CHAPTER cxii.

An Act to confirm certain Provisional Orders of the Local Government Board under the Gas and Water Works Facilities Act 1870 and the Public Health Act 1875 relating to Great Driffield Sandwich South Molton and Tiverton. [20th July 1896.]

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WHEREAS the Local Government Board have made the Provisional Orders set forth in the schedule hereto under 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 have full validity and force.

Restriction of power to take houses of labouring class.

2. The Urban District Councils mentioned in the said Orders shall not under the powers of those Orders purchase or acquire either compulsorily or by agreement ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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.

Short title.

3. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (Gas) Act 1896.

SCHEDULE.

URBAN DISTRICT OF GREAT DRIFFIELD.

Great Driffield (Gas) Order.

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

To the Urban District Council of Great Driffield ;—

And to all others whom it may concern.

WHEREAS the Urban District Council of Great Driffield (herein-after referred to as "the Council") are the Urban Authority within the meaning of the Public Health Act 1875 for the Urban District of Great Driffield (herein-after referred to as "the district") ;

And whereas the Council have (subject to the sanction of the Local Government Board) agreed to buy and the Driffield Gaslight Company (herein-after referred to as "the Company") have in pursuance of a special resolution of the members of the Company passed in manner provided by the Companies Act 1862 agreed to sell and transfer to the Council all the interest of the Company in the lands hereditaments and premises described in the schedule hereto and all the gas making apparatus plant and utensils and other effects of the Company all of which are in this Order referred to as "the Undertaking of the Company";

And whereas the Council are under the Public Health Act 1875 themselves empowered to supply gas for the whole of the 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 : 38 & 39 Vict. c. 55.

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 enactments in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the following provisions shall take effect viz.,—

Art. I. This Order may be cited as the Great Driffield Gas Order 1896.

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 (unless there be something in the subject or context repugnant to that construction).

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

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Art. IV. The Council 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 Council 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 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 and Sections 41 43 45 46 and 47 thereof) and of the Gasworks Clauses Act 1871 (except Sections 24 to 27 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 or vested in the Council 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 Council may (when the Undertaking of the Company shall have been acquired by them) upon the lands described in Part I. of 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 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 culm asphaltum pitch tar oil 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 Council 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 Part I. of the Schedule hereto.

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

Art. IX. The quality of the gas supplied by the Council shall with respect to its illuminating power be such as to produce at the testing place hereinafter 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 Council 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 purpose 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 Council 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 Council at the gasworks situate on the land first described in Part I. of 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 tosting 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 Council 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 Council for gas supplied by them to consumers shall not exceed four 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 Council 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 Council of and connected with the preparation making and confirmation by Parliament of this Order and the sum to be paid for the purchase of the Undertaking of the Company) 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 shall be available to the Council and Sections 236 to 238 of the Public Health Act 1875 shall apply to all moneys borrowed and re-borrowed on mortgage under this Order.

Art. XVII. The moneys borrowed under this Order shall be repaid within such period not exceeding fifty years from the date of borrowing as the Council with the sanction of the Local Government Board shall in each case determine and the period so determined and sanctioned is herein-after referred to as "the prescribed period" and shall be with reference to the moneys to

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be repaid therein the prescribed period for the purposes of the Local Loans Act 1875.

Art. XVIII.—(1.) The Council shall repay the moneys borrowed under this Order (other than moneys borrowed under the provisions of the Local Loans Act 1875) by equal annual instalments of principal or by equal annual instalments of principal and interest combined or by means of a sinking fund or partly by one of these methods and partly by another or the others of them.

(2.) Subject to the provisions of Article XIX. of this Order if the Council determine to repay by means of a sinking fund any moneys borrowed under this Order such sinking fund shall be formed and maintained either—

(*a.*) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund or

(*b.*) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(3.) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any Local Authority as defined by Section 34 of the Local Loans Act 1875 other than the Council the Council being at liberty from time to time to vary and transpose such investments.

(4.) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(5.) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or the part of the sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(6.)—(*a.*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Council.

(*b.*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments

to the fund are based any such excess may be applied towards such equal annual payments.

(7.) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Council in addition to the payments provided for by this Order.

Art. XIX.—(1.) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

(2.) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(3.) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as that Board shall approve.

(4.) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of that Board discontinue the equal annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(5.) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Council with the consent of the Local Government Board may determine.

