CHAPTER cxxxiv.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the City of Bath, the District of Bilston, the Local Government District of Saint Thomas-the-Apostle, and the Borough of Stoke-upon-Trent. [24th July 1888.] A.D. 1888.

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

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

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

Orders in schedule confirmed.

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

Special provision as to the Saint Thomas the Apostle Order.

2. Whereas by virtue of an Order in Council dated the sixth day of October, one thousand eight hundred and forty-nine, the Public Health Act, 1848, and every part thereof (except sections thirty and ninety-six) was put in full force and operation within and throughout the parish of Saint Thomas the Apostle, in the county of Devon (in this section referred to as "the parish"), and the parish became a district (in this section referred to as "the District") for the purposes of the said Public Health Act, and a local board of health (in this section referred to as "the local board") was duly elected for the district:

A.D. 1888.

And whereas on or about the fourteenth day of June, one thousand eight hundred and fifty-five, a burial board was elected for the parish in accordance with the provisions of the Burial Act, 1852, and such burial board provided a burial ground for the parish which is now closed for burials:

And whereas by an indenture dated the fourth day of August, one thousand eight hundred and seventy-five, made in pursuance of section forty-four of the Sanitary Act, 1866, the said burial board, in accordance with a resolution of the vestry of the parish and by agreement with the local board transferred to the local board all their estate, property, rights, powers, duties, and liabilities:

And whereas the local board, acting as the burial board for the parish, provided an additional burial ground for the parish, situate on or near to the Exwick turnpike road, in the parish, and for that purpose borrowed certain sums, amounting in the whole to the sum of three thousand pounds, of which the sum of one thousand nine hundred pounds now remains unpaid:

And whereas by virtue of the Provisional Order relating to the local government district of Saint Thomas the Apostle hereby confirmed, the detached part of the parish known as the hamlet of Oldridge (in this section referred to as "the excluded area") will, on the twenty-ninth day of September, one thousand eight hundred and eighty-eight, cease to form part of the district; and it is expedient that provision should be made for the exclusion from the district of the local board, acting as the burial board, of the excluded area, and that the provisions in this section contained should be enacted:

Be it therefore enacted that, from and after the twenty-ninth day of September, one thousand eight hundred and eighty-eight,—

(1.) The excluded area shall cease to form part of the district of the local board, acting as the burial board, and the local board shall cease to be the burial board for the excluded area, and the inhabitants of the excluded area shall cease to have any rights of burial in any burial ground provided by the burial board or the local board: Provided that nothing in this section contained shall prejudice or affect any exclusive right of burial, or right of erecting monuments, or any similar right which any such inhabitant may have acquired.

(2.) The said sum of one thousand nine hundred pounds, or so much thereof as shall be outstanding on the said twenty-ninth day of September, and the interest from time to time accruing due

thereon, shall, from and after that date, be paid and discharged by the local board, acting as the burial board, for the district as altered in exoneration of the excluded area: Provided that nothing in this section contained shall prejudice, alter, invalidate, or affect any security, bond, or mortgage which may have been given by the local board, acting as the burial board, to secure the repayment of the said sum of three thousand pounds.

Short title.

3. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 10) Act, 1888.

A.D. 1888.

SCHEDULE.

Bath Order.

CITY OF BATH.

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

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

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

And to all others whom it may concern.

WHEREAS the City of Bath, in the County of Somerset (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, and the Bath Act, 1846, and the Bath Act, 1870, which Acts are herein-after together referred to as "the Local Acts," and each of which Acts is herein-after referred to as the Act of the year in which it was passed, so far as the same have not been altered or repealed, are in force in the City;

And whereas by Section 5 of the Act of 1846 the limits within which the Corporation were authorised to supply water under that Act were to be deemed and taken to be the City and Borough of Bath, except the Parish of Bathwick, and so much of the several Parishes of Swainswick, Bathampton, and Batheaston, all in the County of Somerset, within which the works by that Act authorised to be continued or erected and maintained were or should be situate;

And whereas by Section 33 of the Act of 1846 the rates at which the Corporation are required to supply water within the limits are defined;

