



CHAPTER xvii.

An Act to alter the provisions with respect to the dissolution of the Dukinfield and Denton Joint Gas Committee, and to make further provisions with respect to the supply of Gas to the townships of Denton and Haughton in the county of Lancaster; and for other purposes.

A.D. 1880.

[29th June 1880.]

WHEREAS by the Dukinfield and Denton Local Boards (Gas) Act, 1877, the undertaking of the Dukinfield Gas Company was vested as from the 30th day of June 1877 in a Joint Committee of the local boards of health for the districts of Dukinfield and Denton in consideration of the payment to the shareholders of that company of certain annuities by the said local boards respectively, and the said Committee was by the Act of 1877 incorporated under the name of "The Dukinfield and Denton Joint Gas Committee," and authorised to supply gas within the limits of the said Act, including (among other places) the townships of Denton and Haughton in the county of Lancaster, and for that purpose to construct additional gasworks in Denton on the lands described in Part II. and in Part III. (No. 2) of the schedule to the said Act:

40 & 41 Vict.
c. cxc.

And whereas by the said Act "each of the said local boards was authorised to borrow money for the carrying of the Act into execution :

And whereas it was provided by the said Act that the said Joint Committee might be dissolved at any time by mutual consent, and without such consent by either of the local boards giving to the other of them notice in that behalf at any time after the expiration of six years from the passing of the said Act, if so much of the said additional gasworks were then completed as should be sufficient for the supply of gas to the townships of Denton and Haughton, and that upon such dissolution the said limits for the supply of gas should be divided between the said local boards,

A.D. 1880. — so that the local board of Denton should supply the townships of Denton and Haughton, and that the portions of the said gas undertaking situate in the respective areas of supply should vest in the local boards respectively :

And whereas it was also provided by the said Act that if at the passing thereof, or within six months thereafter, the township of Haughton should be constituted a sanitary district, the sanitary authority thereof might, in manner by that Act prescribed, combine in the gas undertaking of the said local boards, and that thereupon one half of the share of the Denton Local Board in the said gas undertaking should vest in the said authority, and that one half of all debts, contributions, and liabilities of that local board in respect of such undertaking should attach to the said sanitary authority, who should be authorised to borrow money to answer the same, and further that in case of the dissolution of the said Joint Committee a new Joint Committee should be constituted by the Denton Local Board and the Haughton Sanitary Authority for the carrying on of the portion of the gas undertaking so vested in the Denton Local Board, and that such Committee should be incorporated by virtue of the said Act by the name of the Denton and Haughton Gas Joint Committee, and that thereupon the said portion should vest in them, and the powers of the Dukinfield and Denton Joint Gas Committee are by the said Act extended, *mutatis mutandis*, to the Denton and Haughton Gas Joint Committee :

And whereas the gas undertaking of the said company became vested in the Dukinfield and Denton Joint Gas Committee, and they are supplying gas within the limits of the said Act :

And whereas the township of Haughton was before the passing of the said Act constituted an urban sanitary district, and has combined in the said undertaking under the provisions of the said Act :

And whereas the new gasworks authorised by the said Act to be erected in Denton have not been constructed nor has the site therefor been purchased, and the local boards of Denton and Haughton are desirous that they should be enabled to purchase another site, and to construct thereon gasworks for the supply of and to supply with gas their own districts, and that new provisions be made for the dissolution thereupon of the Dukinfield and Denton Joint Gas Committee :

And whereas it is expedient that the Denton and Haughton Gas Joint Committee should be authorised to manufacture or provide, and to supply within their limits for the supply of gas, and for the purposes in this Act mentioned, light by means of electricity, and that all incidental and supplementary powers for this purpose, and

other purposes connected therewith (including the supply of heat and of motive power), should be conferred upon that Committee: A.D. 1880.

And whereas it is expedient that the Denton and Haughton Local Boards be authorised to borrow additional moneys for the purposes of this Act:

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

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

And whereas estimates have been prepared by the local boards of Denton and Haughton showing that they may require from time to time to borrow for the purchase of land and the construction of the works by this Act authorised, being permanent works within the meaning of section 234 of the Public Health Act, 1875, further sums of money amounting to thirty thousand pounds: 38 & 39 Vict. c. 55.