Art. XX. The Council shall except as herein-after provided have power to reborrow for the purposes of paying off any moneys borrowed or re-borrowed under this Order which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Council within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow :

Provided that the Council shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose Provided also that any moneys re-borrowed

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shall be deemed to form the same loan as the money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Art. XXI.—(1.) The clerk of the Council shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months next preceding the said Thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration of such clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the 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 compound 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 his failing to make such return such clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(2.) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Order or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose 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 or applied as in such Order mentioned and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Art. XXII. All moneys from time to time borrowed or re-borrowed under this Order shall be applied by the Council only for the purposes for which the same are respectively authorised to be borrowed or re-borrowed excepting that moneys which may have been borrowed or re-borrowed in excess of the amount required shall be applied in such manner as the Council with the approval of the Local Government Board determine and all money received by the Council under this Order 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 Council may determine towards the reduction of the debt owing by the Council 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 moneys so borrowed or re-borrowed nor shall the mortgagee be responsible for any misapplication thereof.

Art. XXIII. 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 Council by the Public Health Act 1875.

Art. XXIV.—(1.) The mortgagees of the Council under this Order may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver The amount of arrears to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

(2.) The application for the appointment of a receiver shall be made to the High Court and the Court if it thinks fit may appoint a receiver on such terms as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him.

Art. XXV. When the Council 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 Council 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 Council may if they think fit invest any money so deposited with them in the manner provided by subdivision (3) of Article XVIII. of this Order as to the sinking fund and in that case the Council shall pay no higher rate of interest than they themselves receive thereon.

Art. XXVI. The Council 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 Council 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 Council 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 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 Council think fit a yearly sum not exceeding ten pounds per centum of such revenue for the purpose of forming a reserve fund to

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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 subdivision (3) of 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 five hundred pounds and that whenever the reserve fund amounts according to the market price of such investments to the sum of five hundred pounds the income therefrom shall be applied in the same manner as money received by the Council by way of revenue under this Order ;

In payment if the Council 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 three shillings per one thousand cubic feet.

Art. XXVIII. The Council shall keep separate records of the 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 Council 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 that fund or rate when the price of gas to private consumers is less than four shillings and sixpence per one thousand cubic feet.

Art. XXX. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of this Order the costs incurred by that Board in relation to such inquiry (including such reasonable sum not exceeding three guineas a day as that Board may determine for the services of any inspector or officer of the Board engaged in such inquiry) shall be paid by the Council and the Local Government Board may certify the amount of the costs so incurred and any sum so certified and directed by that Board to be paid by the Council shall be a debt due to the Crown from the Council.

Art. XXXI. If any difference arise between the Council and any railway canal or other company whose lands or works the Council 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 Council and the Company in equal moieties unless the Local Government Board otherwise direct.

The SCHEDULE before referred to.

Part I.

(1) All that piece of land now occupied by the existing gasworks of the Company and the foreman's house and outbuildings situate in the parish of Great Driffield and containing an area of three thousand one hundred and fifty square yards or thereabouts and bounded on the north-west in part by property belonging or reputed to belong to Samuel H. Gibson and in other part by the premises thirdly herein-after described on the south-east in part by properties belonging or reputed to belong to the trustees of the Congregational School George Destner Jane Potts and Francis Purdon respectively and in other part by the premises fourthly herein-after described and in the remaining part by Exchange Street aforesaid on the north-east by Eastgate North and on the south-west by a beck or stream called "the Town's Beck."

(2) All that piece of land now occupied by Richard Jefferson as a garden situate in the parish of Great Driffield aforesaid containing an area of one thousand nine hundred and twenty-two square yards or thereabouts and bounded on the north-west by Cranwell Lane on the south-east by properties belonging or reputed to belong to William Otley Jarratt's devisees the Misses Young Edward Wigmore and Samuel Stainton respectively on the north-east by the Town's Beck and on the south-west by an occupation road leading into Cranwell Lane.

Part II.

(3) All that piece of land situate in the parish of Great Driffield aforesaid containing an area of nine hundred and sixty square yards or thereabouts with the three dwelling-houses and out-buildings (being Nos. 33 34 and 35 Eastgate North) and the engine and boiler houses workshops office stables and cart-shed erected thereon and occupied by Tom Calam John Robert Wilson Arthur Robert Ellis Francis Purdon and William Taylor respectively and bounded on the north-west by property belonging or reputed to belong to Samuel H. Gibson on the south-east by the existing gasworks of the Company firstly herein-before described on the north-east by Eastgate North and on the south-west in part by the said existing gasworks of the Company and in other part by property belonging or reputed to belong to Samuel H. Gibson.

