# CHAPTER lxiii.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Borough of Ashton-under-Lyne, the Improvement Act District of Bethesda, the Local Government District of Heckmondwike, the Borough of Lewes, the Improvement Act District of Lytham, the Local Government District of Pemberton, the Borough of Rochdale, and the Local Government District of Sowerby Bridge. [3rd July 1882.]

A.D. 1882.

WHEREAS the Local Government Board have, as regards the boroughs and districts herein mentioned, made the Provisional Orders set forth in the schedule hereto under the provisions of the Public Health Act, 1875:

38 & 39 Vict. c. 55.

And whereas it is requisite that the said Orders should be confirmed by Parliament:

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

The Orders in schedule confirmed.

**1.** The Orders set out in the schedule hereto shall be and the same are hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, have full validity and force.

Short title.

**2.** This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 6) Act, 1882.

# SCHEDULE.

A.D. 1882.

*Ashton-under-Lyne Order.*

## BOROUGH OF ASHTON-UNDER-LYNE.

*Provisional Order for partially repealing, altering, and amending certain Local Acts.*

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

And to all others whom it may concern.

WHEREAS the Borough of Ashton-under-Lyne, in the County of Lancaster (herein-after referred to as "the Borough"), is an Urban Sanitary District, of which the Mayor, Aldermen, and Burgesses, acting by the Council (herein-after referred to as "the Corporation"), are the Urban Sanitary Authority;

And whereas the Ashton-under-Lyne, Stalybridge, and Dukinfield (District) Waterworks Act, 1870 (herein-after referred to as "the Act of 1870"), the Ashton-under-Lyne, Stalybridge, and Dukinfield (District) Waterworks Act, 1875 (herein-after referred to as "the Act of 1875"), and the Ashton-under-Lyne Improvement Act, 1877, as amended by a Provisional Order of the Local Government Board dated the Seventeenth day of April, One thousand eight hundred and seventy-nine, and confirmed by the Local Government Board's Provisional Orders Confirmation (Ashton-under-Lyne, &c.) Act, 1879 (herein-after referred to as "the Act of 1877"), are in force in the said District;

And whereas by Section 52 of the Act of 1870 the Corporation were authorised to borrow such sums as they might think requisite, not exceeding one hundred and sixty-eight thousand pounds, for the purposes authorised by that Act;

And whereas by Section 83 of the Act of 1870 the proportion of capital contributable by the Corporation for the purposes of that Act is required to be diminished according to the amounts contributable by certain Local Boards in the event of such Local Boards combining in the system of water supply authorised by that Act within six months after the passing of that Act;

And whereas by Section 5 of the Act of 1875 any excess of contribution which under the provisions of the fifty-eighth section of the Act of 1870 might be refunded to the Corporation was required to be applied in discharging the principal money borrowed by the Corporation for the purposes and under the powers of the Act of 1870;

And whereas the excess of contribution refunded to the Corporation under the provisions of the Act of 1870 amounted to the sum of forty-six thousand

two hundred and twenty-five pounds seven shillings and three pence, and the Corporation have applied the said sum in manner following; that is to say, as to eight thousand four hundred and seventy-eight pounds eight shillings and sixpence, in discharging the principal money borrowed by the Corporation under the Ashton-under-Lyne Corporation Waterworks Act, 1855, as to eighteen thousand and forty-five pounds and two shillings, in discharging the principal money borrowed by the Corporation under the Ashton-under-Lyne and Stalybridge (Corporation) Waterworks Act, 1864, and as to nineteen thousand seven hundred and one pounds sixteen shillings and ninepence, in the payment of calls made on the Corporation by the Ashton-under-Lyne, Stalybridge, and Dukinfield (District) Waterworks Joint Committee (herein-after referred to as "the Joint Committee"), for the purposes for which the Corporation were authorised to borrow money under the powers of the Act of 1870;

And whereas by Section 28 of the Act of 1877 the Corporation were empowered to borrow the sums therein specified for the purposes therein mentioned;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject matters as the Public Health Act, 1875;

And whereas the Act of 1870, the Act of 1875, and the Act of 1877, are Local Acts within the meaning of Section 303 of the Public Health Act, 1875, and the Corporation have applied to the Local Government Board to issue a Provisional Order to alter and amend the same as herein-after mentioned;

And whereas the Local Government Board, upon receipt of the said application, directed Local Inquiry to be held on the subject thereof, which Inquiry was held, after due public notice, and report has been made to them thereon:

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

Art. I. Section 5 of the Act of 1875 shall be altered and amended in such a manner that the Corporation shall be deemed to have been authorised to apply the said sum of forty-six thousand two hundred and twenty five pounds seven shillings and threepence, being the excess of contribution so refunded to them as herein-before recited, to the several purposes to which the same has been applied by them as herein-before recited.

Art. II. The Act of 1870 shall be altered and amended in such a manner that of the moneys which the Corporation are authorised to borrow thereunder, nineteen thousand seven hundred and one pounds sixteen shillings and ninepence, shall not be borrowed except with the sanction of the Local Government Board.

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*Ashton-under-Lyne Order.*

Art III. Section 28 of the Act of 1877 shall be altered and amended so as to enable the Corporation, in addition to the sums therein specified, to borrow and reborrow from time to time, under and subject to the provisions of the Act of 1877 as hereby amended, on the security of their borough fund, and all or any rates or rate leviable by them in the Borough, for the purpose of defraying the "new street expenses" referred to in Section 13 of the Act of 1877 (hereinafter referred to as "new street expenses"), any sum or sums not exceeding in the whole the sum of thirty thousand pounds.

Provided that of the said sum of thirty thousand pounds no more than twenty thousand pounds may be borrowed without the sanction of the Local Government Board.

Art. IV. The Corporation shall pay off all moneys borrowed by them under Art. III. of this Order within forty years from the dates when the same were respectively borrowed, by any of the following means, viz., by equal yearly or half-yearly instalments of principal, or of principal and interest, or by setting apart in every year as a sinking fund, and accumulating in the way of compound interest by investment of the sums so set apart in the purchase of Exchequer Bills or other Government securities, or in securities in which trustees are by law for the time being authorised to invest, or in securities issued by any local authority as defined by Section 34 of the Local Loans Act, 1875, other than the Corporation, such sums as will, with the accumulations, be sufficient, after payment of all expenses, to pay off all such moneys within forty years from the dates when the same were respectively borrowed.

Provided that the Corporation may at any time apply the whole or any part of any sinking fund set apart under this Article in or towards the discharge of the moneys for the repayment of which the fund has been established, but in any such case they shall pay into the fund in each year, and accumulate, until the whole of the moneys for the repayment of which the fund has been established are discharged, a sum equal to the interest which would have been produced by the fund or the part of the fund so applied: Provided also, that when the sinking fund is equal in value to so much of the moneys, for the repayment of which it has been established, as remain undischarged, all sums required by this Article to be paid into the fund may cease to be so paid, and the annual income of the fund may be applied in payment of the annual interest payable upon the borrowed moneys so remaining undischarged.

