CHAPTER xii.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Eastbourne and Nelson. [5th September 1895.]

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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 provision 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 have full validity and force.

Special provision as to houses of labouring class.

2. The district councils mentioned in the Orders hereby confirmed shall not under the powers of those Orders purchase or acquire either compulsorily or by agreement 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.

For the purposes of this section the expression "labouring class" includes mechanics artisans 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. 18) Act 1895 Session 2.

SCHEDULE.

BOROUGH OF EASTBOURNE.

Eastbourne Order.

Provisional Order for altering certain Local Acts.

To the Mayor Aldermen and Burgesses of the Borough of Eastbourne ; —

And to all others whom it may concern.

WHEREAS the Borough of Eastbourne (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the Council (herein-after referred to as "the Corporation") are the Urban District Council and as such Council are the Local Authority within the meaning of the Public Health Act 1875 for the Borough ;

And whereas the unrepealed provisions of the Eastbourne Improvement Act 1879 and the Eastbourne Improvement Act 1885 (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) are in force in the Borough ; 42 & 43 Vict. c. xcvii. 48 & 49 Vict. c. clxv.

And whereas by the Act of 1879 the Local Board for the District of Eastbourne (herein-after referred to as "the Local Board") were authorised subject to the provisions of that Act to make and maintain a sea-wall or embankment from the eastern end of the Grand Parade to the Grand or Circular Redoubt and to borrow the sum of twenty-five thousand pounds for that purpose ;

And whereas by Section 30 of the Act of 1879 the occupation of every new building as a dwelling-house is prohibited until the drainage thereof has been completed and the building has been certified by the building surveyor to be fit for human habitation ;

And whereas all the property powers duties liabilities and obligations of the Local Board are now vested in the Corporation ;

And whereas by Section 9 of the Act of 1885 the expression "statutory security" is defined and includes securities of the Corporation ;

And whereas by Section 10 of the Act of 1885 the Corporation were empowered to create and issue either redeemable or irredeemable stock ;

And whereas by Section 97 of the Act of 1885 provision is made for the recovery of damages caused to footways by excavation ;

And whereas by Section 106 of the Act of 1885 provision is made to secure efficient flushing apparatus and ventilation to waterclosets ;

And whereas by Section 173 of the Act of 1885 the Corporation are empowered to provide for the protection of passengers and traffic along any street within the Borough ;

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And whereas by Section 236 of the Act of 1885 the Corporation are empowered to contribute towards the payment of a public band of music for the Borough a sum not exceeding in any one year a rate of one farthing in the pound on the assessable value of the Borough ;

And whereas by the Local Acts the Corporation are empowered to borrow such further moneys for the purposes of those Acts as may be sanctioned by the Local Government Board:

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 Local Acts shall be altered so that the following provisions shall have effect viz.—

38 & 39 Vict. c. 55.

Art. I. The Corporation may in accordance with plans to be approved by the Local Government Board widen extend and improve the sea-wall or embankment authorised to be made and maintained by Section 16 of the Act of 1879 and for such purpose may purchase by agreement but not otherwise any lands or easements which may be necessary in connexion therewith :

Provided that the execution of such works shall be subject to the provisions of Sections 61 62 63 and 64 of the Act of 1879 and so far as they may affect the foreshore and beach shall not be carried out except with the consent of the owner for the time being of such foreshore and beach.

Art. II. The Corporation may discharge rain-water through surface-water drains into the stream or watercourse known as the Bourne Stream and into the sewers and dykes in the levels under the control of the Commissioners of Sewers for the levels within the Rapes of Pevensey and Hastings but subject always (whether as regards discharging into the Bourne Stream so long as it shall discharge into the said sewers and dykes or any of them or as regards discharging into the said sewers and dykes) to the consent of the said Commissioners and in the event of such consent being given to such terms and conditions as may be agreed upon between the Corporation and the said Commissioners.

Art. III.—(1.) Notwithstanding the provisions of Section 30 of the Act of 1879 and Section 106 of the Act of 1885 the Corporation may forthwith under and in accordance with the provisions of the Public Health Act 1875 and any Act amending or extending that Act make byelaws in regard to any of the matters to which the provisions of those sections relate.

(2.) On the expiration of one year from the commencement of this Order or of such longer period not exceeding two years from the commencement of this Order as the Local Government Board may determine Section 30 of the Act of 1879 shall be repealed except so far as the same may have been acted upon and Section 106 of the Act of 1885 shall be repealed except so far as it applies to watercloset existing at the commencement of this Order but if before the expiration of such period as aforesaid any byelaw made by the Corporation by virtue of this Article with regard to the subject-matter of either of the said sections shall come into operation such section shall except as aforesaid be repealed without waiting for the expiration of the said period.

