CHAPTER cxxxi.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Bolton, Heywood, and Kingston-upon-Hull, and the Local Government District of Leigh. [24th July 1888.]

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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.

Restriction of power to take houses of labouring class.

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

For the purposes of this section, the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages,

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

Short title.

3. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 11) Act, 1888.

SCHEDULE.

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Bolton Order.

BOROUGH OF BOLTON.

Provisional Order for altering certain Local Acts.

To the Mayor, Aldermen, and Burgesses of the Borough of Bolton, 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 Bolton, in the County of 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 the Bolton Improvement Act, 1854, the Bolton Improvement Act, 1861, the Bolton Improvement Act, 1864, the Bolton Improvement Act, 1865, the Bolton Corporation Act, 1872, the Bolton Improvement Act, 1877, and the Bolton Improvement Act, 1882 (which Acts are herein-after collectively 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 the same have been altered and have not been repealed, are in force in the Borough;

And whereas by Section 67 of the Act of 1877 the Corporation were empowered (in addition to the lands which they were authorised to acquire and hold under the other powers of that Act) from time to time, by agreement, to acquire in fee, either by purchase, or by way of exchange, or otherwise, any land, not exceeding in the whole (inter alia) for waterworks purposes ten acres, or any easement, power or privilege therein, thereunder, thereover, or thereupon (not being an easement for water), which should be deemed necessary by the Corporation;

And whereas by sub-section (3) of Section 83 of the Act of 1882 the Corporation were empowered from time to time to borrow, for waterworks purposes, and on the security of the water revenue, borough fund, and borough rate, the sum of one hundred thousand pounds;

And whereas by Section 48 of the Act of 1872 the undertaking of the Bolton Gas Company was absolutely vested in the Corporation as from the thirtieth day of June, One thousand eight hundred and seventy-two, and by Section 54 of that Act it was enacted that in consideration of such transfer the Corporation should pay to the shareholders of the said company the annuities and moneys therein mentioned;

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And whereas by Section 78 of the Act of 1872 the Corporation were empowered from time to time, by agreement with any gas annuitant, to redeem or purchase any annuity; but it was provided that the Corporation should not redeem or purchase any gas annuity at a higher rate than twenty-five pounds for every one pound of annuity;

And whereas by Section 81 of the Act of 1872 it was enacted that, for the purposes of the application of the Gasworks Clauses Act, 1871, to the gas undertaking of the Corporation, the land on which alone the Corporation should manufacture gas or any residual products should be the lands described in the Eighth Schedule to that Act;

And whereas by Section 97 of the Act of 1877 the Corporation were required, in order to redeem the annuities granted under the Act of 1872, to appropriate and set apart as sinking funds such sums as would, with accumulations as therein mentioned, be sufficient, after payment of all expenses, to redeem the said annuities at their capitalised value, to be taken for that purpose at twenty-five years' purchase, in eighty years from the First day of January, One thousand eight hundred and seventy-five;

And whereas by Section 29 of the Act of 1882 the Corporation were empowered to hold the lands or any part of the lands described in Part II. of the Second Schedule to that Act, and thereon to erect, lay down, provide, and from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue additional and other gasworks, and other works, apparatus, and conveniences, and to do all such acts as they might think proper for making and storing gas, and for supplying gas within the limits of that Act, and to make, store, and supply gas accordingly, and to manufacture, sell, provide, supply, and deal in coke, tar, naphtha, pitch, asphaltum, ammoniacal liquor, sulphate and carbonate of ammonia, oil, and all other products or residuum of any materials employed in or resulting from the manufacture of gas, or of residual products arising therefrom;

And whereas by Section 30 of the Act of 1882 the Corporation were empowered to manufacture, sell, or let for hire, and fix gas-stoves, gas-engines, and other apparatus necessary or convenient for the supply or consumption of gas for the purpose of light, heat, or motive power;

And whereas by Section 31 of the Act of 1882 it was enacted that the lands on which alone the Corporation might manufacture gas or any residual products should be the lands then belonging or reputed to belong to the Corporation, and described in Part I. of the Second Schedule to that Act, and the lands acquired or to be acquired by the Corporation for that purpose, and which were described in Part II. of the said schedule; and that the Corporation should not store gas, except on those lands, unless with the consent of the owners, lessees, and occupiers of every dwelling-house within three hundred yards of the land intended to be used for such storage;

