CHAPTER lxvi.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Halifax and Leeds, and the City of Manchester. [27th June 1881.] A.D. 1881.

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

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

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

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

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

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BOROUGH OF HALIFAX.

Provisional Order for partially repealing, altering, and amending certain Local Acts.

To the Mayor, Aldermen, and Burgesses of the Borough of Halifax, in the West Riding of the County of York, being the Urban Sanitary Authority for that Borough;—

And to all others whom it may concern.

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

And whereas the following Local Acts of Parliament are in force in the said District: viz., the Halifax Gas Act, 1855 (herein-after referred to as "the Act of 1855"), the Halifax Park and Improvement Act, 1858 (herein-after referred to as "the Act of 1858"), the Halifax Extension and Improvement Act, 1865 (herein-after referred to as "the Act of 1865"), and the Halifax Water and Gas Extension Act, 1876 (herein-after referred to as "the Act of 1876");

And whereas under Section 9 of the Act of 1855, and Sections 53 and 54 of the Act of 1858, the Corporation are empowered to manufacture gas and light with gas the streets and public buildings within the Borough, and to supply gas within certain limits (herein-after referred to as "the gas limits") to any person desirous of having the same, and to sell and dispose of the coke and other residual products arising from the manufacture of gas;

And whereas by Section 12 of the Act of 1858 an Indenture was confirmed by which certain lands laid out as a park or pleasure grounds were conveyed to the Corporation upon certain trusts and according to certain regulations and conditions;

And whereas in Sections 13, 15, 17, 20, 23, 24, and 27 of the Act of 1858 provisions are contained relating to the said park or pleasure grounds and the management and regulation thereof, and any adjoining land at any time added thereto, and the expenses incurred by the Corporation in carrying that Act into execution with respect to the said park or pleasure grounds;

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And whereas by Section 62 of the Act of 1865 the Corporation were empowered to borrow at interest on mortgage of their income from inland bonding warehouses and of the borough fund and borough rates of the Borough, all such sums as they might think requisite for the purposes of inland bonding warehouses, not exceeding in the whole five thousand pounds;

And whereas by Section 63 of the Act of 1865 the Corporation were empowered to borrow at interest on mortgage of the borough fund and borough rate of the Borough, all such sums as they might think requisite for the acquiring and making of the recreation ground and approaches therein mentioned, not exceeding in the whole ten thousand pounds;

And whereas by Section 40 of the Act of 1876 provision is made for better enabling the Corporation to secure and enforce the repayment of money due to them for private improvement expenses;

And whereas by Section 42 of the Act of 1876, it is provided that no ashpit, privy, or cesspool, shall be constructed or made until the Corporation have approved of the situation, dimensions, materials, and general plan thereof;

And whereas by Section 50 of the Act of 1876 it was provided that any money by the Corporations former Acts (which expression included "the Act of 1865"), authorised to be raised might be raised by the creation and issue of debentures under and according to the provisions of the Local Loans Act, 1875;

And whereas by Section 51 of the Act of 1876 every loan raised on mortgage or debenture by the Corporation before or after the commencement of that Act is (notwithstanding anything in any of their former Acts) required to be paid off by means of a sinking fund in manner provided by and subject to the provisions of the Local Loans Act, 1875, the sums paid into such sinking fund being accumulated at compound interest at such rate as in that section is directed, and every such loan is required to be discharged by means of such sinking fund as aforesaid within the respective period specified in connexion with the loan in the sixth Schedule to that Act;

And whereas by Section 53 of the Act of 1876, a return is required to be made to the Local Government Board with respect to the sinking funds required to be set apart under that Act;

And whereas by the Indenture set forth in the Schedule hereto, Henry Savile, of Rufford Abbey, in the County of Nottingham, Esquire, and his trustees have granted to the Corporation a lease of the lands and hereditaments therein described, in order that the same may be laid out and appropriated as and for a place of public resort, amusement, or recreation in the manner therein provided;

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

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And whereas the Act of 1855, the Act of 1858, the Act of 1865, and the Act of 1876, are Local Acts within the meaning of Section 303 of the Public Health Act, 1875, and the Corporation have applied to the Local Government Board to issue a Provisional Order to alter and amend the same as herein-after mentioned;

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

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by the Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the following provisions shall take effect; viz.,—

Art. I. Section 9 of the Act of 1855, and Sections 53 and 54 of the Act of 1858, shall be altered and amended in such a manner that it shall be lawful for the Corporation—

(1.) On any lands on which they are authorised to manufacture gas, to utilize and manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas, and matters producible therefrom, and to sell and dispose of the same at their works or elsewhere, and for the purpose of any such utilization or manufacture, to purchase or otherwise acquire any patent, licence, or other rights, materials, matters, or things that may appear to the Corporation to be necessary; and

(2.) To make, purchase, and sell, or let on hire, within the gas limits, gas cooking ovens, stoves, burners, or other fittings or apparatus used in the supply or consumption of gas for lighting, heating, or other purposes.

Art. II. Section 12 of the Act of 1858 shall be altered and amended so as to provide that, subject to the provisions of this Order, the Indenture of lease set forth in the Schedule hereto shall be confirmed; and, subject to the provisions of this Order, the Corporation shall for the term of nine hundred and ninety-nine years thereby granted, hold, enjoy, manage, and regulate the lands and hereditaments thereby demised with the appurtenances (which are generally known and are herein-after referred to as "Shroggs Park"), subject to the rent, rights, and reservations thereby reserved and declared, and to the covenants therein contained to the intents and purposes and according to the regulations and conditions in and by the said Indenture of lease in that behalf respectively declared and contained, and the Corporation shall not at any time permit any of such regulations and conditions to be violated, but shall at all times duly enforce the observance thereof.

Art. III. The Act of 1858 shall be amended in such a manner that the provisions contained in Sections 13, 15, 17, 20, 23, and 24 of that Act shall apply to Shroggs Park in the same manner in every respect as if such park were expressly mentioned in each of such sections in addition to the park therein referred to.

Provided that the provisions contained in Sections 182 to 185, both inclusive, and in Sections 251 to 254, both inclusive, of the Public Health Act, 1875,

shall apply to all byelaws or regulations relating to Shroggs Park which may at any time be made by the Corporation in pursuance of the powers given to them in that behalf by the said Indenture of Lease, or under Section 17 of the Act of 1858 as hereby amended, and to the recovery and application of the penalties imposed by such byelaws or regulations. A.D. 1881. *Halifax Order.*

Art. IV. Section 27 of the Act of 1858 shall be altered and amended so as to provide that in the event of any land adjoining to Shroggs Park being at any time added thereto the same shall thereupon for the purposes of Art. III. of this Order be deemed to be a part of such park.

Art. V. Section 62 of the Act of 1865 shall be altered and amended so as to enable the Corporation, with the sanction of the Local Government Board, in addition to the sum of five thousand pounds therein mentioned, to borrow, for the purposes of inland bonding houses, any sum or sums not exceeding in the whole the sum of four thousand five hundred pounds on the security of their income from inland bonding warehouses and of the borough fund and borough rate of the Borough.