And whereas by Section 16 of the Act of 1870 the limits for the supply of water by the Corporation were extended so as to include the said Parish of Bathwick;

And whereas by a Provisional Order of the Local Government Board dated the Sixteenth day of June, One thousand eight hundred and seventy-six, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Bath, &c.) Act, 1876 (which Order and Act are herein-after respectively referred to as "the Order" and the "Confirming Act"), it is provided that so much of Section 5 of the Act of 1846 as excepts the Parish of Bathwick and includes only parts of the Parishes of Swainswick, Bathampton, and Batheaston within the limits of that Act shall be repealed, and in lieu thereof that the limits of that Act shall extend not only to the City and Borough of Bath, but also to the whole of the several Parishes of Bathampton, Batheaston, Charlcombe, Swainswick, Twerton, and Weston, all in the County of Somerset;

And whereas by Article II. of the Order it was further provided that the Corporation might, with regard to any dwelling-house, building, land, or premises

situate beyond the limits of the said City and Borough, and beyond the limits to which the Act of 1846 was confined, and which might be supplied with water in pursuance of the Order, charge such water rates as might be agreed upon, not exceeding in any case half as much again as the water rates prescribed by Section 33 of the Act of 1846: Provided that no higher scale of rates should be charged in respect of any dwelling-houses outside the said City and Borough which were then supplied with water by the Corporation than were then paid in respect thereof;

And whereas by Article III. of the Order it was provided that nothing in the Act of 1846 or the Order contained should impose any obligation on the Corporation to lay or permit to be laid any pipe for the supply of any water to any dwelling-house, building, land, or premises situate beyond the limits to which the Act of 1846 was confined, or to supply any water outside those limits;

And whereas it has been arranged between the Corporation and the Guardians of the Poor of the Bath Union, acting as the Sanitary Authority for the Rural Sanitary District of that Union (herein-after referred to as "the Rural Sanitary Authority"), that the provision herein-after contained should be made so as to enable the Rural Sanitary Authority to supply with water the said Parishes of Twerton and Weston:

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, the following provisions shall take effect; viz.,—

Art. I. The Confirming Act, so far as it confirms Articles II. and III. of the Order, shall be repealed so far as those Articles relate to the said Parishes of Twerton and Weston.

Art. II. The Confirming Act, so far as it relates to the Order, shall be altered so as to provide—

(1.) That if at any time after the commencement of this Order the Rural Sanitary Authority shall be desirous of purchasing, and shall give to the Corporation six calendar months notice of such desire, the Corporation shall sell to the Rural Sanitary Authority the pipes, mains, and other distributing water plant of the Corporation in the said Parishes of Twerton and Weston at such price as may be mutually agreed upon, or as in case of dispute shall be settled by arbitration in manner provided by the Public Health Act, 1875; and any such purchase shall be deemed to be a purpose of the Public Health Act, 1875, and the Rural Sanitary Authority may exercise the powers of borrowing conferred by that Act accordingly, and after the completion of any such sale the powers of the Corporation to supply water within any part of those Parishes shall cease.

(2.) Any purchase money received by the Corporation on any such sale shall be applied only in repayment of money borrowed by the Corporation for waterworks purposes, provided that such purchase moneys when used to pay off loans shall not be applicable to the payment of instalments, or to the payments into any sinking fund, except to such extent and upon such terms as may be approved by the Local Government Board.

A.D. 1888.

Bath Order.

Art. III. Section 33 of the Act of 1846 shall be repealed, and in lieu thereof the following provisions shall have effect; viz.,—

The Corporation shall, at the request of any owner or occupier of any dwelling-house or part of a dwelling-house entitled under the Local Acts, or any Act or Order altering or amending the same, to demand a supply of water for domestic purposes, furnish to such owner or occupier a sufficient supply of water for domestic purposes, at rates according to the rateable value of such dwelling-house or part of a dwelling-house not exceeding, save where otherwise expressly provided, the following; that is to say,—

Where the rateable value of the premises so supplied with water shall not exceed eight pounds ten shillings, eight shillings per annum.