(4) All that piece of land situate in the parish of Great Driffield aforesaid containing an area of two hundred and seventy-eight square yards or thereabouts with the dwelling house and shops and out-buildings erected on part thereof occupied by Robert Stevenson Fawcett and numbered 39 Exchange Street aforesaid bounded on the north-west and north-east by the said existing gasworks and premises of the Company firstly hereinbefore described on the south-east by Exchange Street and on the south-west by the property numbered 38 Exchange Street belonging or reputed to belong to Francis Purdon.

Given under the Seal of Office of the Local Government Board this Twenty-first day of April One thousand eight hundred and ninety-six.

(L.S.)

Henry Chaplin President.
Hugh Owen Secretary.

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Sandwich (Gas) Order.

BOROUGH OF SANDWICH.

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

To the Mayor Aldermen and Burgesses of the Borough of Sandwich ; —

And to all others whom it may concern.

WHEREAS the Borough of Sandwich (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the Council are the Urban District Council (herein-after referred to as "the Council") ;

And whereas the Council have (subject to the sanction of the Local Government Board) agreed to buy and the Sandwich Gas Light and Coke Company (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 Council all the interest of the Company in the lands hereditaments and premises described in Part I. of the Schedule hereto (herein-after referred to as "the Schedule") and all the gas-making apparatus plant and utensils and other effects of the Company all of which are in this Order referred to as "the undertaking of the Company" ;

And whereas the Council require to extend and improve the said gasworks and to construct new works on the said lands and on the lands described in Part II. of the Schedule and to manufacture store and supply gas within the Borough ;

And whereas the Council are under the Public Health Act 1875 themselves empowered to supply gas for the Borough 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 hold and use the lands described in Part II. of the Schedule for the purposes of this Order and to construct gasworks thereon 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 enactments in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the following provisions shall take effect :—

38 & 39 Vict. c. 55.

Art. I. This Order may be cited as the Sandwich Corporation Gas Order 1896.

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 (unless there be something in the subject or context repugnant to that construction).

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 Council 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 Council to acquire lands otherwise than by agreement or to acquire any lands by agreement other than those mentioned in the Schedule.

Art. V. The Council may hold and use for the purposes of this Order the lands described in Part II. of the Schedule.

Art. VI. The provisions of the Lands Clauses 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 or vested in the Council 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. VII. The Council may (when the undertaking of the Company shall have been acquired by them) upon the lands described in the Schedule 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 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 culm asphaltum pitch tar oil 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. VIII. The Council shall not manufacture gas or any residual products arising in the manufacture of gas or store gas on any lands other than those specified in the Schedule.

Art. IX. The Council may manufacture purchase or hire and sell or let on hire supply and otherwise deal in and fix set up alter remove and refix gas meters and fittings gas engines gas-cooking ovens stoves ranges pipes burners and other apparatus and appliances articles and things used in the supply or consumption of gas for lighting or heating purposes and for all other purposes for which gas can or may be used and may require and take such remuneration in money or such rents and charges for and make such terms and conditions

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with respect to the supply sale letting fixing setting up altering or removing of such meters fittings engines ovens stoves ranges pipes and other apparatus and appliances articles and things as aforesaid and for securing their safety and return to the Council as may be agreed upon between the Council and the person to or for whom the same are sold supplied let fixed set up altered or removed.

Art. X. The quality of the gas supplied by the Council 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. XI. The Council 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 purpose of testing the quality of the gas and shall at all times keep the same in proper order and repair.

Art. XII. All gas supplied by the Council 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. XIII. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place to be provided by the Council at such place within the Borough as the Local Government Board may approve 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. XIV. No penalty shall be incurred by the Council 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. XV. The price to be charged by the Council 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. XVI. The Council 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 Council of and connected with the preparation and making of this Order and the sums to be paid for and incident to the purchase of the undertaking of the Company) 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. XVII. For the purpose of raising money under this Order the provisions of the Local Loans Act 1875 shall be available to the Council and Sections 236 to 238 (both inclusive) of the Public Health Act 1875 shall apply to all moneys borrowed and re-borrowed on mortgage under this Order.

Art. XVIII. The moneys borrowed under this Order shall be repaid within such period not exceeding thirty years from the date of borrowing as the Council with the sanction of the Local Government Board shall in each case determine and the period so determined and sanctioned is herein-after referred to as "the prescribed period" and shall be with reference to the moneys to be repaid therein the prescribed period for the purposes of the Local Loans Act 1875.

Art. XIX.—(1.) The Council shall repay the moneys borrowed or to be borrowed under this Order (other than moneys borrowed under the provisions of the Local Loans Act 1875) by equal annual instalments of principal or by equal annual instalments of principal and interest combined or by means of a sinking fund or partly by one of these methods and partly by another or the others of them.