And whereas an absolute majority of the whole of each of the local boards of Denton and Haughton, at meetings of those boards respectively held on the 4th day of December 1879, after ten clear days notice by public advertisement of such meetings respectively, and of the purposes thereof, in the "North Cheshire Herald" and the "Denton Examiner," being respectively newspapers published or circulating in the respective districts of those boards, such notices being in addition to the ordinary notices required for summoning such meetings, resolved that it was expedient that the expenses in relation to promoting the Bill for this Act should be charged on the respective district funds and general district rates:

And whereas such resolutions were published twice in the said respective newspapers, and have in respect of matters within the jurisdiction of the Local Government Board received the approval of that Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of each of the local boards of Denton and Haughton at further special meetings respectively held in pursuance of similar notices on the 5th day of January and the 14th day of January 1880, being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the respective districts of the same boards, by resolutions in the manner provided in the

A.D. 1880. Third Schedule to the Public Health Act, 1875, for the adoption of that Act, consented to the promotion of the Bill for this Act :

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

Short title. 1. This Act may be cited as the Denton and Haughton (Gas) Act, 1880.

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

8 & 9 Vict.
c. 18. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 ;
23 & 24 Vict.
c. 106. 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 ;

32 & 33 Vict.
c. 18. The Commissioners Clauses Act, 1847, except the provisions thereof with respect to the qualification of Commissioners and with respect to the election and rotation of the Commissioners, and to the mortgages to be executed and to the accounts to be kept by the Commissioners, and except also sections 42, 43, and 46 ;

10 & 11 Vict.
c. 15. And the Gasworks Clauses, 1871, shall apply to the gas undertaking of the local boards of Denton and Haughton as if that undertaking were wholly authorised by this Act.
10 & 11 Vict.
c. 16.

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

“The Dukinfield Local Board” means the local board of health for the district of Dukinfield :

“The Denton Local Board” means the local board of health for the district of Denton :

“The Haughton Local Board” means the local board for the district of Haughton :

“The Local Boards” means the Denton Local Board and the Haughton Local Board :

“The Joint Committee” means the Denton and Haughton Gas Joint Committee :

A.D. 1880.

- “The clerk” means the clerk to the Joint Committee :
- “The Public Health Acts” means the Public Health Act, 1875, and any Acts amending the same :
- “The Act of 1877” means the Dukinfield and Denton Local Boards (Gas) Act, 1877 :
- “Gas revenue” includes every sum of money payable to the local boards or the Joint Committee in respect of their gas undertaking and not being borrowed money, or money which ought to be carried to capital account :
- “Annuity” or “Annuities” means any annuity or annuities created under the powers of the Act of 1877 :
- “Annuitant” means any person, company, or corporation for the time being entitled to such annuity :
- “Place of public resort” means any premises belonging to or used by the local boards, or either of them, or by the Joint Committee, and any place of public worship, railway station, public garden, theatre, concert room, or public slaughter-house.

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

“The undertaking” means the gas undertaking :

“The undertakers” means the Joint Committee.

In the Commissioners Clauses Act, 1847, for the purposes of this Act “the Commissioners” means the Joint Committee.

4. Forthwith after the passing of this Act the Denton and Haughton Gas Joint Committee shall be constituted, and (notwithstanding the continuance of the Dukinfield and Denton Joint Gas Committee) they shall have and may exercise all such of the powers, rights, and privileges conferred on either of such Committees by the Act of 1877 as may be necessary for the carrying into effect the provisions of this Act.

Denton and
Haughton
Gas Joint
Committee
constituted.

5. The Dukinfield and Denton Joint Gas Committee shall not construct in the township of Denton any works for the manufacture of gas, or for the manufacture and conversion of the products or residuum of any materials employed in or resulting from the manufacture of gas or of residual products arising therefrom, and the powers of that Committee for the purchase of lands in the said township shall upon the passing of this Act cease and determine.

