) commencing by a junction with the aqueduct or line of pipes (No. 1) by this Act authorised, about forty yards from the termination thereof, and terminating by a junction with the said existing aqueduct at a point about fifty yards southward of the southern end of the reservoir by this Act authorised :
4. An aqueduct or line of pipes (No. 3) commencing by a junction with the said existing aqueduct, at a point thereon about nineteen yards northward of the existing reservoir of the Water Company, and terminating by a junction with the said existing aqueduct, at a point thereon about twenty-one yards southward of the said existing reservoir :
5. A diversion of the footpath leading from and being near to the said house called Whittakers, and thence proceeding in a north-westerly direction to the said house called Lowcocks, with a branch therefrom in a northerly direction across West Clough Brook into Green Lane, and which diversion will commence at a point about fifty-three yards north-westward of the western end of the said farm buildings

known as Whittakers, and will terminate at a point about two hundred and fifteen yards north-westward of the north-western side of such farm buildings, and the Corporation may stop up and extinguish all rights of way in and over so much of the said footpath as lies between those two points, and the site and soil of so much of the said footpath when stopped up shall be vested in the Corporation :

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Together with all necessary and proper embankments, dams, channels, basins, bye-washes, weirs, culverts, cuts, approaches, roads, drains, sluices, wells, conduits, catchwaters, tanks, mains, pipes, and other apparatus for collecting, impounding, conveying, and distributing water; and may enter upon, purchase, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose; and the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, shall, but only as respects the reservoir herein-before authorised, be incorporated with and form part of this Act, and those provisions shall, for the purposes of this part of this Act, be construed as if such reservoir were therein mentioned instead of the railway, and as if the boundary of such reservoir were therein mentioned instead of the centre line of the railway, and as if the Corporation were therein mentioned instead of the Company.

8 & 9 Vict.  
c. 20.

**30.** In making any of the before-mentioned works shown on the deposited plans, the Corporation may, subject to the provisions of this Act, deviate from the lines thereof within the limits of deviation shown on the deposited plans, and may deviate from the levels shown in the deposited sections, in the case of the reservoir to any extent not exceeding three feet, and in the case of other works to any extent not exceeding ten feet, but they shall not construct the embankment of the reservoir of a greater height above the general surface of the ground than that shown in the deposited sections.

Limits of  
deviation.

**31.** The powers of the Corporation for the compulsory purchase of lands for the purposes of the before-mentioned works shall not be exercised after the expiration of four years from the passing of this Act.

Period for  
compulsory  
purchase of  
lands.

**32.** If any of the said works shown on the deposited plans be not completed within ten years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Corporation for executing the same, or otherwise in relation

Period for  
completion  
of works.

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Power to take additional lands by agreement.

**33.** The Corporation may from time to time, for the purposes of this Act, purchase by agreement any lands in addition to lands which they are authorised to take by compulsion, and the Corporation may hold the same, not exceeding in the whole at one time ten acres: Provided always, that the Corporation shall not erect or authorise or permit the erection on any of such lands, while so held by them, of any buildings other than buildings necessary for or connected with their waterworks.

Power to take easements by agreement.  
8 & 9 Vict. c. 18.  
23 & 24 Vict. c. 106.

**34.** 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 Corporation any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, easements, rights, and privileges as aforesaid respectively.

Power to hold lands for protection of waterworks against nuisances, &c.

8 & 9 Vict. c. 18.

**35.** It shall be lawful for the Corporation to hold any lands now or hereafter to be vested in them which they may deem necessary for the purpose of protecting their waterworks against nuisances, encroachment, or injury; and so long as such necessity shall continue, such lands shall not be deemed to be superfluous lands within the meaning of this Act and the recited Waterworks Act or the Lands Clauses Consolidation Act, 1845, respectively: Provided always, that the Corporation shall not erect or authorise or permit the erection on any of such lands, while so held by them, of any buildings other than buildings necessary for or connected with their waterworks.

Reservation of water rights, &c. on sale.  
8 & 9 Vict. c. 18.

**36.** On the sale by the Corporation, under section 127 of the Lands Clauses Consolidation Act, 1845, of any land acquired for the purposes of the waterworks, they may reserve to themselves all or any part of the water or water rights and other easements belonging thereto, and may make the sale subject to such reservations accordingly, and may make any such sale subject also to such other reservations, special conditions, restrictions, and provisions with respect to use or flow of water, exercise of noxious trades, or discharge, passage, or deposit of manure, sewage, or other matter, as they think fit.

**37.** The Corporation may, if requested by, and at the cost of, any person supplied or about to be supplied by them with gas or water, furnish to him, and from time to time fix, repair, alter, or renew, any pipes, meters, fittings, and other apparatus in connexion with such supply, and the expense thereof may be recovered by the Corporation as gas rent or water rent is recoverable, and the Corporation may provide all materials and do all work necessary or proper for the purposes of this section.

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Corporation  
may supply  
fittings, &c.

**38.** A notice to the Corporation for the discontinuance of the supply of gas or water shall not be of any effect unless it is in writing and left in the office of the town clerk.

Notice of  
discontinu-  
ance of  
supply.

**39.** Where the Corporation is authorised to cut off or remove any pipe or work, or turn off any supply of gas or water, their officers and workmen, after giving twenty-four hours notice to the occupier, or, if there is none, to the owner, may enter into the building or land supplied between the hours of nine in the forenoon and four in the afternoon, or with the authority in writing of a justice at any other time, and may therein do all acts necessary or proper for cutting off, or removing, or turning off such pipe or work, or supply (as the case may be), and may remove and carry away any meter, pipe, instrument, or apparatus the property of the Corporation, making compensation to the owner for any damage sustained by him, and if any person obstructs, or attempts to obstruct, or incites any person to obstruct any officer or workman of the Corporation in the exercise of any power conferred by this section, he shall for every such offence be liable to a penalty not exceeding five pounds.

Power to  
enter for  
purposes of  
cutting off  
supply, &c.

**40.** The Corporation shall, at the request of the owner or occupier of any house or part of a house in any street in which any water pipe of the Corporation shall be laid, furnish to such owner or occupier, or other person, a sufficient supply of water for their domestic use, at the rates herein-after specified; (that is to say,)

Rate at  
which water  
is to be sup-  
plied for  
domestic  
purposes.

If there be no bath in the dwelling-house to be supplied with water, then at the following rates :

Where the gross annual value of such house shall not amount to five pounds, at a rate not exceeding seven shillings and sixpence per annum ;

Where the gross annual value of such dwelling-house shall be five pounds and shall not amount to twenty pounds, at a rate per centum per annum not exceeding seven pounds and ten shillings ;

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Where the gross annual value of such dwelling-house shall be twenty pounds or upwards, at a rate per centum per annum not exceeding six pounds.

If there be a bath or baths in such dwelling-house, then, in addition to the rates above specified, the following rates shall be payable; (that is to say,)

Where the gross annual value of such dwelling-house shall not amount to ten pounds, a sum not exceeding ten shillings for each bath;

Where the gross annual value of such dwelling-house shall be ten pounds and upwards, a sum not exceeding fifteen shillings for one bath and ten shillings for each additional bath.

In addition to the rates for the supply of water for domestic purposes, the Corporation may demand and take for every watercloset beyond one in or appurtenant to any house any sum not exceeding five shillings a year.

Provided always, that the Corporation shall not be compelled to supply any watercloset or bath, or the apparatus or pipes connected therewith, unless the same shall be so constructed and used as to prevent the waste or undue consumption of the water of the Corporation, and the return of foul air and other noisome or impure matter into the mains or other pipes belonging to or connected with the mains or pipes of the Corporation.

As to  
constant  
pressure.

**41.** Water supplied by the Corporation need not be constantly laid on under pressure, or be continuously supplied, or be supplied in any case at a level above that at which water can be supplied by gravitation from the service reservoirs from which the supply is furnished.