And whereas by Section 81 of the Act of 1877 it was enacted that the regulations set forth in the Ninth Schedule to the Act of 1872 should cease to form part thereof; but that the Corporation might from time to time make byelaws for and with respect to all or any of the matters dealt with by such regulations; and that the said regulations should be deemed to be valid byelaws made by the

Corporation for and with respect to those matters, and should, without further confirmation or authentication thereof, and as from the passing of the Act of 1877, be in force within the Borough, unless and until altered or repealed by any subsequent byelaws, and might be enforced with and under the penalties in the said regulations mentioned accordingly ;

And whereas the Corporation and the Managers of the Wayoh Waters constituted by the Act of 1864 have entered into the Agreement set out in the Second Schedule hereto, and it is desirable that the said Agreement should be confirmed as herein-after mentioned :

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 ; viz.,—

Art. I. Section 67 of the Act of 1877 shall be altered by the insertion therein of the words "for waterworks purposes fifty acres" in lieu of the words "for waterworks purposes ten acres" ; and the other power contained in the Local Acts enabling the Corporation to purchase lands by agreement for waterworks purposes shall be repealed so far as they have not been acted upon.

Art. II. Section 83 of the Act of 1882 shall be altered so as to provide as follows :—

(1.) The Corporation may, with the sanction of the Local Government Board, and subject to the provisions of this Order, borrow, on security of the revenue arising from the water undertaking authorised by the Local Acts, and of the borough fund and borough rate, or upon either of such securities, any sum or sums, not exceeding in the whole the sum of eighty thousand pounds for the purposes of that water undertaking, in addition to the sums which they are authorised to borrow under the Local Acts.

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

(3.) The moneys borrowed under the powers conferred by this Order shall be repaid within such periods, not exceeding sixty years from the date of borrowing, as the Corporation, with the sanction of the Local Government Board, shall determine ; and the periods so determined and sanctioned shall be deemed to be the "prescribed periods" within the meaning of the Local Loans Act, 1875, and are herein-after referred to as "the prescribed periods."

(4.) The Corporation shall repay the moneys borrowed under the powers conferred by this Order, other than money borrowed under the provisions of the Local Loans Act, 1875, either by equal annual instalments of principal, or of principal and interest, or by setting apart in every year as a sinking fund such a sum or sums as will, according to a reasonable calculation for the time being, with accumulations in the way of compound interest, be

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sufficient, after payment of all expenses, to pay off the money so borrowed within the prescribed period, and shall invest the same, and the interest on and the 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 Corporation, the Corporation being at liberty from time to time to vary and transpose such investments.

(5.) 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.

(6.) The Corporation may from time to time re-borrow moneys borrowed under the powers conferred 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, upon the security mentioned in subdivision (1) of this Article, for the purpose of discharging any loan contracted under that subdivision, other than loans contracted under the Local Loans Act, 1875: Provided that the moneys so re-borrowed shall be repaid in the manner provided by subdivisions (3) and (4) of this Article, and the time for repayment of the money so borrowed shall not, except with the sanction of the Local Government Board, extend beyond the unexpired portion of the prescribed period, and shall in no case be extended beyond the period mentioned in subdivision (3) of this Article.

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

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(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 purposes other than those authorised, the Local Government Board may, by order, direct that the sum in such Order mentioned, not exceeding double the amount in respect of which default has been made, shall be paid by way of instalment, or be set apart and invested or applied as part of the sinking fund; and any such Order shall be enforceable by writ of mandamus, to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

Art. III. The Act of 1872 and the Act of 1882 shall be altered so as to provide that, notwithstanding anything in those Acts contained to the contrary, it shall be lawful for the Corporation, on the lands described in the First Schedule hereto, or on any part thereof, to erect, construct, maintain, and from time to time alter, remove, or enlarge retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the purposes of their gas undertaking, and all proper roads and approaches and conveniences connected therewith, and to make, manufacture, and store in and on the same land gas, coke, coal-tar, asphaltum, ammoniacal liquor, sulphate of ammonia, oil, and all other refuse or residual products arising from, remaining, produced by, or obtained from the manufacture of gas, or the materials used therein, and to sell and dispose of the same respectively at the works and elsewhere.

