CHAPTER xvi.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Gateshead and Kingston-upon-Hull, the Local Government District of North Bierley, and the Boroughs of Stockport and Wigan. [25th September 1886.]

A.D. 1886.

WHEREAS the Local Government Board have 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:

Orders in Schedule confirmed.

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

Short title.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 10) Act, 1886.

A.D. 1886.

SCHEDULE.

Gateshead Order.

BOROUGH OF GATESHEAD.

Provisional Order for altering certain Local Acts.

To the Mayor, Aldermen, and Burgesses of the Borough of Gateshead, in the County of Durham;—

And to all others whom it may concern.

WHEREAS the Borough of Gateshead, in the County of Durham (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 the Gateshead Improvement Act, 1867, and the Gateshead Improvement Act, 1877 (which Acts are herein-after together referred to as "the Local Acts," and each Act separately as the Act of the year in which it was passed), so far as the same have not been altered or repealed, are now in force in the Borough;

And whereas by virtue of Section 41 of the Act of 1867 certain debts therein mentioned, and so much of the moneys, not exceeding twenty thousand pounds, which by that Act the Corporation were authorised to borrow, as from time to time remains due on mortgages of the borough rate and borough fund of the Borough, are charged as one consolidated debt on the borough fund and the borough rate of the Borough;

And whereas by virtue of Section 51 of the Act of 1867 certain debts therein mentioned, and so much of the moneys, not exceeding ten thousand pounds, which by that Act the Corporation were authorised to borrow on the security of their general district rate, as from time to time remains due on mortgages of that rate, are charged as one consolidated debt on the general district rate;

And whereas Section 7 of the Act of 1877 provides, inter alia, that the Corporation may borrow and re-borrow, on the security of the borough fund and borough rate, any sum not exceeding forty thousand pounds, in addition to any sums then already borrowed or authorised to be borrowed on that security, and that any sums to be from time to time borrowed under the authority of that section shall be added to and form and be charged as part of the consolidated debt charged by Section 41 of the Act of 1867 on the borough fund and borough rate;

And whereas Section 9 of the Act of 1877 provides, inter alia, that, in addition to the sums which by the Act of 1867 were borrowed and authorised to be borrowed on security of the general district rate, the Corporation, in their

capacity as Urban Sanitary Authority, may borrow and re-borrow on the security of the said rate as follows:—

In respect of outlay for street and other improvements any sum not exceeding nine thousand eight hundred and seventy-nine pounds; in respect of outlay in advance of recovery for street and other improvements any sum not exceeding sixteen thousand six hundred and forty-eight pounds; for the purposes of the Confirming Act and of the Act of 1867 any sum not exceeding fifty thousand pounds; and that the said sums, and also any sums borrowed or authorised to be borrowed under the authority of the Local Government Board for the purposes of the Public Health Act, 1875, or of the former Public Health Acts, or to be borrowed by them under the like authority given before the passing of the Act of 1877, shall be added to and form and be charged as part of the consolidated debt charged by Section 51 of the Act of 1867 on the general district rate;

And whereas by Section 10 of the Act of 1877 provision is made for the repayment of the consolidated debts respectively charged by the Act of 1877 on the said borough fund and rate and on the general district rate;

And whereas on the Thirty-first day of December, One thousand eight hundred and eighty-five (herein-after referred to as "the date of account"), the outstanding loans of the Corporation in respect of the consolidated debt on the borough fund and borough rate amounted to the sum of seventy-nine thousand eight hundred and seventy-one pounds six shillings and twopence, and the sum which at the date of account should have been standing to the credit of the sinking fund for redemption of that debt was four thousand four hundred and ninety-three pounds nine shillings and tenpence;

And whereas on the date of account the outstanding loans of the Corporation under the Local Acts in respect of the consolidated debt secured on the general district rate amounted to the sum of seventy-one thousand three hundred and eighty-two pounds sixteen shillings and eightpence, exclusive of the sum of fourteen thousand and one pounds thirteen shillings and sevenpence, mentioned in the next succeeding recital, and the sum which at the date of account should have been standing to the credit of the sinking fund for redemption of that debt, and the said sum of fourteen thousand and one pounds thirteen shillings and sevenpence, was two thousand three hundred and fifty-one pounds thirteen shillings and sixpence;

