CHAPTER lxx.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Local Government District of Cottingham, the Lanchester Joint Hospital District, and the Improvement Act District of Middleton and Tonge. [27th June 1881.]

A.D. 1881.

WHEREAS the Local Government Board have, as regards the districts herein mentioned, made the Provisional Orders set forth in the schedule hereto under the provisions of the Public Health Act, 1875: 38 & 39 Vict. c. 55.

And whereas it is requisite that the said Orders should be confirmed by Parliament:

Be it therefore 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:

The Orders in schedule confirmed.

1. The Orders set out in the schedule hereto shall be and the same are hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, have full validity and force.

Short title.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (Cottingham, &c.) Act, 1881.

SCHEDULE.

A.D. 1881. *Cottingham Order.*

LOCAL GOVERNMENT DISTRICT OF COTTINGHAM.

Provisional Order for extending the Local Government District of Cottingham, and for other purposes.

To the Cottingham Local Board, being the Sanitary Authority for the Urban Sanitary District of Cottingham, in the East Riding of the County of York;—

To the Guardians of the Poor of the Sculcoates Union, in the same Riding, being the Sanitary Authority for the Rural Sanitary District of that Union;—

And to all others whom it may concern.

WHEREAS the Local Government District of Cottingham, in the East Riding of the County of York, is an Urban Sanitary District, of which the Cottingham Local Board are the Urban Sanitary Authority;

And whereas the Cottingham Local Board have borrowed certain sums, amounting in the whole to the sum of thirty-five thousand one hundred pounds, for the construction of certain permanent works in their District, of which the sum of twenty-six thousand seven hundred and sixty-five pounds seventeen shillings and one penny now remains unpaid;

And whereas by an Order dated the Nineteenth day of July, One thousand eight hundred and seventy-one, the Local Government District of Cottingham was divided into two wards, for the purpose of the election of members of the Cottingham Local Board, to be termed respectively the Cottingham Ward and the Newland Ward, and comprising the parts of the District therein respectively described;

And whereas the portion of the Rural Sanitary District of the Sculcoates Union, in the same Riding, which comprises the part of the Parish of Cottingham known as Skidby Carr, Skidby Ings, or Dunswell, immediately adjoins the Local Government District of Cottingham;

A.D. 1881.

Cottingham Order.

And whereas by Section 270 of the Public Health Act, 1875, it is enacted that the Local Government Board may, by Provisional Order, declare the whole or any portion of a Rural Sanitary District immediately adjoining a Local Government District to be included in such last-mentioned District, and that thereupon the included area shall, for the purposes of that Act, be deemed to form part of the District in which it is included by such Order;

And whereas by Section 275 of the said Public Health Act, 1875, it is enacted that every Order made by the Local Government Board under Part VIII. of that Act, which includes Section 270 above recited, shall specify the day on which such Order shall come into operation (in that Act referred to as the commencement of the Order); that from and after the commencement of the Order all the powers, rights, duties, capacities, liabilities, obligations, and property which, under that Act, are exerciseable by or attaching to or vested in the Sanitary Authority having, under that Act, jurisdiction in any District or part of a District which is by such Order included in some other District, shall (so far as the same relate to the District or part of a District so included) pass to and vest in the Sanitary Authority of such other District; that any Order made in pursuance of that part of the Act may, if necessary, provide for the settlement of any differences, or the adjustment of any accounts or apportionment of any liabilities arising between districts, parishes, or other places in consequence of the exercise of any powers conferred by that part of the Act, and may direct the persons by whom and to whom any moneys found to be due are to be paid, and the mode of raising such moneys; and that where any Local Government District is diminished or increased in extent under that part of the Act, the Order shall prescribe the number of members to be elected for the District when altered;

And whereas the Local Government Board proposed to issue a Provisional Order to include in the Local Government District of Cottingham that portion of the Rural Sanitary District of the Sculcoates Union which comprises the part of the Parish of Cottingham known as Skidby Carr, Skidby Ings, or Dunswell, and accordingly directed Local Inquiry to be held on the subject, which Inquiry was held, after due public notice, and report has been made to them thereon:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by the Statutes in that behalf, do hereby Declare that, from and after the commencement of this Order, all that portion of the Rural Sanitary District of the Sculcoates Union which comprises the part of the Parish of Cottingham known as Skidby Carr, Skidby Ings, or Dunswell, shall be included in, and shall, for the purposes of the Public Health Act, 1875, be deemed to form part of the Local Government District of Cottingham, and shall, subject to the provisions of Rule 6 of Schedule II. to that Act, be added to the Newland Ward of the said Local Government District for the purposes of the election of the Cottingham Local Board.