Art. IV. Section 30 of the Act of 1882 shall be altered by the insertion after the words "The Corporation may" of the words "purchase, hire," and after the word "apparatus" of the words "and fittings."

Art. V. The proviso to Section 78 of the Act of 1872 shall be repealed.

Art. VI. Section 97 of the Act of 1877 shall be altered so as to provide that if at any time the Corporation redeem or purchase any annuity at a higher rate than twenty-five pounds for every one pound of annuity, the payments to the sinking fund required by that section to be provided for the redemption of the annuities shall be increased to such extent and upon such terms as may be from time to time approved by the Local Government Board.

Art. VII. Section 81 of the Act of 1877 shall be altered so as to provide that the approval by the Corporation after the commencement of this Order of any plan of any building shall be null and void if the execution of the work specified in such plan be not commenced within two years from the date of such approval, and at the expiration of that period fresh notice and deposits shall, unless the Corporation otherwise determine, be requisite.

Art. VIII. The Agreement between the Corporation of the one part and the Managers of the Wayoh Waters of the other part is hereby confirmed, and shall have full force and effect as between the Corporation and the said Managers as defined by the Act of 1864.

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The SCHEDULES above referred to.

THE FIRST SCHEDULE.

All that piece of land containing by admeasurement seven thousand seven hundred and twenty-three square yards or thereabouts, and lying between Gas Street and Forge Street, in the Borough, and bounded on the east by the Gas Street gasworks of the Corporation.

THE SECOND SCHEDULE.

MEMORANDUM of AGREEMENT made this Twenty-third day of May One thousand eight hundred and eighty-eight between the MAYOR ALDERMEN and BURGESSES of the BOROUGH of BOLTON in the County of Lancaster and herein-after referred to as "the Corporation" of the one part and the MANAGERS of the WAYOH WATERS constituted under the Bolton Improvement Act 1864 and herein-after referred to as "the Managers" of the other part.

WHEREAS the Corporation were at the passing of the said Act and still are the owners of the waterworks whereby the said Borough and adjacent places are supplied with water;

And whereas by the said Act a reservoir known as the Turton and Entwisle Reservoir constructed for the purpose of affording a more regular supply of water to the Bradshaw Brook and certain streams connected therewith for the use of the occupiers of falls therein was transferred to and vested in the Corporation for their use as part of their waterworks undertaking;

And whereas by the said Act the Corporation were authorised to construct the Wayoh Reservoir and to impound therein the waters of the Wayoh Brook the Bradshaw Brook and the Cadshaw Brook which waters are herein-after referred to as "the Wayoh Waters" and it was thereby provided that on the completion of the Wayoh Reservoir the supply of water from the Turton and Entwisle Reservoir to the said occupiers of falls should cease and the said occupiers should be entitled to have delivered from the Wayoh Reservoir in a continuous and uniform flow such supplies of water as in the said Act prescribed;

And whereas by the said Act the management of the delivery of the Wayoh waters was vested in the managers who are thereby defined to be the occupiers for the time being of falls on the Bradshaw Brook from the Wayoh Reservoir to the junction of that brook with the River Tonge and on the conjoined streams thence to their junction with the River Irwell;

And whereas by the Bolton Improvement Act 1865 the limits of the Corporation for the supply of water were extended so as to include among other places the Townships of Edgworth Entwisle and Turton;

And whereas the Corporation being unable to supply the whole of the said Townships by gravitation from the Turton and Entwisle Reservoirs constructed in the year one thousand eight hundred and eighty-five at a higher level a collecting tank called the Crowthorn Reservoir and in July One thousand eight hundred and eighty-three applied to the managers for permission to take and appropriate for the supply of the said Townships certain of the Wayoh waters upon terms of the Corporation delivering from their Turton and Entwisle Reservoir into the Wayoh

Reservoir a quantity of water equal to that taken and appropriated by them from the Wayoh waters;