And whereas the Corporation have borrowed, as part of the consolidated debt charged on the general district rate, the sum of sixteen thousand six hundred and forty-eight pounds mentioned in Section 9 of the Act of 1877, and are repaying that sum by equal annual instalments of principal and interest combined in thirty years from the Fifth day of September, One thousand eight hundred and seventy-seven, and the balance at the date of account outstanding of that sum was fourteen thousand and one pounds thirteen shillings and sevenpence:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order (herein-after referred to as "the commence-

A.D. 1886.

Gateshead Order.

ment of this Order "), the provisions contained in the Local Acts with regard to the repayment of the respective consolidated debts, and with regard to the re-borrowing thereof, except Sections 42 and 52 of the Act of 1867, shall be repealed, and in lieu thereof the following provisions shall take effect; viz.,—

Art. I. The said sums of four thousand four hundred and ninety-three pounds nine shillings and tenpence and two thousand three hundred and fifty-one pounds thirteen shillings and sixpence, which on the date of account should have been standing to the credit of the sinking funds as aforesaid, shall be forthwith applied in reduction of the said sums of seventy-nine thousand eight hundred and seventy-one pounds six shillings and twopence and seventy-one thousand three hundred and eighty-two pounds sixteen shillings and eightpence respectively.

Art. II.—

(1.) The moneys already borrowed by the Corporation in respect of the said consolidated debts and which will remain due after the application, as provided by Article I. of this Order, of the sums therein mentioned, shall be repaid within the following periods; viz.,—

(*a.*) As regards the balance of the said sum of sixteen thousand six hundred and forty-eight pounds, within thirty years from the Thirty-first day of December, One thousand eight hundred and seventy-seven;

(*b.*) As regards the balances of the said sums of seventy-nine thousand eight hundred and seventy-one pounds six shillings and twopence and seventy-one thousand three hundred and eighty-two pounds sixteen shillings and eightpence, which will remain due after the application, as provided by Article I. of this Order, of the sums therein mentioned, within thirty-six years from the Thirty-first day of December, One thousand eight hundred and eighty-five; and

(*c.*) As regards all moneys to be borrowed by the Corporation under the powers of the Local Acts, within sixty years from the Thirty-first day of December, One thousand eight hundred and seventy-seven;

which said periods shall be deemed to be "the prescribed periods" within the meaning of the Local Loans Act, 1875, and are herein-after respectively referred to as the prescribed periods.

(2.) The Corporation shall repay the balance outstanding of the said sum of sixteen thousand six hundred and forty-eight pounds, and the balances of the said sums of seventy-nine thousand eight hundred and seventy-one pounds six shillings and twopence and seventy-one thousand three hundred and eighty-two pounds sixteen shillings and eightpence, which will remain due after the application, as provided in Article I. of this Order, of the sums therein mentioned, and all moneys which, since the date of account, have been or shall hereafter be borrowed under the powers of the Local Acts, other than money borrowed under the provisions of the Local Loans Act, 1875, either by equal annual instalments of principal, or of principal and interest, or by setting apart in every year as a sinking fund such a sum or sums as will, according to a reasonable calculation for the time being, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the same within the prescribed periods respectively, and shall invest such sinking fund in the purchase of Exchequer Bills or other Government securities, or in securities in which trustees are by law for the time being authorised to invest, or in mortgages,

debentures, debenture stock, or other securities issued by any Local Authority, as defined by Section 34 of the Local Loans Act, 1875, other than the Corporation, the Corporation being at liberty from time to time to vary and transpose such investments.