Dukinfield
and Denton
Committee
not to make
works in
Denton.

6. The abandonment by the Dukinfield and Denton Joint Gas Committee under the authority of this Act of any portion of any works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occa-

Compensa-
tion for
damage to
land by
entry, &c.

A.D. 1880.

for purposes
of works
abandoned.

sioned by the entry of the Dukinfield and Denton Joint Gas Committee on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil or setting out of the works, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Dukinfield and Denton Joint Gas Committee to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the Act of 1877.

Compensa-
tion to be
made in
respect of
works aban-
doned.

7. Where before the passing of this Act any contract may have been entered into or notice given by the Dukinfield and Denton Joint Gas Committee for the purchasing of any land for the purposes of or in relation to any portions of the works authorised to be abandoned by this Act, the Joint Committee shall be released from all liability to purchase or to complete the purchase of any such lands, but, notwithstanding, full compensation shall be made by the Joint Committee to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act, 1845, as amended by any subsequent Act, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Power to
take lands.

8. The Joint Committee may enter upon, take, and use such of the lands shown on the deposited plans and described in the deposited book of reference as are required for the purposes of this Act, being the lands secondly described in the schedule to this Act.

Correction of
errors, &c.

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

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

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

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The certificate shall be deposited with the clerk of the peace for the county of Lancaster, who shall safely keep the same in like manner and subject to the like regulations as the deposited plans and book of reference;

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

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

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

Time for compulsory purchase of lands.

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

Power to purchase land by agreement.

Gas not to be manufactured except on lands scheduled.

12. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Joint Committee any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the last-mentioned Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Power to take easements, &c. by agreement.

13. Subject to the provisions of this Act, the Joint Committee may from time to time, upon the lands or any part of the lands described in the schedule to this Act, construct, maintain, alter, improve, enlarge, extend, and renew or discontinue gasworks,

Power to construct and maintain gasworks, &c.

A.D. 1880. — 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 townships of Denton and Haughton, 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 or of residual products arising therefrom, and also meters, fittings, tubes, pipes, and other articles and things in any way connected with gas-works or with the supply of gas, as they may from time to time think fit.

Protection of
the London
and North-
western
Railway
Company.

14. The following provisions shall have effect; that is to say,

1. Section 52 of the Dukinfield and Denton Local Boards (Gas) Act, 1877 (works affecting London and North-western Railway Company), is incorporated with this Act, and it shall apply to any works to be constructed, laid down, or executed in exercise of or in carrying the powers conferred by this Act into execution, crossing or otherwise interfering with any railway, or the stations, bridges, or works thereof, at any time belonging to or worked or occupied by the London and North-western Railway Company (in this section referred to as the company), and the other matters in such section provided for, as well for the purposes of the supply of gas, as also of the supply of light, heat, and motive power by electricity, as fully as if the same were enacted herein in the first instance with reference to the Denton and Haughton Gas Joint Committee :

2. No gasometer, erection, or building for the making or supplying of gas, or the storage of gas, or of the residual products arising from the manufacture of gas, shall be constructed, erected, or placed on any part of the land delineated on the deposited plans, and which may be acquired by the Joint Committee under the powers of this Act, within a distance of 30 feet from the eastern boundary fence of the adjoining property of the company.

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

15. The Joint Committee may from time to time sell or otherwise dispose of all or any part of the lands, buildings, works, and other property from time to time vested in them, and not required by them for the purposes of this Act, to such persons, for such considerations, on such terms and conditions, either absolutely or for any term, estate, or interest, or subject to any restriction, and

either by way of conveyance or by way of demise or of exchange or otherwise, and generally in such manner in all respects as they think proper: Provided that all moneys received for or in respect of such sale shall be applied to objects to which such capital moneys are properly applicable, and for no other purposes. A.D. 1880.

16. In lieu of the provisions of section 73 of the Act of 1877 for the dissolution of the Dukinfield and Denton Joint Gas Committee otherwise than by mutual consent, the following provisions shall have effect; (that is to say,)

Provision for
dissolution
of Dukinfield
and Denton
Joint Gas
Committee
otherwise
than by
mutual
consent.

