CHAPTER cxciii.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Bolton and St. Helens, and to the Wisbech and Walsoken Main Sewerage District. A.D. 1894.

[17th August 1894.]

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 provision herein contained should be enacted with reference to certain 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 have full validity and force.

Restriction of power to take houses of labouring class.

2. The urban sanitary authorities mentioned in the Bolton Order (No. 2), 1894, and the St. Helens Water Order, 1894, shall not, under the powers of this Act or of those Orders, purchase or acquire, either compulsorily or by agreement, 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, on the fifteenth day of December last, were occupied, either wholly or partially, by persons belonging to the labouring class as tenants or lodgers, or, except with the consent of the Local Government Board, ten or more houses which were not so occupied on the said fifteenth day of December, but have been or shall be subsequently so occupied.

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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 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. 15) Act, 1894.

SCHEDULE.

BOROUGH OF BOLTON.

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

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

And to all others whom it may concern.

WHEREAS the Borough of Bolton (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 unrepealed provisions of the Bolton Improvement Act, 1854, the Bolton Improvement Act, 1877, and the Bolton Improvement Act, 1882 (all 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), as altered by the Provisional Order herein-after recited and by certain other Local Acts and Provisional Orders duly confirmed by Parliament, but which do not affect the subject-matter of this Order, are in force in the Borough;

17 & 18 Vict. c. clix.
40 & 41 Vict. c. clxxxviii.
45 & 46 Vict. c. ccxliv.

And whereas by Section 103 of the Act of 1854 the Corporation were authorised to take in their market house, market place, and fairs the tolls mentioned in Schedule B. to that Act;

And whereas by Section 156 of the Act of 1854 the Corporation were authorised to borrow at interest on mortgage or bond, or by way of annuity, or otherwise, on the security of the borough fund and the property from time to time vested in the Corporation under or for the purposes of that Act, and the rates and tolls by that Act granted, or any of such borough fund, property, rates, and tolls, or any part thereof respectively, such sums as the Corporation from time to time might think necessary, not exceeding fifty thousand pounds, and, with the approval of the Treasury, on the security of the borough fund such further sums for any of the purposes of that Act as the Corporation from time to time might think fit;

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 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 or privilege of water), which should be deemed necessary by the Corporation;

And whereas by a Provisional Order of the Local Government Board dated the Thirty-first day of May, One thousand eight hundred and eighty-eight, and

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Bolton Order.

(2.)

51 & 52 Vict, c. cxxxi.

confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act, 1888 (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act"), Section 67 of the Act of 1877 was 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 powers of the Corporation contained in the Local Acts to purchase lands by agreement for waterworks purposes were repealed so far as they had not been acted on;

And whereas by Article II. of the Order Section 83 of the Act of 1882 was altered so as to enable the Corporation, subject to the provisions of the Order, to borrow on the 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 the water undertaking, in addition to the sums which they were authorised to borrow under the Local Acts:

Now therefore, We, the Local Government Board, in pursuance of the powers

38 & 39 Vict. c. 55.

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 Local Acts and the Confirming Act, so far as it relates to the Order, shall be altered so as to provide as follows:—

Art. I. Parts II. and III. of Schedule B. to the Act of 1854 shall be read as if the word "pigs" were omitted therefrom, and as if the words "For every "pig not exceeding the sum of twopence" were inserted at the commencement of each of those Parts; and Part III. of the said Schedule shall be read as if the words "superficial square foot" were substituted therein for the words "superficial square yard."

Art. II.—(1.) Section 156 of the Act of 1854 shall be altered as follows:—

(*a*) by the omission of the words "or by way of annuity or otherwise";

(*b*) by the omission of the words "and the property from time to time vested in the Corporation under or for the purposes of this Act," and "property" therefrom; and

(*c*) by the substitution of the words "Local Government Board both as to the amount of the loan and the period within which it is to be repaid" for the word "Treasury" therein.