Art. V. The Corporation shall keep separate accounts of all moneys expended and recovered by them in respect of new street expenses, and shall pay out of the moneys so recovered the interest from time to time accruing in respect of moneys borrowed under Article III. of this Order, and the amounts of the instalments required to be paid and the amounts required to be set aside as sinking funds under Article IV. of this Order, and shall either apply the residue of the moneys so recovered in defraying new street expenses or in the repayment of moneys borrowed under Art. III. of this Order, or carry the same to the credit of the sinking funds to be set aside under Art. IV. of this Order, in addition to the other amounts required to be set aside as sinking funds under that Article.

Art. VI. In the event of the moneys recovered by the Corporation in respect of new street expenses in any year being insufficient to pay the interest on the moneys borrowed under Art. III. of this Order, and the amounts of the instalments required to be paid, and the amounts required to be set aside as sinking funds under Article IV. of this Order, the Corporation shall pay the deficiency out of their borough fund.

Art. VII. The Act of 1877 shall be altered and amended so as to provide as follows :—

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

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

Given under the Seal of Office of the Local Government Board, this Sixteenth day of May, in the year One thousand eight hundred and eighty-two.

J. G. Dodson, President.
John Lambert, Secretary.

(L.S.)

A.D. 1882.

*Bethesda Order.*

# IMPROVEMENT ACT DISTRICT OF BETHESDA.

*Provisional Order for partially repealing, altering, and amending the Bethesda Improvement Act, 1854, and for altering a Confirming Act.*

To the Bethesda Improvement Commissioners, being the Sanitary Authority for the Urban Sanitary District of Bethesda, in the County of Carnarvon ;—

And to all others whom it may concern.

WHEREAS under the provisions of a Local Act of Parliament, intituled "The Bethesda Improvement Act, 1854" (herein-after referred to as "the Local Act"), certain Commissioners and their successors were incorporated under the name of the Bethesda Improvement Commissioners (herein-after referred to as "the Commissioners"), to execute that Act within the District therein defined ;

And whereas the said District is an Urban Sanitary District, of which the Commissioners are the Urban Sanitary Authority ;

And whereas by Section 1 of the Local Act it is enacted that the Commissioners Clauses Act, 1847 (except so much of Section 21 of that Act as relates to the giving notice by advertisement of the annual meeting for election of Commissioners, and Section 54 of that Act requiring daily attendance at the Commissioners' office), shall be incorporated with and form part of the Local Act ;

And whereas by Section 54 of the Local Act the Commissioners were empowered to borrow the following sums ; viz. :

On mortgage of the general improvement rate, any sum not exceeding seven thousand pounds :

On mortgage of the highway rate, any sum not exceeding one thousand pounds :

On mortgage of the water rate, water rents, and waterworks, and of the land, apparatus, mains, pipes, machinery, and other things belonging thereto, provided or purchased by the Commissioners in pursuance of the Local Act, any sum not exceeding three thousand pounds :

On mortgage of the gas rate, rents, or payment for gas, and of the gasworks, and the land, apparatus, mains, pipes, machinery, and other things belonging thereto, constructed or purchased by the Commissioners in pursuance of that Act, any sum not exceeding three thousand pounds.

And whereas the Commissioners borrowed on mortgage of the General Improvement Rate the sum of eighty pounds, and on mortgage of the water rate, water rents, and waterworks, and of the land, apparatus, mains, pipes, machinery, and other things belonging thereto, provided or purchased by the Commissioners in pursuance of the Local Act the sum of four hundred pounds.

And whereas the said sum of four hundred pounds was expended in the construction of waterworks for the benefit of the Caellwyngrydd Sub-District mentioned in Section 5 of the Local Act and the repayment of the

same is, in pursuance of Section 49 of the Local Act, charged upon the water rates and water rents levied in that Sub-District;

And whereas by Art. I. of a Provisional Order of the Local Government Board dated the Tenth day of May, One thousand eight hundred and eighty (herein-after referred to as "the Order of 1880"), and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Bethesda, &c.) Act, 1880 (herein-after referred to as "the Confirming Act of 1880"), Section 54 of the Local Act was altered and amended so as to empower the Commissioners, subject to the sanction of the Local Government Board, to borrow on mortgage of the water rate, water rents, and waterworks, and of the land, apparatus, mains, pipes, machinery, and other things belonging thereto which had been or which might be provided or purchased by the Commissioners in pursuance of the Local Act, a sum not exceeding seven thousand pounds, in addition to the sum of three thousand pounds, which the Local Act authorised to be borrowed on the like security;

And whereas by Art. II. of the Order of 1880 it was ordered that Sections 56 and 57 of the Local Act should not apply to any sums which might be borrowed under the powers of borrowing conferred by that Order, but that the provisions of Sub-sections (4) and (5) of Section 234 of the Public Health Act, 1875, should apply to the borrowing and repayment of such sums, as if they were borrowed under the provisions of that Act and not of the Local Act, and that all moneys so borrowed should be applied in the manner therein mentioned;

And whereas by Section 297 of the Public Health Act, 1875, it is enacted that any Act confirming any Provisional Order made in pursuance of any of the Sanitary Acts, or of that Act, may be repealed, altered, or amended by any Provisional Order made by the Local Government Board, and confirmed by Parliament;

And whereas the Confirming Act of 1880, is an Act confirming a Provisional Order made in pursuance of the Public Health Act, 1875;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875;

And whereas the Local Act is a Local Act within the meaning of Section 303 of the Public Health Act, 1875, and the Commissioners have applied to the Local Government Board to partially repeal, alter, and amend the same;

And whereas the Local Government Board, upon receipt of the said application, directed Local Inquiry to be held on the subject, which Inquiry was held, after due public notice, and report has been made to them thereon:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by the several Statutes in that behalf, do hereby Order that, from and after the day of the date of the Act of Parliament confirming

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*Bethesda Order.*

this Order (herein-after referred to as "the commencement of this Order"), the following provisions shall take effect; viz.,—

Art. I. Section 1 of the Local Act shall be altered so that the provisions contained in Sections 6 to 10 and Sections 12 to 16, all inclusive, of the Commissioners Clauses Act, 1847, with respect to the qualification of Commissioners, and in Sections 17 to 35, both inclusive, of that Act, with respect to the election and rotation of the Commissioners, and in so much of Section 40 of that Act as relates to the annual meeting, shall be no longer incorporated with the Local Act.

Provided that, notwithstanding such alteration in Section 1, the Commissioners who shall be acting or be entitled to act as such at the commencement of this Order shall, unless they die, resign, or become disqualified, continue in office until the times herein-after appointed for their retirement.

Art. II. Sections 10, 11, 12, and 15 of the Local Act shall be wholly repealed, except so far as the same may have been acted upon.

Art. III. The Commissioners who, but for this Order, would have retired in the month of August one thousand eight hundred and eighty-two, shall go out of office on the Fifteenth day of April, one thousand eight hundred and eighty-three; the Commissioners who, but for this Order, would have retired in the month of August, one thousand eight hundred and eighty-three, shall go out of office on the Fifteenth day of April, one thousand eight hundred and eighty-four; and the Commissioners who, but for this Order, would have retired in the month of August, one thousand eight hundred and eighty-four, shall go out of office on the Fifteenth day of April, one thousand eight hundred and eighty-five; and before each of the dates on which the said Commissioners shall go out of office a number of persons equal to the number of retiring Commissioners shall be elected in their place in the manner provided by the Public Health Act, 1875, with regard to the election of members of a Local Board.