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

(4.) The Corporation may from time to time re-borrow any money borrowed or to be borrowed by them under the Local Acts, and paid off otherwise than by instalments or appropriations, or by means of a sinking fund, or out of the proceeds of the sale or disposition of land, or out of other moneys received on capital account: Provided always, that all moneys so re-borrowed shall be repaid within the prescribed period, and any moneys from time to time re-borrowed shall be deemed to form the same loan as the money in lieu of which such re-borrowing has been made, and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

(5.) The town clerk shall, within twenty-one days after the expiration of each year ending on the Twenty-fifth day of March in which any sum is required to be paid as an instalment or to be set apart for a sinking fund, in respect of moneys borrowed or to be borrowed under the provisions of the Local Acts, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing, for the year next preceding the making of such return, the amounts which have been paid as instalments, and the amounts which have been invested or applied for the purpose of such sinking fund, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of interest has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and in the event of any wilful default in making such return, such 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.

(6.) If it appears to the Local Government Board by that return, or otherwise, that the Corporation have failed to pay any instalment required to be paid, or to set apart any sum required for any sinking fund, or have applied any portion of the moneys set apart for any sinking fund, or of the sums accumulated by way of interest, to any 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

A.D. 1886.

Gateshead Order.

default has been made, shall be paid by way of instalment or be set apart and invested or applied as part of the sinking fund, and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

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

JAMES STANSFELD, President.
HUGH OWEN, Secretary.

(L.S.)

Kingston-upon-Hull Order. (2.)

BOROUGH OF KINGSTON-UPON-HULL.

Provisional Order for altering a Local Act.

To the Mayor, Aldermen, and Burgesses of the Borough of Kingston-upon-Hull, in the Town and County of the Town of Kingston-upon-Hull, being the Urban Sanitary Authority for that Borough; —

And to all others whom it may concern.

WHEREAS the Borough of Kingston-upon-Hull, in the Town and County of the Town of Kingston-upon-Hull (herein-after referred to as "the Borough"), is an Urban Sanitary District, of which the Mayor, Aldermen, and Burgesses, acting by the Council, are the Urban Sanitary Authority, and the Hull Extension and Improvement Act, 1882 (herein-after referred to as "the Act of 1882"), is in force in the Borough;

And whereas by the Act of 1882 certain portions of the following Provisional Orders in force and relating to the Borough, and of the Acts confirming the same, were inadvertently repealed; viz.,—

A Provisional Order of one of Her Majesty's Principal Secretaries of State dated the Third day of July, One thousand eight hundred and sixty-two (herein-after referred to as "the Order of 1862"), and duly confirmed by the Local Government Supplemental Act, 1863;

A Provisional Order of one of Her Majesty's Principal Secretaries of State dated the Nineteenth day of May, One thousand eight hundred and seventy-one (herein-after referred to as "the Order of 1871"), and duly confirmed by the Local Government Supplemental Act, 1872;

A Provisional Order of the Local Government Board dated the Twenty-ninth day of May, One thousand eight hundred and seventy-seven (herein-after referred to as "the Order of 1877"), and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Belper Union, &c. Act, 1877;

A Provisional Order of the Local Government Board dated the Twenty-seventh day of May, One thousand eight hundred and eighty (herein-after referred to as "the Order of 1880"), and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Kingston-upon-Hull, &c.) Act, 1880:

A.D. 1886.

Kingston-upon-Hull Order. (2.)

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the Act of 1882 shall be altered so as to provide that, notwithstanding anything in Section 6 or in the First Schedule contained, the following portions of the said Provisional Orders and so much of the Confirming Acts as relate thereto shall be deemed to have remained in force as from the passing of the Act of 1882, and to be in force in the Borough; viz.,—

Articles 5 to 22 (both inclusive) of the Order of 1862.
Articles 6, and 9 to 15 (both inclusive) of the Order of 1871.
Article 3 of the Order of 1877.
Articles 2 to 19 (both inclusive) of the Order of 1880.

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

JAMES STANSFELD, President.
(L.S.) HUGH OWEN, Secretary.

LOCAL GOVERNMENT DISTRICT OF NORTH BIERLEY.

North Bierley Order.