(2.) The Act of 1854 shall be altered so that the provisions herein-after contained with regard to the mode of raising, repaying, and re-borrowing of moneys borrowed by virtue of this Order shall apply to moneys hereafter borrowed under Section 156 of the Act of 1854 as hereby altered, in lieu of the provisions of the Act of 1854.

Art. III. Section 158 of the Act of 1854 shall be repealed.

Art. IV. The Act of 1877 as altered by the Order shall be further altered so as to provide that the Corporation may, with the sanction of the Local Government Board, purchase or acquire by agreement, but not otherwise, such further lands as may be required for the purposes of their water undertaking: Provided that nothing in this Order contained shall exempt the Corporation from any

indictment, action, or other proceeding for nuisance in the event of any nuisance being caused by them upon any lands so purchased or acquired.

Art. V. Section 83 of the Act of 1882 shall be further altered so as to provide that 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 one hundred thousand pounds for the purposes of their water undertaking, in addition to the sums which they are authorised to borrow under the Local Acts as altered by the Order.

Art. VI. For the purpose of raising money by virtue of this Order, the provisions of the Local Loans Act, 1875 (including the power of creating and issuing debenture stock), shall be available to the Corporation, and Sections 236 to 238, both inclusive, of the Public Health Act, 1875, shall apply to all moneys so raised and borrowed on mortgage.

Art. VII. Moneys borrowed by virtue of this Order shall be repaid within such period, not exceeding sixty years from the date of borrowing, as the Corporation, with the sanction of the Local Government Board, shall, in each case, determine; and the period so determined and sanctioned is herein-after referred to as "the prescribed period," and shall be the prescribed period for the purpose of the Local Loans Act, 1875.

Art. VIII.—(1.) The Corporation shall repay the moneys borrowed by virtue of this Order by equal annual instalments of principal, or by equal annual instalments of principal and interest combined, or by means of a sinking fund, or partly by one of these methods and partly by another or the others of them.

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

(*a.*) By payment to the fund annually during the prescribed period of a sum equal to the amount of principal which would be required to be annually paid to the lender if the loan were repayable by equal annual instalments of principal. A sinking fund so formed is herein-after referred to as a non-accumulating sinking fund; or

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

(3.) Every sum paid to a sinking fund, and, in the case of an accumulating sinking fund, the interest on the investment of the sinking fund, shall, unless applied in repayment of the loan in respect of which the sinking fund is formed, be immediately invested in statutory securities as defined by Section 94 of the Act of 1882 as amended, the Corporation being at liberty from time to time to vary and transpose such investments.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2.) If it appears to the Local Government Board by that return, or otherwise, that the Corporation have failed to pay any instalment or annual payment required to be paid, or to appropriate any sum required to be appropriated, or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Order, or by the Local Government

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Board in virtue thereof, to be paid, appropriated, or set apart), or have applied any portion of any sinking fund to any purpose other than those authorised, the Local Government Board may, by Order, direct that the sum in such Order mentioned, not exceeding double the amount in respect of which default has been made, shall be paid or applied as in such Order mentioned; and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Art. XII. All moneys from time to time borrowed by virtue of this Order shall be applied by the Corporation only for the purposes for which the same are respectively authorised to be borrowed, excepting that moneys which may have been borrowed in excess of the amount required shall be applied in such manner as the Corporation, with the approval of the Local Government Board, determine.

Art. XIII.—(1.) The mortgagees of the Corporation in respect of any moneys borrowed by virtue of this Order may enforce the payment of arrears of interest or principal, or of principal and interest, by the appointment of a receiver. The amount of arrears to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

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

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

Art. XV. This Order may be cited as the Bolton Order (No. 2), 1894.

Given under the Seal of Office of the Local Government Board, this Nineteenth day of May, One thousand eight hundred and ninety-four.

(L.S.)

G. SHAW-LEFEVRE, President.
HUGH OWEN, Secretary.

St. Helens Order.

BOROUGH OF ST. HELENS.

Provisional Order for altering certain Local Acts.

