



CHAPTER lxxviii.

An Act to authorise the transfer of the undertaking of the Kendal Union Gas and Water Company to the Corporation of Kendal the construction of additional Waterworks and for other purposes. [20th July 1894] A.D. 1894.

WHEREAS the borough of Kendal in the county of Westmorland is a municipal borough under the government of the mayor aldermen and burgesses of the borough (in this Act called the Corporation) and the Corporation acting by the council are the urban sanitary authority for the district of the borough:

And whereas the Kendal Union Gas and Water Company (in this Act called the Company) were incorporated by the Kendal Union Gas and Water Act 1846 and empowered to supply with gas and water the districts included within the limits of that Act including the borough of Kendal:

And whereas the Company have borrowed and now owe upon mortgage of their undertaking the sum of five thousand three hundred and fifty pounds:

And whereas an agreement for the sale and transfer of the undertaking of the Company to the Corporation has been entered into and the same is set forth in the First Schedule to this Act and it is expedient that the said agreement should be confirmed and carried into effect:

And whereas the supply of water from the waterworks of the Company is inadequate to meet the existing and growing demands of the inhabitants within the limits of this Act and it is expedient that the Corporation should be empowered to construct the additional waterworks by this Act authorised:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas estimates have been prepared by the Corporation for the purchase of the undertaking of the Company the extension

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A.D. 1894. and improvement of the gasworks and waterworks and for the purchase of land for and the execution of the waterworks by this Act authorised and such estimates amount to the sum of one hundred and forty thousand pounds :

And whereas the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the council at a meeting held on the nineteenth day of December one thousand eight hundred and ninety-three after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the "Westmorland Gazette" a local newspaper published and 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 :

And whereas such resolution was published twice in the said "Westmorland Gazette" and has received the approval of the Local Government Board :

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

And whereas plans and sections describing the lines situations and levels of the waterworks authorised by this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of 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 of Westmorland and are in this Act respectively referred to as the deposited plans sections and book of reference :

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

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PART I.—PRELIMINARY.

A.D. 1894.

1. This Act may be cited as the *Kendal Corporation Gas and Water Act 1894*. Short title.

2. This Act is divided into parts as follows :—

Division
into parts.

Part I.—Preliminary.

Part II.—Transfer of undertaking.

Part III.—Gas.

Part IV.—Water.

Part V.—Financial.

Part VI.—Miscellaneous.

3. The provisions of Part III. and Part IV. of this Act shall not take effect until after the transfer of the undertaking of the Company to the Corporation. Parts III. and IV. not to take effect until transfer.

4. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely) :— Incorporation of Acts.

The Lands Clauses Acts ;

The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and section 38 relating to accounts) ;

The Waterworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except section 83 relating to accounts) but that Act shall be read and have effect as if the words “with the consent “ in writing of the owner or reputed owner of any such house “ or of the agent of such owner ” were omitted from section 44 and any rent for pipes and works paid by an occupier under that section may be deducted by him from any rent from time to time due from him to such owner ;

The Waterworks Clauses Act 1863 ;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but such provisions shall apply only to the reservoir by this Act authorised to be constructed :

The Gasworks Clauses Act 1871 (except section 7 relating to shareholders section 8 relating to the appointment of receiver

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A.D. 1894. and section 35 relating to accounts &c.) shall apply to the gas undertaking of the Corporation.

Interpreta-
tion of
terms.

5. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

The “undertakers” or the “company” means the Corporation ;

The “railway” means the reservoir by this Act authorised to be constructed ;

“Centre of the railway” means with respect to the reservoir by this Act authorised to be constructed the boundary of such reservoir :

And in this Act unless the context otherwise requires—

The “Corporation” means the mayor aldermen and burgesses of the borough of Kendal ;

The “borough” means the borough of Kendal ;

The “council” means the council of the borough ;

The “district fund” and “general district rate” mean respectively the district fund and the general district rate of the borough ;

The “Company” means the Kendal Union Gas and Water Company ;

The “Act of 1846” means the Kendal Union Gas and Water Act 1846 ;

The “scheduled agreement” means the agreement set forth in the First Schedule to this Act :

And the expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or the Acts 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.

Execution
of Act.

6. This Act shall be carried into execution by the Corporation acting by the council.

Limits of
Act.

7. The limits of this Act shall be the borough of Kendal and the township of Scalthwaiterigg Hay and Hutton-i'-th'-Hay in the county of Westmorland.

PART II.—TRANSFER OF UNDERTAKING.

Confirmation
of scheduled
agreement.

8. The scheduled agreement is hereby confirmed and made binding on the parties thereto and the same shall be carried into

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effect subject and according to the provisions of this Act and for that purpose the Corporation and the Company respectively are hereby authorised and empowered to do all things necessary and proper for giving full effect to the stipulations of the scheduled agreement with the lawful and reasonable incidents and consequences thereof.

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9. The purchase money to be paid under the scheduled agreement shall for the purposes of the Corporation be apportioned as follows (namely) Forty-eight thousand four hundred and forty-three pounds thereof shall be deemed to be paid in respect of the gas portion of the Company's undertaking and thirty-one thousand five hundred and fifty-seven pounds thereof shall be deemed to be paid in respect of the water portion of the Company's undertaking and all other sums to be paid by the Corporation to the Company or their mortgagees under the scheduled agreement or this Act shall for the purposes aforesaid be apportioned between the gas and water portions of the undertaking in the same proportion as the said purchase money.

Apportionment of purchase money between gas and water undertakings.

10.—(1.) The sale under the scheduled agreement shall be carried into effect by a deed duly stamped and truly stating the consideration (which deed may be in the form set forth in the Second Schedule to this Act or to the like effect with such variations and additions as the circumstances require) and on the execution of the deed by the Company the undertaking of the Company with their rights powers and privileges shall by virtue of the deed and of this Act become and shall thenceforth be transferred to and vested in the Corporation subject to the provisions of this Act and such transfer and vesting is in this Act referred to as "the transfer".

Transfer to be by deed.

(2.) The said deed shall within three months from its date be produced duly stamped to the Commissioners of Inland Revenue and in default of such production the ad valorem stamp duty with interest at the rate of five pounds per centum per annum from the date of the deed shall be recoverable from the Corporation with full costs of action and all costs and charges attending the same.

11. The mortgage debts of the Company amounting to five thousand three hundred and fifty pounds and the interest thereon shall after the transfer of the undertaking of the Company and until discharged be a first charge on the gas and water undertakings of the Corporation.