(2.) Subject to the provisions of Article XX. of this Order if the Council determine to repay by means of a sinking fund any moneys borrowed or to be borrowed under this Order such sinking fund shall be formed and maintained either—

(*a.*) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund; or

(*b.*) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(3.) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any Local Authority as defined by Section 34 of the Local Loans Act 1875 other than the Council the Council being at liberty from time to time to vary and transpose such investments.

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(4.) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(5.) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or the part of the sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(6.)—(*a.*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Council.

(*b.*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

(7.) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Council in addition to the payments provided for by this Order.

Art. XX.—(1.) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

(2.) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(3.) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as that Board shall approve.

(4.) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect

of which it is formed within the prescribed period the Council may with the consent of that Board discontinue the equal annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(5.) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Council with the consent of the Local Government Board may determine.

Art. XXI. The Council shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or re-borrowed under this Order which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Council within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow :

Provided that the Council shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose Provided also that any moneys re-borrowed shall be deemed to form the same loan as the money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Art. XXII.—(1.) The town clerk of the Borough shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months next preceding the said Thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration of such town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the 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 compound 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 his failing to make such return such town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

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(2.) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Order or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose 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 or applied as in such Order mentioned and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Art. XXIII. All moneys from time to time borrowed or re-borrowed under this Order shall be applied by the Council only for the purposes for which the same are respectively authorised to be borrowed or re-borrowed excepting that moneys which may have been borrowed or re-borrowed in excess of the amount required shall be applied in such manner as the Council with the approval of the Local Government Board determine and all money received by the Council under this Order 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 Council may determine towards the reduction of the debt owing by the Council 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. XXIV. 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 Council by the Public Health Act 1875.

Art. XXV.—(1.) The mortgagees of the Council under this Order may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver The amount of arrears to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

(2.) The application for the appointment of a receiver shall be made to the High Court and the Court if it thinks fit may appoint a receiver on such terms as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him.

Art. XXVI. When the Council 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 Council 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 Council may if they think fit invest any money so deposited with them in the manner provided by sub-division (3) of Article XIX. of this Order as to the sinking fund and in that case the Council shall pay no higher rate of interest than they themselves receive thereon.

Art. XXVII. The Council 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 Council and shall be called respectively "the Gas Capital Account" and "the Gas Revenue Account."

Art. XXVIII. All moneys from time to time received by the Council 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 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 Council 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 subdivision (3) of Article XIX. of this Order as to the sinking fund until it amounts according to the market price of such investments to the sum of five hundred pounds and that whenever the reserve fund amounts according to the market price of such investments to the sum of five hundred pounds the income therefrom shall be applied in the same manner as money received by the Council by way of revenue under this Order;

In payment if the Council 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 three shillings per one thousand cubic feet.

Art. XXIX. The Council 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. XXX. The Council 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

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rate out of that fund or rate when the price of gas to private consumers is less than five shillings and sixpence per one thousand cubic feet.

Art. XXXI. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of this Order the costs incurred by that Board in relation to such inquiry (including such reasonable sum not exceeding three guineas a day as that Board may determine for the services of any inspector or officer of the Board engaged in such inquiry) shall be paid by the Council and the Local Government Board may certify the amount of the costs so incurred and any sum so certified and directed by that Board to be paid by the Council shall be a debt due to the Crown from the Council.

Art. XXXII. If any difference arise between the Council and any railway canal or other company whose lands or works the Council 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 the request of either party and the costs and expenses of and incidental to such appointment shall be paid by the Council and the company in equal moieties unless the Local Government Board otherwise direct.

The SCHEDULE above referred to.

Part I.

First.—A piece of land in the Parish of Saint Clement in the Borough in the occupation of the Company and situate at or near the Common Quay there measuring on the south-eastern side thereof 79 feet or thereabouts on the south-western side thereof 125 feet 6 inches or thereabouts on the north-western side thereof 38 feet or thereabouts and on the north-eastern side thereof 118 feet or thereabouts bounded on the south-eastern side by a foot passage known as Bulwark Passage and on the other three sides by the public highway.

Secondly.—A piece of land in the said Parish of Saint Clement also in the occupation of the Company situate on the south-eastern side of the piece of land lastly herein-before described measuring on the eastern side thereof 60 feet or thereabouts on the southern side thereof 100 feet or thereabouts on the western side thereof 47 feet or thereabouts and on the northern side thereof 100 feet or thereabouts bounded on the eastern side thereof by the Bulwark Garden on the southern side thereof by the Bulwark Walk on the western side thereof by Bulwark Passage and on the northern side thereof by certain lands belonging or reputed to belong to the Corporation and demised to William Matthew Horace Felton.