And We do hereby Order as follows; viz.—

Art. I. This Order shall come into operation on the Twenty-ninth day of September, One thousand eight hundred and eighty-one (herein referred to as "the commencement of this Order").

A.D. 1881.

Cottingham Order.

Art. II. The number of members constituting the Local Board for the Local Government District of Cottingham, as hereby altered, shall, subject to the provisions of Rule 2 of Schedule II. of the Public Health Act, 1875, be the same as before the commencement of this Order:

Provided that the present members elected for the said Newland Ward shall, so long as they continue in office, be the members to represent such Ward as hereby extended.

Art. III. The said Local Board shall from time to time make separate assessments, and levy and make such rates, in the nature of a general district rate, upon the part of their District which constituted the Local Government District of Cottingham immediately before the commencement of this Order, as shall be sufficient to defray, in the manner provided by Section 234 of the Public Health Act, 1875, the said sum of twenty-six thousand seven hundred and sixty-five pounds seventeen shillings and one penny, or so much thereof as shall be owing at the commencement of this Order, and the interest due or to become due thereon, within the respective periods for which the loans, in respect of which the said sum is owing, were originally sanctioned.

Given under the Seal of Office of the Local Government Board, this Eleventh day of May, in the year One thousand eight hundred and eighty-one.

(L.S.)

J. G. Dodson, President.
John Lambert, Secretary.

Lanchester Order.

LANCHESTER JOINT HOSPITAL DISTRICT.

Provisional Order for forming a United District under Sect. 279 of the Public Health Act, 1875.

To the Guardians of the Poor of the Lanchester Union, in the County of Durham, being the Sanitary Authority for the Rural Sanitary District of that Union;—

To the Benfieldside Local Board, being the Sanitary Authority for the Urban Sanitary District of Benfieldside, in the same County;—

To the Consett Local Board, being the Sanitary Authority for the Urban Sanitary District of Consett, in the same County;—

To the Leadgate Local Board, being the Sanitary Authority for the Urban Sanitary District of Leadgate, in the same County;—

And to all others whom it may concern.

WHEREAS by Section 131 of the Public Health Act, 1875, it is enacted that two or more Local Authorities may combine in providing a common hospital for the use of the inhabitants of their Districts;

A.D. 1881.

Lanchester Order.

And whereas by Section 279 of the Public Health Act, 1875, it is enacted that where, on the application of the Local Authorities of any Urban or Rural Sanitary Districts, or of any of such Authorities, it appears to the Local Government Board that it would be for the advantage of such Districts, or any of them, or any parts thereof, or of any contributory places in any Rural Sanitary District or Districts, to be formed into a United District for all or any of the purposes following; that is to say,—

(1.) The procuring a common supply of water; or

(2.) The making a main sewer or carrying into effect a system of sewerage for the use of all such Districts or contributory places; or

(3.) For any other purposes of that Act;

the Local Government Board may by Provisional Order form such Districts or contributory places into a United District; and that all costs, charges, and expenses of and incidental to the formation of a United District shall, in the event of the United District being formed, be a first charge on the rates leviable in the United District in pursuance of that Act;

And whereas by Section 280 of the same Act it is further enacted that the governing body of a United District shall be a Joint Board, consisting of such ex-officio members and of such number of elective members as the Local Government Board may, by the Provisional Order forming the District determine, and that a Joint Board shall be a body corporate by such name as may be determined by the Provisional Order, having a perpetual succession and a common seal, with power to hold lands for the purposes of its constitution, without any license in mortmain;

And whereas by Section 281 of the same Act it is also enacted that the Provisional Order forming a United District under that Act, shall define the purposes for which such United District is formed, and the powers, rights, duties, capacities, liabilities, and obligations under that Act which the Joint Board is authorised to exercise or perform, or is made subject to, and shall contain regulations as to the qualification and mode of election of elective members of the Joint Board, as to their continuance in office, as to casual vacancies in the Joint Board, as to their meetings and officers, and any other matter or thing, including the adjustment of present and future liabilities and property, with respect to which the Local Government Board may think fit to make any regulations for the better carrying into effect the provisions of that Act with respect to United Districts; that upon the constitution of a Joint Board the Local Authorities having jurisdiction in the component Districts or contributory places shall cease to exercise therein any powers, or to perform any duties, or to be subject to any liabilities or obligations, which the Joint Board is authorised to exercise or perform or is made subject to; and that nevertheless, the Joint Board may delegate to the Local Authority of any component District the exercise of any of its powers or the performance of any of its duties;

And whereas by Section 282 of the same Act it is also enacted that meetings of any Joint Board shall be held and the proceedings thereat shall be conducted (so far as such meetings and proceedings are not regulated by the Order forming

A.D. 1881.