Provisional Order for altering a Confirming Act.

To the North Bierley Local Board, being the Sanitary Authority for the Urban Sanitary District of North Bierley, in the West Riding of the County of York; —

And to all others whom it may concern.

WHEREAS on or about the Fifteenth day of February, One thousand eight hundred and sixty-six, the Local Government Act, 1858, came into force in the Township of North Bierley, in the West Riding of the County of York;

And whereas by an Instrument under the hand of one of Her Majesty's Principal Secretaries of State dated the Fifth day of April, One thousand eight hundred and sixty-six, the District of North Bierley was, for the purposes of the election of the members of the North Bierley Local Board, divided into three wards, termed, respectively, the North Ward, the East Ward, and the South Ward, with the boundaries therein defined; and it was ordered that of the twelve members to constitute the said Local Board, four members should be elected for the North Ward, three members for the East Ward, and five members for the South Ward;

And whereas by a Provisional Order of the Local Government Board dated the Twenty-second day of June, One thousand eight hundred and seventy-six, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Bingley, &c.) Act, 1876 (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act"), it was declared that all that part of the Rural Sanitary District of the North Bierley Union which comprised the Township of Wyke should be included in, and should

A.D. 1886.

North Bierley Order.

for the purposes of the Public Health Act, 1875, be deemed to form part of, the Local Government District of North Bierley;

And whereas by the Order it was directed that that part of the Local Government District of North Bierley which comprised the Township of Wyke should, for the purposes of the election of the North Bierley Local Board, be constituted a separate ward, and should be termed the Wyke Ward; that three persons should be elected as members of the North Bierley Local Board by the persons qualified to vote in the Wyke Ward; and that from and after the annual election in the year One thousand eight hundred and eighty the number of members of the said Local Board should be fifteen:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 297 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the Confirming Act, so far as it relates to the Order, shall be altered so as to provide that the said District shall be divided into such wards, and with so many members to be elected by each ward, and at such times as the Local Government Board may from time to time by any Order direct: Provided that the present wards shall continue, and the present numbers of the members elected by each ward shall continue to be so elected, until the said Board shall otherwise by Order provide.

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

JAMES STANSFELD, President.
HUGH OWEN, Secretary.

(L.S.)

Stockport Order.

BOROUGH OF STOCKPORT.

Provisional Order for altering certain Local Acts.

To the Mayor, Aldermen, and Burgesses of the Borough of Stockport, being the Urban Sanitary Authority for that Borough; —

And to all others whom it may concern.

WHEREAS the Borough of Stockport, in the Counties of Chester and Lancaster (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 a Local Act of Parliament passed in the first year of the reign of Her present Majesty Queen Victoria, intituled "An Act for improving and "regulating the Borough of Stockport, in the several Counties of Chester and "Lancaster" (herein-after referred to as "the Act of 1837"), and a Local Act of Parliament passed in the eleventh year of the reign of Her present Majesty Queen Victoria, intituled "An Act to purchase and define the Manorial and

"Market rights of Stockport, to establish Public Parks, to purchase or lease "Waterworks, to build Bridges, and to make other communications within the "Borough of Stockport" (herein-after referred to as "the Act of 1847"), are in force in the Borough;

And whereas in pursuance of the Act of 1837 the Corporation have established gasworks, and are by that Act and the Act of 1847 empowered to make and supply gas within certain limits (herein-after referred to as "the gas limits");

And whereas by Section 42 of the Act of 1837 any person who shall place or cause to be placed any pipe or burner to communicate with any pipe of the Corporation, without the consent of the Corporation being first obtained in manner therein mentioned, is liable to pay to the Corporation any sum not exceeding the sum of five shillings a day for every day each such pipe or burner shall so communicate;

And whereas by Section 74 of the Act of 1837 the Corporation are empowered to take upon themselves the control, management, and direction of the fire police;

