



CHAPTER xciv.

An Act for empowering the Local Board for the district of Atherton in the parish of Leigh in the county of Lancaster to make and supply Gas, and for confirming an Agreement between them and the Atherton Gas Company, Limited, for the purchase of that Company's Undertaking; and for other purposes. A.D. 1873.
[7th July 1873.]

WHEREAS it is expedient that the Local Board for the district of Atherton, being the township of Atherton in the parish of Leigh in the county of Lancaster (in this Act called the Local Board), be empowered to erect gasworks, and to make gas, and to supply gas for public and private purposes in their district:

And whereas the Atherton Gas Company, Limited (in this Act called "the Gas Company"), have gasworks and supply gas within the district of the Local Board, and the Local Board have entered into an agreement with the Gas Company for the purchase of the undertaking of that Company, a copy of which agreement is set forth in the First Schedule to this Act, and it is expedient that the same be confirmed and made binding and effectual:

And whereas the Leigh District Gas Company, incorporated by the Leigh District Gas Act, 1861, supply gas within the district of the Local Board, and it is expedient that they cease to supply gas within the Local Board's gas limits, and that their power to do so be determined:

And whereas it is expedient that the Local Board be empowered to borrow further money, and that various other powers and authorities be conferred on them:

And whereas the estimate for the expense of the execution of this Act as far as it relates to gasworks, being permanent works within the Public Health Acts, and to gas supply, is twenty thousand pounds:

And whereas an absolute majority of the whole number of the Local Board, at a meeting held on the seventh day of November,

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after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Leigh Chronicle, a local newspaper published or circulating in the district of the Local Board, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that it was expedient for the Local Board to promote the Bill for this Act :

And whereas such resolution was published twice in the said Leigh Chronicle newspaper, and has, in respect of matters within the jurisdiction of the Local Government Board, received the approval of that board, and in respect of other matters the approval of one of Her Majesty's Secretaries of State :

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

And whereas the owners and ratepayers of the district of the Local Board, by resolution in the manner provided in "The Local Government Act, 1858," for the adoption of that Act, consented to the promotion of the Bill for this Act :

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

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

Short title.

1. This Act may be cited as the Atherton Local Board Act, 1873.

Provisions of general Acts herein named incorporated.

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

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (in this Act called the Lands Clauses Acts), except as far as the first-mentioned Act relates to the purchase and taking of lands otherwise than by agreement, to the entry upon lands by the promoters of the undertaking, and to small portions of intersected lands; and

The Gasworks Clauses Act, 1847, and from and after the sale and transfer to the Local Board under the powers of this Act of the undertaking of the Gas Company, the Gasworks Clauses Act, 1871, except the eighth section thereof (for appointment of receiver), shall apply to such undertaking as if the same were hereby authorised.

3. In this Act "the Local Board gas limits" means the limits within which the Local Board are by this Act authorised to supply gas; "the Public Health Acts" means the Public Health Act, 1848, the Local Government Act, 1858, and the Acts amending them, and the Public Health Act, 1872; and in this Act and in enactments incorporated with this Act the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a simple contract debt, and not a debt or demand created by statute; and the term "superior court" shall include any court of competent jurisdiction.

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Interpre-
tation of
terms.

4. This Act shall be carried into execution by the Local Board, acting in pursuance of the powers and provisions of the Public Health Acts, and those Acts shall, in relation to the Local Board and this Act, be read as if the purposes and provisions of this Act were purposes and provisions of the Public Health Acts.

Act to be
executed by
the Local
Board.

5. The limits of this Act for purposes of supply of gas shall be the township of Atherton in the parish of Leigh in the county of Lancaster, except so much thereof as lies to the west and south-west of an imaginary line drawn from the boundary of the townships of Atherton and Bedford at a north-westerly point of the township of Bedford near to Lion Bridge, and passing thence in a north-westerly direction for a distance of sixty-six yards or thereabouts to the south-east corner of Lion Bridge, thence in a northerly direction along and on the eastern side of the road from Lion Bridge to Old Hall Mill Lane, and thence along and on the eastern side of such lane to its junction with the Bolton and Saint Helen's turnpike road, and thence in a straight line in a north-westerly direction for a distance of seven hundred and sixty yards or thereabouts to a boundary stone fixed at the boundary line of the townships of Atherton and Westleigh.