Lanchester Order.

the Joint Board) in accordance with the rules as to meetings and proceedings contained in Schedule J. to that Act;

And whereas by Section 283 of the same Act it is also enacted that any expenses incurred by a Joint Board in pursuance of that Act, unless otherwise determined by the Provisional Order, shall be defrayed out of a common fund, to be contributed by the component Districts or contributory places in proportion to the rateable value of the property in each District or contributory place, such value to be ascertained according to the valuation list in force for the time being;

And whereas by Section 284 of the same Act it is also enacted that for the purpose of obtaining payment from the component Districts of the sums to be contributed by them, the Joint Board shall issue their precept to the Local Authority of each component District, stating the sum to be contributed by such Authority, and requiring such Authority, within a time limited by the precept, to pay the sums therein mentioned to the Joint Board, or to such person as the Joint Board may direct; that any sum mentioned in a precept addressed by a Joint Board to a Local Authority as aforesaid shall be a debt due from that Authority, and may be recovered accordingly, such contribution in the case of a Rural Authority being deemed to be general expenses; that if any Local Authority makes default in complying with the precept addressed to it, the Joint Board may, instead of instituting proceedings for the recovery of a debt, or in addition to such proceedings as to any part of a debt which may for the time being be unpaid, proceed in a summary manner as in that Act mentioned to raise within the District of the defaulting Authority such sum as may be sufficient to pay the sum due; and that for the purpose of obtaining payment from contributory places of the sums to be contributed by them, the Joint Board shall have the same powers of issuing precepts and of recovering the amounts named therein as if such contributory places formed a Rural District, and the Joint Board were the Authority thereof;

And whereas by Section 275 of the same Act it is also enacted that every Order made by the Local Government Board under Part VIII. of that Act, which includes Sections 279 to 284, both inclusive, of the Public Health Act, 1875, shall specify the day on which such Order shall come into operation, in that Act referred to as "the commencement of the Order";

And whereas the Guardians of the Poor of the Lanchester Union, in the County of Durham, are the Sanitary Authority for the Rural Sanitary District of that Union, the Benfieldside Local Board are the Sanitary Authority for the Urban Sanitary District of Benfieldside, in the same County, the Consett Local Board are the Sanitary Authority for the Urban Sanitary District of Consett, in the same County, and the Leadgate Local Board are the Sanitary Authority for the Urban Sanitary District of Leadgate, in the same County, and such Sanitary Authorities are the Local Authorities for the said Rural Sanitary District and Urban Sanitary Districts respectively within the meaning of the above-mentioned Act;

And whereas application was made to the Local Government Board by Local Authorities for the said Districts to form the said Rural Sanitary

District and Urban Sanitary Districts into a United District for the purposes of the provision and maintenance of a hospital for cases of infectious diseases, for the use of the inhabitants of such Districts;

And whereas the Local Government Board, upon receipt of such application, directed local Inquiry to be held on the subject, which Inquiry was held, after due public notice, and report has been made to them thereon:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by the several Statutes in that behalf, do hereby Order that the Rural Sanitary District of the Lanchester Union and the Urban Sanitary Districts of Benfieldside, Consett, and Leadgate (which Rural Sanitary District and Urban Sanitary Districts are herein-after referred to as "the Constituent Districts"), shall be formed into a United District, to be called the Lanchester Joint Hospital District, for the purposes of the provision, maintenance, and management of a hospital or hospitals for cases of infectious diseases, for the use of the inhabitants of such Districts.

And We do further Order as follows; viz.:

Art. I. This Order shall come into operation on the Twenty-ninth day of September, One thousand eight hundred and eighty-one (herein-after referred to as "the commencement of this Order.")

Art. II. The Joint Board, which shall be the governing body of the said United District (herein-after referred to as "the Joint Board"), shall consist of four ex-officio and eleven elective members, and shall be called the Lanchester Joint Hospital Board.