Part II.

All that piece of pasture land belonging or reputed to belong to the Corporation and now demised to and occupied by Henry Scott situate in the Parish of Saint Mary

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the Virgin in the Borough containing one acre or thereabouts (part of a piece of land numbered 299 on the Tithe Commutation Map of the Parish of Saint Mary the Virgin) bounded on the north by the towing path belonging or reputed to belong to the Corporation and on the east south and west by other land belonging or reputed to belong to the Corporation and demised to the said Henry Scott.

Given under the Seal of Office of the Local Government Board this Twentieth day of April One thousand eight hundred and ninety-six.

(L.S.)

Henry Chaplin President.
Hugh Owen Secretary.

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BOROUGH OF SOUTH MOLTON.

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

To the Mayor Aldermen and Burgesses of the Borough of South Molton;—

And to all others whom it may concern.

WHEREAS the Borough of South Molton (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the Council (herein-after referred to as "the Corporation") are the Urban District Council;

And whereas the Corporation have (subject to the sanction of the Local Government Board) agreed to buy and the South Molton Gas and Coke Company (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 land easements buildings gasworks mains pipes fixed plant loose plant meters and other things belonging to the Company and used by them for and in connexion with the manufacture and supply of gas (all of which are herein-after 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 the Borough 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: 38 & 39 Vict. c. 55.

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

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Act of Parliament confirming this Order the following provisions shall take effect viz.,—

Art. I. This Order may be cited as the South Molton Gas Order 1896.

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 (unless there be something in the subject or context repugnant to that construction).

Art. III. The limits within which this Order shall be in force and have effect shall be 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 otherwise than by agreement.

Art. V. The provisions of the Lands Clauses 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 or vested in 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 from time to time purchase by agreement and subject to the provisions of this Order any land within the Borough not exceeding three acres in addition to the land described in the Schedule hereto.

Art. VII. 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 culm asphaltum pitch tar oil 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 culm asphaltum pitch tar oil 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. VIII. The Corporation shall not manufacture gas or any residual products arising in the manufacture of gas on any land other than that specified

in the Schedule hereto neither shall they commence the storage of gas on any land other than that specified in the said Schedule which shall be situated within three hundred yards of any dwelling-house without the previous consent in writing of the owner lessee and occupier of such dwelling-house.

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

Art. X. 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 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. XI. 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 purpose of testing the quality of the gas and shall at all times keep the same in proper order and repair.

Art. XII. 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. XIII. 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 and two hours' previous notice shall be given to the

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Corporation of the time and place at which any testing for pressure elsewhere than at the testing place will be conducted.

Art. XIV. 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. XV. 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. XVI. 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 and the sum to be paid for the purchase of the gas undertaking of the Company) 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 general district rate levied over that part of the Borough which is or may at any time be rated for works of paving water supply or sewerage or such of those purposes as are provided for in the Borough or upon either of such securities.

Art. XVII. For the purpose of raising money under this Order the provisions of the Local Loans Act 1875 shall be available to the Corporation and Sections 236 to 238 (both inclusive) of the Public Health Act 1875 shall apply to all moneys borrowed and re-borrowed on mortgage under this Order.

Art. XVIII. The moneys borrowed under this Order shall be repaid within such period not exceeding thirty years from the date of borrowing as the Corporation with the sanction of the Local Government Board shall in each case determine and the period so determined and sanctioned is herein-after referred to as "the prescribed period" and shall be with reference to the moneys to be repaid therein the prescribed period for the purposes of the Local Loans Act 1875.

Art. XIX.—(1.) The Corporation shall repay the moneys borrowed under this Order (other than moneys borrowed under the provisions of the Local Loans Act 1875) by equal annual instalments of principal or by equal annual instalments of principal and interest combined or by means of a sinking fund or partly by one of these methods and partly by another or the others of them.

(2.) Subject to the provisions of Article XX. of this Order if the Corporation determine to repay by means of a sinking fund any moneys borrowed under this Order such sinking fund shall be formed and maintained either—

(*a.*) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund or

(*b.*) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per

centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(3.) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly 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.

(4.) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(5.) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or the part of the sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(6.)—(*a.*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Corporation.

(*b.*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

(7.) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Corporation in addition to the payments provided for by this Order.

Art. XX.—(1.) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any

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such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

(2.) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(3.) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as that Board shall approve.

(4.) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of that Board discontinue the equal annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(5.) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Local Government Board may determine.