Local
Board's gas
limits.

6. On the lands described in the Second Schedule to this Act, when purchased by the Local Board, or any part thereof (but not on any other lands), they may erect, construct, and from time to time maintain, alter, remove, or enlarge retorts, gasholders, receivers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom, and all proper roads, approaches, and conveniences connected therewith, and make and store in and at the same gas and coke and other residual products and matters producible therefrom.

Power to
erect gas-
works.

7. The Local Board may supply and sell gas for public and private consumption, and light or contract for the lighting of streets and public buildings, and sell and dispose of, at their works and

Power to
supply gas.

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Power to supply gas fittings, &c.

8. The Local Board may manufacture, purchase, supply, hire, sell, let, lay down, place, and maintain gas fittings, meters, pipes, pillars, lamp-posts, lamps, burners, and other articles and things connected with gasworks or with the supply of gas for public or private consumption in such manner as they think proper, and generally may carry on the operations usually carried on by gas companies.

Power to hold licenses under letters patent.

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

Purchase of undertaking of Atherton Gas Company, Limited.

10. The agreement set forth in the First Schedule to this Act is hereby confirmed, and the Gas Company shall sell and transfer to the Local Board, who shall accordingly purchase, that Company's undertaking, as in that agreement defined, including their gasworks, situate on the lands described in the Second Schedule to this Act, and those lands, for such consideration, to be paid or secured at such time, and in such manner, and generally on such terms as are therein set forth.

Application of purchase money for gasworks.

11. The Gas Company shall hold the purchase money of their undertaking when paid, and all other money for the time being belonging to them, on trust to pay and discharge thereout all their debts and liabilities, and to distribute the residue among the shareholders of that Company, their executors, administrators, or assigns, rateably and according to their priorities; and the directors of that Company may exercise all powers necessary for paying and discharging the debts and liabilities and distributing the assets of that Company.

Gas Company's books to be evidence.

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

Gas Company to be dissolved.

13. When and so soon as the debts of the Gas Company have been paid, and their assets have been distributed in manner aforesaid, that Company shall be by virtue of this Act dissolved.

Gasworks to vest in Local Board.

14. Immediately on payment by the Local Board of the purchase money for the Gas Company's undertaking, and on the execution by the Gas Company under their common seal of a deed of transfer, with the consideration truly stated, of the Gas Company's under-

taking to the Local Board, the same shall, by virtue of that deed and of this Act, become vested in the Local Board for all the estate and interest of the Gas Company therein, but subject to all contracts, obligations, debts, and liabilities of the Gas Company (which vesting is in this Act referred to as the transfer).

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15. The receipt of any three of the directors of the Gas Company for the purchase money of their undertaking indorsed on such deed of transfer shall be a sufficient discharge to the Local Board for the same, and the Local Board shall not be bound to see to the application or be answerable for misapplication or nonapplication thereof.

Receipt of three directors a discharge.

16. All debts, rents, rates, charges, and sums of money, actions, suits, and proceedings, and causes of action, suit, or proceedings, which at the time of the transfer are due or owing from or pending or existing against the Gas Company (except the debts due by the Gas Company, which under the agreement set forth in the First Schedule to this Act the Local Board are to provide for the payment of) shall be paid, discharged, settled, and satisfied by the Gas Company, and they shall, if required by the Local Board, on or before receiving the purchase money for their undertaking, either produce to the Local Board valid and sufficient receipts, releases, and discharges for or evidence of settlement and satisfaction of the same, or give to the Local Board a sufficient security for the due payment, discharge, settlement, and satisfaction of the same, or of such of them as are not then paid, discharged, settled, and satisfied, and for the indemnity of the Local Board against the same.