Art. IV. Subject as aforesaid and as herein-after mentioned, Rules 3 to 70, both inclusive, of Schedule II. to the Public Health Act, 1875, shall, from and after the commencement of this Order, apply to the Commissioners as if they were a Local Board within the meaning of that Act.

Provided that—

(*a.*) The election of Commissioners in the month of April, one thousand eight hundred and eighty-three, shall not, for the purposes of the provisions contained in Rules 31, 32, and 34 of the said Schedule II., be deemed to be the first election for the District.

(*b.*) A person shall be qualified to be a Commissioner if, at the time of his election, and so long as he continues in office by virtue of such election, he is rated to the relief of the poor of the District of the Commissioners, or of some parish within such District, on an annual value of not less than twelve pounds, anything in Rule 3 of the said Schedule II. to the contrary notwithstanding.

(*c.*) In publishing the notice required by Rule 25 of the said Schedule II. it shall not be necessary to include in such notice, or in the copy thereof inserted in the local newspaper circulating in the District of the Commissioners, and affixed at the places where parochial notices are usually affixed, the part of

Form L. in Schedule IV. to the Public Health Act, 1875, intituled "Owner's Claim," or the words referring to the "Owner's Claim."

Art. V. Section 1 of the Local Act shall be further altered so as to provide that, for the purposes of Section 39 of the Commissioners Clauses Act, 1847, the prescribed number of Commissioners shall be three.

Art. VI. Section 1 of the Local Act shall be further altered so as to provide that Sections 38 to 68, both inclusive, and Sections 75 and 76 of the Town Police Clauses Act, 1847, shall be incorporated therewith and form part thereof, and those Sections shall be deemed to include every hackney carriage or wheeled carriage of whatever form or construction used in standing or plying for hire within a radius of five miles from the Post Office at Bethesda.

Provided that nothing herein, or in Section 68 of the Town Police Clauses Act, 1847, contained, shall affect any carriage standing or plying for hire within the Local Government District of Bangor.

Art. VII. The provisions with respect to byelaws, and the recovery and application of penalties, contained in the Public Health Act, 1875, shall apply to all byelaws made, altered, or repealed by the Commissioners under the provisions of the Local Act as hereby altered and amended, or of this Order, and to all penalties imposed thereby, or by any of the Sections of the Town Police Clauses Act, 1847, mentioned in this Order, so far as they are by this Order rendered applicable to hackney carriages.

Art. VIII. Section 1 of the Local Act shall be further altered so that the provisions contained in Sections 156, 157, 159, 161 to 170, both inclusive, Sections 172 to 199, both inclusive, of the Towns Improvement Clauses Act, 1847, shall be no longer incorporated with the Local Act, except so far as they relate to the gas rate levied under the Local Act, and so far as it may be necessary that the incorporation of those Sections should be continued for the purpose of enabling the Commissioners to recover all rates, penalties, and moneys due thereunder on or before the commencement of this Order.

Art. IX. Section 37 (except so far as it provides that the water supplied by the Commissioners need not be constantly laid on under pressure) and Sections 38 and 39 of the Local Act shall be wholly repealed, except so far as they may have been acted upon, and so far as it may be necessary to continue the same for the purpose of enabling the Commissioners to recover all rates, rents, penalties, and other moneys due thereunder on or before the commencement of this Order, and in lieu thereof Sections 54 to 60, both inclusive, and Sections 64 and 65 of the Public Health Act, 1875, shall be incorporated with and form part of the Local Act.

Art. X. The following sections of the Local Act; that is to say:—

Sections 5, 6, 41, 44, 45 (except so far as it applies to the gas rate);

Sections 46 to 50, both inclusive, Sections 52, 53, 55 (except so far as it applies to moneys borrowed for the purposes of the gasworks); and

Section 56 (except so far as it relates to moneys borrowed on mortgage of the gas rate, rents, gasworks, and the land, apparatus, mains, pipes, and machinery belonging thereto),

shall be wholly repealed, except so far as they may have been acted upon, and so far as it may be necessary to continue the same for the purpose of enabling

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*Bethesda Order.*

the Commissioners to recover all rates, penalties, and other moneys due thereunder on or before the commencement of this Order.

Wherever in the unrepealed parts of the Local Act reference is made to a Sub-District, the same shall be read as if the District of the Commissioners had been mentioned instead of a Sub-District.

Art. XI. Sections 209 to 212 and Sections 218 to 227, all inclusive, of the Public Health Act, 1875, shall be incorporated with and form part of the Local Act, and the Commissioners shall establish a District Fund, and make and levy a General District Rate over the whole of the General District, as defined by Section 4 of the Local Act, in accordance with the provisions of the Public Health Act, 1875, or of the law for the time being in force relating to the making and levying of a General District Rate in an Urban Sanitary District; and Section 51 of the Local Act shall be altered by the omission of the last paragraph, and the substitution in lieu thereof of the words "lastly in aid of the General District Rate."

Art. XII. All expenses incurred or payable or to be incurred or become payable by the Commissioners in the execution of the Local Act, as hereby altered (except the expenses incurred or payable, or to be incurred or payable in respect of the gasworks), and of the Public Health Act, 1875, respectively, as from the Twenty-fifth day of March last, except so far as the same may be defrayed out of rates made before the commencement of this Order, shall be charged upon and defrayed out of the said District Fund and General District Rate, subject to the provisions of the last-mentioned Act with respect to the mode of defraying in certain cases the expenses of the repair of highways.

Art. XIII. Section 54 of the Local Act and the Confirming Act of 1880, so far as it relates to the Order of 1880, shall be altered so as to provide that the sums thereby authorised to be borrowed on mortgage of the General Improvement Rate or of the Highway Rate shall be charged upon and defrayed out of the District Fund and General District Rate so to be established, made, and levied as aforesaid; and so that the sums authorised to be borrowed on mortgage of the water rate water rents and waterworks and of the land apparatus mains pipes machinery and other things belonging thereto which have been or may be provided or purchased by the Commissioners in pursuance of the Local Act, shall be charged upon and defrayed out of the said District Fund and General District Rate, in addition to being charged upon and defrayed out of the water rents and other revenue of the waterworks.

Art. XIV. The said sum of eighty pounds and the said sum of four hundred pounds, or so much thereof respectively as shall be outstanding at the commencement of this Order, shall be charged upon and payable out of the District Fund and General District Rate to be established and levied as aforesaid.

Provided that nothing in this Order contained shall prejudice, alter, invalidate, or affect any security, bond, or mortgage which may have been given by the Commissioners upon the security of any rate or rates made or levied under the Local Act, but such security, bond, or mortgage shall take effect as if the moneys therein mentioned or thereby secured had been originally charged upon the District Fund and General District Rate so to be established and levied.

