CHAPTER cxxxii.

An Act to confirm certain Provisional Orders of the Local Government Board under the provisions of the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875, relating to the Local Government District of Croston and the Borough of Wilton. [24th July 1888.] A.D. 1888.

WHEREAS the Local Government Board have made the Provisional Orders set forth in the schedule hereto under the provisions of the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875: 33 & 34 Vict. c. 70. 38 & 39 Vict. c. 55.

And whereas it is requisite that the said Orders should be confirmed by Parliament, and that the provisions herein contained should be enacted with reference thereto:

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:

Orders in Schedule confirmed.

1. The Orders as altered and set out in the Schedule hereto shall be and the same are hereby confirmed, and all the provisions thereof shall, from and after the dates therein respectively mentioned, have full validity and force.

Special provision as to houses of labouring class.

2. The sanitary authorities mentioned in the said Orders shall not under the powers of this Act or the said Orders, without the consent of the Local Government Board, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses, which after the passing of this Act have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics, artizans, labourers, and others working for

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wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

Special provision relating to the Croston Order for the protection of the Lancashire and Yorkshire Railway Company.

3. Whenever the Croston Local Board, being the Sanitary Authority for the Urban Sanitary District of Croston, in the county of Lancaster (in this section referred to as the Local Board), in exercise of the powers conferred by the Order relating to the Local Government District of Croston hereby confirmed (in this section referred to as "the Croston Order"), shall require to lay down, alter, repair, enlarge, or replace any mains or pipes upon, across, over, or under any railway for the time being belonging to or worked by the Lancashire and Yorkshire Railway Company (in this section called "the Company"), or the stations, bridges, approaches, or other works thereof, or to construct any works adjoining or in close proximity to any such railway, or upon any lands or property for the time being belonging to or used or occupied by the Company, such mains or pipes shall (in all things at the expense of the Local Board) be laid, and such works, together with the making good and repairing the roads over any such bridges and approaches which the Company are or may be liable to maintain, and which may be disturbed or interfered with by or owing to any operations of the Local Board under the provisions of the Croston Order, shall be constructed and executed by the Local Board under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Company, and according to plans to be previously reasonably approved by him, and so as not to cause any injury to any such railway, or any of the works thereof, or to such lands or property or interruption to the passage or conduct of the traffic over or at any such railway or station.

If any injury shall, owing to or by reason of any of the matters aforesaid, arise to any such railway, works, lands, or property or interruption to such traffic, the Local Board shall make full satisfaction in respect thereof to the Company, to be recoverable by the Company from the Local Board, together with the costs of the recovery of the same, by all and the same means as any simple contract debt. Provided that in the event of any dispute as to the amount of such satisfaction, the same shall be determined by arbitration in manner provided by the Public Health Act, 1875, and sections one hundred and seventy-nine to one hundred and

eighty-one of that Act, both inclusive, shall have effect in any such case.

Before opening or breaking up for any of the purposes of the Croston Order any public road crossing either over or on the level of any such railway, the Local Board shall give not less than five clear days notice of their intention so to do, sent by post in a registered letter addressed to the Secretary of the Company, except, however, in any case of emergency arising from defects in any of the pipes or other works of the Local Board, and then as soon as possible after the beginning of the work or the necessity for the same has arisen.

Nothing in the Croston Order shall prejudice, lessen, take away, or interfere with the lands, property, rights, powers, and privileges of the Company otherwise than is herein expressly provided.

Short title.

4. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (Gas) Act, 1888.

SCHEDULE.

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Croston (Gas) Order.

LOCAL GOVERNMENT DISTRICT OF CROSTON.

Provisional Order under the Gas and Water Works Facilities Act, 1870.

To the Croston Local Board, being the Sanitary Authority for the Urban Sanitary District of Croston, in the County of Lancaster: —

And to all others whom it may concern.