1. The standing arbitrator appointed under section 7 of that Act shall forthwith, after the completion of so much of the works by this Act authorised as shall be sufficient in his opinion for the manufacture and supply of gas to the said townships of Denton and Haughton, certify the fact to the said Committee:
2. If such completion shall have been effected on or before the thirtieth day of May one thousand eight hundred and eighty-four, the said Committee shall be dissolved on the thirtieth day of June one thousand eight hundred and eighty-four:
3. If such completion be effected on any day subsequent to the thirtieth day of May one thousand eight hundred and eighty-four, the said Committee shall be dissolved on the thirtieth day of June which shall occur next after the expiration of one calendar month from the time of such completion:
4. It shall be the duty of the Denton and Haughton Gas Joint Committee to complete so much of the works authorised by this Act as shall be sufficient, in the opinion of the standing arbitrator appointed under the Act of 1877, for the manufacture and supply of gas to the said townships of Denton and Haughton, on or before the 30th day of December 1883; and if such Committee shall fail to complete such works on or before the said 30th day of December 1883 to the satisfaction of the said last-mentioned arbitrator, such arbitrator shall, at the expense of the local boards of Denton and Haughton, cause such works to be executed and completed, and such arbitrator shall have and may exercise all such powers of the Joint Committee as may be necessary for those purposes, including the power to make calls upon each of those boards for a moiety of the costs and expenses incurred or estimated by him to be incurred.

A.D. 1880. — Upon such dissolution the provisions contained in the several sub-sections of the said section 73, and the provisions contained in section 74 of the said Act of 1877, shall (subject to the provisions of this section) have effect as though such dissolution had been effected by notice as in the said section 73 provided, but the portion of the gas undertaking of the three local boards which is situate in or belongs to the area of supply of the Dukinfield Local Board shall forthwith upon the dissolution of the Dukinfield and Denton Joint Gas Committee vest in that local board, and that portion of the same undertaking which is situate in or belongs to the area of supply of the Denton and Haughton Local Boards shall vest in the Denton and Haughton Gas Joint Committee. Upon such dissolution neither the land to be acquired nor the works to be erected or executed at Denton under this Act shall be taken into account in the said valuation.

Power to
local boards
to borrow.

17. Each of the local boards may from time to time borrow the following sums for the following purposes; that is to say,

1. To pay the costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for, obtaining, and passing of this said Act, the sums necessary for the purpose;
2. For the purchase of lands and the erecting of new gasworks, and for gasworks purposes, and to meet any call made on them on capital account by the Joint Committee or by the Dukinfield and Denton Joint Gas Committee, not exceeding in the whole for each board the sum of fifteen thousand pounds;
3. To pay off the mortgage debt of the Dukinfield Gas Company, two thousand pounds;
4. To redeem the Denton gas annuities mentioned in section 16 of the Act of 1877, such further sum as the local boards respectively from time to time think requisite, not exceeding in the whole the capitalised value thereof, at such rate (not exceeding twenty-five years purchase) as may be agreed between the several annuitants and the local boards;

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

The powers of this section are in substitution for the borrowing powers conferred on the local boards by section 60 and 74 of the Act of 1877, so far as the same are at the passing of this Act un-

exercised, and subject as aforesaid the provisions of the Act of 1877 with respect to the borrowing, re-borrowing, and repaying of moneys shall extend and apply, mutatis mutandis, to the moneys by this Act authorised to be borrowed. A.D. 1880.

18. With respect to the production and supply of light, heat, and motive power by means of electricity, the following provisions shall have effect; that is to say, As to electric lighting.