Provision for  
supply of gas  
or water be-  
yond limits  
of borough.

**42.** The Corporation may from time to time enter into and carry into effect and rescind agreements with any local authority, company, person, or persons for the supply, beyond the limits of the borough, of gas or water to the local authority, company, person, or persons, as regards water, in bulk or otherwise, and as regards gas by meter, and either for public, private, or other purposes; but the Corporation shall not under any such agreement supply gas or water so as to interfere with a proper supply for all purposes to the inhabitants of the borough.

Application  
by Corpora-  
tion of gas  
and water  
revenue.

**43.** The Corporation shall keep accounts in respect of their gas undertaking and their waterworks undertaking respectively separate from all their other accounts, and so as to distinguish capital and revenue, receipts and expenditure, and shall apply all money from time to time received by them on account of the



said undertakings respectively, except borrowed money, in the manner and in the order following, and not otherwise; (that is to say,)

First. In payment of the costs, charges, and expenses of and preliminary and incidental to the preparing for, obtaining, and passing of this Act, so far as the same are not paid out of money borrowed under this Act, and of the costs, charges, and expenses in any manner relating to the transfer to and vesting in them of the undertakings of the two Companies:

Secondly. In payment of the costs, charges, and expenses of the Corporation of and incidental to the granting and issuing of annuities, mortgages, and debenture stock under this Act:

Thirdly. In payment of the working and establishment expenses and cost of maintenance of their gas undertaking and their waterworks undertaking, and the costs of collection and recovery of gas rents and water rents, and in payment of the several annuities created by the Corporation under the provisions of this Act:

Fourthly. In payment of the interest on the mortgages and Clitheroe Corporation debenture stock granted and issued under this Act, and in payment of the interest on any annuities, debentures, or debenture stock which may be created or granted by the Corporation for gas or water purposes under the Local Loans Act, 1875:

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

38 & 39 Vict.  
c. 83.

Sixthly. In payment of all other their expenses of executing this Act in relation to their gas and water works undertakings. And they shall from time to time carry to the credit of the general district rate the net surplus remaining after the fulfilment of the several purposes aforesaid.

44. If any person fails to pay any gas rent, water rent, meter rent, damages, costs, expenses, or other sum due to or recoverable by the Corporation under this Act, they may recover the same by proceedings in any court of competent jurisdiction, or the same may be levied by distress (the defaulter being first duly summoned), and any justice may issue his warrant accordingly, and the remedies of the Corporation under this section shall be in addition to their other remedies.

Recovery of sum due for gas and water by action or distress.

45. Any person entering into any contract with the Corporation for a supply of gas or water to him, or for any work to be done to a meter or apparatus to be furnished to him for purposes of such

Contracts for gas, water, &c. not to disable

A.D. 1878.  
—  
members of  
Corporation.

supply, shall not thereby be disabled from being, continuing, or acting as mayor, alderman, or councillor of the borough, or as an officer or servant of the Corporation, or incur any penalty by reason of such contract, or of his being, continuing, or acting as such councillor, officer, or servant, but any mayor, alderman, or councillor of the borough concerned by himself or any partner in any such contract shall not take part in any vote, proceeding, or discussion relating thereto at any meeting of the Corporation or of the council of which he is a member.

### III.—MARKETS AND FAIRS.

Power to  
discontinue  
existing  
markets.

**46.** The Corporation may continue, or may, after one month's notice, to be published in some newspaper circulating in the borough, and also by placards in the borough, temporarily or permanently discontinue all or any of the markets and fairs now held in the streets and public places in the borough, and a statutory declaration by an officer of the Corporation to the effect that public notice has been given in accordance with this section shall be received as evidence of the facts thereby declared; provided that the Corporation shall not discontinue any of the said markets and fairs until the "new market" herein-after mentioned shall have been opened for public use.

Power to  
erect mar-  
ket.

10 & 11 Vict.  
c. 14.

**47.** The Corporation may hold, and from time to time erect and maintain, on lands belonging to the Corporation and described in the Seventh Schedule hereto, a market (herein-after called "the new market") for the sale of cattle and live stock; poultry, hay, straw, and other commodities, and may erect, make, and execute all necessary approaches, buildings, and conveniences connected therewith, and the Markets and Fairs Clauses Act, 1847, shall extend and apply to the new market as if it was authorised by this Act as the special Act, and the Corporation may, from and after the opening for public use of the new market, demand and take therein tolls, rents, and charges not exceeding those specified in the Eighth Schedule to this Act.

Limits of  
market.  
10 & 11 Vict.  
c. 14.

**48.** For the purpose of the Markets and Fairs Clauses Act, 1847, the limits of this Act shall be the limits of the borough, and with reference to section nine of that Act the prescribed number of acres shall be two.

Penalty for  
selling cattle,  
&c. else-  
where.

**49.** From and after the opening for public use of the new market, and after expiration of such notice as aforesaid, all markets and fairs for, and all sales by auction of, cattle and live stock held within the limits of this Act shall be held in the new market and not elsewhere; and, if after such opening and the expiry of such

notice, any person, without the written license and consent of the Corporation first had or obtained, sells, or offers or exposes for sale, any cattle, horses, and live stock, hay, straw, and other commodities in any market, street, highway, yard belonging to any inn or public house, or public place within the limits of this Act, other than the new market, or sells, or offers for sale by auction, any cattle and live stock, hay, straw, and other commodities, in any place within those limits other than as aforesaid, he shall for every such offence be liable to a penalty not exceeding five pounds: Provided always, that nothing herein contained shall prevent the owner of any horse, or any licensed horse dealer on behalf of such owner, from selling or exposing the same for sale otherwise than by auction on his own premises, or from showing or trying any horse preliminary to any such sale or intended sale thereof.

**50.** The Corporation may from time to time, if they think fit, grant to any person a license to sell, or expose for sale, in a place other than the new market, any cattle or live stock, in respect of the sale or exposure for sale whereof in the new market, or in respect of the user of any stall, pen, or other convenience for the sale or exposure for sale whereof in the new market, any toll, stallage, or rent is leviable by or payable to the Corporation, every such license being granted on such terms and conditions as the Corporation think fit, and to endure for a period not exceeding twelve months, and to be revocable in such cases as the Corporation prescribe, and the Corporation may demand and take for every such license, for a period not exceeding twelve months, any sum not exceeding two pounds; and if any person does any act for which such a license is hereby authorised to be granted without having obtained such license, or does any act in contravention of or omits to do anything required by any such license granted to him, he shall be liable on summary conviction to a penalty not exceeding forty shillings for every day on which any such offence is committed by him.

License for  
sale out of  
market.

**51.** The several tolls payable in respect of the user of any stall, pen, bench, standing station or place in the new market shall be paid not only by the person originally using the same for a part of a day or other time, if he do not occupy it the whole day, but also by any person subsequently using the same for any subsequent part of the same day or other time.

Tolls to be  
payable by  
successive  
occupiers.

**52.** The several tolls payable in the new market in respect of any animal or article shall be paid not only by the original seller, but also by any subsequent seller, or person who offers such animal

Tolls to be  
payable by  
successive  
sellers.

A.D. 1878. or article again for sale, and such tolls shall become payable before such animal or article is sold or offered for sale.

Power to let market or stalls or tolls.

**53.** The Corporation may from time to time let, for any term not exceeding five years, the new market, or any stall, standing, shop, bench, site, or other convenience or accommodation therein, or the whole or any part of the tolls, rents, and charges receivable in respect of the new market, upon such terms and conditions as they think fit.

Recovery of tolls.