Where the rateable value exceeds eight pounds ten shillings, but does not exceed thirty pounds, at a rate not exceeding five pounds per centum per annum.

Where the rateable value exceeds thirty pounds, but does not exceed sixty pounds, at a rate not exceeding four pounds ten shillings per centum per annum.

Where the rateable value exceeds sixty pounds, but does not exceed one hundred pounds, at a rate not exceeding four pounds per centum per annum.

Where the rateable value exceeds one hundred pounds, but does not exceed one hundred and fifty pounds, at a rate not exceeding three pounds ten shillings per centum per annum.

Where the rateable value exceeds one hundred and fifty pounds, but does not exceed two hundred pounds, at a rate not exceeding three pounds per centum per annum.

Where the rateable value exceeds two hundred pounds, at a rate not exceeding two pounds ten shillings per centum per annum.

Provided that a supply of water for domestic purposes shall not include a supply of water for horses or cattle, or for washing carriages, or for any trade or business whatsoever.

For the purposes of this Article the rateable value shall be the rateable value as ascertained from the valuation list in force at the commencement of the quarter in which the water rate accrues, or if there is no such list in force, then from the last rate made for the relief of the poor:

Provided that when the water rate is chargeable on the rateable value of a part only of the premises entered in the valuation list or poor rate, such rateable value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid; the apportionment in case of dispute to be determined by two justices:

Provided further, that Article II. of the Order shall be read as if this Article had been therein referred to instead of Section 33 of the Act of 1846, so that, where (except in the Parishes of Twerton and Weston) under that Article the Corporation were entitled to charge water rates not exceeding half as much again as the water rates prescribed by the said section, they shall be entitled to charge water rates not exceeding half as much again as those prescribed by this

Article; but that any dwelling-houses outside the said City and Borough which were then supplied with water may be charged the water rates prescribed by this Article.

Art. IV. The Local Acts shall be amended so as to provide that for preventing waste, undue consumption, misuse, or contamination of the water of the Corporation the following provisions shall have effect; that is to say,—

(1.) The Corporation may from time to time make byelaws for the purpose of preventing the waste, undue consumption, misuse, or contamination of water, and may by such byelaws, amongst other things, prescribe the size, nature, materials, workmanship, and strength, and the mode of arrangement, connection, disconnection, alteration, and repair of the pipes, meters, cocks, ferrules, valves, soil-pans, waterclosets, baths, tanks, cisterns, and other apparatus, fittings, means, or appliances whatsoever to be used, and forbid any arrangements and the use of the several things before mentioned, or any or either of them, which may lead to such waste, undue consumption, misuse, or contamination.

(2.) In case of the failure of any person to observe any byelaw for the time being in force, the Corporation may, if they think fit, after twenty-four hours' notice in writing, enter and, by or under the direction of their authorised officer, repair, replace, or alter any pipe, valve, cock, tank, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle belonging to or used by any person supplied by them, and the power of entry given by Section 15 of the Waterworks Clauses Act, 1863, and the provisions of that section relative thereto, shall extend and apply to entry for the purpose of such repair, replacement, or alteration, and the expense of every such repair, replacement, or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied, and may be recovered from him as private improvement expenses are recoverable under the Public Health Act, 1875.

(3.) Sections 182 to 185 (both inclusive) of the Public Health Act, 1875, shall apply to all byelaws made under this Article; and the provisions with respect to the recovery and application of penalties contained in the Public Health Act, 1875, shall apply to all penalties imposed by any such byelaws.

(4.) The production of a written copy of a byelaw made by the Corporation under this Article, if authenticated by the corporate seal, shall, until the contrary is proved, be sufficient evidence of the due making and existence of the byelaw, and (if it is so stated in such copy) of the byelaw having been approved and confirmed by the Local Government Board.

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

(L.S.)

Chas. T. Ritchie, President.
C. N. Dalton, Assistant Secretary.

A.D. 1888.

Bilston Order.

DISTRICT OF BILSTON.