And whereas the managers consented to grant such permission subject to the terms and conditions thereof when finally agreed upon being confirmed by Parliament and meanwhile (so far as they lawfully could) permitted the Corporation to take and appropriate for the use of the said Townships certain of the Wayoh waters as aforesaid And the Corporation have since the month of March One thousand eight hundred and eighty-five accordingly so taken and appropriated such waters and have delivered from their Turton and Entwisle Reservoir into the Wayoh Reservoir an equal quantity of water to that so taken and appropriated;

And whereas the terms and conditions subject to which the Corporation have been permitted to take and appropriate the said waters are as follow:—

(*a.*) The Corporation may take and appropriate such a quantity of the Wayoh waters as they may require for the supply of water to consumers for domestic trade and other purposes (not being for bleaching dyeing printing or paper making or for any trade which shall have the effect of fouling the water to the detriment of the managers) within the limits of their water supply situate in Edgworth Entwisle and Turton but not exceeding in any one day of twenty-four hours the maximum of two hundred thousand gallons or such other quantity as from time to time hereafter shall be agreed upon between the managers and the Corporation such maximum to be exclusive of any quantity of water which shall be supplied by the Corporation free of charge for farm purposes to the following farms within the watershed of the Wayoh Reservoir namely the Willows Farm Pleasant View Farm Hob Lane Gate Farm and Isherwood Fold two farms.

(*b.*) As compensation for such taking of the Wayoh waters the Corporation shall discharge in a continuous and uniform flow from their Turton and Entwisle Reservoir into the Bradshaw Brook flowing into the Wayoh Reservoir a quantity of water equal to that so from time to time taken and appropriated by them from the watershed of the Wayoh Reservoir under paragraph "*a*" (exclusive of the quantity aforesaid supplied for farm purposes) and such water shall as far as practicable be so discharged at the same times and in the same quantities as the Wayoh waters are taken and appropriated.

(*c.*) The Wayoh waters so taken and appropriated and the equivalent so to be discharged from the Turton and Entwisle Reservoir as aforesaid shall respectively be gauged by two meters one of which shall be placed at the outlet from the Crowthorn Reservoir and the other at the outlet from the Turton and Entwisle Reservoir.

(*d.*) The Corporation on the last day of every month shall cause the register of each meter to be taken and entered in a book to be provided and kept by them for that purpose and an extract from such book showing the last month's register of each meter shall be furnished by the Corporation to the chairman for the time being of the managers within seven days after the expiration of each month.

(*e.*) The said meters shall be provided fixed and maintained by and at the cost of the Corporation and the valveman of the Wayoh Reservoir and any of the managers shall at all times be allowed free access thereto for the purpose of examining the same.

(*f.*) Water supplied by the Corporation in pursuance of paragraph "*a*" of this agreement shall not be taken otherwise than through the meter placed as aforesaid at the outlet from the Crowthorn Reservoir.

(*g.*) The Corporation and the managers may at any time and from time to time by agreement made with the consent in writing of all the managers vary any of the

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provisions of this agreement with respect to the quantity of water to be taken and appropriated by the Corporation and the purposes and limits (being parts of the Corporation water limits) for and within which the same may be supplied and the compensation to be made therefor and all such provisions as so varied shall have effect as if the same were comprised in this agreement.

(*h.*) If any dispute or difference shall arise between the Corporation and the managers touching the operation or construction of this agreement or any matter or thing in any way connected therewith or the rights duties or liabilities of either party under or in connection therewith then and in every such case the dispute or difference shall be referred to two arbitrators one to be appointed by each party in difference and in case of their disagreement then to an umpire to be chosen by the arbitrators before entering on the consideration of the matters referred to them and the arbitrators or their umpire shall have power to determine by whom the costs of the arbitration shall be borne and every such reference shall be deemed an arbitration within the Common Law Procedure Act 1854 and be subject to the provisions relating to arbitrations contained in the said Act:

Now these presents witness as follows:—

(1.) The foregoing terms and conditions are hereby mutually agreed to by the Corporation and the managers and shall be binding and be deemed to have been binding as from the First day of March One thousand eight hundred and eighty-five on the Corporation and the managers respectively provided that the same and this agreement be sanctioned by Parliament within eighteen months from the date hereof but not otherwise.