**54.** If any person liable to the payment of any toll, stallage, or rent to the Corporation does not pay the same when demanded, the Corporation, or any person authorised by the Corporation to collect the same, may seize and detain the animal or thing in respect of which the same is payable, or any other animal or thing in the new market belonging to the person liable to pay the same, and if any toll, stallage, or rent, and the reasonable charges of the seizure and detention, and of the keeping and maintaining of the animal or thing seized, is not, in the case of perishable articles seized, paid forthwith, and in case of either animals or things seized, within four days from the time of seizure, the Corporation may forthwith, or on the expiration of those four days (as the case may be), sell the animal or thing seized, and out of the money arising thereby may pay and retain the toll, stallage, or rent, and the charges aforesaid, and those of the sale, returning the overplus (if any) on demand to the owner of the animal or thing seized, or such toll, stallage, or rent may be recovered in any court of competent jurisdiction.

Forfeiture of articles left in market.

**55.** Any cattle, live stock, or any article brought into the new market, and left therein after the hour of closing (except any article left in charge of the inspector of the market), may be taken possession of by the inspector, and if the same, being of a perishable nature, be not claimed within one hour after the hour of closing, or, not being of a perishable nature, be not claimed within one week thereafter, the same may be sold by the Corporation, who shall return the surplus proceeds of such sale, after deducting any unpaid stallage, rent, or toll due in respect thereof, and the expenses of detention and sale, to the owner on demand, if made within one month after the sale, but if demand be not then made, the proceeds of the sale shall be forfeited to the Corporation.

Ejectment for repeated offences.

**56.** Every person who shall have been convicted of three offences against any of the byelaws relating to the new market shall be liable after the third conviction to be forthwith removed and thenceforth excluded from the new market by the market inspector or his assistants, and his or her tenancy (if any) of any pen, shop,

stall, or standing shall be thereupon determined, without prejudice to any remedy or remedies for the recovery of any rent that may be due. A.D. 1878.

**57.** All receipts of the Corporation from tolls, rents, and charges received under this Act in respect of the new market shall be carried to and shall form part of the borough fund. Application of tolls of market.

**58.** The Corporation may from time to time erect and maintain, in any part or parts of the borough they think proper, a machine or machines for weighing of minerals and goods, and for weighing lurrys, carts, or carriages conveying minerals and goods, and every person vending, selling, or delivering minerals or goods within the borough, and the driver of every lurry, cart, or carriage for the delivery thereof, shall, if so required by the purchaser or buyer of the whole load, forthwith cause the same, or the lurry, cart, or carriage conveying such minerals or goods, to be weighed with the loading at the nearest of such weighing machines, and after the same is unloaded, the empty lurry, cart, or carriage shall also be weighed thereat, so as to ascertain the net weight of the load, and every driver of such lurry, cart, or carriage failing to comply with this clause, being so required as aforesaid, shall for every such offence forfeit a penalty of not exceeding two pounds, and it shall be lawful for any police constable or other person being then present, upon refusal of the driver to drive and take such lurry, cart, or carriage to the weighing machine, to drive and take the same in order to be weighed as aforesaid, and every person vending or selling such minerals or goods, in case the same shall be ascertained by such weighing to be short of the weight represented or charged to the customer, shall forfeit a penalty of not exceeding forty shillings, and the Corporation shall be authorised to demand and receive for every such weighing from the person requiring the same, tolls not exceeding those specified in that behalf in the Eighth Schedule to this Act, and the Corporation are hereby empowered to make byelaws for regulating the mode of weighing the description of minerals and goods to be weighed separately from the lurry, cart, or carriage, and the charge for weighing, as they may think desirable. Public weighing machines.

#### IV.—STREET IMPROVEMENTS.

**59.** Subject to the provisions of this Act, the Corporation may make and maintain the following street improvements shown upon the deposited plans and sections relating thereto, or some of them, and may enter upon, take, and use such of the lands delineated on Power to make street improvements.

A.D. 1878. the said plans, and described in the deposited book of reference, as may be required for that purpose :

- (1.) The widening of Parson Lane, on the north side thereof, commencing at or near the junction therewith of Castle Street, and terminating at or near the south-eastern end of the house No. 6 in Parson Lane :
- (2.) The widening of Waddington Lane on the southern side thereof, commencing at the eastern end of the house No. 9, and terminating about five feet westward of the eastern end of the house No. 11, both in that lane :
- (3.) The widening of Lowergate on the eastern side thereof, at its junction with Wilkin Brow, such widening to commence at or near the southern end of the house No. 97 in Lowergate, and to terminate at or near the south-eastern end of the barn in the occupation of John Morphet, on the north-eastern side of Wilkin Brow :
- (4.) The widening of Lowergate on the western side thereof, commencing at or near the house No. 110, and terminating at or near the house No. 100, both in that street, and the widening of the said Lowergate on the eastern side thereof, commencing at or near the house No. 69 in Lowergate, and terminating at or near the northern end of a shippon in the occupation of Thomas Noblett, in Lowergate :
- (5.) The widening of Waterloo Road on the eastern side thereof, commencing at or near the northern corner of Waterloo Brewery in that road, and terminating at or near the northern corner of the inclosure known as Donkey Croft, in the occupation of John Tillotson and Son, in the same road.

All which said intended works will be wholly situate in the township of Clitheroe and parish of Whalley, in the county palatine of Lancaster.

Power to deviate in construction of street improvements.  
38 & 39 Vict. c. 55.

**60.** Subject to the provisions of this Act and of section three hundred and eight of the Public Health Act, 1875, the Corporation, in the said widening and improving of streets, may deviate laterally from the lines thereof respectively delineated on the deposited plans to any extent within the limits of land to be acquired, defined on those plans, and may also deviate from the levels thereof respectively shown on the deposited sections to any extent not exceeding five feet.

Owners may be required to sell parts only of cer-

**61.** And whereas in the exercise of the powers of this Act it may happen that portions only of certain lands or buildings shown on the deposited plans relating to the street improvements

will be sufficient for the purposes of the Corporation, and that such portions may be severed from the remainder of the properties without material detriment thereto; therefore (notwithstanding section ninety-two of the Lands Clauses Consolidation Act, 1845,) the owners of and persons interested in the lands or buildings described in the Ninth Schedule to this Act, and whereof parts only may be required for the purposes of this Act, may, if such portions can, in the judgment of the jury, arbitrators, or other authority assessing or determining the compensation under that Act, be severed from the remainder of the said properties without material detriment thereto, be required to sell and convey to the Corporation the portions only of the properties so required, without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof, the Corporation paying for the portions required by them, and making compensation for any damage sustained by the owners thereof, or other persons interested therein, by severance or otherwise.

A.D. 1878.  
tain lands  
and build-  
ings.  
8 & 9 Vict.  
c. 18.

**62.** The sites of all buildings and lands which may be purchased by the Corporation and laid into and appropriated for streets or roads shall, when and so soon as the same shall be so laid into and appropriated for streets or roads, and for ever thereafter, form part of the public highways, and shall be repaired and maintained and kept in order in such and the same way and manner as the highways in the borough shall for the time being be by law repaired and maintained and kept in order.

Ground laid  
into new  
streets to be  
public high-  
ways.

**63.** The powers of the Corporation for the compulsory purchase of lands for the purposes of the street improvements shall not be exercised after the expiration of five years from the passing of this Act.

Period for  
compulsory  
purchase of  
lands.

**64.** If the street improvements are not completed within nine years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Corporation for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Period for  
completion  
of street im-  
provements.

**65.** The Corporation may from time to time sell, demise, let on lease, or otherwise dispose of all or any part of the lands which they have acquired or may acquire for the purposes of the market undertaking and street improvements by this Act authorised, and not required for any such purposes, or any interest in such lands belonging to or to be acquired by the Corporation, and they shall in the first place apply the proceeds of any such sale in paying off the amount of the purchase money (if any) due to the respective

Power to sell  
lands not  
wanted.

A.D. 1878.