Mortgage debts of Company to be a charge on undertakings of Corporation.

12. If at the date of the transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the Company the same shall not

Pending actions &c. against the Company.

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Contracts of
Company to
be binding
on Corpora-
tion.

13. All agreements contracts conveyances deeds and other instruments affecting the Company and in force at the time of the transfer shall after the passing of this Act be as binding and of as full force and effect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the Company the Corporation had been a party thereto.

Receipt for
purchase-
money.

14. The receipt in writing of three directors of the Company for any money paid to the Company by the Corporation shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received and from being concerned to see to the application thereof and from being answerable or accountable for the loss misappropriation or non-application thereof Provided that if from any cause the Corporation are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Corporation by the cashier of the said bank for the money which shall have the same effect as the receipt of such three directors.

Application
of purchase
money.

15. The Company shall hold the purchase-money and all other sums of money paid to them by the Corporation under this Act in trust to pay apply and distribute the same according to the provisions of the scheduled agreement and for the purpose of such distribution the several persons whose names shall appear in the books of the Company at the date of the transfer to be the proprietors of shares or stock therein unless the contrary be proved to the satisfaction of the directors shall be considered to be shareholders or stockholders of the Company and the receipt in writing of such persons or of their executors or administrators or of the committee or guardian of the estate of any of such persons who shall be an idiot lunatic or minor shall be an effectual discharge to the Company and the directors thereof for the money therein expressed to be received and shall exonerate them from any obligation affecting the share stock or interest in respect whereof that money is paid.

Payment
into Court
by directors.

16. Where the directors of the Company are for six months after the transfer unable after diligent inquiry to ascertain the

person to whom any part of the purchase-money of the undertaking or other assets of the Company is payable or where any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given or on account of any other reasonable cause the directors may pay the same into the Supreme Court or if not exceeding five hundred pounds into the county court of Westmorland holden at Kendal under any Act for the time being in force for the relief of trustees and every such payment into Court shall conclusively discharge the Company and directors from all further liability with respect to the money so paid.

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17. So soon as conveniently may be after the transfer the affairs of the Company shall be wound up and for that purpose the directors of the Company then in office and the survivors of them shall continue in office without re-election and may and shall exercise all powers necessary for the declaration of the dividends amongst the shareholders of the Company in accordance with the terms of the scheduled agreement for payment of such dividends for the distribution of the purchase-money and all other sums of money paid to the Company by the Corporation and for winding up the affairs of the Company and when and so soon as such moneys have been distributed and their affairs have been wound up the Company shall be by virtue of this Act dissolved.

Winding
up and dis-
solution of
Company.

If the number of directors of the Company be reduced by death resignation or otherwise below three before the completion of such winding-up the continuing directors shall from time to time choose a shareholder or shareholders of the Company to fill the vacancy or vacancies so caused.

18. All debts rents charges and sums of money including the mortgage debts of the Company which at the time of transfer are due or owing to or from the Company shall be paid discharged settled and satisfied or received by the Corporation.

Company's
debts to be
paid and
received.

19. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the Company shall be admitted in evidence in respect of the same and the like matter for or against the Corporation.

Books &c.
to remain
evidence.

20. The Act of 1846 shall as from the day of the transfer be repealed except so far as may be necessary to give effect to the scheduled agreement and to the provisions of this Act and except the provisions of the said Act set forth in the Third Schedule to this Act which provisions shall apply and have effect as if the Corporation were therein referred to instead of the Company.

Repeal of
Act of 1846.

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Provision
for sale of
portion of
undertaking
to other
sanitary
authorities.

21. If at any time after the passing of this Act any sanitary authority whose district is beyond the borough but within the limits of this Act give not less than six months' notice in writing to the Corporation of their desire to purchase such portions of the gasworks or waterworks of the Corporation as are contained within the district of any such sanitary authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portions of the said gasworks or waterworks (except the works authorised to be made and maintained by the section of this Act with the marginal note "Construction of waterworks" and except the mains and pipes or other apparatus which shall be necessary for supplying with gas and water any other part of the limits of this Act) and to supply gas and water within such district then it shall not be lawful for the Corporation to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Corporation shall sell and such sanitary authority shall purchase the portions of the said gasworks or waterworks (except as aforesaid) within the district of such sanitary authority at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts and the Corporation shall apply the proceeds of any sale under this section in the same manner as they are required to apply money received from sales of land under this Act Provided that after the completion of such purchase all obligations on the part of the Corporation to supply gas or water as the case may be within such district shall cease and determine.

PART III.—GAS.

Powers as
to construc-
tion and
maintenance
of gasworks
&c.

22. Subject to the provisions of this Act the Corporation may from time to time maintain alter improve enlarge extend and renew or discontinue the existing gasworks upon the lands on which the same are erected or any part thereof and which are described in the Fourth Schedule to this Act and they may also erect lay down provide and from time to time maintain alter improve enlarge extend and renew or discontinue additional and other gasworks retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of this Act and may make store and supply gas accordingly and may manufacture sell provide supply and deal in

coke tar pitch asphaltum ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas and also meters fittings tubes pipes and other articles and things in any way connected with gasworks or with the supply of gas as they may from time to time think fit.

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23. The Corporation may take hold and use patent rights and licences or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture conversion utilization or distribution of gas and of the materials and residual products herein-before mentioned.

Power to hold licences under letters patent.

24. The Corporation may for the purposes of their gas undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the Fourth Schedule to this Act any lands and hereditaments not exceeding in the whole ten acres which the Corporation may from time to time require for the purposes of their gasworks and undertaking but the Corporation shall not create or permit a nuisance on any such lands and no lands shall be used by the Corporation for the purpose of manufacturing gas or residual products except the lands described in the Fourth Schedule to this Act.

Power to purchase lands by agreement for gas purposes. Gas not to be manufactured except on lands scheduled.

25. The Corporation may purchase provide supply sell let for hire and otherwise deal in and fix set up alter remove and re-fix gas meters and fittings gas engines stoves ranges pipes and other apparatus and appliances articles and things for lighting motive power the warming and ventilation of houses and buildings the cooking of food and for all other purposes for which gas can or may be used and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale supply letting fixing setting up altering or removing of such meters fittings engines stoves ranges pipes and other apparatus and appliances articles and things as aforesaid and for securing their safety and return to the Corporation as may be agreed upon between the Corporation and the person to or for whom the same are sold supplied let fixed set up altered or removed.

Power to supply gas apparatus engines &c. for heating motive and other purposes.