Art. III. The ex-officio members shall be the persons described in column 3 of the Schedules hereto, and the elective members shall be elected by the several Sanitary Authorities mentioned in column 2 of the said Schedules (herein-after referred to as "the Constituent Authorities.")

Art. IV. The number of members of the Joint Board to be elected by each of the Constituent Authorities shall be that set opposite to the name of each of such Authorities in column 4 of the said Schedules, and the said members shall, subject to the provisions of Art. VIII. of this Order, be chosen by the members of each of the Constituent Authorities from among the members of its own body.

Art. V. The provisions of Rules 5 and 64 of Schedule II. to the Public Health Act, 1875, shall, mutatis mutandis, apply to members of the Joint Board.

Art. VI. The first election of members of the Joint Board shall take place at a meeting of each of the Constituent Authorities, to be held within six weeks from the commencement of this Order, or within such further time as the Local Government Board may, by Order, allow, and fourteen days' previous notice in writing of such meeting shall be given or sent to each member of the Constituent Authorities by the Clerks of such Authorities respectively.

Art. VII. The Clerk of each of the Constituent Authorities shall notify in writing to the Local Government Board, within seven days after such first election shall have taken place, the names and addresses of the persons elected by such Authority as members of the Joint Board.

A.D. 1881.

Lanchester Order.

Art. VIII. A member of the Joint Board elected by the Constituent Authority mentioned in column 2 of Schedule A. to this Order, shall continue in office until the day next preceding that on which the first meeting of such Constituent Authority after the fifteenth day of April next following his election is held and no longer, and a member of the Joint Board elected by one of the Constituent Authorities mentioned in column 2 of Schedule B. to this Order shall continue in office until the day next preceding that on which the annual meeting of such Constituent Authority next following his election is held and no longer: but if an elective member of the Joint Board dies, or resigns, or becomes disqualified, or ceases to be a member of the Constituent Authority by which he was elected, otherwise than by effluxion of time prior to the expiration of the period for which he would otherwise hold office as a member of the Joint Board, his office shall be vacated by such death, resignation, disqualification, or ceasing to be a member of the Constituent Authority by which he was elected.

An elective member who ceases to hold office as a member of the Joint Board, shall be re-eligible as a member, if at the time of re-election he is a member of one of the Constituent Authorities.

Art. IX. Any vacancy occurring in the Joint Board by death, resignation, disqualification, or otherwise, shall be filled up by the Constituent Authority in whose representation the vacancy happens at a meeting to be held within six weeks of such vacancy occurring, or within such further period as the Local Government Board may, by Order, determine, and fourteen days' previous notice in writing of such meeting shall be given or sent to each member of the Constituent Authority by the Clerk of such Authority.

Art. X. The time and place of holding the first meeting of the Joint Board shall be fixed by the Local Government Board, and the subsequent ordinary meetings of the Joint Board shall be held at such times and places as the Joint Board may appoint; and at all meetings of the Joint Board three members shall constitute a quorum.

Provided that an extraordinary meeting shall be summoned by the Clerk to the Joint Board when a requisition for that purpose is addressed to him by the Chairman, or any three members, of the Joint Board.

Such requisition shall be in writing, or in print, or partly in writing and partly in print, and no business other than that specified in the requisition shall be transacted at such extraordinary meeting.

Notices of all meetings of the Joint Board shall be delivered or sent by post so as to reach the last known place of abode or business in England of each member of the Joint Board three clear days before the day of meeting, or at such earlier time as the Joint Board may from time to time direct.

Art. XI. The Joint Board shall, at their first meeting, or at an adjournment thereof, and from time to time thereafter as occasion shall require, appoint a chairman, a treasurer, and a clerk, and they may from time to time appoint one or more medical officers and such other officers and servants as they think requisite. They may pay their treasurer, clerk, medical officers, and other officers and servants such reasonable remuneration as they shall deem expedient; and every such treasurer, clerk, medical officer, and other officer and servant shall be removable by the Joint Board at their pleasure.

Art. XII. The purposes for which the United District is formed are the provision, maintenance, and management of a hospital or hospitals for cases of infectious diseases, for the use of the inhabitants of the Constituent Districts.

Art. XIII. Persons shall be admitted into a hospital provided by the Joint Board in any of the following modes, and not otherwise, except with the consent of the Constituent Authorities; viz.:—

a. By an order of the Joint Board or any Constituent Authority.

b. By an order of a Medical Officer of Health of any of the Constituent Authorities.

c. By an order of a medical officer appointed by the Joint Board.

d. By an order of justices made under the provisions of the Public Health Act, 1875.