WHEREAS the Croston Local Board (herein-after referred to as "the Local Board"), being the Sanitary Authority for the Urban Sanitary District of Croston, in the County of Lancaster (herein-after referred to as "the District"), have (subject to the sanction of the Local Government Board) agreed to buy, and the Croston Gaslight Company, Limited (herein-after referred to as "the Company"), have, in pursuance of a special resolution of the members passed in manner provided by the Companies Act, 1862, agreed to sell and transfer to the Local Board all the interest of the Company in the land, buildings, gas-making apparatus, plant, and utensils, and other effects of the Company (in this Order referred to as "the undertaking of the Company");

And whereas the Local Board are, under the Public Health Act, 1875, themselves empowered to supply gas for the whole of their District, and have applied to the Local Government Board to issue a Provisional Order authorising them to maintain and continue the undertaking of the Company, if and when the same shall be acquired by them, to manufacture and supply gas, and to borrow money for those purposes:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 161 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after 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. This Order may be cited as "The Croston Gas Order, 1888."

Art. II. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by the Gas and Water Works Facilities Act, 1870, meanings are assigned, have in this Order the same respective meanings.

Art. III. The limits within which this Order shall be in force and have effect shall be the boundaries of the District.

Art. IV. The Local Board shall, in relation to the purposes of this Order, exercise, and be subject to all the powers and provisions of the Public Health

Act, 1875, so far as the same are applicable to the purposes of this Order, but nothing herein contained shall empower the Local Board to acquire lands otherwise than by agreement, or to acquire any lands by agreement other than those mentioned in the schedule hereto.

Art. V. The provisions of the Lands Clauses Consolidation Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the Promoters of the undertaking, and except Section 127 of the Lands Clauses Consolidation Act, 1845), and the provisions of the Gasworks Clauses Act, 1847 (except Sections 30 to 38, both inclusive, and Sections 41, 43, 45, 46, and 47, thereof), and of the Gasworks Clauses Act, 1871 (except Sections 24 to 27, both inclusive, Sections 29 and 35, and Schedule B. thereof), are incorporated with this Order, but subject to such alterations as this Order may make therein; and the said provisions of the said Gasworks Clauses Acts shall apply to mains, pipes, or works acquired by the Local Board, under or by virtue of the Public Health Act, 1875, or of this Order, and to mains, pipes, or works which may be laid down or constructed under the authority of this Order.

Art. VI. The Local Board may (when the undertaking of the Company shall have been acquired by them), upon the lands described in the schedule hereto, maintain, repair, renew, and continue and from time to time construct, alter, enlarge, or, when necessary, remove buildings, apparatus, and works for the manufacture and storage of gas, and of coke, asphaltum, pitch, coal-tar, ammoniacal liquor, and other refuse or residual products arising from the manufacture of gas and any matters producible therefrom, and dwellings for any persons employed in the said works, and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the District for public and private purposes, and may convert or manufacture coke, asphaltum, pitch, coal-tar, ammoniacal liquor, and all refuse or residual products arising from the manufacture of gas by them, and any matters producible therefrom, and may sell and dispose of the same at the gasworks and elsewhere.

Art. VII. The Local Board shall not manufacture gas, or any residual products arising in the manufacture of gas, or store gas on any land other than that specified in the schedule hereto.

Art. VIII. The Local Board may manufacture, purchase, or hire, and sell or let on hire, gas cooking ovens, stoves, meters, ranges, burners, or other fittings used in the supply or consumption of gas for lighting or heating purposes.

Art. IX. The quality of the gas supplied by the Local Board shall, with respect to its illuminating power, be such as to produce at the testing place herein-after mentioned a light equal in intensity to the light produced by fifteen sperm candles of six to the pound, and shall, in all respects, be in accordance with the provisions of the Gasworks Clauses Act, 1871.

Art. X. The Local Board shall, before supplying, or within one month after commencing to supply, gas under the authority of this Order, provide and maintain a suitable photometer and other necessary appliances for the purposes of testing the quality of the gas, and shall at all times keep the same in proper order and repair.