Art. XXI. The Corporation shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or re-borrowed under this Order which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Corporation within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow :

Provided that the Corporation shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose Provided also that any moneys re-borrowed shall be deemed to form the same loan as the money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Art. XXII.—(1.) The town clerk of the Borough shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months next preceding the said Thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration of such town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the

amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the 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 compound 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 his failing to make such return such town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(2.) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Order or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose 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 or applied as in such Order mentioned and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Art. XXIII. All moneys from time to time borrowed or re-borrowed under this Order shall be applied by the Corporation only for the purposes for which the same are respectively authorised to be borrowed or re-borrowed excepting that moneys which may have been borrowed or re-borrowed in excess of the amount required shall be applied in such manner as the Corporation with the approval of the Local Government Board determine and all money received by the Corporation under this Order 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 that it shall not be in any way incumbent on any mortgagee to see to the application of any moneys so borrowed or re-borrowed nor shall the mortgagee be responsible for any misapplication thereof.

Art. XXIV. 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. XXV.—(1.) The mortgagees of the Corporation under this Order may enforce the payment of arrears of interest or of principal or of principal and

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interest by the appointment of a receiver The amount of arrears to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

(2.) The application for the appointment of a receiver shall be made to the High Court and the Court if it thinks fit may appoint a receiver on such terms as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him.

Art. XXVI. 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 subdivision (3) of Article XIX. 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. XXVII. 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. XXVIII. 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 revenue of 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 subdivision (3) of Article XIX. of this Order as to the sinking fund until it amounts according to the market price of such investments to the sum of five hundred pounds and that whenever the reserve fund amounts according to the market price of such investments to the sum of five hundred 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 account of the general district rate mentioned in Article XVI. of this Order but no part of such revenue shall be carried to the credit of such account when the price of gas to private consumers exceeds four shillings per one thousand cubic feet.

Art. XXIX. 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 centum.

Art. XXX. 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 general district rate mentioned in Article XVI. of this Order out of that rate when the price of gas to private consumers is less than five shillings per one thousand cubic feet.

Art. XXXI. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of this Order the costs incurred by that Board in relation to such inquiry (including such reasonable sum not exceeding three guineas a day as that Board may determine for the service of any inspector or officer of the Board engaged in such inquiry) shall be paid by the Corporation and the Local Government Board may certify the amount of the costs so incurred and any sum so certified and directed by that Board to be paid by the Corporation shall be a debt due to the Crown from the Corporation.

Art. XXXII. 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 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 together with the manager's residence and offices gasworks and other buildings thereon belonging or reputed to belong to the Company situate in the Borough and Parish of South Molton in the County of Devon containing nineteen perches or thereabouts bounded on the south by land belonging or reputed to belong to the Corporation on the east by a field called "Clash Meadow" and on the north and west by Parsonage Lane.

Given under the Seal of Office of the Local Government Board this Twenty-second day of April One thousand eight hundred and ninety-six.

(L.S.)

Henry Chaplin President.
Hugh Owen Secretary.

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BOROUGH OF TIVERTON.

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

To the Mayor Aldermen and Burgesses of the Borough of Tiverton ;— And to all others whom it may concern.

WHEREAS the Borough of Tiverton (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the Council are the Urban District Council (herein-after referred to as "the Urban District Council") ;

And whereas the Urban District Council have (subject to the sanction of the Local Government Board) agreed to buy and Sir John Heathcoat Heathcoat-Amory Baronet William Cowper Ludovic Unwin and Ian Murray Heathcoat-Amory all of Tiverton in the County of Devon trading under the name or style of J. Heathcoat and Co. (herein-after called "the vendors") have agreed to sell and transfer to the Urban District Council certain lands gasworks mains and pipes meters plant and appliances for the manufacture and supply of gas (herein-after referred to as "the gas undertaking") now belonging to the vendors and used by them for the manufacture of gas for the purpose of supplying their own factory and also for supplying gas to consumers within the Borough and it has been agreed as part of the consideration for such purchase that the Urban District Council shall supply gas to the vendors at their factory and shall charge for the same at a rate of fourpence per one thousand cubic feet less than the price charged to the general body of consumers ;

And whereas the Urban District Council are under the Public Health Act 1875 themselves empowered to supply gas for the Borough and have applied to the Local Government Board to issue a Provisional Order authorising them to maintain and continue the gas undertaking if and when the same shall be acquired by them and 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 enactments in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the following provisions shall take effect viz.,—

38 & 39 Vict. c. 55.

Art. I. This Order may be cited as the Tiverton Gas Order 1896.

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 (unless there be something in the subject or context repugnant to that construction).