(3.) Wherever in the unrepealed provisions of the Local Acts reference is made to either of such repealed sections the same shall be deemed to refer to the byelaw or byelaws relating to matters similar to those mentioned in such repealed sections Provided that the repeal of the said sections shall not affect any right title obligation or liability acquired or accrued under the provisions of such sections.

Art. IV. Sub-section (3) of Section 9 of the Act of 1885 shall be altered by the substitution of the words "other than the Corporation" for the words "including the Corporation."

Art. V. So much of the Act of 1885 as confers upon the Corporation the power to create and issue irredeemable stock shall be repealed.

Art. VI. Section 97 of the Act of 1885 shall be altered by the insertion of the words "or by the carrying out of building operations on any such lands" after the words "lands adjoining to such footway" and by the substitution of the words "said lands" for the words "lands on which such excavation has been made."

Art. VII. Section 173 of the Act of 1885 shall be altered by the addition of the following words :—

"The Corporation may from time to time erect and maintain guards or fences
"for the protection of grass plots trees and shrubs in any street or public
"place and may from time to time alter and remove such guards or
"fences."

Art. VIII. Section 236 of the Act of 1885 shall be altered by the substitution of the words "the rate of one halfpenny in the pound" for the words "the rate of one farthing in the pound."

Art. IX. The Corporation may from time to time make byelaws for requiring the provision in connexion with new buildings within the Borough of separate drains for rain-water and the connexion of such drains with the surface-water sewers of the Corporation.

Art. X. The provisions contained in the Public Health Act 1875 with respect to byelaws and the penalties which may be imposed thereby and the recovery and application of penalties shall apply to all byelaws made under the provisions of this Order and to all penalties imposed thereby.

Art. XI. The Local Acts shall be altered so as to provide that notwithstanding anything therein contained moneys borrowed thereunder with the sanction of the Local Government Board shall be repaid within such periods not exceeding sixty years as the Corporation with the sanction of the Local Government Board shall in each case determine.

Art. XII. The Corporation may with the sanction of the Local Government Board and subject to the provisions of this Order borrow on the security of the district fund and general district rate such sums not exceeding in the whole the sum of ten thousand pounds as may be necessary for the purposes of Article I. of this Order.

Art. XIII. For the purpose of raising money by virtue of this Order the provisions of the Local Loans Act 1875 shall be available to the Corporation and Sections 236 to 238 both inclusive of the Public Health Act 1875 shall apply to all moneys raised and borrowed on mortgage by virtue of this Order.

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Art. XIV. The moneys borrowed by virtue of this Order shall be repaid within such period not exceeding fifty years from the date of borrowing as the Corporation with the sanction of the Local Government Board shall determine which period is herein-after referred to as "the prescribed period" and shall be with reference to the moneys to be repaid therein the prescribed period for the purpose of the Local Loans Act 1875.

Art. XV.—(1.) The Corporation shall repay the moneys borrowed by virtue of this Order other than moneys borrowed under the provisions of the Local Loans Act 1875 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 XVI. 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 throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed (herein-after called 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 (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 investments 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 securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly 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.

(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.

(5.) The Corporation may at any time apply the whole or any part of any such 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 or the part of 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 provided for by this Order.

Art. XVI.—(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 Local Government 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. XVII. 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

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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. XVIII.—(1.) The town clerk of the Borough shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months next preceding the said Thirty-first 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 the Local Acts or 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 the Board verified by statutory declaration of such town clerk 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 wilfully failing to make such return such 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 the Local Acts or this Order or by the Local Government Board in virtue of this Order 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.

(3.) Sub-section (4) of Section 53 of the Act of 1879 and Section 195 of the Act of 1885 shall be repealed except so far as they may have been acted upon.

Art. XIX. 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

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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. XX.—(1.) The mortgagees of the Corporation by virtue of this Order may enforce the payment of arrears of interest or of 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. XXI. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of the Local Acts or 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. XXII. This Order may be cited as the Eastbourne Order 1895.

Given under the Seal of Office of the Local Government Board this Eleventh day of June One thousand eight hundred and ninety-five.

(L.S.)

G. Shaw-Lefevre President.
S. B. Provis Assistant Secretary.

BOROUGH OF NELSON.

Nelson Order.

Provisional Order for altering certain Local Acts.

To the Mayor Aldermen and Burgesses of the Borough of Nelson;—

And to all others whom it may concern.