Art. XI. All gas supplied by the Local Board to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column

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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 or as near as may be to the junction therewith of the service pipe supplying such consumer.

Art. XII. For the purposes of the Gasworks Clauses Act, 1871, the prescribed testing place shall be a testing place to be provided by the Local Board at the gasworks situate on the land described in the schedule hereto, before supplying or within one month after commencing to supply, gas under the authority of this Order, and the burner to be used for testing the gas shall be a Sugg's "London" Argand No. 1, with a six-inch by one and three-quarter inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used. Any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, not being the immediate approach to any railway bridge or railway station, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority.

Art. XIII. No penalty shall be incurred by the Local Board for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them, in any case in respect of which it is proved that such insufficiency, defect, or excess was produced by an unavoidable cause or accident.

Art. XIV. The price to be charged by the Local Board for gas supplied by them to consumers shall not exceed five shillings and sixpence per one thousand cubic feet, and so on in proportion for any less quantity supplied: Provided nevertheless that every odd fraction or portion of one hundred cubic feet may be charged for as one hundred cubic feet.

Art. XV. The Local Board may, with the sanction of the Local Government Board, and for the purposes of this Order (which purposes shall be deemed to include the costs payable by the Local Board of and connected with the preparation and making of this Order), borrow money upon the security of the moneys from time to time received by them by way of revenue under this Order, and upon the security of the district fund and general district rate of the District, or upon either of such securities.

Art. XVI. For the purpose of raising money under this Order the provisions of the Local Loans Act, 1875 (including the power of creating debenture stock), shall be available to the Local Board, and Sections 236 to 239, both inclusive, of the Public Health Act, 1875, shall apply to all money raised and borrowed under this Order, other than money borrowed under the provisions of the Local Loans Act, 1875.

Art. XVII. The moneys borrowed for the purposes of this Order shall be repaid within such period (not exceeding fifty years) as the Local Board, with the sanction of the Local Government Board, shall determine, and the period so determined and sanctioned shall be deemed to be the "prescribed period" within the meaning of the Local Loans Act, 1875, and is herein-after referred to as "the prescribed period."

Art. XVIII. The Local Board shall repay the money borrowed for the purposes of this Order, other than money borrowed under the provisions of the Local Loans Act, 1875, either by equal annual instalments of principal, or of principal

and interest, or by setting apart in every year as a sinking fund such a sum or sums as will, according to a reasonable calculation for the time being, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the money so borrowed within the prescribed period, and shall invest the same 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 mortgages, debentures, debenture stock, or other securities issued by any Local Authority as defined by Section 34 of the Local Loans Act, 1875, other than the Local Board, the Local Board being at liberty from time to time to vary and transpose such investments.

Art. XIX. The Local Board may at any time apply the whole or any part of such sinking fund in or towards the discharge of the money for the repayment of which the fund is established: Provided that the Local Board pay into the fund each year, and accumulate until the whole of the money borrowed is discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied.

Art. XX. The Local Board may, with the sanction of the Local Government Board, re-borrow moneys paid off otherwise than by instalments or by means of a sinking fund upon one or more of the securities mentioned in Article XV. of this Order, for the purpose of discharging any loans contracted under that Article, other than loans contracted under the Local Loans Act, 1875: Provided that the money borrowed for such purpose shall be repaid in the manner provided by Articles XVII. and XVIII. of this Order, and the time for repayment of the money so borrowed shall not, except with the sanction of the Local Government Board, extend beyond the unexpired portion of the prescribed period, and shall in no case be extended beyond the period of fifty years from the date of the original loan.

Art. XXI. All money borrowed or re-borrowed under this Order shall be appropriated to the purposes for which it is authorised to be so borrowed or re-borrowed, and all money received by the Local Board, either as purchase money of lands sold, or for equality of exchange, or as consideration for a lease, shall be applied to works or objects on which capital may properly be expended, when the Local Government Board have sanctioned the application of the same to those purposes, or shall be applied, according as the Local Board may determine, towards the reduction of the debt owing by the Local Board or towards the increase of the sinking fund set apart under this Order: Provided that it shall not be in any way incumbent on any mortgagee to see to the application of any money so borrowed or re-borrowed, nor shall the mortgagee be responsible for any misapplication thereof.