To the Mayor, Aldermen, and Burgesses of the Borough of St. Helens;—

And to all others whom it may concern.

WHEREAS the Borough of St. Helens (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 unrepealed provisions of the Saint Helens Improvement Act, 1869, the Saint Helens (Corporation) Water Act, 1882, as altered by the Provisional Order herein-after recited, and the St. Helens Corporation Act, 1893 (each of which Acts is herein-after referred to as the Act of the year in which it was passed), are in force in the Borough;

And whereas by Section 5 of the Act of 1882 the Corporation were authorised to make and maintain the works in connexion with their water undertaking described in that section;

And whereas by Section 6 of the Act of 1882 the Corporation were empowered to enter on, take, and use the lands therein described for the purposes of that Act, and to take, collect, and use all springs and waters in, under, or on any of the lands so acquired by them, other than streams flowing on any such lands;

And whereas by Section 8 of the Act of 1882 it was enacted that, if the works by that Act authorised were not completed within five years from the passing of the Act of 1882, then, on the expiration of that period, the powers by that Act granted for the making thereof respectively, or otherwise in relation thereto, should cease to be exercised, except as to such of them or so much thereof respectively as was then completed;

And whereas by Section 10 of the Act of 1882 the Corporation were empowered to purchase by agreement, for any of the purposes of their water undertaking, any lands not exceeding ten acres in addition to the lands which they were authorised to take by compulsion; but it was provided that the Corporation should not erect any buildings upon such lands except offices and dwellings for persons in their employ, and such buildings and works as might be incident to or connected with their waterworks;

And whereas by Section 13 of the Act of 1882 provision was made with respect to the application of the proceeds of the sale of surplus lands of the Corporation under the powers of that Act;

And whereas by Section 14 of the Act of 1882 it was enacted that the works by that Act authorised should form part of the then existing water undertaking of the Corporation, and that Sections 33 to 67 (both inclusive) of the Act of 1869 should apply to the works authorised by the Act of 1882 and to the supply of water therefrom;

And whereas by the second paragraph of Section 20 of the Act of 1882 the Corporation were empowered to borrow on the security therein mentioned, and with the approval of the Local Government Board, such sum or sums as they might require for the purpose of their water undertaking, in addition to the sum of ninety-five thousand pounds by the first paragraph of that section authorised to be borrowed;

And whereas by a Provisional Order of the Local Government Board dated the Eighteenth day of February, One thousand eight hundred and eighty-seven, and duly confirmed by the Local Government Board's Provisional Orders Confirmation Act, 1887, the Act of 1882 was altered so as to provide that the

50 Vict., Sess. 2., c. xlix.

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powers (except the power to purchase lands compulsorily) thereby granted to the Corporation for making certain of the works described in Section 5 of the Act of 1882 might be exercised until the expiration of eight years from the passing of that Act;

And whereas by Section 102 of the Act of 1893 the Corporation were empowered, independently of any other borrowing power, to borrow (inter alia)—

(*a.*) For the purchase or redemption of the rents payable to the St. Helens Waterworks Company, and for the purchase of shares in that company, such sums as might be required for those purposes;

(*b.*) For other waterworks purposes any sum not exceeding the sum of one hundred and fifty thousand pounds;

and, with the approval of the Local Government Board, such further moneys as might be requisite for any of the purposes in the said section mentioned, or other the purposes of that Act; but it was provided that the Corporation should not borrow any money under that Act for the purpose (*b*) in that section mentioned, except with the sanction of the Local Government Board;

And whereas it is expedient that the Corporation should be empowered to construct the works herein-after described in connexion with their water undertaking in the lines and situations and upon the lands delineated on the plan (herein-after referred to as "the deposited plan") which has been signed by the Right Honourable the Earl of Morley, the Chairman of Committees of the House of Lords, duplicates of which plan have been deposited in the office of the Local Government Board and at the Town Hall, St. Helens;

And whereas it is expedient that the Corporation should be authorised to purchase lands by agreement, and to borrow money for the purposes of the said works and of their water undertaking;