26. If a person requiring a supply of gas has previously quitted premises at which gas was supplied to him by the Corporation without paying all gas or meter rent due from him the Corporation may refuse to furnish to him a supply of gas until he pays the same.

Power to refuse to supply persons in debt for other property.

27. Twenty-four hours' notice in writing shall be given to the Corporation at their gas office by every gas consumer before he

Gas consumers to give notice.

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A.D. 1894. shall quit any premises supplied with gas by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises.

to Corporation before removing.

Power to lay pipes against buildings.

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

Limiting the price of gas.

29. The price to be charged by the Corporation for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed four shillings and sixpence per one thousand cubic feet.

Pressure of gas.

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

Quality of gas.

31. The prescribed number of candles shall be fifteen.

Testing place.

32. Within six months from the transfer a testing place shall be provided at some convenient part of the gasworks of the Corporation.

Burner.

33. The prescribed burner shall be Sugg's London argand burner number one with a six-inch by one-and-three-quarter inch glass chimney but if at any time and so long as the gas flame rises above the top of that glass a six-inch by two-inch chimney shall be

used or any other burner or chimney approved for this purpose by the Board of Trade. A.D. 1894.

34. If any person is required by the Corporation to give to them security for the payment of the price or rent of a gas meter the Corporation shall pay interest after the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. Corporation to pay interest on money deposited as security for gas meter &c.

35. The Corporation may from time to time enter into and carry into effect agreements with any local or sanitary authority of any district within or beyond the limits of this Act or any company authorised to supply gas under parliamentary authority within any such district for the supply by the Corporation to such local or sanitary authority or company respectively of gas in bulk or otherwise. Supply of gas in bulk.

PART IV.—WATER.

36. The Corporation may from time to time maintain renew extend and repair the reservoirs pumps wells mains pipes and other waterworks for the time being belonging to them by virtue of this Act or otherwise and may use and employ the same for the purpose of taking intercepting and impounding any water that can be thereby taken intercepted or impounded and may take any water which might have been taken intercepted or impounded by the Company if this Act had not been passed and may sell and supply water within the limits of this Act. Maintenance of waterworks.

37. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works following (that is to say):— Construction of waterworks.

(1.) A reservoir (to be called the Fisher Tarn Reservoir) situate in the township of Scalthwaiterigg Hay and Hutton-i'-th'-Hay to be formed by means of a dam across the streams forming the upper waters of the Beehive Beck;

(2.) An aqueduct line of pipes or intercepting drain (to be called Aqueduct No. 1) situate in the said township of Scalthwaiterigg Hay and Hutton-i'-th'-Hay commencing in the Fisher Tarn Reservoir and terminating in the field or enclosure numbered 150 on the $\frac{1}{2500}$ ordnance map of the parish of Kendal;

(3.) An aqueduct conduit or line of pipes (to be called Aqueduct No. 2) commencing in the Fisher Tarn Reservoir and terminating

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in the township of Kendal and Park and Castle Lands by a junction with the water main of the Company in the field numbered 136 on the said ordnance map ;

- (4.) An aqueduct conduit or line of pipes (to be called Aqueduct No. 3) situate in the said township of Kendal and Park and Castle Lands commencing by a junction with Aqueduct No. 2 in the field numbered 307 on the said ordnance map and terminating in the upper reservoir of the Company :

together with all necessary or proper embankments dams bywashes culverts tunnels cuts shafts bridges communications roads approaches drains outfalls overflows sluices filter-beds engines pumps conduits catch-waters weirs tanks pipes junctions valves meters telegraphs telephones and other means of electric communication houses buildings and other apparatus and conveniences connected with or ancillary to the said works or any of them or necessary or proper for inspecting maintaining repairing cleansing using and managing the same :

Provided that any telegraphs telephones and other means of electric communication constructed and maintained under the authority of this Act shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Power to
take lands
and waters.

38. Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Act and may for the purpose of their waterworks collect impound take use get and appropriate the waters of all springs and streams which can or may be intercepted collected or impounded by the Fisher Tarn Reservoir and Aqueduct No. 1 and all springs and streams which arise or flow in or through the site of the said reservoir and all waters other than streams found in on or under any of the lands acquired by the Corporation.

Power to
deviate.

39. In constructing the works by this Act authorised or any of them the Corporation may deviate from the lines thereof to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and may also deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and seven feet downwards Provided that if it be found necessary or expedient in the construction of the Fisher Tarn Reservoir to alter the situation of the dam thereof the Corporation shall not construct such dam of a greater maximum height above the general surface of the ground than three feet above the maximum height thereof shown on the deposited sections.

40. With respect to the water to be taken and the compensation water to be afforded by the Corporation the following provisions shall have effect (that is to say):—

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—
Compensation
water.

- (1.) As full compensation to all persons for taking diverting and appropriating the waters which are by this Act authorised to be taken the Corporation shall so long as they store water in the Fisher Tarn Reservoir cause to be discharged from that reservoir or otherwise cause or permit to flow through or over the gauge to be provided as herein-after mentioned into the Beehive Beck not less than sixty thousand gallons of water per day of twenty-four hours in a regular and continuous flow :
- (2.) The Corporation shall erect and construct and for ever after maintain within one hundred yards of the dam of the Fisher Tarn Reservoir a sufficient gauge for measuring the quantity of water to be discharged or to flow as aforesaid and such gauge shall be open to the inspection and examination of the several persons for the time being interested in the water so to be discharged or to flow through or over the same :
- (3.) If at any time any such gauge be out of repair or in an unfit condition for the purpose for which it is intended the Corporation shall forthwith put the same in a fit repair and condition and if they fail to do so within fourteen days after notice in writing given them in that behalf by or on behalf of any person interested in the water so to be discharged or to flow through or over the same such person may cause the same to be put in proper repair and condition and recover the reasonable costs thereof with full costs of suit in any court of competent jurisdiction :
- (4.) In case the Corporation omit or fail to discharge or cause to flow the quantity of water by this Act required to flow or be discharged over or through the said gauge the Corporation shall for every day on which such failure shall occur forfeit and pay by way of penalty a sum not exceeding five pounds to the occupiers of any mills or works on the course of the stream along which such quantity of water ought to have flowed or been discharged who may have sustained loss by any such omission or failure or to the Board of Conservators of the Kent Bela Winster Leven and Duddon Fishery District the same to be recoverable summarily but in the case of the said board of conservators only with the sanction and under the direction of the Board of Trade :
- (5.) This section shall not prejudice the rights of the owner or owners for the time being of the Singleton Park and Hill Top Estates or the occupiers of any mills or works thereon.