(2.) The costs charges and expenses of the managers including their surveyors parliamentary agents and counsels charges and fees of and incident to this matter from the First day of July One thousand eight hundred and eighty-three to the time when this agreement and the above-mentioned terms and conditions shall be sanctioned by Parliament shall be paid by the Corporation Provided that in the event of the same being sanctioned by a Provisional Order such costs shall not include any charges or expenses for or in relation to watching the Bill to confirm such Provisional Order unless the same Bill in respect of this matter be opposed.

In witness whereof the Corporation have hereunder caused their common seal to be affixed and the undersigned being three of the managers acting by the direction and on behalf of the managers have hereunto set their hands the day and year first above written.

The common seal of the Mayor, Aldermen, and Burgesses of the Borough of Bolton, in the County of Lancaster, affixed by authority of the Council of the said Borough by

R. G. Hinnell,
Town Clerk.

Seal of the Corporation.

Thomas Hardcastle.
Frank Hardcastle.
G. W. Green.

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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Heywood Order.

BOROUGH OF HEYWOOD.

Provisional Order for altering certain Local Acts.

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

And to all others whom it may concern.

WHEREAS by Section 25 of the Heywood Improvement Act, 1867 (herein-after referred to as "the Act of 1867"), the whole of the gasworks, lands, mains, pipes, meters, plant, stores, and other effects of the Heywood Gaslight and Coke Company were transferred to and vested in the Local Board for the District of Heywood, in the County of Lancaster (herein-after referred to as "the Local Board"), and it was, by Section 27 of the Act of 1867, enacted that, in consideration of such transfer, the gas rates and gas rents, and also the gasworks of the Local Board, should be charged with payment to the shareholders of the said company of the perpetual annuities in that section specified;

And whereas by Section 56 of the Act of 1867 the Local Board were empowered from time to time, by agreement with any gas annuitant, to redeem or purchase any annuity, but it was provided that the Local Board should not redeem or purchase any gas annuity at a higher rate than twenty-five pounds for every one pound of annuity;

And whereas by Section 75 of the Act of 1867 the Heywood Waterworks Company were empowered to sell to the Local Board, and the Local Board were empowered to purchase, the undertaking of the said waterworks company; and by Section 80 of the Act of 1867 it was enacted that if the Local Board purchased that undertaking, the consideration for such purchase might be by payment of a sum in gross, or by the granting of annuities to the shareholders of the said waterworks company, as might be agreed upon between the Local Board and that company;

And whereas by Section 109 of the Act of 1867 the Local Board were empowered, by agreement with any annuitant, to redeem or purchase any water-works annuity, but it was provided that the Local Board should not redeem or purchase any annuity at a higher rate than twenty-five pounds for every one pound of annuity;

And whereas the Local Board, in pursuance of the powers conferred by Section 75 of the Act of 1867, purchased the undertaking of the said waterworks company, and in accordance with Section 80 of that Act granted annuities to the shareholders of that company;

And whereas by a Provisional Order of the Local Government Board dated the Sixth day of May, One thousand eight hundred and seventy-nine, and duly confirmed by Parliament, the District within the limits of the Act of 1867 was extended (which District as so extended is herein-after referred to as "the District");

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And whereas by a Royal Charter of Incorporation dated the Eighteenth day of February, One thousand eight hundred and eighty-one, the District was created a Municipal Borough by the name of the "Borough of Heywood" (herein-after referred to as "the Borough"), and the inhabitants of the Borough and their successors were declared to be one body politic and corporate by the name of the "Mayor, Aldermen, and Burgesses of the Borough of Heywood" (herein-after referred to as "the Corporation"); and by virtue of Section 310 of the Public Health Act, 1875, all the powers, rights, duties, capacities, liabilities, obligations, and property exercisable by, attaching to, or vested in the Local Board under the Public Health Act, 1875, or under the Act of 1867 as altered by the said Provisional Order, for purposes the same as or similar to those of the Public Health Act, 1875, passed to and became exercisable by, and vested in, the Corporation;

And whereas by Section 116 of the Heywood Corporation Act, 1883 (herein-after referred to as "the Act of 1883"), the Corporation were empowered to borrow for the following purposes not exceeding the sums following; (that is to say,)—

For gas purposes, twenty thousand pounds;
For waterworks purposes, forty-five thousand pounds;