And whereas the pumping station herein-after mentioned will be situate in the Township of Melling, in the Rural Sanitary District of the Ormskirk Union (herein-after referred to as "the Rural District"), and it is expedient that the provisions herein-after contained should be made with respect to the supply of water in bulk to the Sanitary Authority for the Rural District (herein-after referred to as "the Rural Authority");

And whereas the said aqueducts or lines of pipes pass through the Townships of Melling, Kirkby, Knowsley, and Eccleston, and will be constructed partly or wholly under highways under the control or management of the Ormskirk Highway Board, the Sefton Highway Board, the Prescot Highway Board, the Surveyor of Highways for the Township of Eccleston, and the County Council of the County of Lancaster, or some of them (all which authorities are herein-after referred to as "the Highway Authorities"), and it is expedient that the provisions herein-after contained should be made for the protection of the Highway Authorities:

38 & 39 Vict. c. 55.

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 Act of 1882 and the Act of 1893 shall be altered so as to provide as follows :—

Art. I. The Corporation may purchase by agreement, but not otherwise, and use for the purposes of their water undertaking, the land described in the Schedule hereto.

Art. II. Subject to the provisions of the Act of 1882 as altered by this Order, the Corporation may construct, make, and maintain, in the lines and situations and upon the lands delineated on the deposited plan, the following works, which are herein-after referred to as "the authorised works" (that is to say) :—

(1.) A pumping station, to be called the Melling pumping station, together with a shaft or well with pumps, engines, and appliances connected therewith, to be situate upon the land described in the Schedule hereto, if and when acquired by the Corporation ;

(2.) An aqueduct or line of pipes (herein-after called "Aqueduct No. 1") commencing at the Melling pumping station, and thence passing through the Townships of Melling, Kirkby, Knowsley, and Eccleston, and the Borough, to the reservoir of the Corporation situate at Brown Edge ;

(3.) An aqueduct or line of pipes (herein-after called "Aqueduct No. 2"), and commencing at the Kirkby pumping station of the Corporation, in the Township of Kirkby, thence along the occupation road leading to that pumping station, and terminating in a junction with Aqueduct No. 1 at a point opposite Rigby's Cottages where that road meets School Lane,

together with all wells, shafts, tunnels, drifts, adits, pipes, valves, syphons, hydrants, junctions, tanks, basins, engines, pumps, buildings, embankments, roads, and other works and conveniences connected with the said works, or any of them, which may be necessary or proper for taking, pumping, impounding, using, and distributing water.

Art. III. If the authorised works are not completed within five years from the commencement of this Order, then, on the expiration of that period, or of such further period as the Local Government Board may by Order allow, the powers by this Order granted for the making thereof respectively, or otherwise in relation thereto, shall cease to be exercised, except as to such of them or so much thereof respectively as is then completed.

Art. IV. Section 13 of the Act of 1882 shall be repealed, and in lieu thereof the following provisions shall have effect ; viz.,—

The proceeds of the sale, exchange, or other disposition of land acquired by the Corporation under the powers of the Act of 1882 or this Order, or by way of fine or premium on any lease of any such lands, shall be distinguished as capital in the accounts of the Corporation, and shall be applied in discharge of any moneys for the time being owing under the Act of 1882, or if there be no moneys owing under that Act in discharge of any other moneys for the time being owing by the Corporation, but any such proceeds shall not be applied to the payment of instalments, or to payments into any sinking fund, except to such extent and on such terms as may

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St. Helens Order.

be approved by the Local Government Board: Provided that any borrowed moneys discharged by the application of such moneys shall not be re-borrowed.

Art. V. The provisions of the Act of 1882, except Sections 8 and 17, and the Acts incorporated therewith, as amended by this Order, shall, save as otherwise directed by this Order, apply, mutatis mutandis, to the authorised works and to the purchase of the land described in the Schedule hereto, and the construction of the authorised works shall be deemed to be waterworks purposes for which the Corporation may borrow money under Section 102 of the Act of 1893: Provided that any sinking fund set apart for the repayment of moneys borrowed for the construction of the said works shall be invested in accordance with the provisions of Article V. of the Provisional Order of the Local Government Board dated the First day of May, One thousand eight hundred and ninety-one, relating to the Borough, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act, 1891.