Art. XXII. The powers of borrowing and re-borrowing conferred by this Order shall be deemed to be distinct from, and in addition to, the powers of borrowing and re-borrowing conferred on the Local Board by the Public Health Act, 1875.

Art. XXIII. The clerk to the Local Board shall, within twenty-one days after the expiration of each year ending on the twenty-fifth day of March in which any sum is required to be paid as an instalment or to be set apart for a sinking fund in respect of moneys borrowed under the provisions of this Order, 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,

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for the year next preceding the making of such return, the amounts which have been paid as instalments, and the amounts which have been invested or applied for the purpose of such sinking fund, 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, in the event of any wilful default in making such return, such clerk shall be liable to a penalty not exceeding twenty pounds, which shall be paid to the Local Government Board, and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act, 1875, in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

Art. XXIV. If it appears to the Local Government Board by that return, or otherwise, that the Local Board have failed to pay any instalment required to be paid, or to set apart any sum required for any sinking fund, or have applied any portion of the moneys set apart for any sinking fund or of the sums accumulated by way of interest, to any purposes other than those authorised, the Local Government Board may, by order, direct that the sum in such order mentioned, not exceeding double the amount in respect of which default has been made, shall be paid by way of instalment, or be set apart and invested or applied as part of the sinking fund, and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

Art. XXV. When the Local Board require money to be deposited by any person with them by way of security for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas, or of the purchase or hire of any meter, the Local Board shall pay interest at the rate of three pounds per centum per annum on every sum of ten shillings so deposited, for every six months during which the same remains in their hands: Provided that the Local Board may, if they think fit, invest any money so deposited with them in the manner provided by Article XVIII. of this Order as to the sinking fund, and in that case the Local Board shall pay no higher rate of interest than they themselves receive thereon.

Art. XXVI. The Local Board shall keep separate capital and revenue accounts of all receipts, credits, payments, liabilities, and transactions in and about the execution of this Order, and from or on account of the gas undertaking hereby authorised, which accounts shall be distinct from the other accounts of the Local Board, and shall be called respectively "the Gas Capital Account" and "the Gas Revenue Account."

Art. XXVII. All moneys from time to time received by the Local Board by way of revenue under this Order shall be applied for the following purposes:—

In payment of the gas establishment charges (that is to say) of the expenses properly chargeable to the revenue of establishing, conducting, managing, and maintaining the gasworks and works connected therewith;

In payment of the interest on the moneys borrowed or re-borrowed for the purposes of this Order;

In providing for the discharge of any moneys borrowed or re-borrowed for the purposes of this Order in accordance with the provisions of this Order, or if such money was borrowed thereunder, of the Local Loans Act, 1875;

In setting apart, if the Local Board think fit, a yearly sum not exceeding ten pounds per centum of such revenue, for the purpose of forming a reserve fund to provide for the expenses attendant upon or occasioned by any sudden accident to the said gasworks and works connected therewith, or any other extraordinary expenditure authorised by this Order: Provided that such reserve fund shall be accumulated by way of compound interest by investment in the manner specified in Article XVIII. of this Order as to the sinking fund, until it amounts, according to the market price of such investments, to the sum of two thousand pounds, and that whenever the reserve fund amounts, according to the market price of such investments, to the sum of two thousand pounds the income therefrom shall be applied in the same manner as money received by the Local Board by way of revenue under this Order;

In payment, if the Local Board think fit, of the expenses of executing any permanent works authorised by this Order;

The residue (if any) of such revenue shall be carried to the credit of the district fund, but no part of such revenue shall be carried to the credit of the district fund when the price of gas to private consumers exceeds four shillings per one thousand cubic feet.