Provided, that if the Guardians of the Poor of the Lanchester Union and the Joint Board agree for the reception into the hospital of persons in the receipt of relief from the said Guardians, any such person may be admitted into the hospital in pursuance of such agreement by an Order of the said Guardians, or their officers, under which such person might be admitted into the Workhouse of the Lanchester Union.

Art. XIV. For the purposes of this Order the following sections of the Public Health Act, 1875, shall apply, and the Joint Board shall have, exercise, perform, and be subject to all the powers, rights, duties, capacities, liabilities, and obligations of a Local or Urban Sanitary Authority under the same sections, so far as the same are applicable, viz.:—

Sections 122 and 123, 131 and 132, relating to Infectious Diseases and Hospitals.

Section 141, relating to the provision and fitting up of a mortuary, to the making of byelaws with respect to the same, and to the provision for the decent and economical interment of any dead body received into such mortuary.

Sections 173 and 174 (except Sub-section 3), relating to Contracts.

Sections 175, 176, and 177, relating to Purchase of Lands.

Sections 179 to 181, both inclusive, relating to Arbitration.

Sections 192 to 197, Section 200, and Sections 203 to 206, all inclusive, relating to Officers and Conduct of Business of Local Authorities.

Sections 245, 247 (as amended by the District Auditors Act, 1879,), 249, and 250, relating to Audit.

Sections 251 to 254, and Sections 258 to 267, all inclusive, and Section 269, relating to Legal Proceedings.

Sections 306 to 309, both inclusive, relating to Miscellaneous Provisions.

Art. XV. A copy of Section 132 of the Public Health Act, 1875, shall be hung up in a conspicuous place at the principal entrance of the hospital, and in each of the wards of the hospital.

Art. XVI. Until a hospital provided by the Joint Board is ready for the reception of patients, nothing in this Order shall take away, abridge, or prejudicially affect any power vested in any of the Constituent Authorities with regard to the provision of a hospital or hospitals for the use of the inhabitants of their District.

A.D. 1881.

Lanchester Order.

Art. XVII. The expenses incurred by the Joint Board of and incidental to the providing, erecting, furnishing, and fitting up a hospital or hospitals, all establishment charges, including the remuneration of the treasurer, clerk, medical officer or medical officers, and other officers and servants, and all other expenses, other than expenses of the care and maintenance of patients, shall be defrayed out of a Common Fund, to be contributed by the Constituent Districts in the manner provided by Section 283 of the Public Health Act, 1875; and for the purposes of this Order any person appointed by the Joint Board may inspect, take copies of, or make extracts from any Valuation List, or Rate for the relief of the Poor within the United District, or any part thereof, or any book relating to the same.

Art. XVIII. The expenses of the maintenance and care of patients in a hospital provided by the Joint Board, so far as such expenses are not recovered from or repaid by or for such patients, shall be paid by the Constituent Authority from whose District such patients shall be received into the hospital, and shall be included in the precepts which the Joint Board issue to the Constituent Authorities respectively under Section 284 of the Public Health Act, 1875, stating the sums to be contributed by the Constituent Authorities towards the Common Fund of the District; and, in case of default, shall be recovered in like manner as the sums to be contributed towards such Common Fund.

Art. XIX. The accounts of the Joint Board shall at all reasonable times be open to inspection and transcription by any member of any of the Constituent Authorities, or by any officer of any Constituent Authority authorised by them for that purpose, without payment.

Art. XX. A copy of the Auditor's Report and of the abstract of the accounts of the Joint Board, when duly audited, shall be sent by the Joint Board to each of the Constituent Authorities.

Art. XXI. If at any time all or any part of the District of the Constituent Authority mentioned in Schedule A. hereto becomes an Urban Sanitary District, then and in every such case the Local Government Board may, by Order, to be published as they shall direct, make such provision as to them seems fit for adapting the provisions of this Order to the alteration so made, and to the incidents and consequences thereof, and every such Order shall have effect as if the terms thereof were inserted in this Order.

Art. XXII. If at any time any difference arises between the Joint Board on the one hand and any Constituent Authority or Authorities, on the other hand, or between the Constituent Authorities, respecting any matter arising out of the provisions of this Order, the same shall be referred to and be settled by arbitration, in the manner provided by the Public Health Act, 1875, except in any case otherwise herein provided for.

The SCHEDULES above referred to.

SCHEDULE A.

Rural Sanitary District.