1. During a period of ten years from the first day of September one thousand eight hundred and eighty, and for the purposes of lighting streets and places of public resort, it shall be lawful for the Joint Committee, within the townships of Denton and Haughton, or either of them, to produce and supply light by means of electricity, and for that purpose to exercise any of the powers herein-after in this section mentioned, and subject to the provisions herein-after in this section contained; (that is to say,)

- (i.) For any of the purposes of this section they may use any lands for the time being belonging to or held on lease by them, and not by any Act specifically appropriated to any other purpose, or may purchase by agreement and take on lease any lands;
- (ii.) They may upon any such lands erect and maintain any necessary workshops, engine-houses, store-houses (including places for storing electricity for producing light), or other buildings necessary for any of the purposes of this section;
- (iii.) They may manufacture, buy, or hire, and may use and may supply, sell, or let, any machinery, steam-engines, gas-engines, or other apparatus (including meters and fittings) necessary for the purposes of this section;
- (iv.) Subject to the provisions of this section, they may buy any gas or fuel, or buy or rent any other motive power, and may buy or rent and sell or let any materials or articles necessary for the purposes of this section;
- (v.) They may acquire licenses (not being exclusive) for themselves, or for any persons, companies, or corporations licensed or supplied by them, for the use of any patented or protected processes, inventions, machinery, apparatus, methods, materials, or other things;
- (vi.) They may exercise for the purposes of this section, in the whole or any part of the said townships,

A.D. 1880.
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as to electric lighting, any of the powers which are vested in or exerciseable by a sanitary authority under the Public Health Act, 1875, for lighting by gas ;

(vii.) They may exercise for the purposes of this section, as to electric lighting, any of the powers which, under the provisions of any Act incorporating the Gasworks Clauses Act, 1847, or the Gasworks Clauses Act, 1871, might for the purposes of any gas undertaking be exercised by the undertakers ;

(viii.) They may supply by agreement, for use in any place or places within the said townships, light produced by electricity, and meters or other fittings, or may let meters or other fittings for any of the purposes of this section ;

(ix.) They may charge in advance or otherwise for any light, engines, machines, apparatus, meters, fittings, or other things supplied or let under the powers of this section, such rents or sums as may from time to time be agreed on, and may recover any such rent or sum as a debt in any court of competent jurisdiction ;

(x.) Generally they may do all things necessary and incidental to the purposes of this section :

2. The provisions of this section shall extend to and in relation to the production and supply by the Joint Committee of heat or motive power by application of the electricity by which they produce or supply light under the provisions of this section, and such application is included in the expression electric lighting :

3. The Joint Committee, out of the moneys borrowed and re-borrowed for the purposes of their gas undertaking, may from time to time, for the purposes of this section, appropriate and apply such sum or sums as the Joint Committee from time to time find requisite, not exceeding in the whole the sum of five thousand pounds, but the period or periods for which any such sum shall be borrowed and re-borrowed, shall not exceed ten years from the date when the same was borrowed :

4. The Joint Committee shall keep accounts with respect to electric lighting separate from all their other accounts, and shall in such accounts distinguish their expenditure on revenue or capital account, and shall apply all money from

Power to
apply money.

Application
of revenue.

time to time received by them in respect of their electric lighting undertaking, except borrowed money, as follows; (that is to say,) A.D. 1880.

First, in payment of their costs, charges, and expenses of and incidental to the collecting and recovering of electric lighting rents and charges, and of the borrowing of money under this Act;

Secondly, in payment of the working and establishment expenses and cost of maintenance of their electric lighting undertaking;

Thirdly, in payment of the interest on money borrowed for the purposes of this section;

Fourthly, in providing the requisite instalments or sinking fund for repayment of moneys borrowed for the purposes of this section;

Fifthly, in providing a reserve fund, if they think fit, by setting aside such money as they from time to time think reasonable, and investing the same and the resulting income thereof in securities in which they are by the Act of 1877 authorised to invest sinking funds, and accumulating the same at compound interest, until the fund so formed amounts to two thousand pounds, which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Joint Committee from their electric lighting undertaking, or to meet any extraordinary claim or demand at any time arising against the Joint Committee in respect of that undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the sum of two thousand pounds, and so from time to time as often as such reduction happens;

And shall carry to the district funds of the local boards in equal parts any balance remaining in any year, and the annual proceeds of the reserve fund when amounting to two thousand pounds:

5. The money borrowed for the purposes of this section shall be applied for the purposes for which it is authorised to be borrowed, and generally for objects to which capital money is properly applicable, and for no other purposes: Application
of money
borrowed.