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Time for
completion
of works.

41. If the waterworks by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed.

Period for
compulsory
purchase of
lands.

42. The powers of the Corporation for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act.

Power to
take addi-
tional lands
by agree-
ment.

43. The Corporation may from time to time for any of the purposes of their water undertaking purchase by agreement any lands not exceeding twenty acres in addition to the lands which they are authorised by this Act to take by compulsion but the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands or use such lands for any building except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

Power to
take ease-
ments &c.
by agree-
ment.

44. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Reservation
of water
rights &c.
on sale.

45. The Corporation on selling any lands acquired for or in connexion with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Power to
hold lands
for protec-
tion of
works.

46. The Corporation may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of preventing the fouling of the water of any stream flowing into any of their waterworks or for the protection of their waterworks against nuisances encroachment or injury and so long

as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Corporation shall not erect any buildings upon the lands while so held by them except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

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47. The following provisions for the protection of the London and North Western Railway Company (herein-after called the Company) shall be in force and have effect and be binding on the Corporation and their assigns:—

For the protection of the London and North Western Railway Company.

In laying down and executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways or canal now or hereafter belonging to the Company or the bridges approaches viaducts or level crossings of or repairable by the Company the same shall (except in cases of emergency) be done under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer of the Company and only according to plans and sections submitted to and in such manner as shall previously be reasonably approved of by him (or in case of difference by the arbitrator to be appointed as herein-after provided) and in all things by and at the expense of the Corporation who also shall restore and make good the roads over any such bridges level crossings and approaches which the Company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Corporation and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways canal bridges level crossings approaches or viaducts or interruption to the passage or conduct of the traffic over such railways or canal or at any station thereon And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any railway canal siding bridge or level crossing the Corporation shall make compensation in respect thereof to the Company the amount of such compensation together with full costs to be recoverable from the Corporation by all and the same means as any simple contract debt is recoverable:

Any difference which may arise between the Corporation and the Company touching any of the matters referred to in this

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section shall be decided by an arbitrator to be appointed on the application of either party by the Local Government Board.

For protec-
tion of
William
Edward
Maude and
Tobias
Hutchinson.

48. For the protection of William Edward Maude or other the owner for the time being of the lands numbered 19 20 21 22 23 and 26 on the deposited plans and for the protection of Tobias Hutchinson or other the owner for the time being of the lands numbered 7 on the deposited plans (all of whom are in this section included in the expression "the owners") the following provisions shall unless otherwise agreed between the owners and the Corporation have effect (that is to say):—

(1.) The Corporation shall not under the provisions of this Act except by agreement purchase and take the above-mentioned lands but the Corporation may acquire and the owners shall sell and grant to the Corporation such easements or rights in such lands as shall be necessary for the purpose of constructing laying down enlarging renewing maintaining cleansing repairing and affording access to the aqueducts conduits or lines of pipes by this Act authorised (herein-after called the said aqueducts) and the works ancillary thereto Provided that the Corporation may purchase and take such of the said lands as they shall require for the purposes of filter beds and of depositing spoil and that the provisions of this section shall not apply to any lands required for those purposes :

(2.) The Corporation shall pay compensation to the owners for taking away diverting and appropriating under the powers of this Act any water which arises or flows in or through the said lands and for the easements or rights of laying the said aqueducts therein and for the land to be taken by the Corporation for the purposes of filter beds and of depositing spoil such compensation failing agreement to be settled between the parties in the manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement and the easements or rights so to be acquired shall be deemed to be lands so far as respects the proceedings for the acquisition thereof and also for the purposes of any arbitration or the summoning of a jury :

(3.) The Corporation shall not be entitled unless required to do so by the owners as herein-after provided to fence off or sever the portion of the said lands in respect of which they acquire any easements or rights from the adjoining lands of the owners but the Corporation shall if required by the owners fence off or sever to the reasonable satisfaction of the owners

such portion of the said lands from the adjoining lands of the owners : A.D. 1894.

- (4.) Unless the Corporation are required under the last preceding sub-section to fence off or sever the lands in respect of which they acquire any easements or rights the owners and their lessees and tenants for the time being shall at all times after the completion of the works have the right to use and cultivate the said lands and to pass over the same for all purposes of or connected with the use cultivation and enjoyment of the adjoining lands as if such easements or rights had not been acquired and such lands had not been used by the Corporation Provided that they do not injure or endanger the works of the Corporation or interfere with their user or maintenance or with the access thereto :
- (5.) The Corporation shall if and when required by the owners erect and for ever after maintain proper gates or stiles at the respective points where the said aqueducts shall cross any fences or other divisions of the said lands :
- (6.) The Corporation shall to the reasonable satisfaction of the owners restore and make good the surface of the portion of the said lands in or under which the said aqueducts are constructed laid down or placed and if the Corporation interfere with any drains in or under such lands they shall before such interference make new drains in lieu of and of equal capacity to the drains so interfered with with all proper and necessary outfalls or other works for the discharge of the drainage :
- (7.) The Corporation shall as soon as conveniently may be after they shall have commenced to supply water from the Fisher Tarn Reservoir construct and place a stone drinking trough not less than 6 feet long in each of the fields numbered 136 141 143 307 308 309 310 and 211 on the $\frac{1}{2500}$ ordnance map of the parish of Kendal for the accommodation of the tenants of such fields respectively and the Corporation shall supply the said troughs with a continuous supply of water for the purpose of watering the cattle of such tenants respectively free of charge :
- (8.) The Corporation will pay to the tenants of the said lands prejudicially affected by the works of the Corporation compensation for any damage to their crops cattle or fences by the execution carrying out repairing or maintaining the works by this Act authorised or any of them such compen-

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sation in case of difference to be settled in manner aforesaid :

- (9.) Any difference which may arise between the owners their lessees or tenants and the Corporation under this section shall be settled by arbitration.

Provisions
for protec-
tion of
Corpora-
tion of
Manchester.