1.	2.	3.		4.
Name of District.	Name of Sanitary or Local Authority.	Ex-officio Member.		Elective Members.
		Number.	Description.	Number.
The Rural Sanitary District of the Lanchester Union.	The Guardians of the Poor of the Lanchester Union, acting as the Rural Sanitary Authority.	1	The Chairman of the Board of Guardians acting as the Rural Sanitary Authority, or in case of his being also the Chairman of one of the Urban Sanitary Districts mentioned in Schedule B., then the Vice-Chairman of the Board of Guardians acting as the Rural Sanitary Authority, or if there are two Vice-Chairmen, the Vice-Chairman having precedence.	8

SCHEDULE B.

Urban Sanitary Districts.

1.	2.	3.		4.
Name of Districts.	Names of Sanitary or Local Authorities.	Ex-officio Members.		Elective Members.
		Number.	Description.	Number.
Benfieldside, Local Government District of.	The Benfieldside Local Board.	1	The Chairman of the Local Board.	1
Consett, Local Government District of.	The Consett Local Board -	1	The Chairman of the Local Board.	1
Leadgate, Local Government District of.	The Leadgate Local Board -	1	The Chairman of the Local Board.	1
	Total - -	3	Total -	3

Given under the Seal of Office of the Local Government Board, this Twelfth day of May, in the year One thousand eight hundred and eighty-one.

J. G. Dodson, President.

(L.S.) Hugh Owen, Junr., Assistant Secretary.

A.D. 1881.

Middleton and Tonge Order.

IMPROVEMENT ACT DISTRICT OF MIDDLETON AND TONGE.

Provisional Order for altering and amending a Local Act and certain Confirming Acts.

To the Middleton and Tonge Improvement Commissioners being the Sanitary Authority for the Urban Sanitary District of Middleton and Tonge, in the County of Lancaster; —

And to all others whom it may concern.

WHEREAS under the provisions of a Local Act of Parliament, intituled "The Middleton and Tonge Improvement Act, 1861" (herein-after referred to as "the Local Act"), certain Commissioners (herein-after referred to as "the Commissioners") were appointed and incorporated, under the name of the Middleton and Tonge Improvement Commissioners (herein-after called "the Commissioners"), to execute the Local Act;

And whereas by Section 1 of the Local Act it is enacted (inter alia) that the Commissioners Clauses Act, 1847, shall be incorporated with and form part of that Act;

And whereas by Section 6 of the Local Act it was declared that the limits of that Act should comprise and include the Townships of Middleton and Tonge, in the County of Lancaster, as defined upon a map or plan deposited at the office of the Clerk to the Commissioners;

And whereas by Section 8 of the Local Act it was enacted that, upon and from the purchase and transfer of the undertaking of the Middleton Gas Company (which purchase and transfer took place shortly after the passing of the Local Act) the limits of the Local Act should, for the purposes connected with the making and supply of gas, extend to and include the said Townships of Middleton and Tonge, the Townships of Alkrington and Thornham, in the County of Lancâster, and the other Townships therein mentioned;

And whereas by Section 18 of the Local Act the Commissioners were authorised to borrow certain sums on the securities therein mentioned;

And whereas by Section 104 of the Local Act, it is enacted that the Commissioners in addition to any other sums which they may borrow under that Act and the Acts incorporated therewith, may from time to time, for any of the purposes of the Local Act relative to the making and supply of gas, borrow at interest, on the securities therein mentioned, such sums as they may think necessary, not exceeding thirty-six thousand pounds, and may secure the repayment of the same, with interest, by mortgage accordingly;

And whereas by a Provisional Order of the Local Government Board dated the Seventh day of May, One thousand eight hundred and seventy-eight, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Bournemouth, &c.) Act, 1878 (which Act and Order are herein-after respectively referred to as "the Confirming Act of 1878" and "the Order of 1878"), the Local Act was partially repealed and it was by Art. I. ordered that

Section 12 of the Local Act should be altered and amended, so as to provide as follows; viz.:—

"(*a.*) Any person who shall be qualified, in accordance with the provisions of Section 14 of the Local Act as hereby altered and amended, may nominate for the office of Commissioner himself (if qualified to be elected) or any other persons or person so qualified (not exceeding the number of persons to be elected).