And whereas by Section 18 of the Act of 1847 the Corporation were empowered to purchase lands, grounds, or other places not exceeding in the whole one hundred acres, either within the Borough, or at a reasonable distance therefrom, not exceeding three miles from the market place, to be appropriated and devoted for the purpose of public resort or recreation, and for use and enjoyment by the public, subject to such rules and regulations as the Corporation should from time to time deem expedient;

And whereas by Section 29 of the Act of 1847 the Corporation were empowered to maintain and enlarge the markets then existing in the Borough;

And whereas by Section 31 of the Act of 1847 the Corporation or their lessees were empowered to demand and take from any person occupying or using any ground, stall, shed, or stand in the markets, or bringing therein for sale any cattle, animals, provisions, articles, or things specified in Schedule F. thereto, such stallage, rents, and tolls as the Corporation or their lessees should from time to time appoint, not exceeding the several stallages, rents, and tolls specified in the said Schedule:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the following provisions shall take effect; viz.,—

Art. I. Section 33 of the Act of 1837 shall be altered so as to provide as follows:—

(1.) The Corporation may, on the lands at present occupied by them for the purposes of their gasworks, and as nearly as may be on the land lying between the existing engine and meter house and the River Mersey, convert or manufacture coke, coal-tar, pitch, asphaltum, ammoniacal liquor, sulphate of ammonia, oil, and all other refuse or residual products arising, remaining, produced by, or obtained from the manufacture of gas or the materials used therein, and may sell and dispose of the same, and for any of the purposes

A.D. 1886.

Stockport Order.

aforesaid may erect, construct, and maintain buildings, works, and apparatus on the said lands as nearly as may be in the position above indicated.

(2.) The Corporation may purchase or hire, and repair, and sell or let on hire within the gas limits, gas meters, gas engines, gas cooking ovens, stoves, ranges, burners, and other fittings or apparatus used in the supply or consumption of gas for lighting, heating, motive power, or other purposes, and may manufacture such burners and other fittings.

Art. II. Section 42 of the Act of 1837 shall be altered so as to provide that no person shall connect any meter with any pipe through which gas is supplied by the Corporation, or disconnect any meter from any such pipe, unless the Corporation shall have given consent to his doing so, and if any person acts in contravention of this Article he shall be liable for each offence to a penalty not exceeding forty shillings.

Art. III. Section 74 of the Act of 1837 shall be altered so as to provide that on the occasion of a fire the chief constable or the superintendent of the fire brigade, or his deputy, duly appointed by the Corporation, may, in his discretion, take the command of any fire brigade, or other persons who place their services at his disposal, and may remove, or order any fireman to remove, any persons who interfere by their presence with the operations of the fire brigade, and generally he may take any measures that appear expedient for the protection of life and property, with power by himself or his men to break into or through, or take possession of, or pull down any premises for the purpose of putting an end to a fire, doing as little damage as possible. Any person wilfully disobeying any order of such chief constable, or superintendent, or deputy, shall be liable to a penalty not exceeding five pounds.

Art. IV. Section 18 of the Act of 1847 shall be altered so as to provide as follows:—

(1.) The Corporation may set apart portions of any park or recreation ground under their control for cricket, football, archery, and other games, and for drill of volunteers, but so that the same shall be open to the public when not in use for such games or drill. The Corporation may also provide apparatus for games and recreation in any such park or recreation ground, and may charge for the use of such apparatus.

(2.) The Corporation may from time to time appoint, employ, and remove keepers and other persons to maintain order in and attend to any park or recreation ground under the control of the Corporation, and to secure the execution of the provisions of the Public Health Act, 1875, and of any byelaws made in pursuance thereof with respect to such park, and may pay to such officers such salaries or remuneration as they may think fit.