Provisional Order for altering a Local Act.

To the Bilston Township Commissioners and Local Board of Health, being the Sanitary Authority for the Urban Sanitary District of Bilston, in the County of Stafford; —

And to all others whom it may concern.

WHEREAS the Township of Bilston, in the County of Stafford, is an Urban Sanitary District (herein-after referred to as "the District"), of which the Bilston Township Commissioners and Local Board of Health (herein-after referred to as "the Commissioners") are the Urban Sanitary Authority, and the Bilston Improvement Act, 1850 (herein-after referred to as "the Local Act"), as altered by a Provisional Order of the Local Government Board dated the Twenty-sixth day of April, One thousand eight hundred and eighty-seven (herein-after referred to as "the Order of 1887"), and duly confirmed by the Local Government Board's Provisional Orders Confirmation (No. 2) Act, 1887, is in force in the District;

And whereas by Section 15 of the Local Act the Commissioners were empowered, with the previous consent of the General Board of Health, to borrow, on the security of the rates therein mentioned, viz., the sewer rate, the water-works rate, the highway rate, the cemetery rate, and the general improvement rate, certain sums, amounting in the aggregate to the sum of sixty-five thousand pounds;

And whereas by Section 16 of the Local Act provision is made for the repayment, in the manner therein set forth, of the moneys borrowed on the security of the rates mentioned in Section 15;

And whereas by Sections 52, 74, 76, and 78 of the Local Act the Commissioners are authorised to levy a highway rate, a sewer rate, a water-works rate, and a cemetery rate, and by Sections 54, 75, 77, and 79, provision is made for the application of moneys received by the Commissioners in respect of such rates respectively;

And whereas by Section 80 of the Local Act the Commissioners are empowered from time to time to make, assess, and levy a rate, to be called "the General Improvement Rate";

And whereas by Sections 83 and 84 of the Local Act the properties of the Company of Proprietors of the Birmingham Canal Navigations and the Birmingham, Wolverhampton, and Stour Valley Railway Company are exempt from the payment of rates levied under the Local Act, other than sewer rates, waterworks rates, and highway rates; and those properties are liable to be rated to the said sewer rates, waterworks rates, and highway rates levied under the Local Act in the proportion of one-fourth part only of the net annual value of those properties; and whereas it has been agreed between the Commissioners and the parties interested that the properties of the said Companies respectively or of their respective successors in title should become liable to the general improvement rates to be levied as herein-after provided, but only in the proportions herein-after mentioned;

And whereas the Commissioners have borrowed under the Local Act, on the security of the sewer rate, the waterworks rate, the highway rate, the cemetery rate, and the general improvement rate, certain sums, amounting in the aggregate to the sum of fifty-five thousand six hundred pounds, of which the sum of eleven thousand four hundred and fifty-three pounds three shillings and eightpence now remains unpaid:

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 commencement of this Order"), the following provisions shall take effect; namely,—

Art. I. Section 52 (so far as it relates to the making, assessing, and levying of a highway rate), and Sections 54, 74, 75, 76, 77, 78, and 79 of the Local Act shall be repealed, except so far as it may be necessary to continue the same for the purpose of recovering any rate made prior to the commencement of this Order.

Art. II. Section 80 of the Local Act shall be altered—

(*a.*) By the omission therefrom of the words from the word "excepting" to the words "obtaining this Act," both inclusive;

(*b.*) By the insertion of the words "by writing under their common seal" after the word "make";

(*c.*) By the insertion of the words "four shillings" in lieu of the words "one shilling and twopence."