(*b.*) Every such nomination shall be in writing, and shall state the name and residence and calling or quality of the person or persons nominated, and shall be signed by the person nominating, and be delivered or sent to the chairman of the Commissioners at the Commissioners office, between the hours of ten in the morning and six in the evening of the Wednesday next preceding the day of election;

(*c.*) Any person nominated may withdraw from his candidature by giving notice to that effect, signed by him, to the chairman of the Commissioners not later than three clear days before the election;

(*d.*) If the number of persons nominated and not withdrawn is the same as or less than the number of persons to be elected, such persons (if duly qualified) shall be deemed and shall on the day of election be certified by the chairman of the Commissioners under his hand to be elected;

(*e.*) If the number of persons nominated and not withdrawn exceeds the number of persons to be elected, the names and residence and the calling or quality of each of the persons nominated and not withdrawn (but of no other persons) shall be printed in the alphabetical order of the surnames of such persons, in the first column of the voting papers to be furnished to the Returning Officer for the use of the voters, in accordance with the provisions of the Commissioners Clauses Act, 1847, and the votes shall be given by the voter as directed in rule 45 of Schedule II. to the Public Health Act, 1875;"

And whereas by Art. III. of the Order of 1878 the borrowing powers of the Commissioners under Section 18 of the Local Act were extended;

And whereas by another Provisional Order of the Local Government Board dated the Sixth day of May, One thousand eight hundred and seventy-nine, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Castleton-by-Rochdale, &c.) Act, 1879 (which Order is herein-after referred to as "the Order of 1879"), the Local Act was further altered, so as to include within the limits of that Act, as partially repealed, altered, and amended by the Order of 1878, for purposes connected with the making and supply of gas a portion of the Rural Sanitary District of the Bury Union, and, for all other purposes, the said portion of the Rural Sanitary District of the Bury Union and a portion of the Rural Sanitary District of the Oldham Union; and it was ordered that the Commissioners should, for the purposes of the Public Health Act, 1875, have jurisdiction to the exclusion of any other Sanitary Authority in the portions of the Rural Sanitary Districts of the Bury and Oldham Unions thereby included within the limits of the Local Act; and the number of the Commissioners was increased as therein mentioned;

A.D. 1881.

Middleton and Tonge Order.

And whereas by a further Provisional Order of the Local Government Board dated the Tenth day of May, One thousand eight hundred and eighty, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Act, 1880 (which Act and Order are herein-after respectively referred to as "the Confirming Act of 1880" and "the Order of 1880") it was by Art. I. ordered that, notwithstanding anything to the contrary contained in Sections 1 and 110 of the Local Act, the provisions of Section 84 of the Commissioners Clauses Act, 1847, should not extend to moneys borrowed for any of the purposes of the Local Act relative to the making and supply of gas;

And whereas by Art. IV. of the Order of 1880 it was ordered that the Local Act should be altered and amended, so as to provide that all gas rents, lighting rates, and other moneys which should be received by the Commissioners in any year under such of the powers of the Local Act as relate to the making and supply of gas (other than borrowed moneys), should be applied (inter alia) in payment of the sums required to be paid into a sinking fund for the redemption of the annuities payable under the Local Act, and in payment of the sums required to be paid into a sinking fund for the repayment of the moneys borrowed under such of the powers of the Local Act as relate to the making and supply of gas;

And whereas by Art. VI. of the Order of 1880 provision was made for the investment of the sinking fund therein mentioned in the purchase of exchequer bills or other Government securities, or in securities in which trustees are by law for the time being authorised to invest, or in nominal debentures or debenture stock issued under the Local Loans Act, 1875, by any local authority other than the Commissioners;

And whereas by Art. VII. of the Order of 1880, it was further ordered that the Commissioners should repay all moneys borrowed before or after the commencement of that Order for any of the purposes of the Local Act relative to the making and supply of gas within sixty years from the date of the original borrowing of such moneys in each case, and should repay all moneys so borrowed after the commencement of that Order by equal annual instalments of principal or of principal and interest, or by means of a sinking fund set apart, invested, accumulated, and applied in accordance with the provisions of Section 234 (4) and (5) of the Public Health Act, 1875; and that the sinking fund set apart for the repayment of monies so borrowed before the commencement of that Order should be invested in the purchase of any of the securities mentioned in Art. VI. of that Order;

And whereas by Art. VIII. of the Order of 1880, it was provided that notwithstanding anything to the contrary contained in Section 108 of the Local Act it should not be lawful for the Commissioners to re-borrow any amounts from time to time paid off by them by means of instalments, or out of the proceeds of sale of surplus lands; and that all moneys re-borrowed under that section should be repaid within the respective periods within which the moneys in respect of which the re-borrowings were made would have been required to be repaid, if such re-borrowings had not been made;

And whereas by Art. IX. of the Order of 1880, the Clerk of the Commissioners is required, within twenty-one days after the expiration of each year

A.D. 1881.