Art. V. Section 31 of the Act of 1847 and Schedule F. of that Act shall be altered so as to enable the Corporation to demand and recover, in lieu of the stallages, rents, or tolls which the Corporation are now authorised to levy in respect of the following matters, the following stallages, rents, or tolls in respect of the same; viz.,—

For every open butcher's stall fitted up with racks and hooks to be occupied every day in the week, any sum not exceeding the yearly rent or sum

Stockport Order.

of thirteen pounds; or if taken by the week, and to be occupied on the regular market days only, any sum not exceeding five shillings per diem;

For every hand basket, hamper, or other thing containing poultry, butter, eggs, fish, or any other articles of provisions, except vegetables and fruit, exposed for sale on a market day, and not deposited on the ground, the size and dimensions thereof not being more than two feet in length by fifteen inches in breadth and seven inches in depth, for each market day, any sum not exceeding threepence;

For every hand basket, hamper, or other thing containing vegetables or fruit only, exposed for sale on a market day, and not deposited on the ground, the size and dimensions thereof not being more than two feet in length by fifteen inches in breadth and twelve inches in depth, any sum not exceeding threepence;

For every horse, pony, mule, ass, cow, calf, bull, or heifer exposed for sale in the market, a sum not exceeding sixpence;

For every live pig, sheep, goat, lamb, or kid exposed for sale in the market, any sum not exceeding twopence;

For every cart or vehicle of any description exposed for sale in the market, any sum not exceeding two shillings and sixpence.

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

JAMES STANSFELD, President.
(L.S.) HUGH OWEN, Secretary.

BOROUGH OF WIGAN.

Wigan Order.

Provisional Order for altering certain Local Acts and Confirming Acts.

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

And to all others whom it may concern.

WHEREAS the Borough of Wigan, in the County of Lancaster, 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 Wigan Waterworks Act, 1853, the Wigan Waterworks Act, 1860, the Wigan Improvement Act, 1874, and the Wigan Improvement Act, 1880 (which Acts are herein-after collectively referred to as "the Local Acts," and each Act separately as the Act of the year in which it was passed), a Provisional

A.D. 1886.

Wigan Order.

Order (extending the borrowing powers of the Wigan Local Board of Health) dated the Nineteenth day of July, One thousand eight hundred and fifty-nine, and duly confirmed by the Local Government Supplemental Act, 1859 (No. 2), and a Provisional Order dated the Twelfth day of June, One thousand eight hundred and seventy-two, and duly confirmed by the Local Government Board's Provisional Orders Confirmation Act, 1873 (which Provisional Orders are herein-after together referred to as "the Orders," and which Confirming Acts are herein-after together referred to as "the Confirming Acts"), so far as the same have not been altered or repealed, are in force in the said Borough ;

And whereas, under the provisions of the Local Acts, the Orders, and the Confirming Acts, or some of them, and under the Local Government Act, 1858, by virtue of a sanction of the Secretary of State dated the Twenty-fifth day of July, One thousand eight hundred and sixty-six, and under the Public Health Act by virtue of a sanction of the Local Government Board dated the Eighteenth day of March, One thousand eight hundred and seventy-nine, the Corporation had, up to the Twenty-fifth day of March, One thousand eight hundred and eighty-five (which date is herein-after referred to as "the date of account"), borrowed the total sum of money mentioned in Column 1 of the Schedule hereto (herein-after referred to as "the Schedule"), and on the date of account the Corporation had power to borrow the total sum mentioned in Column 2 of the Schedule ;

And whereas the total sum mentioned in Column 3 of the Schedule was on the date of account standing to the credit of the various sinking funds set apart for the repayment of the sums borrowed as aforesaid, and the totals of the sums mentioned in Columns 3 and 4 of the Schedule were the amounts which, on the date of account, were owing in respect of the sum so borrowed as aforesaid ;

And whereas the sums numbered 1 to 8, both inclusive, in the Schedule were borrowed for one or other of the purposes mentioned in Column 5 of the Schedule, but the accounts of the Corporation up to the date of account do not sufficiently distinguish the amounts which have been borrowed, expended, and paid off in respect of each of those several purposes ;

And whereas by Section 82 of the Act of 1874 it is provided that all moneys borrowed by the Corporation under the Sanitary Acts, the Local Acts, the Orders, and the Confirming Acts shall be repaid within the following periods; viz.,—