Art. III. Section 1 of the Local Act shall be altered so as to provide that Sections 167 and 168 of the Towns Improvement Clauses Act, 1847, shall cease to be incorporated with the Local Act; and Sections 81, 82 (as altered by the Order of 1887), 83, and 84 of the Local Act, except so much of Section 84 as provides that nothing in the Local Act contained shall prejudice, lessen, or defeat the rights and interests of the Birmingham, Wolverhampton, and Stour Valley Railway Company otherwise than by that Act expressly provided (which rights and interests are now, by virtue of the London and North-western (New Works and Additional Powers) Act, 1867, vested in the London and North-western Railway Company), shall be repealed, and in lieu thereof it shall be provided as follows:—

(*a.*) The provisions of Section 211 of the Public Health Act, 1875, except paragraph (*c*) of sub-section (1) and sub-section (4), and the provisions of Section 222 of the said Act, except so far as they relate to the publication of the rate, shall apply to the general improvement rates to be made under Section 80 of the Local Act as altered by this Order, as if those rates were general district rates made under the Public Health Act, 1875: Provided that, notwithstanding the provisions of paragraph (*b*) of sub-section (1) of Section 211 of the Public Health Act, 1875, the Company of Proprietors of the Birmingham Canal Navigations shall, in respect of any property of the Company within the District, be assessed to the general improvement rate in the proportion of one-eighth part only of the rateable value thereof, and the said London and North-western Railway Company shall, in respect of their railway, works, and property within the District be assessed to

A.D. 1888.

Bilston Order.

the general improvement rate in the proportion of one-eighth part only of the rateable value thereof.

(*b.*) All moneys which shall come to the hands of the Commissioners, other than moneys expressly by law made applicable to purposes to which the district fund herein-after provided for will not be applicable, shall be carried to a fund to be called the district fund, and such fund shall be applied by the Commissioners in defraying the expenses of carrying into execution the Local Act, and in defraying all expenses by law chargeable on the general improvement rate, and any other expenses legally payable out of such district fund.

Art. IV. Section 15 of the Local Act shall, in so far as the same has not been acted upon, be repealed, and in lieu thereof the following provisions shall take effect; viz.,—

(1.) The Commissioners may, with the consent of the Local Government Board, from time to time borrow on mortgage of the general improvement rate any sum or sums of money not exceeding, with the amounts already borrowed under the Local Act, the sum of sixty-five thousand pounds.

(2.) Moneys already borrowed by the Commissioners under the Local Act, and still owing on the security of the sewer rate, the waterworks rate, the highway rate or the cemetery rate at the commencement of this Order, shall be charged upon the general improvement rate and the district fund hereby provided for, so that the mortgages of the rates other than the general improvement rate, shall have effect as if they had been mortgages of the last-mentioned rate, and the interest thereon and the repayments of principal thereof shall be defrayed out of moneys raised by such general improvement rate.

(3.) For the purpose of raising money under subdivision (1.) of this Article the provisions of the Local Loans Act, 1875 (including the power of creating debenture stock), shall be available to the Commissioners, and Sections 236 to 239, both inclusive, of the Public Health Act, 1875, shall apply to all money raised and borrowed under this Order, other than money borrowed under the provisions of the Local Loans Act, 1875, and the provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners, shall not apply to such moneys.

(4.) The moneys borrowed and still owing by the Commissioners under the Local Act at the commencement of this Order, and all moneys to be borrowed under subdivision (1.) of this Article, shall be repaid within the following periods (herein-after referred to as "the prescribed periods"); viz.,—

(*a.*) As to the balance of the sum of two thousand five hundred pounds borrowed on the security of the highway rate, by equal annual instalments of one-twentieth part of such sum of two thousand five hundred pounds;

(*b.*) As to the balances of the sums borrowed on the security of any of the other rates aforesaid, by equal annual instalments of one-thirtieth part of the moneys originally borrowed; and

(*c.*) As to moneys to be borrowed under subdivision (1.) of this Article, within such period, not exceeding sixty years, as the Commissioners, with the sanction of the Local Government Board, shall determine;

and the prescribed periods shall be deemed to be the prescribed period within the meaning of the Local Loans Act, 1875.

(5.) The Commissioners shall repay the moneys to be borrowed under subdivision (1.) of this Article, other than money borrowed under the provisions of the Local Loans Act, 1875, either by equal annual instalments of principal, or of principal and interest, or by setting apart in every year as a sinking fund such a sum or sums as will, according to a reasonable calculation for the time being, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the money so borrowed within the prescribed periods, and shall invest the same and the interest on, and any sums paid into the 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 Commissioners, the Commissioners being at liberty from time to time to vary and transpose such investments.