Art. XXVIII. The Local Board shall keep separate records of the quantities of gas supplied to private consumers and for public lighting respectively. The price charged for gas for public lighting shall not be less than that charged to private consumers by more than ten per cent.

Art. XXIX. The Local Board shall not defray any of the charges and expenses of carrying this Order into execution, other than payments required to be made in respect of money borrowed on mortgage of the district fund and general district rate, out of the district fund or general district rate when the price of gas to private consumers is less than five shillings and sixpence per one thousand cubic feet.

Art. XXX. If any difference arise between the Local Board and any railway, canal, or other company whose lands or works the Local Board have power to cross under the authority of this Order for the purpose of meeting the demands for gas within the district, as to the mode of laying down, repairing, altering, or enlarging the pipes or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Local Government Board at the request of either party; and the costs and expenses of and incidental to such appointment shall be paid by the Local Board and the Company in equal moieties, unless the Local Government Board otherwise direct.

The SCHEDULE above referred to.

All that piece of land, containing by admeasurement one thousand and thirty-eight square yards or thereabouts, situate in the Parish of Croston, in the County of Lancaster, and bounded on the north by the Cannell Leach Ditch, on the east by the Cannell Leach Highway, and on the south and west by land belonging or reputed to

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belong to Sigismund Cathcart de Trafford, which piece of land is held by the Company for a term of ninety-nine years, commencing from the First day of May, One thousand eight hundred and sixty-two, at the yearly rent of four pounds six shillings and sixpence.

Given under the Seal of Office of the Local Government Board, this Seventeenth day of April, One thousand eight hundred and eighty-eight.

(L.S.)

Chas. T. Ritchie, President.
Hugh Owen, Secretary.

Wilton (Gas) Order.

BOROUGH OF WILTON.

Provisional Order under the Gas and Water Works Facilities Act, 1870.

To the Mayor, Aldermen, and Burgesses of the Borough of Wilton, in the County of Wilts, being the Urban Sanitary Authority for that Borough; —

And to all others whom it may concern.

WHEREAS the Borough of Wilton, in the County of Wilts (herein-after referred to as "the Borough"), is an Urban Sanitary District, of which the Mayor, Aldermen, and Burgesses, acting by the Council (herein-after referred to as "the Corporation"), are the Urban Sanitary Authority;

And whereas the Corporation have (subject to the sanction of the Local Government Board) agreed to buy, and the Wilton Gas, Coke, and Coal Company (being a company incorporated and registered under the Joint Stock Companies Act, 1856, and herein-after referred to as "the Company") have, in pursuance of a resolution passed by a majority of three-fourths in number and value of the members present, either personally or by proxy, at a meeting of the Company specially convened with notice of the business to be transacted, agreed to sell and transfer to the Corporation the lands, hereditaments, and premises described in the schedule hereto, and all the business, gasworks, offices, buildings, mains, service pipes, meters, brackets, lanterns, fixed and moveable plant and machinery, stock-in-trade, and other property, credits, and effects of the Company (in this Order referred to as "the undertaking of the Company");

And whereas the Corporation are, under the Public Health Act, 1875, themselves empowered to supply gas for the whole of their District, and have applied to the Local Government Board to issue a Provisional Order authorising them to maintain and continue the undertaking of the Company, if and when the same shall be acquired by them, to manufacture and supply gas, and to borrow money for those purposes:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 161 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after 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. This Order may be cited as "The Wilton Gas Order, 1888."

Art. II. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by the Gas and Water Works Facilities Act, 1870, meanings are assigned have in this Order the same respective meanings.

Art. III. The limits within which this Order shall be in force and have effect shall be the boundaries of the Borough.

Art. IV. The Corporation shall, in relation to the purposes of this Order, exercise, and be subject to all the powers and provisions of the Public Health Act, 1875, so far as the same are applicable to the purposes of this Order, but nothing herein contained shall empower the Corporation to acquire lands other wise than by agreement, or to acquire any lands by agreement other than those mentioned in the schedule hereto.