Company, and in the next place in paying off money owing by them under this Act on mortgage or debenture stock, or in redeeming annuities, or in purchasing other land and property, and constructing works in connexion with their gas undertaking, or their waterworks undertaking, or market undertaking, and for other purposes in connexion therewith, for which capital is properly applicable. And when any lands or property are sold or disposed of by the Corporation, the same shall, in the hands of any person to whom the same shall have been sold, and his, her, or their heirs, executors, administrators, and assigns, be absolutely free from all claims, charges, or obligations in respect of any annuities or stock granted or issued under this Act, and such person shall not be bound to see to or inquire into the application by the Corporation of the money arising from such sale, or be in any way responsible for the mis-application or non-application thereof.

## V.—GENERAL IMPROVEMENTS.

For cleansing  
brooks, &c.

**66.** The Corporation may from time to time cleanse, improve, or pave all or any part of the brooks, streams, and watercourses in the borough, and of the channels, beds, and sides thereof, and for the purposes aforesaid may remove therefrom all obstructions, projections, and nuisances whatever, but if any such obstruction or projection shall be used for the support of any building or the foundations thereof the Corporation shall substitute some other mode of support such as they may deem expedient, but not in any case inferior to the support removed. Before removing or interfering with any obstruction or projection used for such support, the Corporation shall give to the owners, lessees, and occupiers of the said building fourteen days notice of their intention to execute the works, stating in the notice the nature of the works intended to be executed, and if such owners and lessees be not known to the Corporation, and cannot be found, then it shall be sufficient that the notice be given to the occupiers (if any) of the said building, and be affixed to some conspicuous part thereof, and if any difference shall arise between the Corporation and the owners, lessees, or occupiers of such building, or any of them, or any other person interested therein, as to the works intended to be executed by the Corporation, or as to any other matter in relation thereto, either party shall be at liberty to summon the other before any two justices, who shall hear and determine all matters in difference, and the decision of such justices as to the works to be done, and on all other matters relating thereto, shall be final and conclusive in all respects. If either party, after being duly summoned, fail to attend, the justices may proceed *ex parte*, and the decision given shall be as binding as if both parties had attended and had been



heard. If, after notice of intended works given or affixed by the Corporation as aforesaid, no objection be made thereto within the said fourteen days, all parties interested in such building shall for all intents and purposes be held to have assented to the intended works, and to have given leave and license for the execution thereof. Provided that nothing in this section contained shall authorise the Corporation to remove, alter, or interfere with any weir or cawl across any of the said brooks, streams, or watercourses which shall have been in existence for twelve years prior to the passing of this Act: Provided further, that the Corporation shall make compensation to the owners, lessees, and occupiers of all or any parts of the said brooks, streams, and watercourses, who may be injured by the cleansing, improving, or paving thereof, or by the removal of obstructions and projections, such compensation, in case of difference, to be settled in a summary way by any two justices, and the decision of such justices shall be final and conclusive.

**67.** The Corporation may from time to time make, alter, and repeal byelaws for the more effectual control and management of all or any of the brooks, streams, and watercourses in the borough, and the prevention of obstructions, projections, and nuisances therein, or in the channels, beds, and sides thereof.

Power to make byelaws as to brooks.

**68.** In addition to all powers vested in the Corporation, the Corporation or any committee of the town council may, if the surveyor shall report in writing to the Corporation or to any such committee that any dwelling-house is not provided with a proper sink or drain or other necessary appliances for carrying off refuse water from such dwelling-house, by notice under the hand of the mayor or town clerk for the time being, require the owner of such dwelling-house, in the manner and within the time to be specified in such notice, to provide such sink, drain, or other appliances. If any such owner shall neglect to comply with such notice within the time therein appointed, he shall be liable for every such offence to a penalty not exceeding five pounds, and a further penalty of the like sum for every day during which such offence shall continue, with the like right of appeal as is given by section two hundred and sixty-nine of the Public Health Act, 1875.

Summary power for providing sinks and drains for dwelling-houses.

38 & 39 Vict. c. 55.

**69.** No room built before or after the passing of this Act, any portion of which extends immediately over any privy (not being a watercloset), cesspool, midden, or ashpit, shall be occupied as a dwelling or sleeping room during any portion of the day or night, and if any person shall, after the expiration of one month after

As to rooms over privy, &c.

A.D. 1878. the passing of this Act, occupy or suffer to be occupied, as a dwelling or sleeping room, any such room, every person so offending shall for every such offence be liable to a penalty not exceeding twenty shillings for every day during which such room continues to be so let or occupied after notice in writing from the Corporation to discontinue such letting or occupation.

Penalty. **70.** Any person offending against any of the preceding provisions contained in this part of this Act shall, except as otherwise provided, forfeit and pay for every such offence a penalty not exceeding ten shillings, and in case of a continuing offence a further penalty not exceeding ten shillings for each day during which such offence shall continue.

VI.—AS TO OFFENCES, &c.

Penalties for certain offences. **71.** Every person who, to the annoyance of the residents or passengers in any street, shall use any profane, abusive, scandalous, or obscene language, or who shall write or describe any profane, obscene, or indecent language or figure on, or who injures, marks, or defaces, or commits any nuisance upon or about any building, wall, hoarding, fence, door, gate, or post; every person who, against the consent of the owner or occupier thereof, shall affix any bill or other paper to or against any building, wall, hoarding, fence, door, gate, or post; and every person who, after public notice given by the mayor, by placards posted in the town directing dogs to be confined, suffers any dog to be at large during the time specified in such notice, shall for every such offence be liable to a penalty not exceeding forty shillings, and in default of payment to be imprisoned for any period not exceeding fourteen days.

Mad dogs. **72.** Any constable or other officer or servant of the Corporation may destroy any dog or other animal reasonably suspected to be in a rabid state, or to have been bitten by any dog or other animal in a rabid state.

Stray dogs. **73.** Any constable or other officer may take possession of any dog found straying on any street or highway and not under the control of any person, and may detain such dog for twenty-four hours at the police station, and during that time it shall be properly fed; and if at the expiration of that time such dog be not claimed, and all expenses incurred by its detention paid, the same may be sold or destroyed.

Smoke or steam. **74.** Any person who shall, in any public street or road, discharge any smoke or steam from any building (otherwise than from the top thereof) into any street shall for every such offence

be liable to a penalty not exceeding forty shillings, and in default of payment to be imprisoned for any term not exceeding fourteen days.

A.D. 1878.

**75.** Any householder personally, or by his servant, or by any constable, may require any street musician or singer to depart from the neighbourhood of the house of such householder, and every person who shall sound or play upon any musical instrument or sing in any street near or within hearing of such house, after being so required to depart, shall be liable to a penalty not exceeding forty shillings.

Street musicians to depart when required to do so.

**76.** No cart or other two-wheeled carriage, having the fellies of the wheels thereof of a less breadth than two inches and three quarters of an inch at the bottom or soles thereof, and together with the loading of such cart or carriage weighing more than two tons, shall pass through the streets or highways of the borough, and any one offending against this enactment shall be liable to a penalty not exceeding forty shillings.

Regulating weight of carts, &c.

**77.** All powers, rights, and remedies given to the Corporation by this Act, and all offences against the same, shall (except where otherwise expressly provided) be deemed to be and shall be in addition to and not in derogation of any other powers conferred on them, or any offences created by Act of Parliament, law, or custom, and the Corporation may exercise such other powers and enforce the provisions of any Act relating to such offences as if this Act had not been passed.

Powers of this Act to be in addition to general law.

#### VII.—FINANCIAL.

**78.** The Corporation may from time to time (without prejudice to the provisions of this Act relating to priorities of charges) borrow at interest on the security of the revenues of the gas, water, and market undertakings of the Corporation, and the district fund and general district rate of the borough, or any of them, or any part of any of them, for any purpose of the gas undertaking, or of the water undertaking, or the market undertaking respectively of the Corporation, or of this Act requiring the expenditure of a capital sum of money, such money as they think necessary, not exceeding, except with the approval of the Local Government Board, the sum of eighty thousand pounds, and may mortgage the same revenues, fund, and rate, or any of them, or any part of any of them, as security for repayment of the money so borrowed, with interest accordingly; and for the purpose of this section, the issue of annuities under this Act shall,

Power for Corporation to borrow.