Art. XV. If at any time hereafter the inhabitants of the part of the District of the Commissioners which before the commencement of this Order formed the Caellwyngrydd Sub-District, are compelled to receive and pay for water supplied by the Commissioners in lieu of the water now supplied to them without charge by means of the works constructed for the benefit of that Sub-District as aforesaid, and it appears to the Local Government Board, upon representation of any ten of such inhabitants being rated to the relief of the poor, that any adjustment should be made as between the area which constituted the said Sub-District before the commencement of this Order and the remainder of the District of the Commissioners, in respect of any matters arising out of, or consequent upon, the provisions of this Order, the Local Government Board may, by their Order, make such adjustment accordingly.

Given under the Seal of Office of the Local Government Board, this Seventeenth day of May, in the year One thousand eight hundred and eighty-two.

J. G. Dodson, President.
John Lambert, Secretary.

(L.S.)

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## LOCAL GOVERNMENT DISTRICT OF HECKMONDWIKE.

*Heckmondwike Order.*

*Provisional Order for partially repealing and amending certain Local Acts.*

To the Heckmondwike Local Board, being the Sanitary Authority for the Urban Sanitary District of Heckmondwike, in the West Riding of the County of York;--

And to all others whom it may concern.

WHEREAS the Local Government District of Heckmondwike, in the West Riding of the County of York (herein-after referred to as "the District"), is an Urban Sanitary District of which the Heckmondwike Local Board (herein-after referred to as "the Local Board"), are the Urban Sanitary Authority;

And whereas by Section 114 of the Dewsbury, Batley, and Heckmondwike Waterworks Act, 1856 (herein-after referred to as "the Act of 1856"), the Local Board were empowered to borrow for the purposes of that Act, twenty-three thousand three hundred and thirty-three pounds six shillings and eightpence;

And whereas by Section 29 of the Dewsbury, Batley, and Heckmondwike Waterworks Amendment Act, 1861 (herein-after referred to as "the Act of 1861"), the Local Board were empowered to borrow for the purposes of that Act, and of the Act of 1856, five thousand pounds, in addition to the moneys authorised to be borrowed by them under the Act of 1856;

And whereas by Section 10 of the Dewsbury, Batley, and Heckmondwike Waterworks Amendment Act, 1867 (herein-after referred to as "the Act of 1867"), the Local Board were empowered to borrow for the purposes of the Act of 1856, the Act of 1861, and that Act, in addition to the sums authorised

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*Heckmondwike Order.*

to be borrowed by them by the Act of 1856 and the Act of 1861, any sum or sums of money not exceeding nine thousand pounds;

And whereas by Section 82 of the Batley Corporation Waterworks Act, 1871 (herein-after referred to as "the Act of 1871"), it was provided that any sum which the Local Board might require for the purchase of the share of the Mayor, Aldermen, and Burgesses of the Borough of Batley might be raised by the Local Board by mortgage in addition to and in like manner as money authorised to be raised by the Local Board under and for the purposes of the Act of 1856, the Act of 1861, and the Act of 1867; and that all the provisions of those Acts with respect to the borrowing of money on mortgage should be incorporated with the Act of 1871, and should apply (mutatis mutandis) to mortgages by the Local Board under the provisions of that Act;

And whereas in the preamble to the Dewsbury and Heckmondwike Waterworks Act, 1876 (herein-after referred to as "the Local Act"), it was recited that under the powers of the Acts of 1856, 1861, and 1867, the Local Board had raised by mortgage sums amounting in the whole to the sum of twenty-nine thousand three hundred and fifty-nine pounds, which had been reduced by the operation of the sinking and depreciation fund to twenty-two thousand eight hundred and fifty-two pounds;

And whereas by Section 5 of the Local Act, the Acts of 1856, 1861, and 1867 were repealed from and after the passing of the Local Act, but subject to the provisions of that Act;

And whereas by Section 22 of the Local Act it was provided that nothing in that Act contained should be held or construed to repeal, alter, prejudice, or affect the provisions in the eighty-second section of the Act of 1871, or any of the rights, powers, duties, or interests of the Local Board under or by virtue of such provisions;

And whereas by Section 112 of the Local Act the Local Board for the purposes of that Act in addition to any moneys they had borrowed or were authorised to borrow, were empowered to borrow from time to time under the authority of that Act, such sums as they might from time to time think requisite, not exceeding in the whole the sum of forty-five thousand pounds;

And whereas by Section 129 of the Local Act it is provided that the sum to be set apart by the Local Board as a sinking fund shall, so far as regards the said sum of twenty-nine thousand three hundred and fifty-nine pounds, so stated in the preamble to that Act to have been borrowed by the Local Board as herein-before recited, and also as regards sums borrowed by the Local Board under the provisions of the Act of 1871, be one-fiftieth part of the aggregate amount of such sums remaining unpaid at the time of the passing of the Local Act, and so far as regards money borrowed under the provisions of the Local Act be one-eightieth part of the amount of the moneys so borrowed; and that every sum so set apart may be applied either in paying off mortgages or in the purchase of funded debt under the provisions of the Local Act, or in being invested and disposed of as provided by the Commissioners Clauses Act, 1847, or partly in one way and partly in another; and that all mortgages paid off out of any money so borrowed shall for the purposes of the Local Act be

deemed to have been paid off out of the sinking fund, and that all funded debt purchased under that section shall be extinguished, but that the Local Board shall not be bound to commence the formation of any sinking fund, so far as regards money borrowed under the provisions of the Local Act, by setting apart any part of their revenue for the purpose until the expiration of seven years from the passing of the Local Act;

And whereas the herein-before recited statement in the preamble of the Local Act, to the effect that at the time of the passing of that Act the Local Board had raised by mortgage under the powers of the Acts of 1856, 1861, and 1867, sums amounting in the whole to the sum of twenty-nine thousand three hundred and fifty-nine pounds, which had been reduced by the operation of the sinking and depreciation fund to twenty-two thousand eight hundred and fifty-two pounds was incorrect;

And whereas at the time of the passing of the Local Act the Local Board had raised by mortgage under the powers of the Acts of 1856, 1861, and 1867, sums amounting in the whole to thirty-one thousand three hundred and fifty-nine pounds seven shillings and sevenpence, of which two thousand pounds only had been paid off by means of the sinking and depreciation fund, and the residue of the sinking and depreciation fund had been applied in the construction of works for which the Local Board were empowered to borrow money under the Acts of 1856, 1861, and 1867, and to other capital purposes;

And whereas since the passing of the Local Act, the Local Board, notwithstanding the repeal of the Acts of 1856, 1861, and 1867, have borrowed sums amounting in the whole to the sum of five thousand eight hundred and sixty-seven pounds, under the powers assumed to have been given to them under those Acts, and the moneys now owing by the Local Board on mortgages purporting to have been made by virtue of the powers given to the Local Board by the Acts of 1856, 1861, and 1867, amount in all to the sum of twenty-five thousand two hundred and fifty-five pounds, and there are now standing to the credit of a sinking fund for the repayment of such moneys, sums amounting in the whole to the sum of one thousand two hundred and seventy-four pounds;