As regards money borrowed before and not paid off at the passing of the Act of 1874, within eighty years from the Sixteenth day of July, One thousand eight hundred and seventy-four ;

As regards money borrowed for the purpose of the Act of 1874 relating to gas, within sixty years after the borrowing ; and

As regards money borrowed for any other purpose of the Act of 1874, or borrowed under the Sanitary Acts, any other of the Local Acts, or the Confirming Acts, within eighty years after the borrowing ;

And whereas by Section 26 of the Act of 1880 it is provided that all moneys borrowed by the Corporation for private improvement expenses shall be repaid within eighty years after the date of the first borrowing ;

And whereas by Section 27 of the Act of 1880 it is provided that the sum borrowed under the said sanction of the Local Government Board dated the Eighteenth day of March, One thousand eight hundred and seventy-nine, for the purposes of works of sewerage and sewage disposal shall be repaid within a period not exceeding eighty years from the date of borrowing thereof;

And whereas by Section 29 of the Act of 1880 it is provided that all moneys borrowed by the Corporation under the powers of that Act (except money borrowed for private improvement expenses) shall be repaid within the following periods; viz.,—

As regards money borrowed for the purposes of the gas undertaking of the Corporation, within sixty years after the borrowing; and

As regards money borrowed for any other purpose of that Act, within eighty years after the borrowing:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Sections 297 and 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order (herein-after referred to as "the commencement of this Order"), the Local Acts and the Confirming Acts, so far as they relate to the Orders, shall be altered so as to provide as follows; viz.,—

Art. I. As regards moneys borrowed prior to the date of account under the Local Acts, the Orders, and the Confirming Acts, and the said sanctions of the Twenty-fifth day of July, One thousand eight hundred and sixty-six, and the Eighteenth day of March, One thousand eight hundred and seventy-nine, for the purposes mentioned in Column 5 of the Schedule, the sums borrowed, the borrowing powers unexercised, the sums in the sinking funds, and the sums owing in respect of each of the said purposes shall be deemed and taken to have been, on the date of account, the amounts set forth in Columns 1, 2, 3, and 4 of the Schedule opposite to the several purposes mentioned in Column 5 thereof, and the sums borrowed, as shown in Column 1 of the Schedule, shall be taken to have been properly expended upon the works and for the purposes set opposite those sums in Column 5 of the Schedule, and the sums in the sinking funds, as shown in Column 3 of the Schedule, shall be taken to have been properly set aside in respect of the sums borrowed, and the Schedule shall be confirmed.

Art. II. The sums mentioned in Column 3 of the Schedule shall be forthwith applied in reduction of the outstanding balance of the sums shown in Column 1 of the Schedule.

Art. III. The periods fixed by the Local Acts for the repayment of borrowed moneys (herein-after referred to as the "prescribed periods") shall be deemed to have commenced,—

(*a.*) As regards the sums in Column 4 of the Schedule, numbered 1, 2, 3, 4, 5, 6, 7, and 9, on the Twenty-fifth day of March, One thousand eight hundred and seventy-seven;

(*b.*) As regards the sums in Columns 2 and 4 of the Schedule, numbered 8, on the Twenty-fifth day of March, One thousand eight hundred and eighty-one.

Art. IV. The provisions contained in the Local Acts with regard to the repayment of the sums mentioned in Columns 2 and 4 of the Schedule, other than so much of such provisions as fixes the prescribed periods, and, as regards

A.D. 1886.

Wigan Order.

the sums in Column 2, the commencement of the prescribed period, and other than Section 26 of the Act of 1880, are hereby repealed, and in lieu thereof the following provisions shall take effect :—