Art. V. The provisions of the Lands Clauses Consolidation Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking, and except Section 127 of the Lands Clauses Consolidation Act, 1845), and the provisions of the Gasworks Clauses Act, 1847 (except Sections 30 to 38, both inclusive, and Sections 41, 43, 45, 46, and 47 thereof), and of the Gasworks Clauses Act, 1871 (except Sections 24 to 27, both inclusive, Sections 29 and 35, and Schedule B. thereof), are incorporated with this Order, but subject to such alterations as this Order may make therein; and the said provisions of the said Gasworks Clauses Acts shall apply to mains, pipes, or works acquired by the Corporation under or by virtue of the Public Health Act, 1875, or of this Order, and to mains, pipes, or works which may be laid down or constructed under the authority of this Order.

Art. VI. The Corporation may (when the undertaking of the Company shall have been acquired by them), upon the lands described in the schedule hereto, maintain, repair, renew, and continue and from time to time construct, alter, enlarge, or, when necessary, remove buildings, apparatus, and works for the manufacture and storage of gas, and of coke, asphaltum, pitch, coal-tar, ammoniacal liquor, and other refuse or residual products arising from the manufacture of gas and any matters producible therefrom, and dwellings for any persons employed in the said works, and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the Borough for public and private purposes, and may convert or manufacture coke, asphaltum, pitch, coal-tar, ammoniacal liquor, and all refuse or residual products arising from the manufacture of gas by them, and any matters producible therefrom, and may sell and dispose of the same at the gasworks and elsewhere.

Art. VII. The Corporation shall not manufacture gas, or any residual products arising in the manufacture of gas, or store gas, on any land other than that specified in the Schedule hereto.

Art. VIII. The Corporation may manufacture, purchase, or hire, and sell or let on hire, gas cooking ovens, stoves, meters, ranges, burners, or other fittings used in the supply or consumption of gas for lighting or heating purposes.

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Art. IX. The quality of the gas supplied by the Corporation shall, with respect to its illuminating power, be such as to produce at the testing place herein-after mentioned a light equal in intensity to the light produced by sixteen sperm candles of six to the pound, and shall, in all respects, be in accordance with the provisions of the Gasworks Clauses Act, 1871.

Art. X. The Corporation shall, before supplying, or within one month after commencing to supply, gas under the authority of this Order, provide and maintain a suitable photometer and other necessary appliances for the purposes of testing the quality of the gas, and shall at all times keep the same in proper order and repair.

Art. XI. All gas supplied by the Corporation to any consumer of gas shall be supplied at such pressure 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 or as near as may be to the junction therewith of the service pipe supplying such consumer.

Art. XII. For the purposes of the Gasworks Clauses Act, 1871, the prescribed testing place shall be a testing place to be provided by the Corporation at the gasworks situate on the land described in the schedule hereto, before supplying, or within one month after commencing to supply, gas under the authority of this Order, and the burner to be used for testing the gas shall be a Sugg's "London" Argand No. 1, with a six inch by one and three-quarter inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used. Any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, not being the immediate approach to any railway bridge or railway station, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority.

Art. XIII. No penalty shall be incurred by the Corporation for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them, in any case in respect of which it is proved that such insufficiency, defect, or excess was produced by an unavoidable cause or accident.

Art. XIV. The price to be charged by the Corporation for gas supplied by them to consumers shall not exceed five shillings per one thousand cubic feet, and so on in proportion for any less quantity supplied: Provided nevertheless that every odd fraction or portion of one hundred cubic feet may be charged for as one hundred cubic feet.

Art. XV. The Corporation may, with the sanction of the Local Government Board, and for the purposes of this Order (which purposes shall be deemed to include the costs payable by the Corporation of and connected with the preparation and making of this Order), borrow money upon the security of the moneys from time to time received by them by way of revenue under this Order, and upon the security of the district fund and general district rate of the Borough, or upon either of such securities.