And whereas prior to the passing of the Local Act, the Local Board had borrowed no moneys under the Act of 1871, and they have since borrowed under the Act of 1871, sums amounting in the whole to the sum of eighteen thousand seven hundred and fifty pounds;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially, to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875;

And whereas the Local Act is a Local Act within the meaning of Section 303 of the Public Health Act, 1875, and the Local Board have applied to the

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*Heckmondwike Order.*

Local Government Board to issue a Provisional Order to alter and amend the same;

And whereas the Local Government Board, upon receipt of the said application, directed Local Inquiry to be held on the subject thereof, which Inquiry was held, after due public notice, and report has been made to them thereon:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us, by the Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order (herein-after referred to as "the commencement of this Order"), the following provisions shall take effect; viz.,--

Art. I. The Local Act shall be altered and amended in such a manner—

(1.) That notwithstanding the repeal of the Acts of 1856, 1861, and 1867, the Local Board shall be deemed under the powers given to them under those Acts to have been authorised to borrow after the passing of the Local Act sums amounting in the whole to the said sum of five thousand eight hundred and sixty-seven pounds:

(2.) That so much of the said sum of twenty-five thousand two hundred and fifty-five pounds as has been borrowed by the Local Board before the commencement of this Order and since the passing of the Local Act, on mortgages purporting to have been made by virtue of the powers given to the Local Board by the Acts of 1856, 1861, and 1867, shall be deemed to have been authorised to be borrowed by the Local Board under those Acts:

(3.) That such of the mortgages existing at the commencement of this Order for securing the said sum of twenty-five thousand two hundred and fifty-five pounds as have been made by the Local Board since the passing of the Local Act shall to all intents and purposes be as valid as if they had been authorised to be made by the Local Board under the Acts of 1856, 1861, and 1867.

Art. II. Section 129 of the Local Act shall be altered and amended so as to provide that in lieu of the provisions therein contained as to the sinking funds to be set aside by the Local Board thereunder, the following provisions shall have effect; that is to say,—

The Local Board shall repay so much of the said sum of twenty-five thousand two hundred and fifty-five pounds referred to in Article I. of this Order, and of all moneys borrowed under the Act of 1871 or the Local Act before the commencement of this Order as shall not be repaid out of the sums referred to in Article III. of this Order, within fifty-four years from the commencement of this Order, and all sums to be borrowed under the Act of 1871 or the Local Act after the commencement of this Order within fifty-four years from the borrowing thereof; and such repayment shall be either by equal annual instalments of principal, or of principal and interest, or by setting apart in every year as a sinking fund such a sum or sums as will, according to a reasonable calculation for the time being, with accumulations in the way of compound interest, be sufficient after payment of all expenses, to pay off the

money so borrowed or to be borrowed within the said period of fifty-four years; and the said sinking fund shall be invested in the purchase of exchequer bills or other government securities, or in securities in which trustees are by law for the time being authorised to invest, or in mortgages, debentures, debenture stock, or other securities, issued by any Local Authority, as defined by Section 34 of the Local Loans Act, 1875, other than the Local Board, the Local Board being at liberty from time to time to vary and transpose such investments.

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

Art. III. The said sum of one thousand two hundred and seventy-four pounds so standing to the credit of a sinking fund as herein-before recited, and any other sums which at the commencement of this Order shall be standing to the credit of any sinking fund set aside under the Act of 1856, the Act of 1861, the Act of 1867, the Act of 1871, or the Local Act, shall be applied by the Local Board in repayment of the moneys borrowed under those Acts respectively, and pending such application may be invested in any securities in which sinking funds may be invested under Article II. of this Order.

Art. IV. If the Local Board pay off any moneys borrowed by them under the Act of 1856, the Act of 1861, the Act of 1867, the Act of 1871, or the Local Act, otherwise than by instalments, or than by means of a sinking fund, or than out of the proceeds of the sale of land, they may from time to time reborrow the same; but all moneys so reborrowed shall be repaid within the period prescribed for the repayment of the moneys originally borrowed, and shall be deemed to form the same loan as the moneys originally borrowed, and the obligations of the Local Board with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such reborrowing.

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

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*Heckmondwike Order.*

as penalties recoverable under the Public Health Act, 1875, in a summary manner, may be recovered by parties aggrieved within the meaning of that Act.

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

Given under the Seal of Office of the Local Government Board, this Sixteenth day of May, in the year One thousand eight hundred and eighty-two.

J. G. DODSON, President.
(L.S.) JOHN LAMBERT, Secretary.

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*Lewes Order.*

## BOROUGH OF LEWES.

*Provisional Order under Section* 304 *of the Public Health Act,* 1875.

To the Mayor, Aldermen, and Burgesses of the Borough of Lewes, in the County of Sussex, being the Urban Sanitary Authority of that Borough;—

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

To the persons who next before the Ninth day of November, One thousand eight hundred and eighty-one, were the Commissioners appointed to execute a Local Act of Parliament passed in the forty-sixth year of the reign of His late Majesty King George the Third, intituled "An "Act for paving, lighting, cleansing, watching, repairing, and improving the roads, streets, lanes, and other public passages and places "within the Borough of Lewes, in the County of Sussex, and for "removing and preventing nuisances and encroachments therein";—

To the persons who next before the Ninth day of November, One thousand eight hundred and eighty-one, were the Commissioners appointed to execute a Local Act of Parliament passed in the twenty-fifth year of the reign of His late Majesty King George the Fourth, intituled "An Act for paving, lighting, watching, cleansing, regulating, and "improving the Vill and Parish of the Cliffe, near Lewes, in the "County of Sussex";—

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*Lewes Order.*

To the persons who next before the Ninth day of November, One thousand eight hundred and eighty-one, were the Inspectors appointed in the Parish of St. John the Baptist, Southover (Lewes), and part of the Parish of St. Anne or St. Peter and St. Mary Westout (Lewes), under the Act passed in the third and fourth years of the reign of His late Majesty King William the Fourth, intituled "An Act to repeal an "Act passed in the eleventh year of His late Majesty King George the "Fourth, for the lighting and watching of Parishes in England and "Wales, and to make other provisions in lieu thereof";—

To the Overseers of the Poor of the Parishes of St. John the Baptist, Southover (Lewes), St Anne or St. Peter and St. Mary Westout (Lewes), and St. John-under-the-Castle (Lewes);—

To the persons who next before the Ninth day of November, One thousand eight hundred and eighty-one, were the Surveyors of Highways in the Highway Parishes of St. Anne or St. Peter, and St. Mary Westout (Lewes), and St. John-under-the-Castle (Lewes);—

And to all others whom it may concern.