Art. VI. Section 63 of the Act of 1865 shall be altered and amended so as to enable the Corporation, with the sanction of the Local Government Board, in addition to the sum of ten thousand pounds therein mentioned, to borrow, for the purposes of Shroggs Park or any other park for the time being belonging to the Corporation, any sum or sums not exceeding in the whole the sum of six thousand pounds on the security of the borough fund and borough rate of the Borough.

Art. VII. Section 40 of the Act of 1876 shall be altered and amended so as to provide that the expression "private improvement expenses" therein contained shall, for the purposes of that section, mean and include all private improvement expenses expressly so called, and all other expenses at any time incurred by the Corporation, for the repayment whereof the owner of the building or lands in respect whereof such expenses may have been or may be incurred is liable under any enactment or under any agreement with or by reason of any application of such owner.

Art. VIII. Section 42 of the Act of 1876 shall be altered and amended so as to enable the Corporation from time to time to order any privy or ashpit, or other like accommodation of any house in the Borough, to be altered by the owner thereof according to such system as they may approve, or to order a water closet or Goux closet to be substituted by any such owner for any such privy, ashpit, or other accommodation as aforesaid. At the expiration of the time specified in such order if the work be not completed, the Corporation themselves may do the work, and if the work, or any part of it, has been done contrary to any of the requirements of the Order, the Corporation may remove so much thereof as has been done contrary to any of such requirements. Any expenses incurred by the Corporation in doing such work, or removing the same or any part thereof, may either be recovered by the Corporation in a summary manner in the same manner as expenses under the Public Health Act, 1875, directed to be recovered in a summary manner are recoverable or may by order of the Corporation be declared to be private improvement

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expenses, in which case they shall be recoverable by the Corporation in the same manner in every respect as if they were private improvement expenses under the Public Health Act, 1875.

Provided that where the Corporation under this Article require the alteration of any privy, ashpit, or other similar accommodation, the construction and position of which they have previously approved, or the substitution of any watercloset or Goux closet in lieu of the same, all the expenses of such alteration or substitution shall be paid by the Corporation.

Provided also that any person aggrieved by any Order of the Corporation under this Article may appeal therefrom, subject to the regulations and conditions set forth in Section 269 of the Public Health Act, 1875.

Art. IX. Section 50 of the Act of 1876 shall be altered and amended so as to enable the Corporation to raise any money which they are authorised to borrow under Articles V. and VI. of this Order either by mortgage or by the creation and issue of debentures under and according to the provisions of the Local Loans Act, 1875.

Art. X. Section 51 of the Act of 1876 shall be altered and amended so as to provide that all moneys borrowed under Articles V. and VI. of this Order shall be paid off by means of a sinking fund or funds in manner provided by and subject to the provisions of the Local Loans Act, 1875, the sums paid into each sinking fund being accumulated at compound interest at such rate as in that section is directed; and that all such moneys shall be repaid by means of such sinking fund or funds within such period or periods not exceeding forty years from the date of the borrowing of such moneys respectively as the Corporation with the approval of the Local Government Board shall in each case determine; and the period so determined in each case shall be deemed to be the prescribed period for the purposes of Section 13 of the Local Loans Act, 1875, within which the moneys so borrowed shall respectively be discharged.

Art. XI. The Act of 1876 shall be altered and amended so as to provide as follows,—

(*a.*) The Town Clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund, in accordance with the provisions of this Order, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amounts which have been invested or applied for the purposes of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment, or of the sums accumulated by way of interest, has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and in the event of any wilful default in making such return, the Town Clerk shall be liable to a penalty not exceeding twenty pounds, which shall be paid to the Local Government Board, and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act, 1875, in a summary

manner, may be recovered by parties aggrieved within the meaning of that Act. A.D. 1881.

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

The SCHEDULE above referred to.

Stamp Duty 6*s*.

This Indenture made the Eighth day of September One thousand eight hundred and eighty between Henry Savile of Rufford Abbey in the County of Nottingham Esquire of the first part The Right Honorable Arthur Lord Kinnaird and Charles Hoare of Fleet Street in the City of London Esquire (the present Trustees of the Will and Codicils of the Right Honorable John Savile Lumley Savile Earl of Scarborough deceased and who throughout the subsequent part of this Indenture will be called "the Trustees") of the second part and The Mayor Aldermen and Burgesses of the Borough of Halifax in the West Riding of the County of York (herein-after called "the Corporation") of the third part Whereas the said Henry Savile with the concurrence of the Trustees has agreed with the Corporation to grant them a lease of the piece of land and hereditaments hereinafter described in manner hereinafter appearing in order that the said piece of land and hereditaments may be laid out and appropriated as and for a place of public resort amusement or recreation in the manner hereinafter provided Now this Indenture Witnesseth that in pursuance of the said Agreement and in consideration of the monies which shall be expended by the Corporation and their Successors in laying out the said piece of land and of the yearly rent covenants and agreements hereinafter respectively reserved and contained He the said Henry Savile by virtue and in exercise of the powers to him for this purpose given by the Savile Estate (Leasing) Act 1861 and by the Savile Estate (Extension of Powers) Act 1868 or by one of such Acts and of every or any other power enabling him in this behalf Doth by this deed demise and lease and the Trustees by virtue and in exercise of the powers to them for this purpose given by the said Acts or either of such Acts and of every or any other power enabling them in this behalf Do by this Deed (but not by way of Covenant or Warranty to any extent or in any way whatsoever) demise and lease unto the Corporation and their Successors All that piece of land called or known by the name of Shroggs Wood situate and being in the Township of Ovenden in the parish of Halifax in the West Riding of the County of York containing twenty-four acres three roods and twenty perches or thereabouts as the same with the situation and boundaries is more particularly described in the plan drawn on these presents in which plan the said land is colored pink including