Middleton and Tonge Order.

during which any sum is required to be paid as an instalment, or to be set apart for a sinking fund, under that Order, to 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 amounts which have been paid as instalments, and the amounts which have been invested or applied for the purposes of such sinking fund, during the year next preceding the making of such return, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment, or of the sums accumulated by way of interest, has been applied during the same period, and the total amount (if any) remaining invested at the end of the year;

And whereas by Section 297 of the Public Health Act, 1875, it is enacted (inter alia) that any Act confirming any Provisional Order made in pursuance of any of the Sanitary Acts, or of that Act, may be repealed, altered, or amended by any Provisional Order made by the Local Government Board and confirmed by Parliament;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875;

And whereas the District of the Commissioners, as extended by the Order of 1879, is an Urban Sanitary District, of which the Commissioners are the Urban Sanitary Authority;

And whereas the Local Act is a Local Act within the meaning of the above-recited section of the Public Health Act, 1875;

And whereas the Commissioners, as such Sanitary Authority as aforesaid, have applied to the Local Government Board to alter and amend the Local Act and the Confirming Act of 1878 so far as it relates to the Order of 1878, and the Confirming Act of 1880 so far as it relates to the Order of 1880;

And whereas the Local Government Board, upon receipt of such application, directed Local Inquiry to be held on the subject, which Inquiry was held, after due public notice, and report has been made to them thereon:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by the Statutes in that behalf, do hereby Order that, from and after the day of the date of the Act of Parliament confirming this Order (herein-after referred to as "the commencement of this Order"), the following provisions shall take effect; viz.:

Art. I. Section 104 of the Local Act shall be altered and amended by the substitution therein of the words "fifty-six thousand pounds" for the words "thirty-six thousand pounds," and, except as herein-after provided, all the provisions of the Local Act as altered by the Order of 1880 shall take effect in the same manner as if the amount authorised to be raised thereunder had been fifty-six thousand pounds and not thirty-six thousand pounds.

A.D. 1881.

Middleton and Tonge Order.

Provided that of the said sum of fifty-six thousand pounds no more than thirty-six thousand pounds may be borrowed without the sanction of the Local Government Board.

Provided also that all moneys borrowed after the commencement of this Order under the powers of borrowing conferred by the Local Act as hereby altered shall be repaid within such period, not exceeding sixty years from the time of the original borrowing, as the Commissioners, with the sanction of the Local Government Board, shall in each case determine.

Art. II. The Confirming Act of 1878 so far as it relates to the Order of 1878, shall be altered by the substitution in sub-section (*b.*) of Art. I. of that Order of the words "Monday next but one preceding the day of election" for the words "Wednesday next preceding the day of election," and by the substitution of the following provision for sub-Section (*c.*) of the same Article, viz., "Any person nominated may withdraw from his candidature by "giving notice in writing to that effect, signed by him, to, or leaving the same "at the office of the Commissioners for, the Chairman of the Commissioners "not later than four o'clock in the afternoon of the Saturday following the "day the nomination papers are delivered or sent to the Chairman of the "Commissioners."

Art. III. The Local Act and the confirming Act of 1880 so far as it relates to the Order of 1880, shall be altered so as to provide that, notwithstanding anything in the Local Act or in that Order, or in the Commissioners Clauses Act, 1847, contained, the Commissioners may invest any sinking fund already, or hereafter to be, set aside under the Local Act as altered by the Order of 1878 and the Order of 1880, or under those Orders, not only in the securities referred to in the Commissioners Clauses Act, 1847, and the Order of 1880 respectively, but also in the mortgages, debentures, or debenture or other stock issued by any Local Authority, as defined by Section 34 of the Local Loans Act, 1875, other than the Commissioners.

Art. IV. Except as in this Order is otherwise provided, the provisions of Arts. VII., VIII., and IX. of the Order of 1880 shall apply to all sums of money which may be borrowed under the provisions of Section 104 of the Local Act as hereby altered.

Given under the Seal of Office of the Local Government Board, this Twelfth day of May, in the year One thousand eight hundred and eighty-one.

J. G. DODSON, President.

(L.S.) HUGH OWEN, JUNR., Assistant Secretary.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1881.