WHEREAS under the provisions of a Local Act of Parliament passed in the forty-sixth year of the reign of His late Majesty King George the Third, intituled "An Act for paving, lighting, cleansing, watching, repairing, and "improving the roads, streets, lanes, and other public passages and places within "the Borough of Lewes, in the County of Sussex, and for removing and pre-"venting nuisances and encroachments therein" (herein-after referred to as "the Act of 1806"), certain Commissioners (herein-after called "the Borough Commissioners") were appointed to execute the Act of 1806 within the then Borough of Lewes (herein-after referred to as "the ancient Borough");

And whereas the ancient Borough consisted of the Parishes of All Saints (Lewes), and St. Michael (Lewes), and parts of the Parishes of St. John-under-the-Castle (Lewes), and St. Anne or St. Peter and St. Mary Westout (Lewes);

And whereas under the provisions of a Local Act of Parliament passed in the twenty-fifth year of His late Majesty King George the Fourth, intituled "An Act for paving, lighting, watching, cleansing, regulating, and improving "the Vill and Parish of the Cliffe, near Lewes, in the County of Sussex" (herein-after referred to as "the Act of 1828"), certain Commissioners (herein-after referred to as "the Cliffe Commissioners") were appointed to execute the Act of 1828 within the Parish of Saint Thomas-in-the-Cliffe (Lewes);

And whereas by Royal Charter dated the Seventeenth day of June, One thousand eight hundred and eighty-one, the Parishes and parts of Parishes included in the ancient Borough, the Parishes of Castle Precincts and Saint Thomas-in-the-Cliffe (Lewes), parts of the said Parishes of Saint John-under-the-Castle (Lewes), and Saint Anne or Saint Peter, and Saint Mary Westout (Lewes), and parts of the Parishes of South Malling, Saint John the Baptist, Southover (Lewes), and Kingston-near-Lewes were constituted the Municipal Borough of Lewes (herein-after referred to as "the Borough");

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*Lewes Order.*

And whereas the first meeting of the Mayor, Aldermen, and Burgesses of the Borough (herein-after referred to as "the Corporation") was held on the Ninth day of November, One thousand eight hundred and eighty-one (herein-after referred to as "the vesting period");

And whereas immediately before the vesting period the parts of the said Parishes of Saint John-under-the-Castle (Lewes) and Saint Anne or Saint Peter and Saint Mary Westout (Lewes), which were not included in the ancient Borough, and the whole of the said Parishes of Castle Precincts, South Malling, and Saint John the Baptist, Southover (Lewes), constituted the Rural Sanitary District of the Lewes Union (herein-after referred to as "the Rural Sanitary District"), and were contributory places for the purposes of the Public Health Act, 1875, and the said Parish of Kingston-near-Lewes was included in the Rural Sanitary District of the Newhaven Union, and the said contributory places respectively constituted separate Highway Parishes and maintained their own highways, and were under the jurisdiction of surveyors of highways;

And whereas the Borough Commissioners and the Cliffe Commissioners have respectively paid to the Corporation the balances remaining in the hands of their officers and bankers at the vesting period, and have transferred all the property belonging to them to the Corporation, and so much of the arrears of rates leviable by, and of the debts due to, the said Commissioners respectively under the Act of 1806 and the Act of 1828 as have been recovered have been paid to the Corporation, and at the vesting period the principal moneys owing by the Borough Commissioners on mortgage under the Act of 1806 amounted to the sum of one thousand three hundred pounds, and the principal moneys owing by the Cliffe Commissioners on mortgage under the Act of 1828 amounted to one thousand five hundred pounds, and in addition to the moneys so owing on mortgage there were certain current debts due from the Borough Commissioners and Cliffe Commissioners respectively, which have since been paid and satisfied by the Corporation;

And whereas at the vesting period the Borough Commissioners were indebted to the Public Works Loan Commissioners in the principal sum of seven hundred and fifty-six pounds and sevenpence, and interest thereon, being the balance of a loan of eight hundred and forty-six pounds advanced by the Public Works Loan Commissioners to the Borough Commissioners for the purpose of providing, in combination with the Sanitary Authority of the said Rural Sanitary District (herein-after referred to as "the Rural Sanitary Authority") and the Cliffe Commissioners, a common hospital for the use of the inhabitants of their respective districts;

And whereas it is estimated that at the vesting period the value of the assets transferred to the Corporation by the Borough Commissioners as aforesaid, was equal to the amount of the liabilities of the Borough Commissioners, and that at the vesting period the liabilities of the Cliffe Commissioners were in excess of the assets transferred by them to the Corporation to the extent of one thousand pounds;

And whereas so much of the moneys which have been paid to the Corporation as aforesaid by the Borough Commissioners and the Cliffe Commissioners as has not been applied by the Corporation in liquidation of the said debts and

liabilities transferred as aforesaid has been applied for the benefit of the inhabitants of the Borough; A.D. 1882.

*Lewes Order.*

And whereas at the vesting period the Rural Sanitary Authority were indebted to the Public Works Loan Commissioners in the principal sum of seven hundred and seventy-six pounds eighteen shillings and threepence, and interest thereon, being the balance of a loan of eight hundred and seventy pounds advanced by the Public Works Loan Commissioners to the Rural Sanitary Authority, for the purpose of providing, in combination with the Borough Commissioners and the Cliffe Commissioners, a common hospital for the use of the inhabitants of their respective Districts;

And whereas the said last-mentioned loan was charged on the common fund to be raised out of the poor rates in the parishes and parts of parishes in the Rural Sanitary District according to the rateable value of the several contributory places in such District;

And whereas the rateable value of the parts of the Rural Sanitary District which are now included in the Borough is fifteen thousand five hundred and seventy-two pounds eleven shillings and sixpence, and the rateable value of the present Rural Sanitary District of the Lewes Union is eight thousand nine hundred and fourteen pounds fourteen shillings;

And whereas the Rural Sanitary Authority are indebted to the Public Works Loan Commissioners in the principal sum of eight hundred pounds, and interest thereon, being the balance of a loan of two thousand pounds advanced by the Public Works Loan Commissioners for the construction of certain works of sewerage in the said Parish of Saint John the Baptist, Southover (Lewes);

And whereas the said last-mentioned loan was charged on the rates leviable by the Rural Sanitary Authority in the said last-mentioned Parish;

And whereas the rateable value of the part of the said last-mentioned Parish which is included in the Borough is six thousand four hundred and eleven pounds sixteen shillings, and the rateable value of the part of such parish which still remains in the Rural Sanitary District of the Lewes Union is six hundred and sixty-one pounds;

And whereas at the vesting period the Act passed in the third and fourth years of His late Majesty King William the Fourth, intituled "An Act to "repeal an Act of the eleventh year of His late Majesty King George the "Fourth, for the lighting and watching of Parishes in England and Wales, "and to make other provisions in lieu thereof" (herein-after referred to as "the Lighting and Watching Act"), had been adopted in the said Parish of Saint John the Baptist, Southover (Lewes), and in the said part of the said Parish of Saint Anne or Saint Peter and Saint Mary Westout (Lewes), which was not included in the ancient Borough;

And whereas on the Twenty-ninth day of August, One thousand eight hundred and eighty-one, the ratepayers of the said Parish of Saint John the Baptist, Southover (Lewes), at a meeting held in the manner directed by the Lighting and Watching Act, fixed and determined that the total amount of the money which the inspectors appointed under that Act should have power to call for in the ensuing

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*Lewes Order.*

year for the purpose of carrying into effect the provisions of that Act should be fifty-eight pounds, but no part of that sum had been collected by such inspectors at the vesting period, and the Corporation have paid the outstanding debts and liabilities of such inspectors amounting in all to the sum of forty-one pounds thirteen shillings and tenpence;