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therein the site of the proposed road and lodge entrance shown on the said plan and intended to form the western approach and entrance to the recreation ground intended to be formed as hereinafter mentioned and which said piece of land is now enclosed with a substantial stone fence wall set in lime of the height of five feet and upwards together with full power for the Corporation and their Successors and their agents Servants and Workmen to cut down grub up and remove or to fill up all or any of the hedges fences or ditches upon or belonging to the said piece of land and premises hereby demised and to cut down and remove all or any of the timber and other trees and underwood thereon and also to plough dig up level and drain the said piece of land and to plant trees and shrubs and make drains paths or walks therein and to do and execute all such other acts and things as may be necessary or convenient for laying out the same as a recreation ground for the objects and purposes hereinafter provided SUBJECT ALWAYS NEVERTHELESS to all such rights of way drainage and other easements as any person or persons is or are entitled to over in or under the said piece of land And saving and reserving unto the Trustees their heirs and assigns and other the persons entitled under the said Will of the said Earl of Scarborough deceased or any Codicil thereto or under any Settlement to be made in pursuance thereof to the said piece of land and premises hereby demised in reversion expectant on the term hereby granted all mines beds veins and strata of Coal and Ironstone within under or upon the said demised premises with liberty for the trustees their heirs and assigns and other the persons entitled as aforesaid and their said respective assigns lessees tenants servants and workmen at all times during the term hereby granted to search for and win and work the said mines and minerals hereby reserved by or through adjoining lands and to cart and carry away the said respective mines and minerals through all convenient ways and passages either existing or hereafter to be made and for the purposes aforesaid under the said demised premises to construct and make all such works and make and use all such drains as may be found convenient doing no more injury or damage to the Corporation and their successors than may be requisite and necessary and making full satisfaction for all such injury or damage To have and to hold the said piece of land and other premises hereby demised (subject and reserving as aforesaid) unto the Corporation and their Successors from the twenty-fifth day of December one thousand eight hundred and seventy-nine for the term of nine hundred and ninety-nine years To the end and intent that the said piece of land and premises when laid out as herein-after provided may during the whole of the said term be used held and enjoyed as and for a place of public resort amusement or recreation upon the conditions and subject to the provisions hereinafter declared and for no other purpose whatsoever Yielding and paying therefore unto the Trustees their heirs and assigns yearly and every year during the said term the rent or sum of one pound of lawful money of the United Kingdom without any deduction or abatement whatsoever (except the property tax) on the twenty-fifth day of December in every year the first payment thereof to become due on the twenty-fifth day of December one thousand eight hundred and eighty And the Corporation with the approbation of the said Henry Savile testified by his execution hereof do hereby for themselves their successors and assigns covenant promise and agree with and to the trustees their heirs and assigns in manner following that is to say That they the Corporation or their Successors from time to time and at all times during the said term hereby granted shall and will well and truly pay or cause to be paid unto the Trustees their heirs and assigns the said rent of one pound hereby reserved upon the day hereinbefore appointed for payment thereof without any deduction or abatement whatsoever except the property tax if any And also shall and will well and truly bear pay or discharge the sewers rate tithes or rentcharge in lieu thereof Land tax and all other taxes charges rates assessments dues and impositions whatsoever which now are or at any time during

the said term shall be charged on the said demised premises or on the landlord or tenant thereof or otherwise payable in respect thereof by authority of Parliament or otherwise (the Landlords property tax if any in respect of the rent hereby reserved only excepted) And that they the Corporation and their Successors shall and will by or before the first day of June one thousand eight hundred and eighty-five at their own proper costs and charges erect and complete a substantial house or lodge as a residence for the keepers of the said recreation ground at the site for such lodge shown on the said plan at the point marked "A" and also set up good and sufficient gates at each of the entrances at the points marked "A" "B" and "C" on the said plan for such entrance gates And also shall and will by or before the 1st day of June 1885 at their own proper costs and charges lay out and form the said land into a pleasure or Recreation Ground with a Carriage Road or Drive round the same in such a manner and according to plans which shall have previously been submitted to and approved of in writing by the said Trustees their heirs and assigns and by the said Henry Savile during his life and after his decease by the person who shall for the time being be the tenant in possession of the said Savile Estates within the meaning of the said Savile Estate Acts of 1861 and 1868 or of the person or persons for the time being entitled to the said premises hereby demised in reversion immediately expectant upon the determination of the term hereby granted or in case of minority by the Guardian or Guardians of such minor or minors And further that they the Corporation and their successors shall and will when and so soon as the said land shall have been so laid out as and for a Pleasure or Recreation Ground as aforesaid hold and stand possessed of the same for the residue of the said term of nine hundred and ninety-nine years hereby granted for the purposes and subject to the conditions and provisions hereinafter contained And further that they the Corporation and their successors shall not nor will at any time during the said term hereby granted pull down add to or alter any of the erections or buildings at any time standing or being on the piece of land hereby demised or erect any other erection or building thereon without the previous consent in writing of the Trustees their heirs or assigns and the said Henry Savile or other the Tenant in possession as aforesaid or of the person or persons for the time being entitled to the said premises hereby demised in reversion immediately expectant upon the determination of the term hereby granted or in case of minority of his Guardian or Guardians or of their or his respective Surveyors or Agents for the time being And further that the Corporation and their Successors shall and will at all times during the said term hereby granted hold use maintain and keep the said piece of land and premises for the purposes hereinbefore declared and for no other purpose and shall and will when and as occasion shall require and without any notice being given for that purpose keep and maintain the said piece of land and the wall inclosing the same and all the paths walks roads woods and pleasure grounds formed thereon and all lodges erections buildings improvements drains gates palisades walls and fences which shall at any time during the said term be built or set up in or on the said piece of land or any part thereof and all the appurtenances thereto belonging in good and substantial repair order and condition and the same respective premises so repaired and kept at the expiration or other sooner determination of the said term hereby granted will peaceably and quietly leave surrender and yield up unto the Trustees their heirs or assigns And also that it shall be lawful for the Trustees their heirs and assigns and for the said Henry Savile or other the Tenant in possession as aforesaid or the person or persons for the time being entitled in reversion as aforesaid or any of them and their his or any of their Agent or Agents at all reasonable times during the said term a notice of their or his intention in that behalf having been delivered to the Corporation or their Successors

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or left at the Town Hall in Halifax or on some part of the demised premises not less than ten days previously with or without workmen or others in their or his company to enter upon the said piece of land and other premises hereby demised or any part thereof to inspect the condition of the same and that all decays and wants of reparation which upon such examination shall be found and for the amendment of which notice in writing shall be left upon the said premises they the Corporation or their successors shall and will within three calendar months next after every such notice substantially and sufficiently repair and make good the same accordingly And further that they the Corporation and their Successors shall and will from time to time during the said term hereby granted insure and keep insured against loss or damage by fire the buildings (if any) for the time being standing on the piece of land hereby demised in three-fourths at least of the full value thereof in the joint names of the Trustees or their heirs or other the persons or person for the time being seized of an Estate of freehold of and in the said demised premises in reversion immediately expectant upon the determination of the said term hereby granted and of the Corporation in the Law Fire Insurance Office or some other responsible Insurance Office or Offices in London or Westminster to be approved of by the Trustees or their heirs or other such persons or person so seized and shall and will when requested so to do produce the Policy or Policies which shall for the time being be in force and also the receipt or receipts for the premium or premiums thereon for the current year unto the Trustees or their heirs or other such person or persons so seized or their or his Agent and permit them or him to take copies thereof and extracts therefrom respectively and that if the said buildings shall at any time or times be destroyed or damaged by fire then all and every the sum and sums of money which shall be recovered or received for or in respect of such Insurance as aforesaid shall be laid out and expended in rebuilding or repairing and reinstating the same buildings And in case the monies so recovered or received shall be insufficient for that purpose then the Corporation or their Successors shall and will make up the deficiency And further that they the Corporation and their Successors shall not nor will at any time during the term hereby granted assign underlet or part with the possession of the said piece of land and premises hereby demised or any part thereof for the whole or any part of the term of years hereby granted without the previous consent in writing of the Trustees their heirs or assigns and the said Henry Savile or other the tenant in possession as aforesaid or of the person or persons for the time being entitled to the said premises hereby demised in reversion immediately expectant upon the determination of the term hereby granted or in case of minority of his Guardian or Guardians or of their or his respective Surveyors or Agents for the time being PROVIDED ALWAYS AND IT IS hereby expressly agreed and declared between and by the said parties hereto that nothing herein contained shall prevent the Trustees or their heirs or the Tenant in possession as aforesaid or other the person or persons for the time being entitled as aforesaid or their or his respective assigns lessees or tenants from erecting or making at any time or times during the said term any building or erection close to and adjoining the boundary of the said piece of land hereby demised on those parts of it which are not bounded by any public Street or Road and that although such buildings or erections may as to the demised premises obstruct light or air And that all buildings or erections erected by them with a frontage to the said piece of land hereby demised as and for a Recreation Ground shall have the right of uninterrupted view into the said Recreation Ground and that it shall be lawful for the Trustees or their heirs or the tenant for life in possession as aforesaid or other the person or persons for the time being entitled as aforesaid or their or his respective assigns lessees or tenants owners or occupiers of houses or buildings with a frontage to the said Recreation Ground at their or his own costs to take down the boundary Wall of the said Recreation