Art. VI. The second paragraph of Section 20 of the Act of 1882 shall be and the same is hereby repealed, except so far as the same may have been acted upon.

Art. VII.—(1.) Aqueduct No. 1 and Aqueduct No. 2 shall be laid at a regular depth of three feet from the surface of the ground, except where the same shall cross any spring, stream, surface drain, aqueduct, or pipe, in which case they shall be carried under or over such spring, stream, surface drain, aqueduct, or pipe, and except where the same shall cross any railway or works of the London and North Western Railway Company or the Lancashire and Yorkshire Railway Company: Provided that in the construction of Aqueduct No. 1, the Corporation may, but only with the consent of the persons interested in the lands through which the deviation is made, deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plan, and where on any road no such limits are shown, the boundaries of such road shall be deemed to be such limits.

(2.) Section 16 of the Act of 1882 shall apply with the necessary modifications to the carrying out of the authorised works so far as the same affect any highway under the management of any of the Highway Authorities.

(3.) If and whenever any aqueduct authorised by this Order shall be laid in or pass under any highway in or under which a pipe or aqueduct belonging to the Corporation has already been laid, the aqueduct authorised by this Order shall be laid alongside of or close to the existing pipe or aqueduct.

(4.) The Corporation shall make good any damage caused to any highway by reason of any bursting, breakage, leakage, or other accident happening to, or any insufficiency or failure in, any of the authorised works, or by reason of any act or omission of the Corporation in connexion therewith, and if the Corporation after reasonable notice from the Highway Authority affected shall neglect or fail to make good any such damage, such Highway Authority may from time to time execute the necessary work, and the expense of executing the same shall be paid by the Corporation to the said Highway Authority.

For the protection of the Lancashire and Yorkshire Railway Company.

(5.) Seven days before the construction of any part of Aqueduct No. 1 along any part of the public carriage road called School Lane which abuts on the property of the Lancashire and Yorkshire Railway Company, the Corporation

shall give notice of their intention to commence the construction thereof to the said Company, and the Corporation shall so construct Aqueduct No. 1 as not to injure or prejudicially affect the bridge carrying the Company's property over the said lane, or the piers, abutments, or foundations of such bridge, and shall, in constructing such part of Aqueduct No. 1 as aforesaid, comply with all reasonable requirements of the principal engineer for the time being of the said Company.

For the protection of the London and North Western Railway Company.

(6.) In constructing or laying the Aqueduct No. 1 over the Huyton and Saint Helens Railway of the London and North Western Railway Company (hereinafter referred to as "the Company"), as also in effecting the maintenance, repairs, and renewals of such aqueduct, the same shall (except in cases of emergency) be done under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer of the Company, and according to plans to be submitted to and approved by him (or in case of difference by the arbitrator to be appointed as in this Order provided) before any such works are commenced; provided that such plans shall be deemed to be approved if the said engineer shall not signify his disapproval within one month after the same have been submitted to him. All such works shall be executed by and in all things at the expense of the Corporation, and so as not to cause any injury to such railway or interruption to the passage or conduct of the traffic over such railway, and if any such injury or interruption shall be caused by the Corporation they shall make compensation to the Company in respect of such injury or interruption, the amount of such compensation to be recoverable from the Corporation by the Company together with full costs by all and the same means as any simple contract debt is recoverable.

Art. VIII.—(1.) From and after the erection and completion of the Melling pumping station, and so long as the same shall be used by the Corporation as a pumping station, the Rural Authority shall be entitled to demand from the Corporation, and the Corporation shall supply, water in bulk for use within the Rural District.