(*a.*) The Corporation shall repay the amounts now outstanding in respect of the sums mentioned in Column 1 of the Schedule, and the amounts borrowed or to be borrowed in respect of the sums mentioned in Column 2 of the Schedule, other than money borrowed under the provisions of the Local Loans Act, 1875, and under the provisions of Section 26 of the Act of 1880, either by equal annual instalments of principal, or of principal and interest, or by setting apart in every year as a sinking fund such a sum or sums as will, according to a reasonable calculation for the time being, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off those moneys within the prescribed periods, and shall invest the same in the purchase of Exchequer bills or other Government securities, or in securities in which trustees are by law for the time being authorised to invest, or in mortgages, debentures, debenture stock, or other securities issued by any Local Authority, as defined by Section 34 of the Local Loans Act, 1875, other than the Corporation, the Corporation being at liberty from time to time to vary and transpose such investments: Provided that the instalments to be paid or sums to be carried to the sinking fund shall be such as the Local Government Board from time to time, having regard to the provisions of this Order, approve; and that the first instalment and the first payment to the sinking funds in respect of those sums shall be deemed to have been due on the Twenty-fifth day of March, One thousand eight hundred and eighty-six.

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

(*c.*) The Corporation may from time to time re-borrow any money borrowed or to be borrowed by them as aforesaid, and paid off otherwise than by instalments or appropriations, or by means of a sinking fund, or out of the proceeds of the sale or disposition of land, or out of other moneys received on capital account: Provided always, that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing is made, and any moneys from time to time re-borrowed shall be deemed to form the same loan as the money in lieu of which such re-borrowing has been made, and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Art. V. Section 26 of the Act of 1880 shall be altered so as to provide that the first payment to the sinking fund for the repayment of the sum of twenty thousand pounds mentioned therein shall be deemed to have been due on the Twenty-fifth day of March, One thousand eight hundred and eighty-six.

Art. VI. (*a.*) The treasurer of the Corporation shall, within twenty-one days after the expiration of each year ending on the Twenty-fifth day of March

in which any sum is required to be paid as an instalment, or to be set apart for a sinking fund, in respect of moneys borrowed as aforesaid, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing, for the year next preceding the making of such return, the amounts which have been paid as instalments and the amounts which have been invested or applied for the purpose of such sinking fund, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of interest has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and in the event of any wilful default in making such return, such treasurer shall be liable to a penalty not exceeding twenty pounds, which shall be paid to the Local Government Board, and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act, 1875, in a summary manner, may be recovered by parties aggrieved within the meaning of that Act.

(*b.*) If it appear to the Local Government Board by that return, or otherwise, that the Corporation have failed to pay any instalment required to be paid, or to set apart any sum required for any sinking fund, or have applied any portion of the moneys set apart for any sinking fund, or of the sums accumulated by way of interest, to any 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 by way of instalment or be set apart and invested or applied as part of the sinking fund, and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

A.D. 1886.

Wigan Order.

The SCHEDULE above referred to.

	1. Sums borrowed.			2. Borrowing powers unexercised.			3. Sums in Sinking Funds on date of Account (25 March 1885).			4. Sums owing on date of Account (25 March 1885), after deducting sums in Col. 3.			5. Purpose
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	
1	163,558	0	0	4,172	0	0	1,160	0	0	135,800	0	0	Waterworks.
2	88,573	10	6	5,928	9	6	1,301	11	0	78,422	19	6	Sewerage and Sewage Disposal.
3	45,928	16	0	6,267	4	0	1,056	16	2	44,871	19	10	Public Street Improvements.
4	43,530	0	0	6,470	0	0	689	8	9	42,840	11	3	Markets and Approaches.
5	15,680	0	0	2,320	0	0	107	9	5	15,572	10	7	Parks.
6	14,400	0	0	—			136	17	6	14,263	2	6	Sewage Farm.
7	8,475	13	11	1,524	6	1	78	10	1	8,397	3	10	Baths and Washhouses Act.
8	10,000	0	0	10,000	0	0	—			10,000	0	0	Private Improvements.
9	207,712	2	8	12,287	17	4	8,362	9	7	193,332	19	9	Gas.
	597,858	3	1	48,969	16	11	12,893	2	6	543,501	7	3	

Given under the seal of Office of the Local Government Board, this Seventh day of June, One thousand eight hundred and eighty-six.

(L.S.)

James Stansfeld, President.
Hugh Owen, Secretary.

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1886.