Gas Company's debts, &c. to be paid by them.

17. If at any time after the transfer any claim is lawfully made for any debt, rent, rate, charge, or sum of money which at the time of the transfer is due or owing from the Gas Company but is not paid or discharged by them, then and in every such case the Local Board shall be primarily liable to satisfy such claim, without prejudice to any remedy over against the Gas Company under any security given by them to the Local Board as aforesaid, or otherwise.

Local Board to be primarily liable for Gas Company's debts unpaid.

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

Pending actions, &c. against Gas Company.

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Causes of
action, &c.
against Gas
Company.

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

Gas Com-
pany to cease
operations.

20. On the transfer the Gas Company shall cease to make or to supply gas.

Power to
maintain,
discontinue,
&c. existing
works.

21. The Local Board may hold and maintain, and may from time to time, on the lands described in the Second Schedule to this Act, alter and improve, the gasworks comprised in the transfer.

Extinction of
rights within
Atherton of
Leigh Dis-
trict Gas
Company.

22. From and after the expiration of twelve months from the passing of this Act the Leigh District Gas Company (in this section called the Company) shall not, except with the consent of the Local Board in writing under their common seal, make, store, or supply gas within the Local Board's gas limits, or exercise within the same any of the powers conferred on the Company by the Leigh District Gas Act, 1861; and the Company may sell, and the Local Board may purchase, the mains, pipes, apparatus, plant, property, and effects of the Company situate, lying, and being within the Local Board's gas limits.

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

23. The Local Board may from time to time purchase by agreement any lands, and they may hold the same, not exceeding in the whole at one time five acres.

As to works
affecting
London and
North-
western
Railway
Company.

24. Any works to be constructed, laid down, or executed in exercise of or under the powers conferred by this Act crossing or in any way affecting any railway at any time belonging to or worked by the London and North-western Railway Company, or any of the bridges or works thereof, or any of their lands or property, shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of that Company, and according to plans reasonably approved by him, but in all things at the expense of the Local Board, and so as to cause no injury to any such railway or bridges, or works, lands, or property, or interruption of the passage or conduct of the traffic over such railway; and if any injury or interruption shall, by reason of any of the matters aforesaid, arise to any such railway or bridges, or works, lands, or property, or to such traffic, the Local Board shall make full compensation to that Company in respect of such injury or interruption.

25. The price charged by the Local Board for gas consumed by meter shall not exceed the rate of six shillings per thousand cubic feet. A.D. 1873.
Price of gas.

26. With reference to section twelve of the Gasworks Clauses Act, 1871, the prescribed number of sperm candles shall be fourteen; and with reference to section twenty-eight of the same Act, the prescribed place shall be some part of the gasworks of the Local Board, the prescribed time shall be six months from the passing of this Act, the prescribed burner shall be an argand burner having fifteen holes and a seven-inch chimney and consuming five cubic feet of gas per hour, and the prescribed pressure shall be such as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and from sunset to midnight a column of water not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe by which each consumer is supplied; and any gas examiner appointed under the Gasworks Clauses Act, 1871, may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority; and the provisions of the Gasworks Clauses Act, 1871, with reference to testing of gas and to penalties shall, *mutatis mutandis*, apply to such testing of pressure. Number of candles, and provision for testing place.

27. Where any owner or occupier is required by the Local Board to give to them security for the payment of the price or rent of a meter, the Local Board shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. Interest on security for meters.

28. The Local Board shall keep a separate account of their receipts, credits, payments, and liabilities in respect of their gas undertaking, to be called the gas account, and the money for the time being to the credit of that account (other than borrowed money) shall be called the gas fund, and the ultimate net balance of that fund shall be carried to the credit of the district fund account. Gas account and fund.

29. The gas account shall be audited in the same manner as other accounts of the Local Board, but this shall not affect the application of section 35 of the Gasworks Clauses Act, 1871, to the gas undertaking of the Local Board. Audit of gas account.