49. For the protection of the mayor aldermen and citizens of the city of Manchester in the county of Lancaster (herein-after called the Manchester Corporation) the following provisions shall have effect (that is to say) : —

- (1.) Prior to the execution of any works by this Act authorised within the limits of the fields in the township of Kendal and Park and Castle Lands in the parish of Kendal in the county of Westmorland in which the Manchester Corporation have constructed the aqueduct and works authorised by the Manchester Corporation Waterworks Act 1879 the Corporation shall give one month's notice in writing to the town clerk of the city of Manchester and all works executed within such limits shall be executed under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the Manchester Corporation :
- (2.) In the execution and maintenance within the limits aforesaid of the works by this Act authorised those works shall be so constructed and maintained as not to interfere with the aqueduct of the Manchester Corporation authorised by the Manchester Corporation Waterworks Act 1879 and so that the works shall be self-supporting and independent of the said aqueduct of the Manchester Corporation The said works shall be executed according to plans sections and drawings previously submitted to and approved in writing by the engineer of the Manchester Corporation or in case of difference in respect thereof according to such plans sections and drawings as shall be determined by the arbitrator to be appointed as in this section provided :
- (3.) If by reason of the execution of the works by this Act authorised the aqueduct or any water main pipe conduit or work of the Manchester Corporation be injured or any additional or increased length of main pipe or conduit become requisite the Manchester Corporation at the expense of the Corporation in all things may make such repairs connexions and additions as may be required Provided that if the Manchester Corporation neglect after reasonable notice to make the same they may be made by the Corporation :

A.D. 1894.

(4.) If by reason of the execution of any of the works by this Act authorised any interruption be occasioned to the supply of water by the Manchester Corporation the Corporation shall forfeit and pay to the Manchester Corporation the sum of fifty pounds for every day during which such interruption shall continue and the Manchester Corporation may recover the same with full costs of suit in any court of competent jurisdiction :

(5.) The Corporation shall not under the section of this Act the marginal note whereof is "Supply of water in bulk" except with the consent of the Manchester Corporation under their corporate seal either directly or indirectly supply water for any purpose to any township or place which is entitled to demand or agree for a supply of water from the Manchester Corporation under the provisions of the eighty-first and eighty-second sections of the Manchester Corporation Waterworks Act 1879 Provided that the Corporation may without such consent supply the whole of the district of the Kendal union rural sanitary authority except so much thereof as lies north-west of a straight line drawn from the point where the road from Shap to Kendal enters the said district to the point where the road from Kendal to Ulverston leaves the said district near to Bowland Bridge and except so much of the said district as lies to the east of the London and North Western Railway from Lancaster to Carlisle and south of a straight line drawn in an easterly direction from the Arnside Station of the Furness Railway and passing through the Church at Barbon :

(6.) If any difference arise between the Manchester Corporation and the Corporation touching this section or anything to be done or not to be done or any money other than a penalty to be paid thereunder such difference shall be determined by an arbitrator to be agreed upon between the parties or in default of agreement to be appointed (on the application of either of the parties) by the President for the time being of the Institution of Civil Engineers :

(7.) Except so far as may be necessary in exercising the powers of this Act subject to and in accordance with the provisions of this section nothing in this Act contained shall prejudice or affect any powers rights or privileges of the Manchester Corporation under the Manchester Corporation Waterworks Act 1879 or any conveyances or grants of easement made in pursuance of that Act.

50. The water supplied by the Corporation need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the existing reservoirs of the Company. Limit of pressure.

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Rates for
supply of
water for
domestic
purposes.

51. The Corporation shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum herein-after specified (that is to say):—

Where the rateable value of the premises so supplied with water does not exceed five pounds the sum of eight shillings and eight pence ;

Where such rateable value exceeds five pounds and does not exceed twenty pounds the rate of eight pounds per centum upon such rateable value ;

Where such rateable value exceeds twenty pounds and does not exceed forty pounds the rate of seven pounds ten shillings per centum upon such rateable value ;

Where such rateable value exceeds forty pounds and does not exceed sixty pounds the rate of seven pounds per centum upon such rateable value ;

Where such rateable value exceeds sixty pounds and does not exceed eighty pounds the rate of six pounds ten shillings per centum upon such rateable value ;

Where such rateable value exceeds eighty pounds the rate of six pounds per centum upon such rateable value ;

And so in proportion for any shorter period in each case :

Provided that the Corporation shall in no case be entitled to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just such higher rateable value as would bring it within another division of the said scale :

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor. Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by two justices.

Rates for
water-
closets and
baths.

52. In addition to the foregoing charges the Corporation may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of this Act a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum

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not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Corporation may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate. A.D. 1894.

53. The Corporation shall not be compelled to supply with water any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the contamination of the water of the Corporation nor any bath which shall be capable of containing when filled for use more than fifty gallons of water. Corporation not to be compelled to supply certain closets or baths.

54. If any water consumer leave the premises to which water has been supplied without paying to the Corporation the water rate or charges due from him the Corporation shall not require from the next tenant of the premises payment of the arrears so left unpaid by the defaulting consumer unless the incoming tenant shall have agreed with the Corporation or with the defaulting consumer to pay the arrears but the Corporation shall supply water to the incoming tenant upon the terms and conditions prescribed by this Act if required by him so to do. Incoming tenant not to be liable for arrears of water rate except by agreement.

55. Where the rateable value of a house supplied with water does not exceed eight pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall pay the rate for the supply but the rate may be recovered in the first instance from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to a notice to pay the rate being given to him or left at his dwelling-house. Rate payable by owners for small houses.

56. The Corporation shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required. Supply to houses partly used for trade &c.

57. For preventing waste misuse undue consumption or contamination of the water of the Corporation the following provisions shall have effect (that is to say):— Regulations for preventing waste &c. of water.

- (1.) The Corporation may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations

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prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination :

- (2.) Such regulations shall apply only in the case of premises to which the Corporation are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and shall not take effect unless and until they shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same :
- (3.) A copy of all such regulations in force for the time being shall be kept at the office of the Corporation and all persons may at all reasonable times inspect such copy without payment and the Corporation shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy :
- (4.) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Corporation and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof :
- (5.) In case of failure of any person to observe such regulations as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable :
- (6.) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for

the protection of the Corporation or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day whereon such offence shall occur after conviction thereof and the Corporation may in addition thereto recover the amount of any damages sustained by them.

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58. The Corporation may supply water for other than domestic purposes on such terms and conditions as the Corporation think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as rates due to the Corporation for water. Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Supply of water for other than domestic purposes and by measure.

59. The Corporation may from time to time sell and dispose of meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit and may let for hire any meters for ascertaining the quantity of water consumed or supplied and any water fittings for such remuneration in money and on such terms and conditions with respect to the repair maintaining and protection of such meters and fittings and for securing safe access to and the safety and return to the Corporation of such meters and fittings as may from time to time be agreed upon between the hirer and the Corporation and the rent of meters let for hire shall be recoverable in the same manner as rates due to the Corporation for water.

Power to sell or let meters.

60. Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice to Corporation of connecting or disconnecting meters.

61. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Corporation. Provided that if the Corporation and the person to whom

Register of meter to be primâ facie evidence.

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A.D. 1894. — the water is supplied differ as to the quantity consumed, such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Injuring
meters &c.

62. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation or the punishment of the offender) for every such offence forfeit and pay to the Corporation a sum not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may also until the matter complained of has been remedied but no longer discontinue the supply of water to the person so offending (notwithstanding any contract previously existing) and the existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Power to
Corporation
to supply
materials.

63. The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter any such pipes valves cocks cisterns baths meters soil-pans waterclosets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Corporation in providing such materials and executing such work shall be paid by the person requiring the same.

64. In all cases in which any premises which shall have been supplied with water by the Corporation shall have become unoccupied the Corporation their agents and workmen (after giving notice as hereafter provided) may enter into any such premises between the hours of nine of the clock in the forenoon and four of the clock in the afternoon for the purpose of cutting off any pipes by which the water of the Corporation shall be conveyed to such premises and may remove any pipe meter fittings and apparatus the property of the Corporation.

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Entry on premises to cut off pipes after notice given.

65. The notice to be given by the Corporation previously to making any entry authorised by this Act shall be in writing and shall be given or served in manner following (that is to say):—

Notice before entry.

If such premises be occupied then by leaving the notice thereat or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry ;

If such premises be unoccupied and the owner thereof and his usual place of abode be in Great Britain and be known to the Corporation then by delivering the notice to such owner or by leaving the same at his usual place of abode twenty-four hours or by sending the same by post in a registered letter addressed to him at his usual place of abode forty-eight hours at least previously to such entry ;

If such premises be unoccupied and the owner thereof or his usual place of abode be not in Great Britain or be not known to the Corporation after due inquiry then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry :

And for the purposes of this section any person receiving the rack rents of any such premises either on his account or as agent for any other person shall be deemed the owner of such premises.

66. The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Corporation not bound to supply several houses by one pipe.

67. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at the office of the Corporation.

Notice of discontinuance.

68. Where several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they

Where several houses supplied by one pipe each to pay.

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A.D. 1894. — would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Corporation by a distinct pipe. Provided that the Corporation shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

Misuser where supply to several houses is by a pipe common to all.

69. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Corporation to any other such house or tenement or allows the same to be taken or used contrary to the provisions of this Act shall for every such offence be liable to a penalty not exceeding five pounds.

Several sums in one summons.

70. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in the schedule thereto several sums.

Warrant of distress to include costs.

71. Any court of summary jurisdiction which issues a warrant of distress in pursuance of the provisions of this Act may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by such court and shall be included in the warrant of distress for the recovery of such money.

Liability to water rate not to disqualify justices &c. from acting.

72. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rate or other charge under this Act.

Supply of water in bulk.

73. The Corporation may from time to time enter into and carry into effect agreements with any local or sanitary authority of any district within or beyond the limits of this Act or any company authorised to supply water under Parliamentary authority within any such district for the supply by the Corporation to such local or sanitary authority or company respectively of water in bulk or otherwise for any purposes and for any period. Provided that it shall not be lawful for the Corporation to supply water under any such agreement as aforesaid beyond the limits of this Act if and so long as such supply shall interfere with the continuing supply of water for domestic purposes within those limits.

PART V.—FINANCIAL.

Power to borrow.

74.—(1.) The Corporation may from time to time independently of any other borrowing power borrow at interest any sum or sums of

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money for the purposes herein-after mentioned not exceeding the respective amounts (if any specified) following (that is to say):— A.D. 1894.

- (1.) For the purchase of the undertaking of the Company and defraying the costs and expenses incident to such purchase and to the transfer of such undertaking to the Corporation (other than the costs of this Act) for the payment of the mortgage and other debts of the Company and for the payment of any sum payable by the Corporation to the Company under the provisions of the scheduled agreement or this Act the sum of ninety thousand two hundred pounds :
- (2.) For the extension and improvement of the gasworks of the Corporation the sum of twenty-one thousand pounds :
- (3.) For the purchase of land for and the execution of the waterworks authorised by this Act and the adaptation extension and improvement of the waterworks purchased by the Corporation under the provisions of this Act the sum of twenty-eight thousand eight hundred pounds :
- (4.) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose :

And with the approval of the Local Government Board such further moneys as the Corporation may require for any of the purposes of this Act or otherwise in relation to the gas or water undertakings of the Corporation.

(2.) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge the district fund and general district rate of the borough and in addition thereto they may mortgage or charge as regards the purposes (1) the revenue of the gas and water undertakings of the Corporation as regards the purposes (2) the revenue of their gas undertaking and as regards the purposes (3) the revenue of their water undertaking.

75.—(1.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

Inquiries
by Local
Government
Board.

(2.) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that

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A.D. 1894. Board not exceeding three guineas a day for the services of such inspector.

Mode of raising money.

76. The Corporation may raise all or any moneys which they are authorised to borrow under this Act either by mortgage or by issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another.

Certain regulations of Public Health Act as to borrowing not to apply.

77. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Provisions of Public Health Act as to mortgages to apply.

78. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

Section 236.—Form of mortgage ;

Section 237.—Register of mortgages ;

Section 238.—Transfer of mortgages ;

Section 239.—Receiver may be appointed in certain cases.

Periods for payment off of money borrowed.

79. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as the prescribed periods) following (that is to say) :—

As to moneys borrowed for the purposes (1) (2) and (3) herein-before mentioned within the limits there prescribed within fifty years from the date or dates of the borrowing of the same ;

As to moneys borrowed for the purpose (4) herein-before mentioned within ten years from the date or dates of the borrowing of the same ;

As to moneys borrowed with the approval of the Local Government Board within such period as they may think fit to sanction.

Mode of payment off of money borrowed.

80.—(1.) The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of sinking funds or partly by such instalments and partly by sinking funds and the payment of the first instalment or the first payment to the sinking fund shall be made prior to the twenty-fifth day of March next following the time of borrowing the sum in respect of which the payment is made.