(6.) The Commissioners 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 Commissioners 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.

(7.) The Commissioners may from time to time re-borrow on mortgage of the general improvement rate any money borrowed and still owing by the Commissioners under the Local Act at the commencement of this Order, or to be borrowed by them under the Local Act, as altered by this Order, and paid off otherwise than by instalments 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 Commissioners with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

(8.) The clerk to the Commissioners 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 Local Act, as altered by this Order, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing, for the year next preceding the making of such return, the amounts which have been paid as instalments, and the amounts which have been invested or applied for the purpose of such sinking fund, and the description of the securities upon which any investment has been made, and the purposes to

A.D. 1888.

Bilston Order.

which any portion of the sinking fund or investment or of the sums accumulated by way of interest has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and in the event of any wilful default in making such return, such clerk shall be liable to a penalty not exceeding twenty pounds, which shall be paid to the Local Government Board, and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act, 1875, in a summary manner, may be recovered by parties aggrieved within the meaning of that Act.

(9.) If it appears to the Local Government Board by that return, or otherwise, that the Commissioners 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.

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

(L.S.)

Chas. T. Ritchie, President.
C. N. Dalton, Assistant Secretary.

Saint Thomas-the-Apostle Order.

LOCAL GOVERNMENT DISTRICT OF SAINT THOMAS-THE-APOSTLE.

Provisional Order for diminishing the Local Government District of Saint Thomas-the-Apostle.

To the Saint Thomas-the-Apostle Local Board of Health, being the Sanitary Authority for the Urban Sanitary District of Saint Thomas-the-Apostle, in the County of Devon;—

To the Guardians of the Poor of the Saint Thomas Union, in the same County, being the Sanitary Authority for the Rural Sanitary District of that Union;—

And to all others whom it may concern.

WHEREAS the Local Government District of Saint Thomas-the-Apostle, in the County of Devon (herein-after called "the Urban District"), is an Urban Sanitary District, of which the Saint Thomas-the-Apostle Local Board of Health are the Urban Sanitary Authority;

And whereas the portion of the Urban District which is herein-after described immediately adjoins the Rural Sanitary District of the Saint Thomas Union, in the same County (herein-after referred to as "the Rural District"):

A.D. 1888.

Saint Thomas-the-Apostle Order.

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 270 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby declare that, from and after the date when this Order shall come into operation, all that detached portion of the Urban District which is known as the Hamlet of Oldridge and now forms part of the Parish of Whitestone shall be included in, and form part of, the Rural District.

And We hereby Order as follows; viz.,—

Art. I. This Order shall come into operation on the Twenty-ninth day of September, One thousand eight hundred and eighty-eight.

Art. II. The number of members to be elected for the Urban District, as hereby altered, shall, subject to the provisions of Rule 2 of Schedule II. to the Public Health Act, 1875, be the same as before the date of this Order.

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

(L.S.)

Chas. T. Ritchie, President.
C. N. Dalton, Assistant Secretary.

BOROUGH OF STOKE-UPON-TRENT.

Stoke-upon-Trent Order.

Provisional Order for altering certain Local Acts.

To the Mayor, Aldermen, and Burgesses of the Borough of Stoke-upon-Trent, in the County of Stafford, being the Urban Sanitary Authority for that Borough;—

And to all others whom it may concern.

WHEREAS the Borough of Stoke-upon-Trent, in the County of Stafford, 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 Stoke-upon-Trent and Fenton Gas Act, 1878, and the Stoke-upon-Trent and Fenton Gas Act, 1883 (which Acts are herein-after together referred to as the Local Acts, and each of which Acts is herein-after separately referred to as the Act of the year in which it was passed), so far as they have not been repealed or amended, are in force in the District;

And whereas by Section 20 of the Act of 1878 the Corporation were authorised to borrow for the purposes of that Act, on the security of the general district rates and district fund, such sums as they thought requisite, not exceeding in the whole fifty-five thousand pounds, and to grant mortgages of the said rates;

And whereas by Section 37 of the Act of 1878 it was provided that the repayment of any money borrowed by the Corporation under that Act should be made by equal annual instalments of such an amount as would repay the principal and interest within a period of not exceeding fifty years from the expiration of four years from the time of borrowing, or by equal annual instalments of the principal sum borrowed with interest on the balance from time to time owing, extending over a similar period, or by means of a sinking fund;

A.D. 1888.