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Ground for the whole length of their frontage thereto on their erecting in lieu thereof an iron fence railing six feet in height set in a stone curb AND IT IS hereby expressly declared and agreed between and by the said parties hereto that the piece of land and premises hereby demised to the Corporation as aforesaid shall from and after the time when the same shall have been laid out as a Recreation Ground as aforesaid be used and enjoyed during the continuance of the term hereby granted by the Inhabitants of the Townships of Halifax Ovenden and Northowram and any neighbouring place or places as and for a park or Recreation Ground subject' to the regulations to be made as herein-after provided AND IT IS HEREBY FURTHER declared and agreed between and by the said parties hereto that the said Park or Recreation Ground and all erections therein when so laid out formed and erected as aforesaid shall be under the management and control of the Corporation and their Successors who shall have power to appoint Keepers or Servants for the protection of the said Park and the maintenance thereof and for preserving order therein on the part of the persons visiting the same and shall have power to provide accommodation for the Games of Cricket Bowls and Croquet or for the practice of Archery or any other Game Recreation or Amusement or for the meeting or drilling of Volunteers or other Military Bodies or for Athletic Sports or for any one or more of such purposes or purposes of a similar character in exclusion of the others or other of them as to the Corporation or their Successors shall seem meet but so that the said Park shall never be used as a place of meeting for Political or Religious discussion or discussions PROVIDED ALWAYS AND IT IS HEREBY agreed and declared that in the exercise of the control hereby vested in them it shall and may be lawful for the Corporation and their Successors at their absolute discretion from time to time and at all times during the said term hereby granted to make such regulations as to them shall seem meet as to the person or persons who shall be admitted to or excluded from the said piece of land and the hours during which the said Ground shall be open or closed AND ALSO all such other Regulations as to them shall seem meet for the purpose of regulating the use and management of the said ground and of protecting from injury or damage the said Ground and the trees and shrubs and the paths and walks therein and any buildings and erections thereon and for preserving order therein but so that it shall not be competent to them (except as herein-after provided) to require the payment of money for admission to the said piece of land PROVIDED ALWAYS that the Corporation and their Successors may from time to time and on such occasions as they think fit (not exceeding in all twenty-one days in the year) close the said Park or Recreation Ground against the public and may grant the use of the same for the benefit of some Public Charity or Institution for any Galas Fêtes or Flower Shows and may on such occasions make such charge for admission into the said Park or Recreation Ground as they shall think fit PROVIDED ALWAYS and these presents are upon this express condition that in case the yearly rent hereinbefore reserved or any part thereof shall be unpaid for the space of six calendar months next after any of the days of payment whereon the same ought to be paid as aforesaid being demanded on or at any time after the expiration of the said period of six calendar months and not paid when demanded or if the said piece of land hereby demised shall for the same period be discontinued to be maintained and kept open as and for a Park or Recreation Ground in accordance with the provisions hereinbefore contained or if the Corporation or their Successors shall not well and truly observe perform and keep all and every the covenants conditions and agreements herein contained on their respective parts to be performed observed and kept then and in any of such cases and at any time after such default or breach it shall and may be lawful for the Trustees their heirs or assigns or other the person or persons for the time being seized of an estate of freehold of and in the said demised premises in reversion immediately expectant on the determination of the term hereby granted in and upon the said piece of land and premises hereby demised

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or any part thereof in the name of the whole to re-enter and the same to have again repossess and enjoy as if this Lease had not been made AND the said Henry Savile for himself his heirs executors and administrators doth by these presents covenant promise and agree with the Corporation and their Successors that they the Corporation and their Successors observing fulfilling and keeping all the covenants conditions and agreements herein-before contained on their parts shall and may peaceably and quietly have hold occupy and enjoy all the premises hereby demised with the appurtenances for the said term of nine hundred and ninety-nine years without any let suit eviction molestation or interruption of or by him the said Henry Savile or his assigns or the Trustees their heirs or assigns or any person or persons claiming or to claim by from through or under him or them respectively or by from through or under the said Earl of Scarborough deceased or by or with his their or any of their title acts means privity consent or procurement.

IN WITNESS whereof the parties hereto of the first and second parts have hereunto set their hands and seals and the parties hereto of the third part have caused their Corporate Seal to be hereunto affixed the day and year first above written.

HENRY L.S. SAVILE. KINNAIRD L.S. CHAS. L.S. HOARE.

The Corporate Seal of the Borough of Halifax.

Signed sealed and delivered by the within named Henry Savile in the presence of Jermyn Patrick Royle Vicar of Wellow Notts.

Signed sealed and delivered by the within named Arthur Lord Kinnaird in the presence of Duncan D. Stewart Land Steward to Lord Kinnaird.

Signed sealed and delivered by the within named Charles Hoare in the presence of Alfred Markby 9 Lincolns Inn Solicitor.

The Corporate Common Seal of the Borough of Halifax was affixed hereto in the presence of

KEIGHLEY WALTON
Town Clerk.

(Sworn) GEORGE STANLEY WALTON
Articled Clerk to Keighley Walton.

A Memorial was registered at Wakefield the Fourth day of May 1881 at two in the afternoon in Book 855 Page 643 Number 764.

WILLIAM PICKARD
Deputy Registrar.

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

J. G. DODSON, President.
(L.S.) JOHN LAMBERT, Secretary.

BOROUGH OF LEEDS.

A.D. 1881.

Leeds Order.

Provisional Order for altering and amending certain Local Acts.

To the Mayor, Aldermen, and Burgesses of the Borough of Leeds, in the West Riding of the County of York, being the Urban Sanitary Authority for that Borough; —

And to all others whom it may concern.