(2.) The following provisions shall apply in regard to any sinking fund to be formed under this Act :—

- (A) The Corporation in every year shall appropriate and set apart out of the funds rates and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum be sufficient to pay off the principal moneys borrowed (so far as the same are repayable by means of a sinking fund) within the prescribed period: A.D. 1894.
- (B) The yearly sums so appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any security in which trustees are by law authorised to invest or in mortgages debentures debenture stock or other securities issued by any local authority as defined in section 34 of the Local Loans Act 1875 (other than securities of the Corporation and securities transferable by delivery) and if and as often as the rate of interest by investment is not equal to the prescribed rate of accumulation any deficiency arising thereby shall be made good out of the respective funds or rates which are liable to contribute to the sinking fund:
- (C) The Corporation may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of such borrowed moneys are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the equal annual payments to the sinking funds are based:
- (D) Whenever and so long as the yearly income arising from the sinking fund would if the sinking fund were invested at the same rate of interest as is payable on the borrowed moneys then outstanding be equal to the annual interest of such borrowed moneys the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be so paid thereto.

81. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the Power to re-borrow.

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A.D. 1894. proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Protection
of lender
from inquiry.

82. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

Application
of money
borrowed.

83. Moneys borrowed or raised by the Corporation under this Act shall be applied only to the several purposes in respect of which they were respectively authorised to be borrowed or raised and to which capital is properly applicable.

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

84. The town clerk 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 any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may

by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

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85. Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the Corporation subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property.

Saving for existing charges.

86. The Corporation shall keep separate accounts of their receipts and expenditure for gasworks and waterworks purposes respectively on capital and revenue account and they may apportion between those accounts any expenditure incurred for purposes common to both.

Separate accounts of gas and water undertakings.

87. The Corporation shall apply all money from time to time received by them in respect of their gas undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say):—

Application of gas revenue.

First.—In payment of the working and establishment expenses and cost of maintenance of their gas undertaking ;

Secondly.—In payment of the interest on the amount of the mortgage debts of the Company apportioned to the gas undertaking until redemption ;

Thirdly.—In payment of the interest on moneys borrowed by the Corporation under this Act for the purposes of their gas undertaking ;

Fourthly.—In providing the requisite instalments or sinking funds under this Act in respect of moneys borrowed for the purposes of their gas undertaking ;

Fifthly.—In providing a reserve fund for their gas undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in Government securities or any securities in which trustees are or may be authorised to invest trust moneys (except securities of the Corporation and securities transferable

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by delivery) and accumulating the same at compound interest until the fund so formed amounts to five thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their gas undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of five thousand pounds and so from time to time as often as such reduction happens :

And the Corporation shall carry to the district fund so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on their gas undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when such fund amounts to five thousand pounds.

Application
of water
revenue.

88. The Corporation shall apply all money from time to time received by them in respect of their water undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say) :—

First.—In payment of the working and establishment expenses and cost of maintenance of their water undertaking ;

Secondly.—In payment of the interest on the amount of the mortgage debts of the Company apportioned to the water undertaking until redemption ;

Thirdly.—In payment of the interest on moneys borrowed by the Corporation under this Act for the purposes of their water undertaking ;

Fourthly.—In providing the requisite instalments or sinking funds under this Act in respect of moneys borrowed for the purposes of their water undertaking ;

Fifthly.—In providing a reserve fund for their water undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in Government securities or any securities in which trustees are or may be authorised to invest trust moneys (except securities of the Corporation and securities transferable by delivery) and accumulating the same at compound interest until the fund so formed amounts to five thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their water undertaking or to

meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of five thousand pounds and so from time to time as often as such reduction happens : A.D. 1894.

And the Corporation shall carry to the district fund so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on their water undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when such fund amounts to five thousand pounds.

89. Any deficiency in the revenues or receipts of the Corporation on account of their gas undertaking or water undertaking shall be from time to time made good out of the general district rate in such manner as the Corporation may from time to time determine. As to deficiency in receipts.

PART VI.—MISCELLANEOUS.

90. Where any summons demand or other document (except a conveyance contract or security) under this Act requires authentication by the Corporation the signature thereof by their town clerk shall be a sufficient authentication. Authentification of notices.

91. No person entering into any contract with the Corporation for the supply of gas or water to him or for any meter or apparatus to be furnished to him or for any work to be done for him for the purposes of such supply shall thereby be disabled from being a member of the council of the borough or incur any penalty by reason of such contract but any member of the council concerned directly or indirectly by himself or any partner in any such contract shall not take part in any vote or proceeding relative thereto at any meeting of the council. Contracts for gas and water not to disqualify.

92. The Corporation shall not under the powers of this Act take ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Restriction on taking houses of labouring class.

For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others

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A.D. 1894. — except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Power to Corporation to sell &c. lands.

93. Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable the Corporation may from time to time sell and dispose of any lands acquired by them under this Act and not for the time being required for the purposes of the gas undertaking or water undertaking.

Application of moneys from sale &c. of land.

94. The Corporation shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands acquired by them under this Act or by way of fine or premium on any lease of any such lands in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Corporation and such proceeds shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Expenses of Act.

95. The costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the district fund and general district rate or out of the money to be borrowed by the Corporation under this Act.

The SCHEDULES referred to in the foregoing Act. A.D. 1894.

THE FIRST SCHEDULE.

THIS AGREEMENT made the 10th day of November 1893 between the Kendal Union Gas and Water Company incorporated by virtue of the Kendal Union Gas and Water Act 1846 (hereinafter called the Company) of the one part and the Mayor Aldermen and Burgesses of the Borough of Kendal (hereinafter called the Corporation) of the other part witnesseth that the parties hereto hereby agree as follows:—

1. This Agreement shall be void and of no effect if the same shall not be confirmed by Act of Parliament to be passed and receive the Royal Assent prior to the 1st day of January 1896 and the same is made subject to such alterations if any as Parliament may think fit to make therein provided that if any Committee of either House of Parliament shall make any material alteration in this agreement it shall be competent to either party by notice in writing to the other to rescind the same in which case the same shall be rescinded and of no effect and the Bill in Parliament so far as the same relates to this agreement shall not be proceeded with.

2. The Company shall sell and the Corporation shall purchase as a going concern the whole of the undertaking of the Company and all and singular their assets and effects of whatever nature or kind with the rights and privileges belonging thereto save only and except that this sale and purchase shall not include the share registers and transfer books of the Company or the purchase money payable under the 3rd clause hereof or the moneys payable in lieu of profits or interest under the 7th clause or their rights and privileges incident to their capital or their character as a company.

3. The purchase money shall be £80,000 and the Corporation shall in addition to paying the same take over and pay and indemnify the Company against all the debts and liabilities of the Company existing at the date of completion such purchase money shall be paid to the Company on the receipt of three directors whose receipt shall be a sufficient discharge to the Corporation and shall be apportioned by the Company as follows viz. the sum of £14,820 (or £39 per share) as the price of the interest of the holders of the 380 preference shares of the Company and £65,175 (or £21 14s. 6d. per share) as the price of the interest of the holders of the 3000 ordinary shares of the Company.