WHEREAS the Borough of Nelson (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the Council (herein-after referred to as "the Corporation") are the Urban District Council and as such Council are the Local Authority within the meaning of the Public Health Act 1875 for the Borough;

And whereas the unrepealed provisions of the Nelson Water and Gas Act 1866 the Nelson Local Board Act 1879 the Nelson Improvement Act 1886 and the Nelson Local Board Act 1888 (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) are in force in the Borough;

29 Vict. c. lxxvi.
42 & 43 Vict. c. ixxxix.
50 Vict. c. xxxviii.
51 & 52 Vict. c. cxlvi.

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And whereas by the Act of 1866 the Local Board for the District of Nelson (which Local Board and District are herein-after respectively referred to as "the Local Board" and "the District") were authorised amongst other things to purchase gas works and supply gas within the limits defined by Section 6 of that Act which limits now comprise the area of the Borough and certain Townships outside that area and are herein-after referred to as "the gas limits";

And whereas by Section 67 of the Act of 1886 the Local Board were authorised to acquire the lands referred to in the Second Schedule to that Act which lands were to be deemed to be public walks or pleasure grounds within the meaning of the Public Health Acts and by Sections 68 to 72 of the same Act the Local Board obtained powers for dealing with and regulating those lands when acquired;

And whereas by Section 27 of the Act of 1879 certain powers are conferred upon the Local Board with reference to the filling up and removal of cesspools or ashpits within the district which are prejudicial to health or otherwise objectionable for sanitary reasons;

And whereas by Section 60 of the Act of 1886 provision is made to facilitate the extinction of fires and for the protection of life and property from fire;

And whereas by Section 63 of the Act of 1886 certain further powers were conferred upon the Local Board with reference to the footways within the district;

And whereas by the Local Acts the Local Board were authorised to borrow moneys for various purposes including the purposes of their gas undertaking and of the said public walks and pleasure grounds;

And whereas all the properties powers rights duties liabilities and obligations of the Local Board are now vested in the Corporation:

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 Local Acts shall be altered so that the following provisions shall have effect viz.—

Art. I. The gas limits of the Corporation shall be extended so as to comprise the areas described in the Schedule to this Order and all the provisions of the Local Acts relating to the supply of gas shall apply within the gas limits as so extended:

Provided that the maximum price at which gas shall be supplied by the Corporation within the areas described in the Schedule to this Order shall in no case exceed the maximum prescribed for gas supplied without the District by Section 50 of the Act of 1866 and shall not exceed the price for the time being charged for gas supplied within the Borough by more than one shilling per thousand cubic feet:

Provided also that when the total quantity of gas supplied by the Corporation in the areas described in the Schedule to this Order shall amount to one million five hundred thousand cubic feet or more in any year ending on the Thirty-first

day of March the maximum price at which gas shall be supplied by the Corporation in those areas shall during the following year not exceed the price for the time being charged for gas supplied within the Borough by more than ninepence per thousand cubic feet.

Art. II. The Corporation may 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 their gas undertaking and of the district fund and general district rate of the Borough such sum or sums not exceeding in the whole the sum of twenty thousand pounds as may from time to time be necessary for the purposes of their gas undertaking in addition to any sums which they are authorised to borrow under the Local Acts.

Art. III. The Corporation may with the sanction of the Local Government Board purchase by agreement but not otherwise additional lands for the purposes of a park or recreation ground and the provisions of Sections 68 69 70 71 and 72 of the Act of 1886 shall extend and apply to any lands so purchased by the Corporation.

Art. IV. The Corporation may with the sanction of the Local Government Board and subject to the provisions of this Order borrow on the securities mentioned in Section 74 of the Act of 1886 such sum or sums not exceeding the sum of six thousand seven hundred pounds as may be necessary for the purchase of any additional lands under Article III. of this Order or otherwise for the purpose of recreation grounds.

Art. V. For the purpose of raising money by virtue of this Order the provisions of the Local Loans Act 1875 shall be available to the Corporation and Sections 236 to 238 both inclusive of the Public Health Act 1875 shall apply to all moneys raised and borrowed on mortgage by virtue of this Order.

Art. VI. The moneys borrowed by virtue of this Order shall be repaid within the following periods viz.—

(1.) Moneys borrowed by virtue of Article II. of this Order within a period not exceeding thirty years from the date of borrowing;

(2.) Moneys borrowed by virtue of Article IV. of this Order within such period not exceeding fifty years from the date of borrowing as the Corporation with the sanction of the Local Government Board shall determine;

each of which periods is herein-after referred to as "the prescribed period" and shall be with reference to the moneys to be repaid therein the prescribed period for the purpose of the Local Loans Act 1875.