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

And whereas the following Local Acts of Parliament are in force in the said District; viz., the Leeds Improvement Act, 1842 (herein-after referred to as "the Act of 1842"), the Leeds Improvement Act, 1866 (herein-after referred to as "the Act of 1866"), and the Leeds Improvement Act, 1877 (herein-after referred to as "the Act of 1877");

And whereas by Section 245 of the Act of 1842, the Corporation were empowered to purchase, build, and provide within and for the Borough, or for any Township therein, from and out of the respective and separate improvement rates by that Act granted, a town hall and such other convenient and suitable buildings and premises for holding any public meetings, and transacting any public business, under and subject to such regulations and restrictions as the Corporation should from time to time think expedient; and also from time to time to maintain, repair, light, and furnish such town hall, buildings, and premises respectively as the Corporation might deem proper;

And whereas by Section 84 of the Act of 1866, the Corporation, having erected a Town Hall within and for the Borough, with suitable accommodation for Courts of Justice and the transaction of public business therein, were empowered from time to time to erect and provide on lands then vested in them, or which they might acquire under that Act, any offices and buildings for public purposes near or adjacent to the town hall, and to make such approaches thereto as they might think expedient, and to furnish and fit up the offices and buildings with all necessary furniture, and to repair, reinstate, alter, enlarge, and improve the town hall, offices, buildings, approaches, conveniences, and furniture as they should see fit;

And whereas by Section 86 of the Act of 1866, it is enacted that all the expenses of the Corporation under that Act, with respect to the town hall, and the buildings, offices, and furniture connected therewith, shall be charged upon and paid out of the borough fund and rates of the Borough;

And whereas by Section 114 of the Act of 1866, it is enacted that all the expenses from time to time incurred by the Corporation in the execution of

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the several powers and provisions of that Act, and which are not by that Act directed to be charged upon or paid out of the highway rates or the improvement rates, shall be charged upon and paid out of the borough fund and borough rates of the Borough; and that all expenses which are by that Act directed to be charged upon and paid out of the borough fund and borough rates of the Borough, and all monies from time to time borrowed under that Act on the borough fund, and the interest thereon, shall be paid out of the borough fund and borough rates accordingly, as if the same were expenses necessarily incurred in executing, with respect to the Borough, the provisions of the Act for the regulation of Municipal Corporations;

And whereas by Section 115 of the Act of 1866, it is further enacted that, for the purpose of defraying the expenses by that Act directed to be charged upon and paid out of the borough fund and borough rate of the Borough, the Corporation from time to time under the authority of that Act, may, in addition to any other monies which the Corporation are authorised to borrow at interest, on mortgage of the borough fund and borough rate of the Borough, and of all lands and other property for the time being vested in them as part of their corporate estates and borough fund, or of any such securities, either together or separately, all such sums as they from time to time shall think requisite, not exceeding in the whole Fifty thousand pounds, and that after having paid off (otherwise than by the sinking fund) any monies so borrowed, the Corporation may reborrow the amount so paid off, and so toties quoties;

And whereas by Section 67 of the Act of 1877, it is enacted that it shall be lawful for the Corporation to resolve that any perpetual annuities issued by them, or that any portion of their debt then subsisting on security of outstanding mortgages or bonds of the Corporation, not exceeding an amount to be defined in and by such resolution, may be converted into debenture stock of the Corporation of like amount, either by agreement with the holders of such annuities, mortgages, or bonds, or by paying off the same respectively when due, and issuing stock of a corresponding amount instead of reborrowing the sums so paid off, and also from time to time to resolve that the whole or any part, to be defined in and by such resolution, of the moneys which the Corporation shall have authority to raise by borrowing under the powers of any of their Acts, including the Act of 1877, and which shall not then have been raised, shall or may be raised by the creation and issue of debenture stock of a corresponding amount instead of borrowing the same, and also to attach to the stock so authorised to be created and issued for any of the purposes aforesaid, fixed and perpetual yearly dividend or interest at any rate not exceeding the rate of four pounds for every one hundred pounds thereof, payable in equal half yearly portions; and that the stock so created and issued shall be a charge upon the borough fund, borough rate, the waterworks and gasworks undertakings, and the improvement rates, and the revenues of all landed and other property vested in or belonging to the Corporation respectively derived therefrom, and any other revenue which may be acquired by them, but that such stock shall be distributable, transmissible, and transferable as and in other respects have the incidents of personal estate, and that the stock when so created

shall be termed "the Leeds Corporation Consolidated Debenture Stock" (hereinafter referred to as "the Corporation Stock");

And whereas by Section 86 of the Act of 1877, it is further enacted that, after the passing of that Act, the following provision shall regulate the setting apart by the Corporation of a sinking fund with respect to moneys borrowed by them before or after the passing of that Act, under the authority of the therein recited Acts (which term includes the Act of 1842 and the Act of 1866) and under the authority of the Act of 1877, viz.; the Corporation shall commence and thenceforth continue to set apart and appropriate annually from the rates and rents forming the security a sum equal to one pound per centum on the aggregate amount of the principal moneys which shall have been borrowed by them as a sinking fund for the repayment of those principal moneys, which sinking fund may be accumulated at interest in the hands of the Bankers of the Corporation, and when and so soon as the same shall have amounted to the sum of one thousand pounds, shall be invested from time to time and accumulated in the way of compound interest by investing the same respectively on such securities as trustees are by law for the time being authorised to invest trust moneys; and that the Corporation may at any time apply the whole or part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper; provided always, that whenever any of such principal moneys have been so paid off the Corporation shall thence forward, until the whole of such principal moneys have been paid off, pay into the sinking fund every year, in addition to the other sums therein-before required to be set apart and appropriated, a sum equal to the annual interest of the principal money so paid off; provided further, that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding, the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest, and may during such periods discontinue the payment to such sinking fund of the yearly sums therein-before required to be paid thereto;

And whereas the Corporation have invested a portion of the moneys paid to the credit of the sinking fund, directed by Section 86 of the Act of 1877 to be set apart, upon the following securities; viz.,—

	£
The Corporation stock - - - -	76,970
Debenture stock of the late Leeds Gaslight Company and the late Leeds New Gas Company, now vested in the Corporation -	2,360
Leeds Corporation Gas funded debt - - - - -	379
Mortgages of the gasworks and rents and the borough rates of the Borough of Salford - - - - - -	50,000
Mortgage of the Improvement Rate of the Borough of Newcastle-upon-Tyne - - - - - - -	15,000

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially, to repeal,

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alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject matters as the Public Health Act, 1875;

And whereas the Act of 1842, the Act of 1866, and the Act of 1877 are Local Acts within the meaning of Section 303 of the Public Health Act, 1875, and the Corporation, as such Urban Sanitary Authority as aforesaid, have applied to the Local Government Board to alter and amend the same;

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

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

Art. I. Section 115 of the Act of 1866 shall be altered and amended by the substitution therein of the words "one hundred and thirty thousand pounds" for the words "fifty thousand pounds," and, except as herein-after provided, all the provisions of that Act shall take effect in the same manner as if the amount authorised to be raised thereunder had been one hundred and thirty thousand pounds and not fifty thousand pounds.

Provided that no part of the sum of eighty thousand pounds authorised to be borrowed under this Article shall be borrowed without the sanction of the Local Government Board.

Art. II. Nothing in Section 114 of the Act of 1866 contained shall be so construed as to prevent the Corporation from converting any securities for moneys borrowed under the Act of 1866 into Corporation stock, or from raising any money, which by the Act of 1866 or this Order, the Corporation are empowered to borrow, by the issue of Corporation stock, in accordance with the provisions of the Act of 1877.

Art. III. Section 86 of the Act of 1877 shall be altered and amended so as to provide as follows:—

(1.) Where any Corporation stock has been issued, whether before or after the commencement of this Order, at a premium, such premium shall be carried to the credit of the sinking fund to be set apart under that section, or be applied to some other purpose of any of the Local Acts in force in the Borough to which capital is properly applicable.