And whereas at the vesting period the Inspectors appointed under the Lighting and Watching Act for that part of the Parish of Saint Anne or Saint Peter and Saint Mary Westout (Lewes) which was not included in the ancient Borough had in hand, after paying all their debts and liabilities, a balance amounting to the sum of thirty-nine pounds four shillings and sixpence, and the Surveyors of Highways for that part of the Parish of Saint John-under-the-Castle (Lewes) which was not included in the ancient Borough had in hand, after paying all their debts and liabilities, a balance amounting to the sum of seventy-three pounds fifteen shillings and sixpence;

And whereas by Section 304 of the Public Health Act, 1875, it is enacted that, on the application of any authority from whom or to whom any powers, rights, duties, capacities, liabilities, obligations, and property, or any of them, are at any time transferred, or alleged or claimed to be transferred, in pursuance of that Act, or any Provisional Order made thereunder, or on the application of any person affected by such transfer, the Local Government Board may, by order, settle any doubt or difference, and adjust any accounts arising out of or incidental to such powers, rights, duties, capacities, liabilities, obligations, or property, or to the transfer thereof, and direct the parties by whom and to whom any moneys found to be due are to be paid, and the mode of raising such moneys; and that any provisions contained in any order so made shall be deemed to have been made in pursuance of and to be within the powers conferred by that section, subject to this proviso, that where any such order directs any rate to be made, or other act or thing to be done, which the party required to make or do would not, apart from the provisions of that Act, have been enabled to make or do by law, such order shall be provisional only until it has been confirmed by Parliament;

And whereas application has been made to the Local Government Board by the Corporation under the above-recited section of the Public Health Act, 1875, to settle certain doubts and differences, and to adjust certain accounts arising out of and incidental to the powers, rights, duties, capacities, liabilities, obligations, and property transferred or alleged to be transferred to the Corporation from the Borough Commissioners, the Cliffe Commissioners, the Rural Sanitary Authority of the Lewes Union, the Inspectors appointed under the Lighting and Watching Act for the said Parish of Saint John the Baptist, Southover (Lewes), and the said part of the said Parish of Saint Anne or Saint Peter and Saint Mary Westout (Lewes) which was not included in the ancient Borough, and the Surveyors of Highways of that part of the said Parish of Saint John-under-the-Castle (Lewes) as was not included in the ancient Borough;

And whereas the Local Government Board, upon receipt of such application, directed an Inquiry to be held on the subject thereof, and the same was held after due notice, and report has been made to them thereon:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by the several Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order (hereinafter referred to as "the commencement of this Order"), the following provisions shall take effect; viz.:—

Art. I. All acts and things done by the Corporation, the Borough Commissioners, and the Cliffe Commissioners, as herein-before recited, are hereby confirmed.

Art. II. The said principal moneys amounting to one thousand three hundred pounds which at the vesting period were owing as herein-before recited by the Borough Commissioners under the Act of 1806; five hundred pounds of the principal moneys amounting to one thousand five hundred pounds which at the vesting period were owing by the Cliffe Commissioners as aforesaid under the Act of 1828; the said principal sum of seven hundred and fifty-six pounds and sevenpence in which the Borough Commissioners were at the vesting period indebted to the Public Works Loans Commissioners; and four hundred and ninety-four pounds one shilling and sixpence of the said principal sum of seven hundred and seventy-six pounds eighteen shillings and threepence in which the Rural Sanitary Authority were at the vesting period indebted to the Public Works Loan Commissioners in respect of the loan advanced to the Rural Sanitary Authority for such common hospital as aforesaid, together with the interest accrued and to accrue on the same respectively before and after the vesting period, shall be paid and satisfied by the Corporation out of the district fund and general district rate of the Borough.

Provided that nothing in this Article shall affect the right of any person who may, prior to the vesting period, have lent money to the Borough Commissioners or the Cliffe Commissioners under the Act of 1806 or the Act of 1828 on the security of any rate leviable under either of those Acts, to require such rate to be levied by the Corporation, or to obtain the appointment of a receiver to receive the whole or a competent part of such rate, in the event of any default at any time on the part of the Corporation to pay out of the district fund and general district rate as herein-before directed, any sums for the time being due to him in respect of interest or principal on account of the money so lent.

Art. III. The Corporation shall pay and satisfy the principal sum of one thousand pounds (being the residue of the said principal moneys amounting to one thousand five hundred pounds so owing by the Cliffe Commissioners as aforesaid, after deducting therefrom the said sum of five hundred pounds, to be so paid and satisfied as aforesaid), and all interest accrued or to accrue on the said sum, before and after the vesting period, out of rates to be levied by them in the said Parish of Saint Thomas-in-the-Cliffe (Lewes) under the Act of 1828, in the same manner as rates were leviable by the Commissioners under that Act before the vesting period.

Art. IV. The Corporation shall repay the said principal moneys, which before the vesting period were so owing as aforesaid by the Borough Commissioners and the Cliffe Commissioners under the Acts of 1806 and 1828 respectively, by equal annual instalments of principal, extending over a period of not more than twenty years from the commencement of this Order.

A.D. 1882.

*Lewes Order.*

Art. V. The principal sum of two hundred and eighty-two pounds sixteen shillings and ninepence (being the residue of the said principal sum of seven hundred and seventy-six pounds eighteen shillings and threepence, so owing to the Public Works Loan Commissioners as aforesaid, and advanced for the purposes of a common hospital, after deducting from the last-mentioned sum the said sum of four hundred and ninety-four pounds one shilling and sixpence, so payable by the Corporation as aforesaid), together with all interest accrued and to accrue before and after the vesting period on the said sum, shall be charged on the common fund to be raised out of the poor rate in the parishes and parts of parishes now remaining in the Rural Sanitary District of the Lewes Union, according to the rateable value of the several contributory places in such District.

Art. VI. The Corporation shall pay and satisfy out of a general district rate to be levied by them exclusively in that part of the Parish of Saint John the Baptist, Southover (Lewes), which is included in the Borough, seven hundred and twenty-five pounds four shillings and sixpence of the said principal sum of eight hundred pounds in which the Rural Sanitary Authority are indebted to the Public Works Loan Commissioners, in respect of the loan advanced by such Commissioners for the construction of works of sewerage in such parish, together with all interest accrued and accruing on the said principal sum of seven hundred and twenty-five pounds four shillings and sixpence, before and after the commencement of this Order.

Art. VII. The principal sum of seventy-four pounds fifteen shillings and sixpence (being the residue of the said principal sum of eight hundred pounds, so owing to the Public Works Loan Commissioners as aforesaid, after deducting from such last-mentioned sum the said sum of seven hundred and twenty-five pounds four shillings and sixpence, so payable by the Corporation as aforesaid), together with all interest accrued and accruing thereon before and after the commencement of this Order, shall be charged on the rates leviable by the Rural Sanitary Authority in so much of the said last-mentioned Parish as is still included in the Rural Sanitary District of the Lewes Union.