And whereas by Section 118 of the Act of 1883 the Corporation were required to make provision for the extinction of the annuities issued by them in respect of the purchase of the gas undertaking (herein-after referred to as "the gas annuities") within sixty years from the Twenty-ninth day of June, One thousand eight hundred and eighty-three, and such period is herein-after referred to as "the prescribed period for the extinction of gas annuities";

And whereas by Section 119 of the Act of 1883 the Corporation were required to make provision for the extinction of the annuities issued by them in respect of the purchase of the waterworks undertaking (herein-after referred to as "the water annuities") within eighty years from the said Twenty-ninth day of June, One thousand eight hundred and eighty-three, and such period is herein-after referred to as "the prescribed period for the extinction of the water annuities";

And whereas by Section 125 of the Act of 1883 the Corporation were empowered to create and issue redeemable and irredeemable stock, to be designated Heywood Corporation Redeemable Stock and Heywood Corporation Irredeemable Stock (both of which kinds of stock are herein-after referred to as "Corporation Stock");

And whereas by Section 130 of the Act of 1883 provision was made with respect to the contributions to the Heywood Corporation Consolidated Loans Fund for the extinction of Corporation Stock, and by paragraph (*b*) of sub-section 3 of that section it was enacted that the amount of the contribution should, in the case of stock issued for the purpose of redeeming, paying off, or converting any of the water annuities, be such amount as, with accumulations at the rate of three pounds ten shillings per centum per annum, should be from time to time calculated to be sufficient to purchase the stock at its nominal amount within sixty years from the redemption, paying off, or conversion of the said annuities:

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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. The provisoes to Sections 56 and 109 of the Act of 1867 shall be wholly repealed.

Art. II. Section 116 of the Act of 1883 shall be altered so as to provide as follows; viz.,—

(1.) The Corporation may, subject to the provisions of this Order, borrow the following sums in addition to the sums in that section mentioned; viz.,—

(*a.*) On security of the revenue arising from their gas undertaking and of the district fund and general district rate of the Borough, or upon either of such securities, such sums as they may require to borrow for the redemption or purchase of such of the gas annuities as the Corporation may from time to time agree with the annuitants to redeem or purchase.

(*b.*) On security of the revenue arising from their waterworks undertaking and of the district fund and general district rate of the Borough, or upon either of such securities, such sums as they may require to borrow for the redemption or purchase of such of the water annuities as the Corporation may from time to time agree with the annuitants to redeem or purchase.

(2.) The provisions of sub-section (5) shall not apply to any moneys borrowed under the powers conferred by subdivision (1) of this Article.

Art. III. Sections 118 and 119 of the Act of 1883 shall be repealed, except so far as they prescribe periods for the extinction of the gas and water annuities.

Art. IV. The Act of 1883 shall be further altered so as to provide as follows:—

(1.) The Corporation, in order to provide for the extinction of the gas annuities, and to repay any moneys to be borrowed for the redemption and purchase of such annuities, shall, out of the revenue arising from their gas undertaking, or out of the district fund or general district rate, annually pay into a sinking fund such a sum or sums as will (together with the sum or sums which should, at the commencement of this Order, be standing to the credit of the sinking fund established under Section 118 of the Act of 1883), with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to extinguish the gas annuities and to repay the moneys so borrowed within the prescribed period for the extinction of the gas annuities.

(2.) Any sum or sums which is, are, or should be standing to the credit of the sinking fund established under Section 118 of the Local Act shall be forthwith carried to the credit of the sinking fund to be established under subdivision (1) of this Article.

(3.) The Corporation, in order to provide for the extinction of the water annuities, and to repay any moneys to be borrowed for the redemption and purchase of such annuities, shall, out of the revenue arising from their water undertaking, or out of the district fund or general district rate,

A.D. 1888.

Heywood Order.

annually pay into a sinking fund such a sum or sums as will (together with the sum or sums (if any) which will, at the commencement of this Order, be standing to the credit of the sinking fund (if any) established under Section 119 of the Act of 1883), with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to extinguish the water annuities and to repay the moneys so borrowed within the prescribed period for the extinction of the water annuities.

(4.) Any sum or sums (if any) which is or are standing to the credit of the sinking fund (if any) established under Section 119 of the Act of 1883 shall be forthwith carried to the credit of the sinking fund to be established under subdivision (3) of this Article.