6. Nothing in this Act shall exempt the Joint Committee or the local boards, or either of them, or their electric lighting undertaking, from the provisions of any general Act re- Provision as
to general
Acts.

A.D. 1880.

Joint Com-
mittee not to
be exempted
from indict-
ment.Provision
for protect-
tion of the
Postmaster-
General.

lating to lighting by electricity or other similar means which may be passed in this or any future session of Parliament :

7. Nothing in this Act shall exonerate the Joint Committee or the local boards, or either of them, from any indictment, action, or other proceeding for nuisance, in the event of any nuisance being caused by them.

19. With respect to any work for the purpose of the production or supply of light, heat, or motive power by means of electricity, done in pursuance of this Act, the following provisions shall have effect :

1. It shall not be lawful for the Joint Committee to do any such work whereby any telegraphic line of the Postmaster-General is or may be injuriously affected, and before any such work is done, within ten yards of any part of a telegraphic line of the Postmaster-General, the Joint Committee or their agents, not more than twenty-eight nor less than fourteen days before commencing such work, shall give written notice to the Postmaster-General specifying the course and nature of the work, including the gauge of any wire, and the Joint Committee and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said work :
2. Any difference which arises between the Postmaster-General and the Joint Committee or their agents with respect to any requirements so made shall be determined by the Board of Trade, whose decision shall be final, and sections thirty to thirty-two, both inclusive, of the Regulation of Railways Act, 1868, shall apply in like manner as if the Joint Committee or their agents were a company :
3. In the event of any contravention of or wilful non-compliance with this section by the Joint Committee or their agents, the Joint Committee shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues, or if the telegraphic communication is wilfully interrupted, not exceeding fifty pounds for every day on which such interruption continues :
4. Provided that nothing in this section shall subject the Joint Committee or their agents to a fine under this section, if

31 & 32 Vict.
c. 119.

they satisfy the Court having cognizance of the case that the immediate execution of the work was required to avoid an accident, or otherwise was a work of emergency, and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the work was done a notice of the execution thereof, stating the reason for executing the same without previous notice :

A.D. 1880.
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5. For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected by such work or by any use made of such work :

6. For the purposes of this section, and subject as therein provided, sections 2, 8, 9, 10, 11, and 12 of the Telegraph Act, 1878, shall be deemed to be incorporated with this Act, as if the Joint Committee were undertakers within the meaning of those sections, without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

41 & 42 Vict.
c. 76.

20. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the local boards in equal shares out of their respective general district rates, and ultimately out of money borrowed under this Act.

Expenses of
Act.

A.D. 1880.

The SCHEDULE referred to in the foregoing Act.

Lands formerly belonging or reputed to belong to the Dukinfield Gas Company, and used by them for the storage of gas, situate in the said township of Denton, bounded on the north by land and buildings belonging or reputed to belong to the trustees or executors of the late James Clayton, and occupied by William May, Ann Beech, Aaron Stafford, and another, on the west and part of the south by land in the occupation of Samuel Lees, and on the remaining part of the south side by land and buildings belonging or reputed to belong to Dorothy Jenkinson, and occupied by George Fidler, James Bardsley, and another, and on the east by the highway leading from Stockport, through Denton, to Ashton-under-Lyne.

Certain lands belonging or reputed to belong to the Right Honourable the Earl of Wilton, in the several occupations of Joseph Brown, Elizabeth Brown, and Thomas Barlow respectively, in the said township of Denton, bounded on the north partly by the goods siding of the London and North-western Railway Company at the Denton Station, and on the remaining part of the same side by land belonging or reputed to belong to the said Earl, in the occupation of Thomas Barlow, on the east side by other land belonging or reputed to belong to the said Earl, in the several occupations of the said Thomas Barlow and Joseph Brown, on the south by other land belonging or reputed to belong to the said Earl, in the several occupations of Joseph Brown and Elizabeth Brown, and on the west by lands of or reputed to belong to the said London and North-western Railway Company constituting the railway line from Stalybridge to Stockport.