30. In addition to any money which under the Public Health Acts the Local Board are authorised to borrow, they may from Power to Board to borrow on mortgage.

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time to time by virtue of this Act borrow at interest for gas purposes a sum not exceeding twenty thousand pounds on mortgage of the gas fund, with or without including the gasworks, and with or without including the general district rate.

Gas account primarily liable for money borrowed.

31. As between the gasworks account on the one hand and the general district rate on the other hand, the gasworks fund shall be primarily liable to be applied in satisfaction of all money borrowed for gas purposes under this Act, and the interest thereon, and all money from time to time paid out of the general district rate for gas purposes shall from time to time be reimbursed and repaid out of the balance from time to time of the gas fund after due provision for all purposes for which money carried to that fund is under this Act directed to be applied; but nothing in this section shall prejudice the security of any person lending under this Act any money to the Local Board, and every such person may enforce all his rights and remedies as if this section had not been enacted.

Sinking fund for gas.

32. The Local Board shall form a sinking fund in respect of their gasworks and gas undertaking by setting aside and carrying to the credit of a sinking fund on the first day of January one thousand eight hundred and seventy-six a sum equal to one fiftieth part of the money borrowed under this Act for gas purposes and for the time being remaining unpaid, and on the first day of January in every succeeding year a sum larger by five per centum than in the then last preceding year, until the whole of the money borrowed under this Act for gas purposes is paid off.

Application of sinking fund.

33. All money carried to the sinking fund under this Act shall be applied from time to time in or towards discharge of money borrowed by the Local Board under this Act, and until so applied shall be invested in any securities in which by law trust money may for the time being be invested.

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

34. The clerk to the Local Board 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 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 invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount

remaining invested at the end of the year; and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Local Board have failed 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 to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the Court of Queen's Bench.

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35. The Local Board may from time to time re-borrow any amount borrowed by them under this Act and paid off otherwise than by means of a sinking fund.

Power to re-borrow.

36. Subject to the provisions of this Act, the mortgages from time to time granted by the Local Board under this Act shall be granted in accordance with the provisions of the Public Health Acts with respect to mortgages of the general district rate, and all the powers and provisions of the Public Health Acts relating to mortgages of the general district rate, and transfers of the mortgages, and the appointment of a receiver and otherwise, shall have effect with respect to the mortgages granted under this Act by the Local Board as if those mortgages were mortgages of the general district rate alone.

Mortgages under Act to be in accordance with Public Health Acts.

37. All mortgages granted by the Local Board before the passing of this Act and subsisting at the passing of this Act shall, during the continuance thereof, have priority of charge on the respective securities therein comprised over all mortgages granted under this Act.

Priority of existing mortgages.

38. All money borrowed by the Local Board on mortgage under this Act and the interest thereon shall have priority against the Local Board and their property from time to time over all other claims on account of debts incurred or engagements entered into by them after the passing of this Act, but this priority shall not affect any claim against the Local Board in respect of any rent-charge granted by them in pursuance of the Lands Clauses Acts.

Priority of mortgages over debts.

39. Any person lending money to the Local Board shall not be bound to inquire as to the observance by them of any provision of this Act, or be bound to see to the application, or be answerable for any loss, misapplication, or nonapplication of such money, or any part thereof.

Protection to lenders from inquiry as to application of money.

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Application
of money
borrowed
for gas.

40. Money borrowed by the Local Board under this Act for gas purposes shall be applied by them as follows, and not otherwise; (namely,)

First. In paying the costs, charges, and expenses preliminary to and of and incidental to the preparing of, applying for, obtaining, and passing of this Act:

Secondly. In payment of any purchase money, interest, and costs payable under the provisions of this Act relating to any gas company:

Thirdly. For purposes of the Local Board's gas undertaking, other than the purpose of ordinary maintenance.

Borrowing
under Public
Health Acts.

41. In calculating the amount which the Local Board may borrow under the Public Health Acts the amount which they borrow or are authorised to borrow under this Act shall not be reckoned; and the powers of the Local Board of borrowing or re-borrowing under this Act shall not be in any way restricted by the Public Health Acts.