(2.) The Corporation may from time to time apply all or any of the moneys standing to the credit of such sinking fund, in the purchase of Corporation stock as well as towards the repayment of borrowed moneys, notwithstanding the fact that it may be necessary to purchase such stock at a premium.

Provided that all Corporation stock purchased under this Article shall be chased at a price not exceeding the market price for the time being of the

outstanding Corporation stock, and shall be *ipso facto* cancelled, and that the Corporation shall in every such case, so soon as conveniently may be thereafter, pay into such sinking fund in each year, and accumulate until the whole of the moneys for the repayment of which the sinking fund has been established are discharged, a sum equivalent to the interest which would have been produced by the sinking fund, or part of the sinking fund, so applied.

(3.) The Corporation may invest the said sinking fund, not only in the securities referred to in Section 86 of the Act of 1877, but also in the mortgages, debentures, or debenture or other stock issued by any local authority, as defined by Section 34 of the Local Loans Act, 1875.

(4.) The sum of fifty thousand pounds advanced upon security of the gas-works and rents and the borough rates of the Borough of Salford, and the sum of fifteen thousand pounds, advanced upon security of the improvement rate of the Borough of Newcastle-upon-Tyne shall be deemed to have been and to be invested in securities authorised by the Act of 1877.

(5.) The sum of seventy-six thousand nine hundred and seventy pounds invested in the purchase of Corporation stock, and the sum of two thousand three hundred and sixty pounds invested in the debenture stock of the late Leeds Gaslight Company and the late Leeds New Gas Company, and the sum of three hundred and seventy-nine pounds invested in the Leeds Corporation Gas funded debt, shall be deemed to have been applied in accordance with the provisions of Section 86 of the Act of 1877.

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

J. G. DODSON, President.
(L.S.) JOHN LAMBERT, Secretary.

CITY OF MANCHESTER.

Manchester Order.

Provisional Order for altering certain Local Acts.

To the Mayor, Aldermen, and Citizens of the City of Manchester, in the County of Lancaster, being the Urban Sanitary Authority for that City;—

And to all others whom it may concern.

WHEREAS the City of Manchester, in the County of Lancaster (herein-after referred to as "the City"), is an Urban Sanitary District, of which the Mayor, Aldermen, and Citizens, acting by the Council (herein-after referred to as "the Corporation"), are the Urban Sanitary Authority;

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And whereas the Manchester Corporation Waterworks and Improvement Act, 1867 (herein-after referred to as "the Act of 1867"), the Manchester Corporation Waterworks and Improvement Act, 1869 (herein-after referred to as "the Act of 1869"), the Manchester Improvement Act, 1871, (herein-after referred to as "the Act of 1871"), the Manchester Corporation Waterworks and Improvement Act, 1872 (herein-after referred to as "the Act of 1872"), and the Manchester Corporation Waterworks and Improvement Act, 1875 (herein-after referred to as "the Act of 1875"), are in force in the said Urban Sanitary District;

And whereas by Section 42 of the Act of 1867, the Corporation are empowered in any case where a dwelling-house within the City is without an ashpit or without an ashpit of a construction and size approved by the Corporation, to order the owner of such house to provide such an ashpit or to make such alteration, reparation, or enlargement of the existing ashpit, as in the opinion of the Corporation the circumstances of the case may require, within a reasonable time to be named in such Order, and by the same section penalties are imposed on any owner making default in complying with such order, and the Corporation are empowered after the expiration of any such notice to enter upon the premises and execute the work specified in such order, and the costs thereof are made recoverable in manner provided by the same section;

And whereas by Section 17 of the Act of 1869, the Corporation were empowered, subject to the provisions of that Act, to widen, enlarge, and alter the line and levels of the public street in the Township and Parish of Manchester called Deansgate, in manner therein mentioned, and for the purpose of such widening, enlargement, and alteration, and for other purposes connected therewith, to enter upon, take, and use any of the lands delineated in the deposited plans and described in the deposited books of reference;

And whereas by Section 34 of the Act of 1869, it is provided that in construing the forty-second section of the Act of 1867, the expression "ashpit" shall be held to include a privy;

And whereas by Section 45 of the Act of 1869, the Corporation were empowered to borrow, in manner therein provided, for the purposes of that Act, any sums of money not exceeding in the whole the sum of two hundred and fifty thousand pounds, and were required from and after the First day of January, in the year One thousand eight hundred and seventy-three, and during the succeeding twenty years to annually set apart as a sinking fund a sum, being not less than one pound ten shillings per centum, and from and after the expiration of such twenty years a sum, being not less than two pounds per centum on so much of the said sum of two hundred and fifty thousand pounds as from time to time should have been borrowed, and by the same section it is provided that such sinking fund shall be from time to time applicable to the redemption of mortgages granted under that section, and to no other purpose whatever;

And whereas by Section 14 of the Act of 1871, the Corporation were empowered from time to time to sell, demise, or otherwise dispose of, any lands which were then or should thereafter be vested in the Corporation, and by the

same section it is provided that the resale by the Corporation of any land or building within the limit of land to be acquired, shown upon the deposited plans referred to in the Act of 1869, shall be deemed to be a purpose within the meaning of that Act, and that all moneys, whether chief rent or purchase money, received by the Corporation in respect thereof shall be applied either in defraying the expenses incurred by the Corporation in carrying out the improvements authorised by the last-mentioned Act, or in reduction of the principal moneys for the time being owing under the forty-fifth section of the Act of 1869 or under the Act of 1871;

And whereas by Section 38 of the Act of 1871, the Corporation in addition to the other sums which they were by any other Act authorised to borrow, were empowered to borrow in manner therein provided for general improvement purposes any sums of money not exceeding in the whole the sum of four hundred thousand pounds, and were required from and after the First day of January, One thousand eight hundred and seventy-five, and during the succeeding twenty years to annually set apart as a sinking fund a sum being not less than one pound ten shillings per centum, and from and after the expiration of such twenty years a sum being not less than two pounds per centum on so much of the said sum of four hundred thousand pounds as from time to time should have been borrowed; and by the same section it is provided that such sinking fund shall be from time to time applicable to the redemption of mortgages granted under that section, and to no other purpose whatever;

And whereas by Section 30 of the Act of 1872, the Corporation are empowered to make byelaws for various sanitary purposes with a view to preventing the spread of infectious disease, and for preventing rubbish being thrown into ashpits, and for causing privies and ashpits to be locked and secured in such manner as the Corporation may prescribe;

And whereas by Section 51 of the Act of 1872, the Corporation in addition to the other sums which they were authorised to raise by any Act, were empowered to borrow in manner therein provided for the purposes of that Act any sums of money not exceeding in the whole the sum of one hundred thousand pounds, and were required from and after the First day of January, One thousand eight hundred and seventy-six, and during the succeeding twenty years to annually set apart as a sinking fund a sum being not less than one pound ten shillings per centum, and from and after the expiration of such twenty years a sum being not less than two pounds per centum on so much of the said sum of one hundred thousand pounds as from time to time should have been borrowed, and by the same section it is provided that such sinking fund shall from time to time be applicable to the redemption of mortgages granted under that section, and to no other purpose whatever;

And whereas by Section 56 of the Act of 1875, the Corporation in addition to the other sums which they were authorised to raise by any Act were empowered to borrow in manner therein provided for the purposes of that Act other than those connected with their water works any sums of money not exceeding in the whole the sum of four hundred thousand pounds, and were required from and after the First day of January, One thousand eight hundred

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and seventy-nine, and during the succeeding twenty years to annually set apart as a sinking fund a sum being not less than one pound ten shillings per centum, and from and after the expiration of such twenty years a sum being not less than two pounds per centum on so much of the said sum of four hundred thousand pounds as from time to time should have been borrowed; and by the same section it is provided that such sinking fund shall from time to time be applicable to the redemption of mortgages granted under that section, and to no other purpose whatever.