(5.) The Corporation shall invest the sinking funds mentioned in subdivisions (1) and (3) of this Article and the income thereof in the purchase of Exchequer bills or other Government securities, or in any 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.

(6.) The payments into the sinking funds mentioned in subdivisions (1) and (3) of this Article shall be made on or before the Twenty-ninth day of June, One thousand eight hundred and eighty-nine, and on or before the Twenty-ninth day of June in each succeeding year.

(7.) The Corporation may at any time apply the whole or any part of either of the sinking funds mentioned in subdivisions (1) and (3) of this Article in extinction of any of the annuities, or in or towards the discharge of the borrowed money for the repayment of which such fund is established: Provided that the Corporation pay into such fund each year, and accumulate until provision has been made for the extinction of the whole of the annuities and 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.

(8.) The amounts to be annually paid to the respective sinking funds provided for in this Article shall be such as the Local Government Board, having regard to the provisions of this Article, shall from time to time approve.

(9.) The town clerk of the Borough shall, within twenty-one days after the expiration of each year in which any sum is required to be set apart for a sinking fund in respect of the gas annuities, the water annuities, and moneys to be borrowed under the provisions of this Order, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing, for the year next preceding the making of such return, the amounts which have been 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.

(10.) 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 moneys set apart for any sinking fund, or of the sums accumulated by way of interest, to any purposes other than those authorised, the Local Government Board may, by order, direct that the sum in such Order mentioned, not exceeding double the amount in respect of which default has been made, shall be 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. V. Paragraph (*b*) of sub-section 3 of Section 130 of the Act of 1883 shall be repealed, and in lieu thereof the following provision shall take effect :—

The amounts of the contributions to the loans fund for extinction of stock issued for the purpose of redeeming, paying off, or converting any of the gas annuities, or any of the water annuities, shall (subject to any payment in reduction thereof authorised by the Act of 1883) be such amounts as, with accumulations at the rate of three pounds ten shillings per centum per annum, will be sufficient to purchase the portion of stock towards the extinction whereof those contributions are payable in the case of stock issued for the purpose of redeeming, paying off, or converting any of the gas annuities, within the prescribed period for the extinction of the gas annuities, and in the case of stock issued for the purpose of redeeming, paying off, or converting any of the water annuities, within the prescribed period for the extinction of the water annuities, or within sixty years from the redemption, paying off, or conversion of the same, whichever period shall be the shorter.

Paragraph (*c.*) of sub-section 3 of Section 130 of the Act of 1883 shall not apply to stock issued for the purpose of raising money authorised to be borrowed under subdivision (1.) of Article II. 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.

A.D. 1888.

Kingston-upon-Hull Order.

BOROUGH OF KINGSTON-UPON-HULL.

Provisional Order for altering the Hull Corporation Loans Act, 1881.

To the Mayor, Aldermen, and Burgesses of the Borough 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 (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 Hull Corporation Loans Act, 1881 (herein-after referred to as "the Act of 1881"), so far as the same has been altered and has not been repealed, is in force in the Borough;

And whereas by Section 4 of the Act of 1881 the Corporation were empowered, subject to the provisions of that Act, from time to time, by resolution, to create Hull Corporation Stock (in that Act and herein-after referred to as "Corporation Stock"), for all or any of the purposes therein set out;

And whereas by sub-section (2.) of Section 11 of the Act of 1881 it was enacted that Corporation Stock should not be redeemable except by agreement between the Corporation and the holder of any portion of such stock;

And whereas by Section 44 of the Act of 1881 it was enacted that the Treasurer of the Borough should, within forty-two days after the Thirty-first day of December in each year during which any payment is required to be made into the Corporation Loans Fund under the provisions of that Act, transmit to the Local Government Board a return showing the particulars specified in that section:

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; viz.,—

Art. I. Section 11 of the Act of 1881 shall be altered so as to provide that, notwithstanding sub-section (2.) of that section, any resolution for the creation of Corporation Stock passed after the commencement of this Order may provide that such stock shall be redeemable by the Corporation at par, that is to say, at the rate of one hundred pounds sterling for every nominal amount of one hundred pounds stock issued, at or after such time and in such manner as the Corporation by that resolution declare. Such stock shall be designated by the Corporation as Hull Corporation Redeemable Stock. Any certificate of stock granted in respect of Corporation Redeemable Stock created after the commencement of this Order shall have endorsed upon it the conditions upon which such stock is redeemable.