Assessment
of houses
finished after
rate.

42. If after any general district rate is made by the Local Board a house or building not included therein is finished and becomes rateable it may be inserted in the rate, but the rate shall not be charged on any person in respect of the house or building while unoccupied; and if it is afterwards occupied during any part of the period for which the rate was made and before the same has been fully paid the name of the incoming tenant shall be inserted in the rate, and thereupon so much of the rate as at the commencement of his tenancy is in proportion to the remainder of the said period shall be collected, recovered, and paid in the same manner in all respects as if the house or building had been occupied at the time when the rate was made.

Recovery of
money by
Board.

43. All gas rents and rates or sums due to the Local Board on any account for or in relation to gas or gas fittings or other works under this Act, and all costs, damages, penalties, and expenses by this Act made payable to them, may be ascertained, levied, and recovered in like manner as rates and penalties payable to them under the Public Health Acts, and proceedings for recovery thereof may be taken in the name of the clerk of the Local Board.

Recovery of
penalties, &c.

44. The justices before whom any penalty is recovered under this Act, except where the penalty is payable by the Local Board, shall award the penalty to the Local Board.

Application
of penalties.

45. Penalties under this Act shall be applicable in like manner as penalties under the Public Health Acts.

46. Penalties (if any) imposed by several Acts shall not be cumulative, and for this purpose this Act and the several Acts in whole or in part incorporated therewith shall be deemed several. A.D. 1873.
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Penalties not cumulative.

47. Where any rate, rentcharge, or assessment is due to the Local Board and the person liable to pay the same resides beyond the district of the Local Board, then the Local Board, their servants and agents, may effect service of any bill, notice, demand, summons, order, or other proceeding relating thereto by registered letter through the general post addressed to him at his residence aforesaid, or where any such rate, rentcharge, or assessment is due from any railway company such service shall be effected by such registered letter addressed to the secretary of the company at their principal office or place of business; and proof of the posting of the letter shall be deemed to be good service of any document therein contained. Service of demand, &c.

48. Any summons, demand, or notice, or other document under or for purposes of this Act or of the Public Health Acts, may be in writing or print, or partly in writing and partly in print, and if the same requires authentication by the Local Board the signature thereof by the clerk to the Board shall be sufficient authentication thereof. Authentica-
tion of
notices, &c.

49. Any number of names or sums may be included in any information, summons, warrant of distress, or notice obtained or given by the Local Board for any purpose of this Act or of the Public Health Acts, and may be stated either in the body of the information, summons, warrant, or notice, or in a schedule thereto. Contents of
warrant.

50. Any justice issuing a warrant of distress under this Act or the Public Health Acts for any rate or sum payable to the Local Board may order that the costs of the proceedings for the recovery of the rate or sum be paid by the person liable to pay the rate or sum, and the costs shall be ascertained by the justice issuing the warrant and shall be included in the warrant of distress for the recovery of the rate or sum. Warrant
shall include
costs.

51. A person shall not be incapable of acting as a justice in the execution in any respect of this Act or of the Public Health Acts in consequence of being a mortgagee of the Local Board, or of his being liable to the payment of any gas rent, rate, or sum of money to the Local Board, or by reason of his being a member of the Local Board. Liability to
rates, &c. not
to disqualify
justices.

52. Nothing in this Act shall extend beyond the district of the Local Board, or empower the Local Board to do anything beyond their district. Act limited
to district.

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Saving rights
of Local
Board.

53. Except as by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, privileges, or authorities of the Local Board.

Expenses of
Act.

54. The costs, charges, and expenses preliminary to and of and incidental to the preparing of, and applying for, and the obtaining and passing of this Act shall be paid by the Local Board out of the general district rate, and ultimately shall be defrayed out of money borrowed under this Act.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

AN AGREEMENT made the 4th day of March 1873, between the Atherton Gas Company, Limited, for themselves, their successors, and assigns, of the one part, and the Local Board for the district of Atherton in the county of Lancaster, for themselves, their successors, and assigns, of the other part.