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 Urban District Council 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 Urban District Council to acquire lands otherwise than by agreement.

Art. V. The provisions of the Lands Clauses 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 to 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 or vested in the Urban District Council 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 Urban District Council may (when the gas undertaking 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 culm asphaltum pitch tar oil ammoniacal liquor sulphate of ammonia 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 culm asphaltum pitch 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.—(1.) The Urban District Council may from time to time purchase by agreement and subject to the provisions of this Order any land within the Borough not exceeding one acre in addition to the land described in the Schedule hereto.

(2.) The Urban District Council shall not manufacture gas or any residual products arising in the manufacture of gas on any land other than that specified in the Schedule hereto neither shall they commence the storage of gas on any land other than that specified in the said Schedule which shall be situated within three hundred yards of any dwelling-house without the previous consent in writing of the owner lessee and occupier of such dwelling-house.

Art. VIII. The Urban District Council may manufacture purchase or hire and sell or let on hire supply and otherwise deal in and fix set up alter remove and re-fix gas meters and fittings gas engines gas-cooking ovens stoves ranges pipes burners and other apparatus appliances articles and things used in the supply or consumption of gas for lighting or heating purposes and for all other purposes for which gas can or may be used and may require and take such remuneration in money or such rents and charges for and make such terms and

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conditions with respect to the supply sale letting fixing setting up altering or removing of such meters fittings engines ovens stoves ranges and pipes burners and other apparatus appliances articles and things as aforesaid and for securing their safety and return to the Urban District Council as may be agreed upon between the Urban District Council and the person to or for whom the same are sold supplied let fixed set up altered or removed.

Art. IX. The quality of the gas supplied by the Urban District Council 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 Urban District Council 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 purpose 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 Urban District Council 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 Urban District Council 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 and two hours' previous notice shall be given to the Urban District Council of the time and place at which any testing for pressure elsewhere than at the testing place will be conducted.

Art. XIII. No penalty shall be incurred by the Urban District Council 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 Urban District Council for gas supplied by them to consumers shall not exceed four 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 but the Urban District Council shall unless otherwise agreed between them and the vendors charge for gas supplied to the vendors at their factory at Tiverton at a rate of fourpence per thousand cubic feet less than the price for the time being charged to consumers generally.

Art. XV. The Urban District Council 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 Urban District Council of and connected with the preparation and making of this Order and the sum to be paid for the purchase of the gas undertaking) 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 those securities.

Art. XVI. For the purpose of raising money under this Order the provisions of the Local Loans Act 1875 shall be available to the Urban District Council and Sections 236 to 238 both inclusive of the Public Health Act 1875 shall apply to all moneys borrowed and re-borrowed on mortgage under this Order.

Art. XVII. The moneys borrowed under this Order shall be repaid within such period (not exceeding thirty years from the date of borrowing) as the Urban District Council with the sanction of the Local Government Board shall in each case determine and the period so determined and sanctioned is herein-after referred to as "the prescribed period" and shall be with reference to the moneys to be repaid therein the prescribed period for the purposes of the Local Loans Act 1875.

Art. XVIII.—(1.) The Urban District Council shall repay the moneys borrowed or to be borrowed under this Order (other than moneys borrowed under the provisions of the Local Loans Act 1875) by equal annual instalments of principal or by equal annual instalments of principal and interest combined or by means of a sinking fund or partly by one of these methods and partly by another or the others of them.

(2.) Subject to the provisions of Article XIX. of this Order if the Urban District Council determine to repay by means of a sinking fund any moneys borrowed or to be borrowed under this Order such sinking fund shall be formed and maintained either—

(*a*) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund ; or

(*b*) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(3.) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is

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formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority as defined by Section 34 of the Local Loans Act 1875 other than the Urban District Council the Urban District Council being at liberty from time to time to vary and transpose such investments.

(4.) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Urban District Council towards the equal annual payments to the fund.

(5.) The Urban District Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Urban District Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or the part of the sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(6.)—(*a.*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Urban District Council.

(*b.*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

(7.) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Urban District Council in addition to the payments provided for by this Order.

Art. XIX.—(1.) If it appears to the Urban District Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Urban District Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Urban District Council shall increase the payments to such extent as the Board may direct.

(2.) If the Urban District Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(3.) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the

Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Urban District Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as that Board shall approve.

(4.) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Urban District Council may with the consent of that Board discontinue the equal annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(5.) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Urban District Council with the consent of the Local Government Board may determine.