And whereas the Corporation exercised the powers given to them by Section 17 of the Act of 1869; and under an agreement dated the Twenty-seventh day of October, One thousand eight hundred and seventy-four, and made between the Corporation of the one part and Andrew Hamilton, of the City of Manchester, Agent, of the other part, agreed to sell the block of freehold land described in the First Schedule hereto, being surplus land acquired under the last-mentioned section; and by the same agreement it was provided that the balance of the purchase money, after payment of a deposit of five pounds per centum thereon, should be discharged at the expiration of seven years from the Twenty-third day of December, One thousand eight hundred and seventy-four, and that in the meantime interest should be payable on the purchase money for the time being unpaid;

And whereas the Corporation, being unable to obtain payment of the said Interest, when and as the same became payable, proceeded, in pursuance of the power reserved to them by the said agreement, to give notice to vacate the sale of the said block of land, and such sale was accordingly vacated on the Sixteenth day of April, One thousand eight hundred and eighty, and the Corporation thereupon resumed possession of the said block of land;

And whereas prior to the last-mentioned date a building had been commenced on the said block of land by the purchasers thereof, but had not been completed, although a large sum of money had been expended thereon, and in consequence of such building remaining in an unfinished state the Corporation have been, and still are, unable to sell the said block of land at a reasonable price;

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

And whereas the Act of 1867, the Act of 1869, the Act of 1871, the Act of 1872, and the Act of 1875, are Local Acts within the meaning of Section 303 of the Public Health Act, 1875, and the Corporation, as such Urban Sanitary Authority as aforesaid, have applied to the Local Government Board to alter and amend the same;

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

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

Art. I. Section 42 of the Act of 1867 and Section 34 of the Act of 1869 shall be altered and amended so as to enable the Corporation to exercise the powers therein contained not only in any case where a dwelling-house within the City is without an ashpit or privy, or without an ashpit or privy of a construction and size approved by the Corporation, but also in any case where any building or any portion of a building separately let or occupied, inclusive of any manufactory, workshop, or other shop, is without an ashpit or privy, or without an ashpit or privy of a construction and size approved by the Corporation; and for the purposes of those Sections and of this Article, the expressions "ashpit" and "privy" shall extend to and be deemed to include any water or other closet for the reception of fœcal matter, and the apparatus connected therewith.

Provided always, that any person thinking himself aggrieved by any order of the Corporation under the said Sections or either of them as amended by this Article, may appeal to the General Quarter Sessions of the City in the same manner and subject to the same provisions as in the case of an appeal made under the two hundred and sixty-second section of an Act passed in the seventh and eighth years of the reign of Her present Majesty, and entitled "An Act for the good government and police regulation of the Borough of Manchester," and the provisions contained in the two hundred and sixty-third and two hundred and sixty fourth sections of that Act shall apply in the case of any such appeal.

Art. II. Section 45 of the Act of 1869, Section 38 of the Act of 1871, Section 51 of the Act of 1872, and Section 56 of the Act of 1875, shall be altered and amended so as to require the Corporation to set apart annually as sinking funds one pound per centum instead of one pound ten shillings per centum on the amounts borrowed under such sections respectively during the residues remaining unexpired of the several periods of twenty years therein respectively mentioned, and so as to provide that such sinking funds, pending their application to the redemption of mortgages granted under such sections respectively, may, with the accumulations thereof, be invested in Exchequer Bills or other government securities, or in any other securities in which trustees are by law for the time being authorised to invest trust moneys.

Art. III. Section 14 of the Act of 1871 shall be altered and amended so as to enable the Corporation to complete and make fit for occupation the said building, which has been commenced on the said block of land, as herein-before recited; and for that purpose the Corporation may on any part of the said block of land complete any works already commenced, and execute any further works that may be necessary, in order to carry out the original building plan or architectural design in accordance with which the said building has been commenced, with

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such modifications, if any, as the Corporation may deem desirable; and the Corporation may from time to time alter and improve the said building.

Art. IV. All expenses incurred by the Corporation in carrying into effect the purposes of Article III. of this Order shall be deemed to be expenses incurred by the Corporation for general improvement purposes within the meaning of the Act of 1871, and may be defrayed out of moneys borrowed under Section 38 of that Act as hereby amended, or out of moneys authorised to be borrowed by the Corporation under any other Local Act for general improvement purposes.

Art. V. Nothing in this Order contained shall in any way diminish the powers and obligations of the Corporation to sell, demise, or otherwise dispose of the said building, when the same shall have been completed, or to apply any moneys which shall arise by or from the sale, demise, or other disposal of the same in accordance with the provisions in that behalf contained in Section 14 of the Act of 1871. Pending any such sale or disposal, the Corporation may repair and insure the said building, and defray the costs of any such repair or insurance out of any moneys other than capital moneys belonging to them, and applicable to general improvement purposes.

Art. VI. Section 38 of the Act of 1871 shall be altered and amended by the substitution of the words "five hundred thousand pounds" for the words "four hundred thousand pounds," wherever the last mentioned words occur therein, and the provisions of that section shall take effect in the same manner as if the amount authorised to be raised thereunder had been five hundred thousand pounds and not four hundred thousand pounds.

Art. VII. The Act of 1871 shall be further altered and amended so as to provide as follows:—

(*a.*) The treasurer of the Borough, as the treasurer of the Corporation acting by the Council as the Urban Sanitary Authority, shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund in respect of the whole or any part of the sum of one hundred thousand pounds, authorised to be borrowed under Art. VI. of this Order, in addition to the sums previously authorised to be borrowed under the Act of 1871, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amounts which have been invested or applied for the purposes of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment, or of the sums accumulated by way of interest, has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and in the event of any wilful default in making such return, the said treasurer shall be liable to a penalty not exceeding twenty pounds, which shall be paid to the Local Government Board, and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act, 1875, in a summary

manner, may be recovered by parties aggrieved within the meaning of that Act.

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

Art. VIII. Section 30 of the Act of 1872 shall be altered and amended so as to provide that in order to secure that due notice be given to the Corporation of any inmate of any building used for human habitation within the City who is suffering from any infectious disease, the following provisions shall have effect; (that is to say),

(1.) If any such inmate be suffering from infectious disease, the occupier or person having the management or control of such building, or if such occupier or person is prevented by reason of such disease, then the person in charge of such inmate shall, so soon as he shall become aware of the existence in any such inmate of any such disease, forthwith give notice to the medical officer of health at his office of the existence in such inmate of such disease.