WHEREAS in the year 1836 certain persons, by a deed of settlement bearing date the 5th day of May of the same year, formed themselves into an association, under the name of "the Atherton Gas Company," for the purpose of supplying with gas the town and neighbourhood of Atherton in the parish of Leigh in the county of Lancaster :

And whereas the said Company purchased or otherwise acquired certain lands and premises in the said township of Atherton, and erected gasworks thereon, and have from time to time improved and enlarged the same :

And whereas the said Company was on the 8th day of November 1872 duly registered under the Acts then in force relating to joint stock companies, under the name of "the Atherton Gas Company, Limited," and is herein-after referred to as the Company :

And whereas the present share capital of the Company consists of four thousand five hundred pounds, divided into nine hundred shares of five pounds each, of which the whole five pounds have been subscribed and paid up, and the Company have also borrowed on bonds or other securities the sum of three thousand four hundred pounds, and in addition have other outstanding debts to an amount exceeding six hundred pounds :

And whereas the said Company are now promoting a Bill in Parliament, entitled " A Bill for incorporating and granting other powers to 'the Atherton Gas Company, Limited,'" and in and by such Bill they are seeking to be incorporated as a Company, under the title of "the Atherton Gas Company : "

And whereas the said Local Board is the local authority duly appointed for the district and township of Atherton aforesaid :

And whereas the Local Board are also promoting a Bill in Parliament, having for some of its objects the acquisition by agreement of the undertaking and property of the Company, and also to purchase and hold lands for the construction of gasworks and of making and selling gas within their district :

And whereas the Local Board have agreed with the Company, subject to the approval of Parliament, to purchase the undertaking, works, and property of the Company, upon the terms and in the manner herein-after appearing :

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Now therefore these presents witness, and the Company and the Board for themselves and their successors respectively hereby mutually agree, as follows:—

1. The present agreement is subject to confirmation by Act of Parliament, and if such confirmation is not obtained in the present session the present agreement shall have no effect.
2. The Board will pursue with due diligence their application to Parliament now before the House in such manner as may be necessary for the confirmation of the present agreement, and the Company will do their utmost to assist the Board in obtaining such confirmation.
3. The Company shall not, after the date of the present agreement, increase their share capital without the consent of the Board in writing under their seal.
4. The Company agree to sell and the Board agree to buy the lands, buildings, gas holders, gas apparatus, machinery, utensils, stock of coal, coke, gas, and other materials, pipes laid or unlaid, and stores belonging to the Company, as the same stand on the 30th day of June 1873, for the sum of seven thousand two hundred pounds, subject to the rents, covenants, conditions, and agreements on the lessees part contained in the leases under which the Company hold the lands and buildings aforesaid; the Company shall discharge all debts (except as herein-after mentioned), all ground rents, rates, and taxes, or an apportionment thereof, up to the said 30th day of June 1873, and shall retain for their own use all cash in hand or at the bankers, and also retain all debts and outstanding accounts due to them up to that time, and also all account books and papers. From the said 30th day of June 1873 until completion of the purchase the Company shall remain in the uncontrolled possession and management of their works and business, and on such completion shall transfer all intermediate profits and all outstanding accounts which may have become due to the Company to the Board, and the Board shall pay all outstanding accounts and liabilities incurred by the Company in respect of the works after such 30th day of June 1873.
5. The above-mentioned sum of seven thousand two hundred pounds shall either be paid by the Board to the Company in cash on the 30th day of June 1873, or at the option of the Board they may in lieu of cash payment secure and provide for the payment to the several persons whose names on that day appear as shareholders in the books of the Company, their executors, administrators, and assigns, of perpetual annuities, after the rate of eight shillings per annum in respect of each share in the Company, such annuities being secured to the shareholders to the satisfaction of the board of management of the Company.
6. In addition to the above-mentioned sum of seven thousand two hundred pounds the Board agree to provide for the payment or to undertake the liability of and indemnify the Company against the debts due by the Company on bond or otherwise on the 30th day of June 1873 to the extent of four thousand pounds.
7. The Company will bear and pay all cost incurred by them up to and including the complete execution of these presents, and the Board will pay to or indemnify the Company against all the subsequent costs of procuring