(2.) The quantity of water so to be taken and supplied in the event of any such demand as aforesaid shall be the amount from time to time required by the Rural Authority, but shall not, without the consent of the Corporation, exceed in any one day five per cent. of one-seventh of the total quantity pumped and raised at the Melling pumping station during the last preceding seven days.

(3.) The water may be delivered to the Rural Authority from any of the pumping stations of the Corporation, but the Rural Authority shall only be entitled to demand a supply of water under this Article from and at the Melling pumping station.

(4.) The water to be supplied to the Rural Authority by the Corporation shal be measured by a meter, to be provided and maintained by the Corporation, and th Rural Authority shall pay to the Corporation a reasonable rent in respect thereof, and shall at all reasonable times by themselves and their servants have access thereto for the inspection thereof. The provisions of Sections 59 and 60 of the Public Health Act, 1875, shall apply as if the meter had been provided under Section 58 of that Act. The Rural Authority shall, at their own expense, construct all such works and do all such things as may be necessary for distributing the water supplied by the Corporation within the Rural District.

A.D. 1894.

St. Helens Order.

(5.) The Rural Authority shall, within one month after the expiration of each quarter, pay to the Corporation the sum of sixpence for each one thousand gallons of water supplied during, and also the meter rent for, such quarter:

Provided that if at any time hereafter the quantity of water to be obtained from the Melling pumping station and from the other pumping stations belonging to and used by the Corporation at the date of this Order shall be insufficient for the adequate supply of water by the Corporation under their powers in that behalf, and for such purpose the Corporation shall deem it expedient to obtain water from some other Authority or source of supply, the sum so payable by the Rural Authority to the Corporation may be increased to such an amount as may be agreed upon by and between the Corporation and the Rural Authority, or, in default of agreement, as may be determined by Order of the Local Government Board to be reasonable, and the sum so agreed or determined, as the case may be, shall thereafter be paid by the Rural Authority accordingly.

(6.) The Corporation shall, for the purposes of the supply of water to the Rural Authority as aforesaid, provide for the erection of, and shall maintain in conjunction with such pumping station, and in such manner and position and at such height as shall be agreed upon between the Corporation and the Rural Authority, or, in case of dispute, as shall be settled by arbitration in the manner herein-after provided, a covered reservoir tank capable of holding such quantity of water not exceeding forty thousand gallons, and the expense to be incurred from time to time by the Corporation in, about, and by reason of the erection and maintenance of such tank shall be borne and paid by the Rural Authority:

Provided that this subdivision shall only take effect if, within twenty-eight days after the Corporation shall have given notice in writing to the Rural Authority of their intention to commence the erection of the Melling pumping station, the Rural Authority shall by notice in writing to the Corporation require the said tank to be provided.

(7.) If the tank lastly herein-before referred to shall be erected, it shall be deemed to be a work authorised by Article II. of this Order, and the Corporation, while they are pumping and raising water from the Melling pumping station, shall, so far as practicable, keep the said tank constantly filled with water.

(8.) In the event of the Corporation being prevented from complying with any of the provisions of this Article by reason of any accident, breakdown, strike, or other unavoidable cause the Rural Authority shall have no claim for any damage or loss which may result to them thereby or in consequence thereof.

(9.) Any sum or sums to become payable to the Corporation under the provisions of this Article shall be recoverable by them from the Rural Authority summarily as a civil debt under the Summary Jurisdiction Acts or in any court of competent jurisdiction.

Art. IX. In case any difference shall arise between the Corporation and the Rural Authority, or between the Corporation and the Highway Authorities, or any of them, or between the Corporation and the London and North Western Railway Company, respecting any matter arising out of this Order, the same shall be determined by an arbitrator to be appointed in default of agreement

between the parties in difference by the Local Government Board at the request of either party; and the costs and expenses of and incidental to such appointment shall be paid by the Corporation and the Rural Authority, or the Highway Authority, or the said Railway Company, as the case may be, in equal moieties, unless the arbitrator otherwise direct.

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

Art. XI. This Order may be cited as the St. Helens Water Order, 1894.

The SCHEDULE above referred to.