4. The sale and purchase shall be deemed to take effect as from the 30th day of June 1893.

5. The date of completion shall be the 30th day of June 1894 or one month after the Royal Assent shall have been given to the Act of Parliament herein mentioned whichever shall last happen.

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6. As from the 30th day of June 1893 until completion the Company shall for the benefit (except as hereinafter provided) and at the risk of the Corporation be deemed to have carried on and shall for the benefit (except as aforesaid) and at the risk aforesaid carry on the business of the Company and shall be deemed to have maintained and shall for the benefit (except as aforesaid) and at the risk aforesaid maintain the several works and the plant of the Company in good and efficient order provided that the Company shall not contract enter into undertake or otherwise incur (except in the ordinary course of business) any debt or liability without the consent in writing of the Corporation under the hand of their town clerk.

7. The Company shall be at liberty to pay to the shareholders of the Company at the usual times out of the profits of their business for the year ending the 30th day of June 1894 (1) a dividend of $7\frac{1}{2}$ per cent. on their 380 £20 fully paid preference shares (2) a dividend not exceeding 6 per cent. on their 3000 £10 fully paid ordinary shares and also on completion to pay to their shareholders a further sum to be provided by the Corporation equivalent to interest from the 30th day of June 1894 to the date of completion calculated at the rate of 4 per cent. per annum on the said sum of £80,000 such further sum to be divided between the holders of preference shares and the holders of ordinary shares of the Company in the proportion of the said sums of £14,820 and £65,175 such dividends and sum to be accepted in lieu of interest on the said purchase money of £80,000 The profits of the Company shall for the purposes of this clause be calculated after paying or making provision for all outgoings expenses and liabilities of the Company properly payable out of income and the cost of maintaining their works and plant in good and efficient order and any dispute as to the amount of profits shall be settled under the arbitration clause hereinafter contained.

8. The officers and servants who shall be in the employment of the Company at the date of the completion of the purchase shall become the officers and servants of the Corporation They shall continue to receive the same salaries and emoluments and be subject to the same liabilities and obligations as theretofore and shall continue in the employment of the Corporation until they shall resign or be removed.

9. The Corporation shall in addition to paying the purchase money of £80,000 and providing the moneys in lieu of interest under the 7th clause hereof pay to the Company upon completion the sum of £350 towards their costs of these presents and of carrying the same into effect and any balance of such £350 after payment of such costs shall belong to the Company.

10. The Corporation will forthwith at their own expense do or concur in doing such acts and things as may be necessary to secure the passing as soon as may be practicable of an Act of Parliament to be promoted by the Corporation confirming this Agreement Such Act shall in addition to such provisions as may be desired by the Corporation for their own purposes contain a suitable provision authorising the Company to sell their undertaking to the Corporation upon the terms of this Agreement and further provisions authorising the directors of the Company or some other suitable person or persons to wind up the affairs of the Company and receive and distribute amongst the shareholders of the Company the said purchase moneys in

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accordance with their respective rights under this Agreement and for the dissolution of the Company The clauses in the Bill for effectuating the objects of this Agreement shall be submitted to the Company for their approval The Company will do all such acts and afford such evidence as may be reasonably required for assisting the progress through Parliament of the Bill for the said Act.

11. If any doubt question difference or dispute shall arise between the parties hereto touching this Agreement or the construction thereof or any clause or thing therein contained or any matter in any way relating to or connected with the premises or the rights duties or liabilities of either party hereunder the same shall be referred to the arbitrament of two arbitrators one to be appointed by each party or their umpire and this clause shall operate as a submission within the meaning of the Arbitration Act 1889.

In witness whereof the Company and the Corporation have hereunto caused their common seals to be affixed.

The common seal of the Kendal Union Gas and Water Company was hereunto affixed in the presence of

T. N. RITSON
Gas Engineer
Kendal.



W. D. CREWDSON
Chairman.

The common seal of the Mayor Aldermen and Burgesses of the Borough of Kendal was hereunto affixed by the Mayor in the presence of

JNO. BOLTON
Town Clerk.



WILLIAM BINDLOSS
Mayor.

THE SECOND SCHEDULE.

FORM OF DEED OF TRANSFER OF THE UNDERTAKING OF THE COMPANY TO THE CORPORATION.

In pursuance and subject to the provisions of the Kendal Corporation Gas and Water Act 1894 and in consideration of £ the Kendal Union Gas and Water Company hereby grant convey and assign their undertaking unto the mayor aldermen and burgesses of the borough of Kendal to hold the same unto them their successors and assigns and the said mayor aldermen and burgesses do hereby accept the same accordingly In witness whereof the parties hereto have hereunto affixed their respective common seals this day of 189 .

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THE THIRD SCHEDULE.

SECTIONS OF ACT OF 1846 SAVED FROM REPEAL.

Company
empowered
to take
springs.

23. And be it enacted that subject to the restrictions and provisions in this Act and the said recited Acts contained it shall be lawful for the Company from time to time to divert or alter the course of a certain brook or stream of water called Stock Beck and its tributaries and to appropriate the same for the purposes of the said undertaking and also to divert and take all water from all springs and streams and land or surface drainage which will flow into or be intercepted by certain watercourses and reservoirs which are intended to be made by the said Company situate in the townships of Scalthwaiterigg Hay and Hutton-i'-th'-Hay and Kendal as the same are respectively shown and described on the said plan after leaving a sufficient supply of the water of such springs or streams for the use of the several estates in which the same shall respectively arise or through which the same shall respectively flow and also from such springs and other sources of water as may be found in constructing and completing the said undertaking.

Supply of
water to be
kept up in
Stock Beck.

27. And be it enacted that the Company shall at all times keep up in the brook or stream of water called the Stock Beck a flow of water sufficient for the present purposes of the owners and occupiers of lands and buildings adjoining thereto.

THE FOURTH SCHEDULE.

GAS LANDS.

A piece or parcel of land situate in the township of Kendal and Park and Castle Lands in the borough of Kendal now belonging or reputed to belong to the Company and on which their gasworks are erected containing seven thousand three hundred and forty-five square yards or thereabouts and bounded as follows On the east by the bank of the Lancaster and Kendal Canal on the west by No. 13 Park Side Road and other buildings roads and premises constructed upon the inclosure formerly called Smithy Field on the north by lands belonging to the lessees of the said canal and on the south by Park Side Road.

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