A.D. 1878.

during the continuance of such annuities, be taken as reducing the amount by this Act authorised to be borrowed without the approval of the Local Government Board to the extent of the capitalized value of the annuities issued, such value to be calculated on the basis of twenty years purchase; but on the redemption by the Corporation of any such annuities (except by means of the sinking fund), the amount so authorised to be borrowed without such approval as aforesaid shall be increased by the amount of the capitalized value (calculated as aforesaid) of the annuities redeemed.

Power to  
borrow under  
38 & 39 Vict.  
c. 83.

38 & 39 Vict.  
c. 83.

**79.** The Corporation, if they think fit, in lieu of borrowing on the security of mortgages as herein-before provided, may borrow the moneys which they are by this Act authorised to borrow, or any part thereof, 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 revenues of the gas, water, and market undertakings of the Corporation and the district fund and general district rate of the borough, or any of them, and such revenues, fund, and rate shall be the local rate within the meaning and for the purposes of the Local Loans Act, 1875. Every such loan shall be discharged within fifty-five years from the date thereof, and such discharge, or any part thereof, shall be effected by means of a sinking fund, if the Corporation shall so think fit. And if the Corporation at any time think fit to form any such sinking fund, all sums paid into the same shall, as soon as may be, be invested by the Corporation in any manner in which trustees are by law for the time being authorised to invest trust moneys, but it shall not be obligatory to set apart or appropriate any moneys for that purpose until the expiration of three years from the passing of this Act.

Sinking fund  
for annuities.

**80.** The Corporation shall, at the expiration of three years from the passing of this Act, out of the revenues from the respective gas and water undertakings, or out of the district fund and general district rate of the borough, make provision for the extinction of the gas and water annuities by means of a sinking fund to be in every year appropriated and invested, and with the accumulations thereof (if any) from time to time to be applied for that purpose, so as in either case to extinguish, or be in a position to extinguish, the whole annuities within fifty-five years from the passing of this Act; and if at the end of that time the annuities, or any of them, are not wholly extinguished, then the Corporation shall, as long as

they are liable to pay the same, apply in or towards that payment the annual income arising from the sinking fund provided under this section; and the amounts to be from time to time appropriated for such sinking fund shall be such as the Local Government Board shall, having regard to the provisions of this section, approve; and such amounts, together with all accumulations thereof, shall from time to time be invested in the purchase of Exchequer bills or Government securities, or other securities in which trustees may from time to time by law invest trust funds, or such other securities as the Local Government Board may sanction.

**81.** The Corporation shall pay off all money raised by them under this Act on mortgage or debenture stock, 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, so as in either case to extinguish the debt as follows; (that is to say,)

Payments by instalments or sinking fund.

As regards any money borrowed before the expiration of three years from the passing of this Act, within fifty-five years after the expiration of those three years; and

As regards any money borrowed after the expiration of those three years, within fifty-five years after the same is borrowed.

And the amounts to be from time to time paid off by instalments, or appropriated for a sinking fund, shall be such as the Local Government Board shall, having regard to the provisions of this section, approve, and such amounts so appropriated as aforesaid, together with all accumulations thereof, shall from time to time be invested in the purchase of Exchequer bills or Government securities, or other securities in which trustees may from time to time by law invest trust funds, or such other securities as the Local Government Board may sanction.

**82.** The treasurer of the borough shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund, or to be paid off by instalment 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 the 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 the interest thereof, 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

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

A.D. 1878.

of any wilful default in making such return he shall be liable to a penalty not exceeding twenty pounds. If it appear to the Local Government Board by such return, or otherwise, that the Corporation have failed to set apart the sum required 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 Corporation, 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 a court of competent jurisdiction.

Application  
of money  
borrowed.

**83.** All money borrowed by the Corporation under this Act shall be applied in payment of their costs, charges, and expenses of and preliminary and incidental to the preparing for, obtaining, and passing of this Act, and for the effectual execution of the scheduled agreements and of this Act, and the extension and improvement of their gas, water, and market undertakings, and their street improvements, and in respect of objects to which capital money is properly applicable, and for no other purpose.

Power to  
re-borrow.

**84.** If the Corporation pay off any part of any money borrowed by them under this Act otherwise than by instalments, or by means of a sinking fund, or out of the proceeds or sale of buildings or lands, they may re-borrow the same, and so from time to time: Provided always, that all moneys so re-borrowed shall be repaid within the same time as the moneys originally borrowed were required to be repaid.

Protection to  
lenders.

**85.** A lender of money to the Corporation under this Act shall not be bound or entitled to inquire respecting the observance by them of any provision of this Act, or be bound to see to the application or be answerable for mis-application or non-application of money lent by him.

Receipt in  
case of  
persons not  
sui juris.

**86.** If any money is payable under this Act to or for the benefit of a person being an infant, or person of unsound mind, so found by inquisition, the receipt of the guardian or committee of his estate shall be a discharge to the Corporation for the same.

Power to  
create  
Clitheroe  
Corporation  
debenture  
stock.

**87.** For enabling the Corporation to substitute a continuing stock for renewable mortgages, the following provisions shall have effect; (that is to say,)

(1.) The Corporation, instead of raising on mortgage any money which they are by this Act authorised to borrow, may raise the same by creation and issue, at such times, in such

amounts and manner, at such price, on such terms, subject to such conditions, and with such rights and privileges, as they think fit, of stock to be called Clitheroe Corporation Debenture Stock, bearing a fixed and perpetual interest (not exceeding five per centum per annum) payable half-yearly, or otherwise, and redeemable at the option of the Corporation at par at such times and on such conditions as the Corporation declare at the creation thereof, but so that such stock shall be redeemable at the latest at the expiration of the period limited by this Act for its extinguishment :

- (2.) Clitheroe Corporation debenture stock shall (subject to the provisions of this Act) be transferable by deed (which may be in the form in the Eleventh Schedule to this Act, or to the like effect), and shall have all the incidents of personal estate :
- (3.) The Corporation shall enter all Clitheroe Corporation debenture stock from time to time issued by them in a register, with the names and addresses of the holders, and the amounts of their holdings :
- (4.) The register shall be accessible for inspection at all reasonable times to mortgagees of the Corporation and holders of Clitheroe Corporation debenture stock without charge :
- (5.) Subject to the provisions of this Act, the Corporation shall deliver to each holder of Clitheroe Corporation debenture stock a certificate stating the amount held by him, and the certificate shall entitle the holder to the like rights and powers as if it was a mortgage by deed under this Act granted by the Corporation, other than the right to require payment of the nominal principal money represented by the stock until the expiration of the time for which such principal money was advanced, and the certificate may be in the form in the Tenth Schedule to this Act, or to the like effect.

**88.** The Corporation may agree with any holder of a gas annuity, or of a water annuity, to substitute for the same Clitheroe Corporation debenture stock, at such price (not exceeding twenty-five years purchase) and on such terms and conditions as the Corporation and the annuitant agree on, and the Corporation may thereupon create and issue, as aforesaid, Clitheroe Corporation debenture stock to the requisite amount for that purpose, and any annuity in substitution for which such debenture stock is issued shall be extinguished.

Substitution  
of debenture  
stock for  
annuity.

**89.** Every mortgage made by the Corporation under this Act shall be by deed under their common seal, duly stamped and truly

Form of  
mortgage.

A.D. 1878. — stating the consideration, and may be in the form given in the Twelfth Schedule to this Act, or a form to the like effect.

Priorities of existing mortgages.