Art. VII.—(1.) The Corporation shall repay the moneys borrowed by virtue of this Order other than moneys borrowed under the provisions of the Local Loans Act 1875 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 VIII. of this Order if the Corporation determine to repay by means of a sinking fund any moneys borrowed

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by virtue of this Order such sinking fund shall be formed and maintained either—

(*a.*) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called 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 investments 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 securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly 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.

(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.

(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 or the part of 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 provided for by this Order.

Art. VIII.—(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 Local Government 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. IX. 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. X.—(1.) The treasurer of the Borough shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months

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next preceding the said Thirty-first 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 such treasurer 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 such treasurer 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 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. XI. 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. XII.—(1.) The mortgagees of the Corporation by virtue of this Order may enforce the payment of arrears of interest or of 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. XIII. Section 27 of the Act of 1879 shall be repealed except so far as it may have been acted upon and the following provision shall apply in lieu thereof :—

"If it shall appear to the Corporation by the report of their medical officer of "health surveyor or inspector of nuisances that any cesspool or other "receptacle used or formerly used as a receptacle for excreta or other "obnoxious matter or for the drainage of a house or that any ashpit or "any well or disused well belonging to any house is prejudicial to health "or otherwise objectionable on sanitary grounds and that it is desirable "that the same should be filled up or done away with or so altered as "to remove any such objection the Corporation may by notice in writing "require the owner or occupier of such house within a reasonable time "to be specified in the notice to cause such cesspool receptacle ashpit "or well to be filled up or removed and any drain communicating with "such cesspool or receptacle to be effectually disconnected and filled up "or taken away.

"Where it appears that any such cesspool receptacle ashpit or well is used in "common by the occupiers of two or more houses the notice for the "filling up or removal of any such cesspool receptacle ashpit or well may "be served on any one or more of the owners or occupiers of such houses "and it shall not be necessary to serve such notice on all such owners or "occupiers.

"If default is made in complying with the requisitions of a notice under this "section the Corporation may themselves carry out the requisitions and "may recover the expenses incurred by them in so doing from the owners "or occupiers in default in a summary manner or where the owners are "the persons liable as private improvement expenses are recoverable "under the Public Health Acts."

Art. XIV. Section 28 of the Act of 1879 shall be altered by the omission of the words "and the preceding."

Art. XV. The Act of 1886 shall be altered so as to provide as follows :—

"(1.) The captain or superintendent of the fire brigade of the Corporation or "other officer of such fire brigade for the time being in charge of the "engine or other apparatus for extinguishing fires attending at any fire "within the Borough shall from the time of his arrival and during his "presence thereat have the sole charge and control of all operations for "the putting out of such fire whether by the Corporation or any other "fire brigade including the fixing of the positions of fire-engines and "apparatus the attaching of hose to any water-pipes or water supply and "the selection of the parts of the building on fire or of adjoining buildings "against which the water is to be directed.

"(2.) Such captain superintendent or other officer in charge shall have power "to stop or regulate the traffic in any street whenever in his opinion it is "necessary or desirable to stop or regulate such traffic for the purpose

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" of extinguishing any fire or for the safety or protection of life or " property.

" (3. If any person shall wilfully obstruct or hinder any officer or officers of " the fire brigade in the execution of their duty he shall be liable to a " penalty not exceeding five pounds."

Art. XVI. Section 63 of the Act of 1886 shall be altered by the addition of following provision :—

" Any three or more persons assembled in any street within the Borough for " the purpose of betting or gambling shall be deemed to be obstructing " the street and each of such persons shall be liable to a penalty not " exceeding forty shillings."

Art. XVII. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of the Local Acts or 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. XVIII. This Order may be cited as the Nelson Order 1895.

The SCHEDULE above referred to.

The Township of Wheatley Carr Booth and parts of the Townships of Old Laund Booth and Goldshaw Booth which Township and parts of Townships are coloured pink on the two maps each marked " Map showing the additional gas limits of the Mayor Aldermen and Burgesses of the Borough of Nelson 1895 " and sealed with the official seal of the Local Government Board one of which maps shall be deposited in the office of the Local Government Board and the other shall be deposited by the Town Clerk of the Borough at his office within fourteen days after the date of this Order.

Given under the Seal of Office of the Local Government Board this Eleventh day of June One thousand eight hundred and ninety-five.

(L.S.)

G. Shaw-Lefevre President.
S. B. Provis Assistant Secretary.

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