Art. XVI. For the purpose of raising money under this Order the provisions of the Local Loans Act, 1875 (including the power of creating debenture stock),

shall be available to the Corporation, and Sections 236 to 239, both inclusive, of the Public Health Act, 1875, shall apply to all money raised and borrowed under this Order, other than money borrowed under the provisions of the Local Loans Act, 1875.

Art. XVII. The moneys borrowed for the purposes of this Order shall be repaid within such period (not exceeding thirty years) as the Corporation, with the sanction of the Local Government Board, shall determine, and the period so determined and sanctioned shall be deemed to be the "prescribed period" within the meaning of the Local Loans Act, 1875, and is herein-after referred to as "the prescribed period."

Art. XVIII. The Corporation shall repay the money borrowed for the purposes of this Order, other than money borrowed under the provisions of the Local Loans Act, 1875, either by equal annual instalments of principal, or of principal and interest, or by setting apart in every year as a sinking fund such a sum or sums as will, according to a reasonable calculation for the time being, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the money so borrowed within the prescribed period, and shall invest the same 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 mortgages, debentures, debenture stock, or other securities issued by any Local Authority as defined by Section 34 of the Local Loans Act, 1875, other than the Corporation, the Corporation being at liberty from time to time to vary and transpose such investments.

Art. XIX. The Corporation may at any time apply the whole or any part of such sinking fund in or towards the discharge of the money for the repayment of which the fund is established: Provided that the Corporation pay into the fund each year, and accumulate until the whole of the money borrowed is discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied.

Art. XX. The Corporation may, with the sanction of the Local Government Board, re-borrow moneys paid off otherwise than by instalments or by means of a sinking fund upon one or more of the securities mentioned in Article XV. of this Order, for the purpose of discharging any loans contracted under that Article, other than loans contracted under the Local Loans Act, 1875: Provided that the money borrowed for such purpose shall be repaid in the manner provided by Articles XVII. and XVIII. of this Order, and the time for repayment of the money so borrowed shall not, except with the sanction of the Local Government Board, extend beyond the unexpired portion of the prescribed period, and shall in no case be extended beyond the period of thirty years from the date of the original loan.

Art. XXI. All money borrowed or re-borrowed under this Order shall be appropriated to the purposes for which it is authorised to be so borrowed or re-borrowed, and all money received by the Corporation, either as purchase money of lands sold, or for equality of exchange, or as consideration for a lease, shall be applied to works or objects on which capital may properly be expended, when the Local Government Board have sanctioned the application of the same to those purposes, or shall be applied, according as the Corporation may determine, towards the reduction of the debt owing by the Corporation or towards the increase of the sinking fund set apart under this Order: Provided

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that it shall not be in any way incumbent on any mortgagee to see to the application of any money so borrowed or re-borrowed, nor shall the mortgagee be responsible for any misapplication thereof.

Art. XXII. The powers of borrowing and re-borrowing conferred by this Order shall be deemed to be distinct from, and in addition to, the powers of borrowing and re-borrowing conferred on the Corporation by the Public Health Act, 1875.

Art. XXIII. The treasurer of the Corporation shall, within twenty-one days after the expiration of each year ending on the twenty-fifth day of March in which any sum is required to be paid as an instalment or to be set apart for a sinking fund in respect of moneys borrowed under the provisions of this Order, 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, for the year next preceding the making of such return, the amounts which have been paid as instalments, and the amounts which have been invested or applied for the purpose of such sinking fund, 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, in the event of any wilful default in making such return, such treasurer shall be liable to a penalty not exceeding twenty pounds, which shall be paid to the Local Government Board, and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act, 1875, in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

Art. XXIV. If it appears to the Local Government Board by that return, or otherwise, that the Corporation have failed to pay any instalment required to be paid, or to set apart any sum required for any sinking fund, or have applied any portion of the moneys set apart for any sinking fund or of the sums accumulated by way of interest to any purposes other than those authorised, the Local Government Board may, by order, direct that the sum in such order mentioned, not exceeding double the amount in respect of which default has been made, shall be paid by way of instalment, or be set apart and invested or applied as part of the sinking fund, and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

Art. XXV. When the Corporation require money to be deposited by any person with them by way of security for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas, or of the purchase or hire of any meter, the Corporation shall pay interest at the rate of three pounds per centum per annum on every sum of ten shillings so deposited, for every six months during which the same remains in their hands: Provided that the Corporation may, if they think fit, invest any money so deposited with them in the manner provided by Article XVIII. of this Order as to the sinking fund, and in that case the Corporation shall pay no higher rate of interest than they themselves receive thereon.