Stoke-upon-Trent Order.

And whereas it was enacted by Section 38 of the Act of 1878 that if a sinking fund were provided the Corporation should set apart and appropriate annually from the rates and rents forming the security such equal yearly sums as, when invested and accumulated at compound interest, would suffice (having regard to the rate of interest of the securities constituting such investment) to pay in fifty years from the passing of that Act the principal moneys which should have been borrowed by them, as a sinking fund for the repayment of those principal moneys, which sinking fund should be from time to time invested in the name of the Corporation in any securities in which by law trust moneys may from time to time be invested and should be accumulated in the way of compound interest or otherwise; and that the Corporation should from time to time apply the sum so set apart in repayment of the principal sums so borrowed: Provided always, that whenever any of such principal moneys had been so paid off the Corporation should, until the whole of such principal moneys had 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 should be equal to the annual interest of the principal moneys then due and outstanding, the Corporation might, in lieu of investing the said yearly income, apply the same in payment of such interest, and might during such period discontinue the payment to the sinking fund of the yearly sums therein-before required to be paid thereto;

And whereas by Section 27 of the Act of 1883 it was (inter alia) provided that the Corporation might from time to time borrow, on the security of their gas undertaking and of the general district rate leviable by them, such sums as they might from time to time require, not exceeding the additional sum of thirty thousand pounds, and might mortgage the rents and revenues of their gas under-taking and the general district rate leviable by them to secure the payment of the moneys so borrowed, with interest; and that, subject to the provisions of that Act, all the provisions of the Act of 1878 with regard to borrowing or repayment of money by the Corporation should apply with regard to money borrowed by them under that Act;

And whereas by Section 29 of the Act of 1883 it was enacted that Sections 24 and 38 of the Act of 1878 should, with respect both to money borrowed under the Act of 1878 and to money borrowed under that Act, be read and have effect as if in Section 24 for the words "from the passing of this Act" there were substituted the words "from the date of the loan," and as if in Section 38 for the words "from the passing of this Act" there were substituted the words "from the time of borrowing," and as if Section 38 contained a provision authorising the postponement of the commencement of the sinking fund for a period of two years from the time of borrowing;

And whereas under the powers of the Local Acts the Corporation borrowed in the year one thousand eight hundred and seventy-eight sums amounting in the aggregate to the sum of forty-one thousand nine hundred pounds, and in the year one thousand eight hundred and eighty-three sums amounting in the aggregate to the sum of twenty thousand eight hundred pounds, making together the sum of sixty-two thousand seven hundred pounds, which was the total sum

A.D. 1888.

Stoke-upon-Trent Order.

borrowed by the Corporation under the Local Acts on the Thirty-first day of March, One thousand eight hundred and eighty-eight;

And whereas of the said sum of sixty-two thousand seven hundred pounds borrowed by the Corporation twenty-eight thousand pounds has been borrowed upon terms to repay the same by equal annual instalments of principal and interest combined within thirty years from the First day of November, One thousand eight hundred and eighty-three;

And whereas, in consequence of the said sum of twenty-eight thousand pounds having been borrowed on the terms of repayment mentioned in the preceding recital, the amounts to be annually raised by the Corporation to meet such repayments during the said period of thirty years are larger than would have been required if the sum of twenty-eight thousand pounds had been borrowed on the terms of repayment authorised by Section 38 of the Act of 1878, as amended by Section 29 of the Act of 1883, and the Corporation are desirous of being authorised to treat the sums so applied in repayment as being applications of sinking fund in repayment of debt:

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 commencement of this Order"), the following provisions shall take effect:—

Art. I. So much of Section 24 of the Act of 1878 as relates to the period for the repayment of moneys raised under the Local Loans Act, 1875, and the first payment into a sinking fund under that Act, and Sections 37, 38, and 39 of the Act of 1878, and so much of Section 27 of the Act of 1883 as relates to the annual return therein referred to, and Section 29 of the same Act shall be repealed so far as they affect the Corporation, and in lieu thereof the following provisions shall take effect:—

(1.) Of the sixty-two thousand seven hundred pounds borrowed by the Corporation prior to the Thirty-first day of March, One thousand eight hundred and eighty-eight, forty-one thousand nine hundred pounds shall be repaid within forty-eight years from the First day of November, One thousand eight hundred and eighty, and twenty thousand eight hundred pounds within forty-eight years from the First day of November, One thousand eight hundred and eighty-five; and any moneys raised by the Corporation under the Local Acts after the Thirty-first day of March, One thousand eight hundred and eighty-eight, or to be hereafter borrowed under the Local Acts, shall be repaid within fifty years from the respective dates of borrowing, which said periods respectively are herein-after referred to as "the prescribed periods."

(2.) The repayment of all loans borrowed by the Corporation under the Local Acts shall be made either by equal yearly or half-yearly instalments of principal, or of principal and interest combined, or by paying annually throughout the prescribed periods into a sinking fund such several equal sums as will be sufficient, with accumulations at compound interest at the rate of three pounds ten shillings per centum per annum, after payment of all expenses, to pay off the respective loans within the prescribed periods.

A.D. 1888.

Stoke-upon-Trent Order.

(3.) The Corporation may at any time apply the whole or any part of the sinking fund in or towards the discharge of the loans for the repayment of which the fund is established: Provided that they pay into the fund each year, and accumulate at compound interest, at the rate of three pounds ten shillings per centum per annum, until the expiration of the full period allowed for repayment of the sums so paid off, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied at the rate of three pounds ten shillings per centum per annum.

(4.) The Corporation shall, if the sinking fund is not immediately applied in repayment of debt, invest the same and the income thereof in the purchase of Government securities, or in securities in which trustees are for the time being authorised to invest trust funds, 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 securities:

Provided always, that if in any year the income produced by the investments of the sinking fund is at a rate that falls short of the prescribed rate of accumulation for such fund, the Corporation shall forthwith make good such deficiency out of the rates or revenues liable to make the equal annual payments to the fund: Provided also, that in case in any year the income received from investments of the sinking fund is in excess of the fixed rate of accumulation, any such excess may be applied by the Corporation in reduction of the other payments to the fund.

The first payment to the sinking fund in respect of the said sum of forty-one thousand nine hundred pounds shall be deemed to have been due on or before the Thirty-first day of October, One thousand eight hundred and eighty-one, and in respect of the said sum of twenty thousand eight hundred pounds on or before the Thirty-first day of October, One thousand eight hundred and eighty-six, and in respect of moneys raised since the Thirty-first day of March, One thousand eight hundred and eighty-eight, or to be hereafter borrowed under the Local Acts, within twelve months after the respective dates of borrowing.

(5.) Any sum or sums which at the commencement of this Order is, are, or should be standing to the credit of any sinking fund, or payable in respect of any instalment in respect of any loan under the Local Acts, shall be forthwith carried to the sinking fund to be established under this Order, or be paid to the lender, as the case may be.

(6.) Any repayments of principal by instalments which the Corporation may have made before the commencement of this Order, or may make after the commencement of this Order, shall be deemed to have been payments made into the sinking fund, set aside and applied in manner herein provided.

(7.) The town clerk shall, within twenty-one days after the expiration of each year ending on the Thirty-first day of December in which any sum is required to be paid as an instalment or to be set apart for a sinking fund, under the provisions of this Order, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by

A.D. 1888.

Stoke-upon-Trent Order.

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.

(8.) 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 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 Thirty-first day of May, One thousand eight hundred and eighty-eight.

(L.S.)

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

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