All that piece of land situate in the Township of Melling, in the County of Lancaster, being a field belonging or reputed to belong to Charles Boyer Webb, bounded on the south by Maghull Lane, on the north by land belonging or reputed to belong to Edmund Brownbill, on the west by land belonging or reputed to belong to the Reverend T. E. Cartwright, and on the east by other land belonging or reputed to belong to the said Charles Boyer Webb.

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

(L.S.)

G. Shaw-Lefevre, President.
Hugh Owen, Secretary.

WISBECH AND WALSOKEN MAIN SEWERAGE DISTRICT.

Provisional Order for altering a Confirming Act.

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

To the Walsoken Local Board of Health, being the Sanitary Authority for the Urban Sanitary District of Walsoken, in the County of Norfolk; —

To the Local Board of Health for the Wisbech and Walsoken Main Sewerage District; —

And to all others whom it may concern.

WHEREAS by Article 3 of a Provisional Order of the General Board of Health dated the Fourteenth day of May, One thousand eight hundred and fifty-two,

Wisbech and Walsoken Order.

and duly confirmed by the Public Health Supplemental Act, 1852 (No. 2) (which Order and Act are herein-after respectively referred to as "the Sewerage District Order of 1852" and "the Confirming Act of 1852"), the Borough of Wisbech, in the County of Cambridge, and the Parish of Walsoken, in the County of Norfolk, were constituted a District (herein-after referred to as "the Main Sewerage District") for the purposes of main sewerage only according to the provisions of the Public Health Act, 1848;

15 & 16 Vict. c. lxix.

And whereas by Article 4 of the Sewerage District Order of 1852 provision was made for the constitution of a Local Board of Health for the Main Sewerage District;

And whereas by another Provisional Order of the General Board of Health also dated the Fourteenth day of May, One thousand eight hundred and fifty-two, and duly confirmed by the Confirming Act of 1852, the said Parish of Walsoken was constituted a District for all the purposes of the Public Health Act, 1848, which District is herein-after referred to as "the Walsoken District";

And whereas by another Provisional Order of the General Board of Health dated the Second day of February, One thousand eight hundred and fifty-seven, and duly confirmed by the Public Health Supplemental Act, 1857 (which Order and Act are herein-after respectively referred to as "the Order of 1857" and "the Confirming Act of 1857"), Article 4 of the Sewerage District Order of 1852 was repealed, and it was ordered that the Local Board of Health for the Main Sewerage District should consist of the Mayor for the time being of the said Borough, and twenty-nine other persons, of whom twenty-three should be selected by the Council of the Borough out of their own number, or out of persons qualified to be councillors of the said Borough, and six should be elected by the owners of, and ratepayers in respect of, property situated within the Walsoken District;

20 Vict. c. iii,

And whereas the persons so elected to represent the Walsoken District on the governing body of the Sewerage District at present constitute the Urban Sanitary Authority for the Walsoken District;

56 & 57 Vict. c. 73.

And whereas in pursuance of the Local Government Act, 1894, the Walsoken District will be an Urban District, and an Urban District Council will be elected for that District in accordance with the provisions of that Act, and it is expedient that the members of such District Council should represent the Walsoken District on the governing body of the Sewerage District:

38 & 39 Vict. c. 55.

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 297 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the Confirming Act of 1857, so far as it relates to the Order of 1857, shall be altered so as to provide as follows:—

Art. I. On and after the day on which the first meeting of the Urban District Council of the Walsoken District elected in pursuance of the Local Government Act, 1894, shall be held—

(1.) The members of that District Council elected by the parochial electors shall be the representatives of the Walsoken District on the governing body of the Sewerage District;

(2.) The persons elected as members of such governing body by the owners of, and ratepayers in respect of, property in the Walsoken District shall cease to be members of the governing body, and no further elections of such persons shall be held.

Art. II. This Order may be cited as the Wisbech and Walsoken Order, 1894.

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

(L.S.)

G. Shaw-Lefevre, President.
Hugh Owen, Secretary.

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