Art. XXVI. The Corporation shall keep separate capital and revenue accounts of all receipts, credits, payments, liabilities, and transactions in and about the execution of this Order, and from or on account of the gas undertaking hereby

authorised, which accounts shall be distinct from the other accounts of the Corporation, and shall be called respectively "the Gas Capital Account" and "the Gas Revenue Account."

Art. XXVII. All moneys from time to time received by the Corporation by way of revenue under this Order shall be applied for the following purposes:—

In payment of the gas establishment charges (that is to say) of the expenses properly chargeable to the revenue of establishing, conducting, managing, and maintaining the gasworks and works connected therewith;

In payment of the interest on the moneys borrowed or re-borrowed for the purposes of this Order;

In providing for the discharge of any moneys borrowed or re-borrowed for the purposes of this Order in accordance with the provisions of this Order, or if such money was borrowed thereunder, of the Local Loans Act, 1875;

In setting apart, if the Corporation think fit, a yearly sum not exceeding ten pounds per centum of such revenue, for the purpose of forming a reserve fund to provide for the expenses attendant upon or occasioned by any sudden accident to the said gasworks and works connected therewith, or any other extraordinary expenditure authorised by this Order: Provided that such reserve fund shall be accumulated by way of compound interest by investment in the manner specified in Article XVIII. of this Order as to the sinking fund, until it amounts, according to the market price of such investments, to the sum of two thousand pounds, and that whenever the reserve fund amounts, according to the market price of such investments, to the sum of two thousand pounds the income therefrom shall be applied in the same manner as money received by the Corporation by way of revenue under this Order:

In payment, if the Corporation think fit, of the expenses of executing any permanent works authorised by this Order;

The residue (if any) of such revenue shall be carried to the credit of the district fund, but no part of such revenue shall be carried to the credit of the district fund when the price of gas to private consumers exceeds four shillings per one thousand cubic feet.

Art. XXVIII. The Corporation shall keep separate records of the quantities of gas supplied to private consumers and for public lighting respectively. The price charged for gas for public lighting shall not be less than that charged to private consumers by more than ten per cent.

Art. XXIX. The Corporation shall not defray any of the charges and expenses of carrying this Order into execution, other than payments required to be made in respect of money borrowed on mortgage of the district fund and general district rate, out of the district fund or general district rate when the price of gas to private consumers is less than five shillings per one thousand cubic feet.

Art. XXX. If any difference arise between the Corporation and any railway, canal, or other company whose lands or works the Corporation have power to cross under the authority of this Order for the purpose of meeting the demands for gas within the borough, as to the mode of laying down, repairing, altering, or enlarging the pipes or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Local Government Board at

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the request of either party; and the costs and expenses of and incidental to such appointment shall be paid by the Corporation and the Company in equal moieties, unless the Local Government Board otherwise direct.

The SCHEDULE above referred to.

All that piece of land, containing by admeasurement two roods and twenty-five perches or thereabouts, now belonging or reputed to belong to and in the occupation of the Company, situate in the parish of South Newton, in the County of Wilts, bounded on the north by land belonging or reputed to belong to the Great Western Railway Company, on the south by the garden wall of the Wilton Union Workhouse, on the east by an ancient road called Kingway, and on the west by the garden ground attached to the said workhouse.

Given under the Seal of Office of the Local Government Board, this Sixth day of April, One thousand eight hundred and eighty-eight.

(L.S.)

Chas. T. Ritchie, President.
Hugh Owen, Secretary.

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