(2.) If such inmate be not a member of the family of such occupier or person the head of the family (resident in such building) to which such inmate belongs, or if there be no such head, or if he be prevented by reason of such disease, then the person in charge of such inmate, and if there be no such person, then such inmate (unless prevented by reason of such disease or of youth) shall, on becoming aware of the existence in such inmate or in his own person, as the case may be, of such disease, forthwith give notice thereof to such occupier or person.

(3.) The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the City forms for the certificate by such medical practitioner of the particulars herein-after mentioned in relation to such cases, according to the form set forth in the Second Schedule hereto.

(4.) Every medical practitioner attending on or called in to visit such inmate shall, on becoming aware that such inmate is suffering from any infectious disease, forthwith fill up, sign, and send, by post or otherwise, to the medical officer of health at his office a certificate stating according to the forms prescribed and supplied to him by the Corporation the name of such inmate, the situation of such building, and the name of such occupier or person, and the nature of the disease from which, in the opinion of such medical practitioner, such inmate is suffering, and the delivery of such certificate duly filled up and signed as aforesaid, at the office of the medical

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officer of health, shall be deemed to be a sufficient fulfilment of the requirements of sub-divisions (1) and (2) of this Article.

(5.) The Corporation shall pay to every medical practitioner who shall, in pursuance of this Article, duly make and give any such certificate, a fee of two shillings and sixpence for every such certificate: Provided that the same medical practitioner shall not be required under this Article to give more than one certificate, and shall not be entitled to more than one fee in respect of certificates given by him, within an interval of thirty days, in respect of the same disease occurring in the same building;

and any person who shall offend against the provisions of this Article (unless ignorant thereof, the burden of the proof of which shall be on him) shall, for every such offence be liable to a penalty not exceeding five pounds, which shall be recoverable in manner provided by Section 32 of the Act of 1872.

In this Article the expression "infectious disease" means small-pox, typhus and typhoid fever, scarlatina, diphtheria, cholera, relapsing fever, and puerperal fever, and such other diseases as the Corporation, under the provisions of Article IX. of this Order, may from time to time order to be deemed an infectious disease within and subject to the provisions of this Article.

Art. IX. The Corporation may from time to time, by resolution made on the report of their medical officer of health, and sanctioned by the Local Government Board, order that any infectious disease other than those mentioned in Article VIII. of this Order shall be deemed to be an infectious disease within and subject to the provisions of that Article. Any such order of the Corporation may be permanent or temporary only, and, if temporary, the period during which it is to continue in force shall be specified therein; and the Corporation shall give public notice of the resolution by publishing the same by advertisement in at least three local newspapers circulating in the City, and after such public notice has been given, the provisions of Article VIII. of this Order shall, so long as such order of the Corporation continues in force, apply to the disease specified therein in like manner in all respects as if the disease were an infectious disease specifically mentioned in Article VIII. of this Order. The production of the newspapers containing a copy of the resolution of the Corporation shall be conclusive evidence that public notice of such resolution has been given.

Art. X. Section 30 of the Act of 1872 shall be further altered and amended so as to enable the Corporation in addition to the byelaws authorised to be made thereunder to make byelaws for the following purposes; viz.:

For preventing the use of any water or other closet for the reception of fœcal matter or any privy or ashpit or the apparatus connected therewith respectively either in an improper manner, that is to say, in a manner contrary to any regulation which the Corporation may prescribe in such byelaws, or by unauthorised persons, that is to say, by persons other than the occupiers of the premises to which such closets, privies, or ashpits respectively belong, or for the use of the inmates of which the same are constructed, the families of such occupiers, and persons authorised by such occupiers to use the same; and

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For providing that such closets, privies, and ashpits and the apparatus connected therewith respectively shall be kept in proper repair and condition when the same respectively belong to or are used in connexion with one dwelling-house of a rateable value for the purposes of the poor rate not exceeding forty pounds, by the owner of such dwelling-house: when they respectively belong to, or are constructed for the common use of the inmates of, more than one dwelling-house, by the owner of such dwelling-houses or the owners, if more than one, jointly: and, in all other cases, by the occupiers of the premises to which the same belong.

Provided always, that if any such closet, privy, or ashpit, or the apparatus connected therewith, has been used in an improper manner as aforesaid by two or more persons, the Corporation may institute proceedings against any one of such persons, or include all or any two or more of such persons in one proceeding.

For the purposes of this Article the expression "owner" shall have the same meaning as it has in Section 4 of the Public Health Act, 1875.

Any byelaws made by the Corporation under this Article shall be subject to the provisions relating to byelaws contained in Sections 182 to 185, both inclusive, of the Public Health Act, 1875. Any penalties recoverable under such byelaws shall be recoverable in manner provided by Section 32 of the Act of 1872.

Art. XI. If any such closet, privy, or ashpit as aforesaid, or the apparatus connected therewith, is at any time not in proper repair or condition, the Corporation may, without prejudice to the recovery of any penalties recoverable under byelaws made in pursuance of Article X. of this Order, by written notice in accordance with the terms of Sections 266 and 267 of the Public Health Act, 1875, require the person or persons responsible under any such byelaw to keep such closet, privy, or ashpit and the apparatus connected therewith, in proper repair or condition, within a reasonable time therein specified to put the same into proper repair and condition.

If such notice is not complied with, the Corporation may, at the expiration of the time specified in the notice, do the work required to be done, and may recover the expenses incurred by them in so doing from such person or persons as aforesaid in the same manner as if they were expenses recoverable by the Corporation under Section 36 of the Public Health Act, 1875.

Art. XII. Nothing in this Order shall alter or affect any lease, contract, or agreement made or entered into between the landlord and tenant of any premises, and any penalties or expenses which, under Article X. or XI. of this Order, or any byelaw therein mentioned, shall be recovered by the Corporation from any party to any such lease, contract, or agreement other than the party responsible thereunder for the payment of such penalties or expenses, shall be recoverable from such last-mentioned party by the party from whom the same have been recovered by the Corporation.

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The SCHEDULES above referred to.

The First Schedule.

All that block of freehold land in the City of Manchester, situate at the westerly end of Market Street, and bounded on the easterly side thereof by Victoria Street, on the southerly side thereof by Saint Mary's Gate, and on the westerly side thereof by Deansgate, and containing five thousand and sixty square yards or thereabouts of net building land.

The Second Schedule.

Certificate of Disease.

MANCHESTER PROVISIONAL ORDER, 1881.

To the Corporation of the City of Manchester.

I hereby certify and declare that in my opinion the under-mentioned person is suffering from an infectious disease within the terms of the above Order.

Dated the day of , 18 .

(Signed)

Name of person suffering from the disease _____

Situation of the building wherein such person is - - - - _____

Name of occupier or other person having the charge, management, or control of the building or room - - - _____

Nature of the disease - - - _____

Note.—This certificate must (under penalty of five pounds in case of neglect) be forthwith sent to the Medical Officer of Health at his office.

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

J. G. DODSON, President.
JOHN LAMBERT, Secretary.

(L.S.)

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