Art. II. Section 44 of the Act of 1881 shall be altered by the insertion therein of the words "Twenty-fifth day of March" in lieu of the words "Thirty-first day of December": Provided that the return in that section mentioned, which shall be made within forty-two days after the Twenty-fifth day of March, One thousand eight hundred and eighty-nine, shall contain the information therein

required for the period between the First day of January, One thousand eight hundred and eighty-eight, and the said Twenty-fifth day of March, One thousand eight hundred and eighty-nine.

Kingston-upon-Hull 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.

LOCAL GOVERNMENT DISTRICT OF LEIGH.

Leigh Order.

Provisional Order for altering a Local Act.

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

And to all others whom it may concern.

WHEREAS the Local Government District of Leigh, in the County of Lancaster (herein-after referred to as "the District"), is an Urban Sanitary District, of which the Leigh Local Board (herein-after referred to as "the Local Board") are the Urban Sanitary Authority, and the Westleigh, Pennington, and Bedford Local Boards (Gas) Act, 1874 (herein-after referred to as "the Local Act"), as partially repealed and altered by the Provisional Order herein-after mentioned, is in force in the District;

And whereas the District consists of the Townships of Westleigh, Pennington, and Bedford, and at the time of the passing of the Local Act such Townships were respectively Local Government Districts under the jurisdiction of the Westleigh, Pennington, and Bedford Local Boards (herein-after referred to as "the three Local Boards") ;

And whereas by Section 29 of the Local Act, each of the three Local Boards was empowered from time to time, for the purpose therein mentioned, to borrow on the security of their district fund and general district rates such sums, not exceeding in the whole for each Local Board the sum of twenty-five thousand pounds, as they might think requisite;

And whereas by a Provisional Order of the Local Government Board dated the Eleventh day of May, One thousand eight hundred and eighty-one (herein-after referred to as "the Order"), and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Birmingham, Tame, and Rea, &c., Act, 1881, Section 29 of the Local Act was altered in such a manner that the Local Board should be deemed to have been authorised to borrow thereunder, before and after the date of the Act of Parliament confirming the Order, on mortgage of their district fund and general district rates any sum or sums not exceeding in the whole the sum of twenty-four thousand pounds, in addition to the sums, amounting to fifty-one thousand pounds, which had been borrowed by the three Local Boards thereunder :

A.D. 1888.

Leigh Order.

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 Local Act as altered by the Order shall be further altered so as to provide as follows; viz.,—

Art. I. The Local Board may, for the purposes of their gas undertaking, and with the sanction of the Local Government Board, and subject to the provisions of this Order, borrow, on the security of the revenue arising from that undertaking, and of the district fund and general district rate of the District, or upon any of such securities, either together or separately, any sum or sums not exceeding in the whole the sum of twenty-five thousand pounds, in addition to the sums authorised by the Local Act as altered by the Order.

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

Art. III. The moneys borrowed under the powers conferred by Article I. of this Order shall be repaid within such period, not exceeding forty years, as the Local Board, with the sanction of the Local Government Board, shall determine, and such period shall be deemed to be the "prescribed period" within the meaning of the Local Loans Act, 1875, and is herein-after referred to as "the prescribed period."

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

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

Art. VI. The Local Board may re-borrow moneys paid off otherwise than by instalments or by means of a sinking fund, or out of the proceeds of the sale or disposition of lands, or out of other moneys received on capital account, upon

any or all of the securities mentioned in Article I. of this Order for the purpose of discharging any loans contracted under that Article, other than loans contracted under the Local Loans Act, 1875 : Provided that the money borrowed for such purpose shall be repaid in the manner provided by Articles III. and IV. of this Order, and the time for repayment of the money so borrowed shall not, except with the sanction of the Local Government Board, extend beyond the unexpired portion of the prescribed period, and shall in no case be extended beyond the period of forty years from the date of the original borrowing.

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

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

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.

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