**90.** Nothing in this Act contained shall in anywise prejudice or affect the rights of the holders of existing mortgages of the Corporation, and all mortgages or charges to be created under this Act shall be subject to the mortgages at present existing.

Priorities of gas and water annuities.

**91.** No mortgages or charges granted by the Corporation under this Act, either wholly or partly on the security of the revenues of the gas and water undertakings, shall, during the continuance of any of the annuities granted by the Corporation under this Act, have priority over any such annuities against the revenues of the gas or water undertakings.

Power for trustees to invest in debenture stock.

**92.** Where a power has been, before the passing of this Act, given to trustees, executors, administrators, or other persons holding funds in a fiduciary capacity, to invest those funds in or on shares, mortgages, or bonds of either of the two Companies, or on the mortgages or debentures of a municipal corporation in England, or a power is, after the passing of this Act, given to trustees, executors, administrators, or other persons holding funds in a fiduciary capacity, to invest those funds in the mortgages or debentures of a municipal corporation in England, that respective power shall, unless the contrary is expressed in the instrument creating it, be deemed to include a power to invest those funds in Clitheroe Corporation debenture stock or the said gas or water annuities, and an investment thereof in the same may be made accordingly.

#### VIII.—MISCELLANEOUS.

Form and service, &c. of notice by Corporation. 38 & 39 Vict. c. 55.

**93.** The provisions of the Public Health Act, 1875, with respect to notices, orders, and other such documents, and the authentication and service thereof, shall, except where otherwise expressly provided, apply to notices, orders, and other such documents under this Act.

Byelaws. 38 & 39 Vict. c. 55.

**94.** All byelaws made by the Corporation under this Act shall be made in the manner prescribed by the Public Health Act, 1875, with respect to making byelaws.

Corporation not exempt from provisions of general Acts.

**95.** Nothing in this Act shall exempt the Corporation 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.



**96.** Nothing in this Act shall exempt the Corporation from any indictment, suit, action, or other proceeding at law or in equity in respect of any nuisance caused by them. A.D. 1878.  
Saving for  
action, &c.

**97.** Every penalty imposed by this Act, or by any byelaws made in pursuance thereof respectively, shall be recoverable in a summary manner, and sections two hundred and fifty-one and two hundred and fifty-two of the Public Health Act, 1875, shall extend and apply to the recovery thereof, and such penalty shall (except where the Corporation is the party by whom the penalty is to be paid) belong to the Corporation, and shall be paid to the treasurer of the Corporation, and shall be carried by him to the credit of the district fund. Application  
of penalties.  
  
38 & 39 Vict.  
c. 55.

**98.** 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. Contents of  
summons,  
&c.

**99.** 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. Costs of  
distress.

**100.** 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 water rent, gas rent, meter rent, or other charge payable to the Corporation, or by reason of his being a member of the council of the borough. Judges, &c.  
not disquali-  
fied.

**101.** 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, and of and incidental to the transfer to and vesting in the Corporation of the undertakings of the two Companies, and the granting and issuing of annuities, shall be paid by the Corporation, in the first instance, out of the district fund and general district rate, and ultimately out of money borrowed under and subject to the provisions of this Act; and such costs shall include the costs of and incidental to complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, with respect to the Bill for this Act, and all matters relating thereto, as taxed by the Taxing Officers of the House of Lords or of the House of Commons, and shall be debited to such accounts and in such proportion as the Corporation shall think fit. Expenses of  
Act.

A.D. 1878.

The **SCHEDULES** referred to in the foregoing Act.

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**THE FIRST SCHEDULE.**

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**AGREEMENT BETWEEN GAS COMPANY AND CORPORATION.**

MEMORANDUM OF AGREEMENT made this twenty-eighth day of February one thousand eight hundred and seventy-seven, between the Clitheroe Gas Company (herein-after called the said Company) of the one part, and the Mayor, Aldermen, and Burgesses of the borough of Clitheroe, as and constituting the Urban Sanitary Authority for the said borough (herein-after called "the said Authority") of the other part, whereby it is agreed as follows :

The said Company, in consideration of the annuities and of the sum of three thousand three hundred and twenty-five pounds herein-after agreed to be paid by the said Authority, agree to sell, and the said Authority to purchase, all the gasworks, property, lands, rights, powers, privileges, easements, plant, and effects of the said Company, whether vested in or held in trust for the said Company, with the incidents and appurtenances thereto belonging, in as full, ample, and beneficial a manner as the said Company now can or might hold, possess, exercise, and enjoy the same, subject to all rents payable from or by the said Company, and the covenants and agreements affecting the same, except in respect of loans and debts, such sale to take effect as from the first day of July one thousand eight hundred and seventy-seven, and on the terms and conditions following, viz. :

The said Authority to pay to the said Company for the ordinary shareholders the sum of two thousand eight hundred and eighty-seven pounds ten shillings by way of bonus for the uncalled amount of such shares, and four hundred and thirty-seven pounds ten shillings in satisfaction of back dividends, on the completion of the transfer of the undertaking, and also to legally and effectually secure to the several persons who shall be shareholders in the said Company on the said first day of July, their executors, administrators, and assigns, perpetual annuities as follows; that is to say,

To the holders of class A and B shares, five per cent. per annum :

To the holders of class C and D shares, ten per cent. per annum :

To the holders of the ordinary shares, on six pounds, the amount paid up thereon, seven pounds ten shillings per cent. per annum.

Such annuities to be secured with all usual powers, in case of nonpayment, on the works, property, and privileges of the said Company, and also on the general district rates made by the said authority within their district, and to be

payable in equal portions on the first of January and the first of July in every year, or within twenty-one days thereafter respectively, free from all deductions except income or property tax.

The said Company to pay all its loans and debts, and all rates, taxes, and working expenses and outgoings of every description, up to the said first day of July next, and to retain for its own benefit all accounts, gas rents, rents, and arrears thereof up to that time, as well as its reserve fund, the stock of coal, coke, lime, and gas which may be on hand on the said first of July to be taken at its original cost.

All expenses of the transfer to be paid by the said Authority. No abstract of title to be required by the said Authority, but on the completion of the transfer all deeds, books, and documents to be delivered to the said Authority. Until the completion of the said transfer, all gas rents and other moneys accruing from the said first of July next to be paid to a joint account at the Craven Bank, Clitheroe, of the said Authority and the said Company, and all payments made therefrom to be by cheques, signed by the chairman of the said Company and the Gas Committee of the said Authority; but the works to be managed by the said Authority from the said first of July. If the said sum of three thousand three hundred and twenty-five pounds is not paid on the said first of July, it is to bear interest from that date until payment at the rate of four and a half per cent.

In witness whereof the said Company have hereto affixed their common seal, and the said Authority have hereto affixed their common seal, the day and year first above written.

JOHN MITCHELL, Mayor.

W. B. DEWHURST, Chairman of the Company.

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## THE SECOND SCHEDULE.

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### AGREEMENT BETWEEN WATER COMPANY AND CORPORATION.