Art. XX. The Urban District Council shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or re-borrowed under this Order which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Urban District Council within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow:

Provided that the Urban District Council shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose Provided also that any moneys re-borrowed shall be deemed to form the same loan as the money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Art. XXI.—(1.) The town clerk of the Borough shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months next preceding the said Thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration of such town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the 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 compound interest has been applied during the same period and the total

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amount (if any) remaining invested at the end of the year and in the event of his failing to make such return such town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(2.) If it appears to the Local Government Board by that return or otherwise that the Urban District Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Order or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose 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 or applied as in such Order mentioned and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Art. XXII. All moneys from time to time borrowed or reborrowed under this Order shall be applied by the Urban District Council only for the purposes for which the same are respectively authorised to be borrowed or re-borrowed excepting that moneys which may have been borrowed or re-borrowed in excess of the amount required shall be applied in such manner as the Urban District Council with the approval of the Local Government Board determine and all money received by the Urban District Council under this Order 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 Urban District Council may determine towards the reduction of the debt owing by the Urban District Council 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. XXIII. 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 Urban District Council by the Public Health Act 1875.

Art. XXIV.—(1.) The mortgagees of the Urban District Council under this Order may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver The amount of arrears to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

(2.) The application for the appointment of a receiver shall be made to the High Court and the Court if it thinks fit may appoint a receiver on such terms

as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him.

Art. XXV. When the Urban District Council 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 Urban District Council 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 Urban District Council may if they think fit invest any money so deposited with them in the manner provided by subdivision (3) of Article XVIII. of this Order as to the sinking fund and in that case the Urban District Council shall pay no higher rate of interest than they themselves receive thereon.

Art. XXVI. The Urban District Council 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 Urban District Council 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 Urban District Council 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 revenue of establishing conducting managing and maintaining the gasworks and works connected therewith ;

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

In providing for the discharge of any moneys borrowed or reborrowed 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 Urban District Council 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 subdivision (3) of 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 Urban District Council by way of revenue under this Order ;

In payment if the Urban District Council 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

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the district fund when the price of gas to private consumers exceeds four shillings per one thousand cubic feet.

Art. XXVIII. The Urban District Council 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 centum.

Art. XXIX. The Urban District Council 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 that fund or rate when the price of gas to private consumers is less than four shillings and sixpence per one thousand cubic feet.

Art. XXX. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of this Order the costs incurred by that Board in relation to such inquiry (including such reasonable sum not exceeding three guineas a day as that Board may determine for the services of any inspector or officer of the Board engaged in such inquiry) shall be paid by the Urban District Council and the Local Government Board may certify the amount of the costs so incurred and any sum so certified and directed by that Board to be paid by the Urban District Council shall be a debt due to the Crown from the Urban District Council.

Art. XXXI.—(1.) Whenever the Urban District Council in exercise of the powers conferred by this 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 Great Western Railway Company (in this Article 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 Urban District Council) 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 Urban District Council under the provisions of this Order shall be constructed and executed by the Urban District Council 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.

(2.) 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 Urban District Council shall make full satisfaction in respect thereof to the Company to be recoverable by the Company from the Urban District Council 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 179 to 181 of that Act both inclusive shall have effect in any such case.

(3.) Before opening or breaking up for any of the purposes of this Order any public road crossing either over or on the level of any such railway the Urban District Council 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 Urban District Council and then as soon as possible after the beginning of the work or the necessity for the same has arisen and should the Company where any mains or pipes require to be laid under any level crossing of their railway elect themselves to lay the same and give notice of such election in writing to the Urban District Council 24 hours before the time fixed for commencement of such work they may and shall themselves with all reasonable despatch lay the mains or pipes of the Urban District Council under such level crossing under the direction and in such manner as shall be reasonably required by the engineer of the Urban District Council and the reasonable cost and expenses of the Company incurred in so doing shall be paid by the Urban District Council.

(4.) If any difference not otherwise provided for arise between the Urban District Council and the Company under this Article 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 Urban District Council and the Company in equal moieties unless the Local Government Board shall otherwise direct.

The SCHEDULE above referred to.

All that piece of land together with the gasworks and other buildings thereon situate in the Parish and Borough of Tiverton in the County of Devon containing five thousand and fifty-five square yards or thereabouts and bounded on the north by the river Lowman on the south by a highway leading from Tiverton aforesaid to Wellington in the County of Somerset and on the east and west by lands belonging or reputed to belong to Sir John Heathcoat Heathcoat-Amory Baronet.

Given under the Seal of Office of the Local Government Board this Eighteenth day of April One thousand eight hundred and ninety-six.

(L.S.)

Henry Chaplin President.
Hugh Owen Secretary.

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