the Act of Parliament confirming this agreement, including therein the costs and charges of the Company in petitioning Parliament upon and in appearing to watch the progress of the Local Board's Bill through both Houses so far as may be necessary, and of the carrying into effect, by purchase, assignment, and otherwise, of these presents, but not including any charges to be incurred after the complete transfer of the Company's undertaking in respect of the dissolution or winding up of the Company or otherwise. The above charges and expenses to be determined, in case of difference between the Company and the Local Board, by Thomas Lever Rushton, of Bolton, solicitor, whose decision shall be final and binding upon both parties.

8. The Company shall deduce a good title to the lands and buildings comprised in the present agreement which are held by the Company under two several leases for the residue of two several terms of years, whereof more than nine hundred years are unexpired, such title commencing as to each plot with the original lease from Lord Lilford, and the Board shall not be entitled to call for the production of or investigate or make any requisition in respect of the lessor's title.
9. Within fourteen days after requirement in writing the Company shall deliver to the solicitors of the Board an abstract of the title of the Company to the said lands and buildings commencing as aforesaid.
10. The purchase shall be completed, within one calendar month after the passing of the Act confirming this agreement, at the office of Messieurs Bailey and Read, Solicitors, Bolton or elsewhere, as may be agreed upon.
11. The Company and all other necessary parties (if any) shall execute a proper assurance of the lands and buildings comprised in this agreement to the Board.
12. The Board shall pay to the Company interest on the purchase money of seven thousand two hundred pounds, at the rate of five pounds per centum per annum, from the said 30th day June 1873 until completion.
13. If from any cause whatever the purchase is not completed on or before the 30th day of December 1873, then the rate of interest payable to the Company by the Board on the purchase money of seven thousand two hundred pounds shall be as from that day increased from five pounds per centum per annum to seven and a half pounds per centum per annum until the completion of the purchase.
14. Until completion of the purchase the Company shall and will carry on their business as heretofore until the 30th day of June 1873, at their own expense and risk, and after that date at the expense and risk of the Local Board, and shall and will maintain and keep in as good repair as at present (reasonable wear and tear excepted) all the undertaking of the Company.
15. The Company shall make and enter into all necessary and proper contracts for the supply of coal, cannel, and other materials for the carrying on of the works, but shall not enter into any contract which will extend beyond the 30th day of June 1873 without the express sanction in writing of the Local Board.

In witness whereof the said Company and the said Local Board have hereunto caused their respective corporate seals to be affixed, and five members of

[Ch. xciv.] *Atherton Local Board Act, 1873.* [36 & 37 VICT.]

A.D. 1873. the said Local Board have hereunto set their hands, the day and year first before written.

Passed under the seal of the
Atherton Gas Company, by
order of a special general
meeting of the Company, in
the presence of

ROBERT WILSON,
Secretary.

L.S.

THOMAS SMITH, Chairman.

L.S.

Passed under the seal of the
Atherton Local Board, and
signed by the chairman and
four other members of the said
Board, in the presence of

DANL. SCHOFIELD,
Clerk to the Atherton Local Board

EDWARD BURTON.
RALPH FLETCHER,
junr.
JOHN BULLOUGH.
JACOB WARBURTON.

Four other
members of
the Atherton
Local Board.

THE SECOND SCHEDULE.

A piece or parcel of land situate in the township of Atherton in the county of Lancaster, and containing three thousand seven hundred and ninety-four superficial square yards or thereabouts, upon which the existing gasworks of the Gas Company are situate, bounded on the east by Water Street and by an occupation road leading to the Two Porchers, and on the north-west and south sides thereof by land belonging or reputed to belong to the Right Honourable Thomas Littleton Lord Lilford Baron Lilford.