MEMORANDUM OF AGREEMENT made the twenty-eighth day of February one thousand eight hundred and seventy-seven, between the Clitheroe Waterworks Company (nerein-after called "the said Company") of the one part, and the Mayor, Aldermen, and Burgesses of the borough of Clitheroe, as and constituting the Urban Sanitary Authority for the said borough (herein-after called "the said Authority") of the other part, whereby it is agreed as follows:

The said Company, in consideration of the annuities, and of the sum of four thousand pounds herein-after agreed to be paid by the said Authority, agree to sell, and the said Authority to purchase, all the waterworks, property, lands, rights, powers, privileges, easements, plant, stock, and effects of the said Company, whether vested in or held in trust for the said Company, with the incidents and appurtenances thereto respectively belonging, in as full, ample, and beneficial a manner as the said Company now can or ought to hold, possess, exercise, and enjoy the same, subject to all rents payable from or by the said Company, and the covenants and agreements affecting the same,

A.D. 1878.

except in respect of loans and debts, such sale to take effect as from the twenty-fifth of March one thousand eight hundred and seventy-seven, and on the terms and conditions following:

The said Authority to pay to the said Company the sum of four thousand pounds by way of bonus, in satisfaction of back dividends, for the holders of the original shares in the said Company, on the completion of the transfer of the said undertaking, and also to legally and effectually secure to the persons who shall be shareholders in the said Company on the said twenty-fifth of March, their executors, administrators, and assigns, perpetual annuities of ten pounds per cent. per annum on the amount of the share capital of the said Company respectively held by them, both old and new shares, such annuities to be secured with all usual powers, in case of being in arrear, on the works, property, and privileges of the said Company, and also on the general district rates made by the said Authority within their district, and to be payable in equal portions half-yearly on the twenty-fifth day of March and the twenty-fifth of September in every year, or within twenty-one days thereafter respectively, the first payment to be made on the twenty-fifth day of September one thousand eight hundred and seventy-eight, and to be free from all deductions except property tax.

The said Company to pay all its loans and debts, and all rents, rates and taxes, and working expenses, up to the said twenty-fifth of March, and to retain for its own benefit all water rents and arrears thereof up to that time, as well as its reserve fund.

The stock of pipes and other loose materials which may be on hand on the said twenty-fifth of March, as per book produced and appearing in the last balance sheet at one hundred and thirty-nine pounds one penny, to be handed over to the said Authority gratis.

All expenses of the transfer to be paid by the said Authority.

No abstract of title to be required by the said Authority, but on the completion of the transfer all deeds, books, and documents to be delivered to the said Authority.

Until the completion of the said transfer all water rents accruing from the said twenty-fifth of March to be paid to a joint account, at the Craven Bank, Clitheroe, of the said Company and the said Authority; and all payments made therefrom to be by cheque, signed by the chairman of the said Company and the Water Committee of the said Authority; but the works to be managed by the said Authority from the said twenty-fifth of March.

In the event of nonpayment of the four thousand pounds on the twenty-fifth of March, the same shall bear interest at the rate of four and a half per cent. until payment.

As witness the common seal of the said Authority, and of the hands of the directors of the said Company and its common seal, the day and year first above written.

JOHN MITCHELL, Mayor.

W. B. DEWHURST, Chairman of the Company.

## THE THIRD SCHEDULE.

A.D. 1878.

FORM OF DEED OF CONVEYANCE OF UNDERTAKING OF COMPANY  
TO CORPORATION.

In pursuance of and subject to the provisions of the Clitheroe Corporation Act, 1878, and in consideration of pounds, and of perpetual annuities amounting in the aggregate to the sum of pounds, to be paid by the Mayor, Aldermen, and Burgesses of the borough of Clitheroe, in the county of Lancaster [herein-after called "the Corporation"], the Clitheroe Gas Company [or the Clitheroe Waterworks Company] do hereby convey and assign their undertaking unto the Corporation, to hold the same unto them, their successors and assigns, subject to all rents payable from or by the Company, and the covenants and agreements affecting the same, and the Corporation do hereby accept the same accordingly.

In witness whereof the parties hereto have set their respective common seal this day of one thousand eight hundred and seventy-

## THE FOURTH SCHEDULE.

## FORM OF CERTIFICATE OF ANNUITY.

CLITHEROE CORPORATION GAS [or WATERWORKS] ANNUITIES,  
CLASS No.

BY virtue of the Clitheroe Corporation Act, 1878, the Mayor, Aldermen, and Burgesses of the borough of Clitheroe, in the county of Lancaster, herein-after called the Corporation, do hereby certify that of is, under and subject to the provisions of that Act, entitled to a perpetual annuity of pounds shillings pence (or perpetual annuities amounting in the aggregate to pounds shillings pence), charged on and issuing out of the revenues of the gas [or water] undertaking of the Corporation, and on and out of the district fund and general district rate for the time being of and in the borough of Clitheroe, which annuity [or annuities] is [or are] payable to the said his executors, administrators, or assigns, clear of all deductions (except for income tax), at the Town Hall in the said borough, by equal half-yearly payments on the day of and the day of in each year.

Given under the common seal of the Mayor, Aldermen, and Burgesses of the borough of Clitheroe, in the county of Lancaster, this day of in the year of our Lord one thousand eight hundred and

Entered,

(L.S.)

Town Clerk.

Borough Treasurer.

A.D. 1878.

**THE FIFTH SCHEDULE.**

**FORM OF TRANSFER OF ANNUITY.**

I \_\_\_\_\_ of \_\_\_\_\_, in consideration  
of the sum of \_\_\_\_\_ pounds paid to me by  
of \_\_\_\_\_, do hereby transfer to  
annuity of \_\_\_\_\_ (herein-after called "the transferee") a perpetual  
aggregate to \_\_\_\_\_ pounds [*or* perpetual annuities amounting in the  
Act, 1878, 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 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 \_\_\_\_\_  
in the year of our Lord one thousand eight hundred and \_\_\_\_\_

(L.S.)  
(L.S.)

**THE SIXTH SCHEDULE.**

**GAS LANDS.**

All those three pieces or parcels of land adjoining each other, situate at Back Commons, within the borough of Clitheroe, in the county of Lancaster, which said pieces, taken as a whole, are bounded on or towards the north by lands belonging, or reputed to belong, to Le Gendre Nicholas Starkie and to the Incumbent of St. Mary's Chapelry, Clitheroe; on or towards the east by lands belonging, or reputed to belong, to the Lancashire and Yorkshire Railway Company; on or towards the south partly by cottages belonging, or reputed to belong, to William Miles and others, and partly by an occupation road called Back Commons Road; and on or towards the west by lands and premises belonging, or reputed to belong, to Abraham Lang and Ralph John Aspinall, and containing in the whole three acres three roods and twenty-one perches, in statute measure, or thereabouts.

**THE SEVENTH SCHEDULE.**

**DESCRIPTION OF LANDS FOR CATTLE MARKET.**

All those pieces or parcels of land situate in the township of Clitheroe, and parish of Whalley, and borough of Clitheroe, in the county palatine of

Lancaster, which pieces or parcels of land are bounded on or towards the east partly by the backs of the houses, shops, buildings, yards, or gardens, forming the west side of Castle Street, partly by a portion of the garden belonging to Eastham House, partly by a yard belonging to a public-house called the "New Inn," and partly by a portion of a garden in the occupation of John Robinson; on the west partly by land belonging, or reputed to belong, to Daniel Thwaites, and partly by land belonging, or reputed to belong, to the Lancashire and Yorkshire Railway Company; and on the north partly by buildings, lands, and premises occupied by Mr. John Forrest, Messrs. Porter and Robinson, Mr. Henry Parkinson, Mr. William Hodgkinson, Mr. Leonard Whalley, Miss Henrietta Garnett, the County Constabulary, and Mr. John Kendal; and on the south by lands and premises occupied by Mr. George Dunderdale, Mr. William Embley, Mr. William Pinkerton, Mr. Latham, Mr. Joseph Carr, and Mr. James Heaton, and containing in the whole about ten thousand seven hundred and ninety square yards.

## THE EIGHTH SCHEDULE.

### MARKET TOLLS.

	£	s.	d.
For each horse, pony, bull, bullock, cow, or other beast or animal offered for sale by auction, and whether sold or not	0	1	0
For every other horse, pony, or foal for sale or exhibition	0	0	6
For each ass or mule	0	0	2
For every bull, bullock, cow, steer, or heifer, whether tied or not, and if tied, including use of tie	0	0	6
For every calf	0	0	2
For sheep, rams, lambs, or goats, per score	0	1	4
For each sheep, ram, lamb, or goat, under a score	0	0	1
For each pig	0	0	2
For every stallion or entire horse brought into the market for sale or for show	0	2	0
And for every other animal not before named in this schedule brought into the market for sale or show	0	1	0
The above tolls, according to the respective classes thereof, to be payable for the respective subjects thereof for each day in which the same are respectively placed in the market, whether for sale or not.			
Each cart containing any animal for sale to be charged sixpence in addition to the toll for each animal therein as specified in this schedule.			
Each auctioneer to be charged as under for animals sold or offered for sale by auction by him in the market, over and above the tolls before mentioned, namely:—			
For every horse, foal, or pony	0	0	2
For every bull, cow, heifer, stirk, or steer	0	0	1

A.D. 1878.

	£	s.	d.
For every ass or mule - - - - -	0	0	1
For every calf, sheep, lamb, pig, or goat - - - - -	0	0	0½
For every other animal - - - - -	0	0	2

Provided that if the said charges for animals so sold or offered for sale by auction in the market by any auctioneer in any one day do not amount in the aggregate to one shilling, the said sum of one shilling shall be paid by him notwithstanding, in lieu of a charge per head for each animal so sold or offered for sale.

VEGETABLE AND OTHER STALLS.

To be paid by the occupier of every stall raised above the ground for the sale of vegetables, poultry, or other commodities, according to the size, dimensions, and position of the stall, namely, for every lineal foot of frontage thereof, and so in proportion for less than a foot—

	£	s.	d.
If let by the year, any yearly sum not exceeding - - - - -	1	0	0
If let by the half year, any half-yearly sum not exceeding - - - - -	0	12	0
If let by the quarter, any quarterly sum not exceeding - - - - -	0	7	6
If let by the week, any weekly sum not exceeding - - - - -	0	0	8
If otherwise let or occupied, for every market day or other lawful day, any daily sum not exceeding - - - - -	0	0	3

FOR SPACES USED FOR GENERAL MARKET PURPOSES.

GROUND SPACE.

To be paid by the occupier of every compartment or space on the surface of the ground, according to the area and position of the same, used or occupied for the sale of hay, straw, or other articles, for every superficial square foot or fraction of a superficial square foot thereof—

	£	s.	d.
If let by the year, any yearly sum not exceeding - - - - -	0	6	0
If let by the half year, any half-yearly sum not exceeding - - - - -	0	3	6
If let by the quarter, any quarterly sum not exceeding - - - - -	0	2	0
If let by the week, any weekly sum not exceeding - - - - -	0	0	3
If otherwise let or occupied, for every market day or other lawful day, any daily sum not exceeding - - - - -	0	0	2

For every superficial foot of ground used or occupied by persons for selling or offering for sale any cabbage or other plants, trees, or shrubs, or for any other purpose not herein-before provided for, for any space of time not exceeding one day - - - - -

0 0 1

GENERAL.

For articles carried about for sale, each person so carrying or selling	0	0	3
For every basket, hamper, or thing in the market, or place adjacent thereto, containing vegetables or fruit, for every foot in length, for each day - - - - -	0	0	1
For every sack or bag of vegetables or fruit placed in the market, or at any place adjacent thereto, for each day - - - - -	0	0	3
For articles not specifically charged, placed on a table or stand, the following sums; namely,			
For every square yard, or fraction of a square yard, for each day	0	0	6



For articles in a tub or cask, capable of containing not more than three bushels	£	s.	d.
	0	0	4
For articles in a tub or cask, containing more than three bushels	0	0	6
For articles of any description not herein-before charged, each article	0	0	2

## PLACES OF AMUSEMENT.

For every show, caravan, exhibition, booth, tent, theatre, swing, roundabout, rifle gallery, stall, stand, or other place or means of amusement or entertainment, such sum as the Corporation may determine, according to the nature of the exhibition, and the extent and position of the space occupied by it.

## TOLLS FOR WEIGHING GOODS, &amp;c.

For every quantity of anything weighed, not exceeding fifty-six pounds avoirdupois	£	s.	d.
	0	0	0½
For every quantity of anything weighing more than fifty-six pounds avoirdupois, and not exceeding one hundred and twelve pounds	0	0	1
For every one hundred and twelve pounds, or fractional part of one hundred and twelve pounds, over and above the first one hundred and twelve pounds	0	0	0½
For every ticket if demanded, denoting the weight of any goods weighed, each ticket	0	0	0½

## PUBLIC WEIGHING MACHINE.

## TOLLS FOR WEIGHING WAGGONS, CARTS, AND CARRIAGES.

For every cart, or other carriage, the loading whereof does not exceed three tons	0	0	2
For every cart, or other carriage, the loading whereof exceeds three tons but does not exceed four tons	0	0	4
For every cart, waggon, or other carriage, the loading whereof exceeds four tons	0	0	6

## THE NINTH SCHEDULE.

## DESCRIBING LANDS AND BUILDINGS OF WHICH PORTIONS ONLY MAY BE REQUIRED.

Township or Parish.	Numbers on deposited Plans.
Township of Clitheroe, in the Parish of Whalley.	7, 12, 13, 14, 15, 16, 17, 18, 19.

A.D. 1878.

THE TENTH SCHEDULE.

FORM OF CERTIFICATE OF DEBENTURE STOCK.

Certificate No. \_\_\_\_\_ Amount \_\_\_\_\_ pounds.  
 Register No. \_\_\_\_\_

This is to certify that \_\_\_\_\_ of  
 is registered in the books of the Mayor, Aldermen, and Burgesses of the borough  
 of Clitheroe, in the county of Lancaster, as the proprietor of  
 \_\_\_\_\_ pounds sterling Clitheroe Corporation debenture stock, created by virtue of the  
 Clitheroe Corporation Act, 1878, bearing interest at the rate of \_\_\_\_\_  
 per centum per annum, payable half-yearly on the \_\_\_\_\_ day of  
 \_\_\_\_\_ and the \_\_\_\_\_ day of  
 \_\_\_\_\_ in each year; the first payment to be made on the \_\_\_\_\_ day of  
 \_\_\_\_\_ next.

Given under the common seal of the Mayor, Aldermen, and Burgesses of  
 the borough of Clitheroe, in the county of \_\_\_\_\_, this  
 \_\_\_\_\_ day of \_\_\_\_\_

(L.S.)  
 Borough Treasurer.

Entered \_\_\_\_\_ A.D. one thousand eight hundred and \_\_\_\_\_  
 \_\_\_\_\_ Accountant.

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 Corporation.

THE ELEVENTH SCHEDULE.

FORM OF TRANSFER OF DEBENTURE STOCK.

I, \_\_\_\_\_ of \_\_\_\_\_, in consideration  
 of the sum of \_\_\_\_\_ pounds paid to me by  
 \_\_\_\_\_ of \_\_\_\_\_, do hereby transfer to \_\_\_\_\_ (herein-after  
 called the transferee) the sum of \_\_\_\_\_ pounds Clitheroe Corporation  
 debenture stock, 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 the 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 one thousand eight hundred and \_\_\_\_\_

(L.S.)  
 (L.S.)

THE TWELFTH SCHEDULE.  
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## FORM OF MORTGAGE.

## THE CLITHEROE CORPORATION ACT, 1878.

MORTGAGE, No.

Pounds

By virtue of the above-mentioned Act, and subject to the provisions thereof relating to priorities of charges and other things, the Mayor, Aldermen, and Burgesses of the borough of Clitheroe (herein-after called "the Corporation"), in consideration of \_\_\_\_\_ pounds paid to them by \_\_\_\_\_ of \_\_\_\_\_, grant to him, his executors, administrators, and assigns, the revenues of the gas [*or water*] [*or market*] undertaking of the Corporation, and the district fund and general district rate of the borough, 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 to be made at the office of the treasurer of the borough.

Given under the common seal of the said Mayor, Aldermen, and Burgesses this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

(L.S.)