Art. VIII. All arrears of rates leviable by the Borough Commissioners and the Cliffe Commissioners existing at the vesting period, and all debts payable to such Commissioners respectively at such period, so far as they have not been recovered by the Corporation at the commencement of this Order, may be recovered by the Corporation in the same manner as they might have been recovered by the said Commissioners respectively, if the said Charter had not come into operation.

Art. IX. The Overseers of the Poor of the Parish of Saint John the Baptist, Southover (Lewes), shall raise the said sum of fifty-eight pounds, which the inspectors appointed under the Lighting and Watching Act were authorised to call for as aforesaid, by means of a rate to be collected, raised, and levied by the said Overseers in the said Parish, in the same manner in all respects as the said Overseers would have been required to collect, raise, and levy the same if the said Charter had not come into operation, and the said inspectors had issued an Order under the Lighting and Watching Act requiring the said Overseers to levy the said sum of fifty-eight pounds.

Art. X. Of the said sum of fifty-eight pounds to be raised under Art. IX. of this Order, the said Overseers shall pay to the Corporation the said sum of forty-one pounds thirteen shillings and tenpence, being the amount of the outstanding debts and liabilities of the said inspectors so paid by the Corporation as aforesaid, and the Corporation shall carry the said sum when received by them to the credit of the general district rate of the Borough.

Of the residue of the said sum of fifty-eight pounds, the said Overseers shall pay the sum of fourteen pounds fifteen shillings and eightpence to the Corporation to be applied by them in aid of the general district rate to be levied by the Corporation under Art. VI. of this Order exclusively in that part of the said last-mentioned Parish which is included in the Borough, and the sum of one pound ten shillings and sixpence to the Rural Sanitary Authority to be applied by them in aid of the rates to be levied by the Rural Sanitary Authority under Art. VII. of this Order exclusively in that part of the said last-mentioned Parish which is still included in the Rural Sanitary District of the Lewes Union.

Art. XI. The persons who next before the vesting period were the inspectors appointed under the Lighting and Watching Act for that part of the Parish of Saint Anne or Saint Peter and Saint Mary, Westout (Lewes), which was not included in the ancient Borough, shall pay the said balance of thirty-nine pounds four shillings and sixpence remaining in hand after payment of their debts and liabilities as aforesaid in manner following; that is to say,—

As to twenty-six pounds three shillings and fourpence to the Overseers of the Poor of the said last-mentioned Parish, to be applied by them in aid of the contributions of the ratepayers of that Parish to the borough rate; and

As to thirteen pounds one shilling and twopence to the Surveyors of Highways of that Parish, to be applied in the repair of the highways of so much of that Parish as is not included in the Borough.

Art. XII. The Surveyors of Highways of the Parish of Saint John-under-the-Castle (Lewes), shall pay and apply the said balance of seventy-three pounds fifteen shillings and sixpence remaining in hand after payment of their debts and liabilities as aforesaid, in manner following; that is to say, they shall pay thirty-three pounds nine shillings and threepence thereof to the Overseers of the Poor of the said last-mentioned Parish, to be applied by them in aid of the contributions to the borough rate of the ratepayers of the part of that Parish which is now included in the Borough and was not included in the ancient Borough; and they shall apply forty pounds six shillings and threepence, being the residue of the said sum of seventy-three pounds fifteen shillings and sixpence, in the repair of the highways of so much of the Parish as is not included in the Borough.

Given under the Seal of Office of the Local Government Board, this Fifteenth day of May, in the year One thousand eight hundred and eighty-two.

J. G. Dodson, President.

(L.S.) John Lambert, Secretary.

A.D. 1882.

*Lytham Order.*

## IMPROVEMENT ACT DISTRICT OF LYTHAM.

*Provisional Order amending a Local Act, and a Confirming Act.*

To the Commissioners for executing the powers and provisions of a Local Act of Parliament, intituled "The Lytham Improvement Act, 1847," being the Sanitary Authority for the Urban Sanitary District of Lytham, in the County of Lancaster;—

And to all others whom it may concern.

WHEREAS under the provisions of a Local Act of Parliament, intituled "The Lytham Improvement Act, 1847" (herein-after called "the Local Act"), certain Commissioners (who, and their successors are herein-after called "the Commissioners"), qualified as prescribed by Section 4 of the Local Act, were appointed to execute the Local Act in the part of the Parish of Lytham, in the County of Lancaster, therein described;

And whereas by Section 1 of the Local Act, the Commissioners Clauses Act 1847, and the Gasworks Clauses Act, 1847, were incorporated with the Local Act;

And whereas by Section 5 of the Local Act, the Commissioners were empowered to borrow on mortgage any sums not exceeding in the whole the sum of ten thousand pounds;

And whereas by Section 9 of the Local Act the Commissioners were empowered to construct and maintain certain gasworks, and to manufacture gas, and to sell and dispose of the coke and other residue arising from the materials used in the manufacture of gas, in such manner as they should think proper;

And whereas by Section 23 of the Local Act, the Commissioners were authorised to make the rates and assessments therein described;

And whereas by a Provisional Order of the Local Government Board, dated the Tenth day of June, One thousand eight hundred and seventy-four (herein-after called "the Order of 1874"), which Order was duly confirmed by the Local Government Board's Provisional Orders Confirmation Act, 1874 (No. 4.), the Commissioners were empowered to borrow under Section 5 of the Local Act, for the purposes of extending their gasworks and mains, a further sum of five thousand pounds, in addition to the said sum of ten thousand pounds;

And whereas by a Provisional Order of the Local Government Board dated the Fourth day of April, One thousand eight hundred and seventy-eight, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Belper Union, &c.) Act, 1878, (which Order and Act are herein-after respectively referred to as "the Order of 1878" and "the Confirming Act of 1878,") Section 4 of the Local Act was repealed, and twelve persons to be elected in manner provided by the Public Health Act, 1875, with respect to the election of members of a Local Board, were constituted Commissioners, and it was provided that all the provisions of the Public Health Act, 1875, relating to the qualification, nomination, election, continuance in office, and retirement of the members of Local Boards should apply to the qualification, nomination, election continuance in office, and retirement of the Commissioners;

And whereas by the Order of 1878 it was also provided that the provisions of the Local Act should be altered so as to extend beyond the district theretofore within the limits of the Local Act;

And whereas by the Order of 1878 it was further provided that in addition to the moneys to be raised by the Commissioners upon the whole of the extended District for the purpose of providing the sums required by the Commissioners Clauses Act, 1847, to be set apart annually for the payment of their debt and for discharging their expenses under the Local Act and the Public Health Act, 1875, the Commissioners should, in each of the five years next following the twenty-ninth day of September, one thousand eight hundred and seventy-eight, make and levy upon the area formerly comprised within the limits of the Local Act, and under the provisions of Section 23 of the Local Act, such a rate or rates as should be sufficient to raise a sum of three hundred pounds, and should in each of the said five years pay and carry such sum of three hundred pounds to the credit of a sinking fund, for the discharge of the sum of ten thousand pounds therein stated to have been borrowed under Section 5 of the Local Act, so as to enable the Commissioners to repay such sum within the period required by the Commissioners Clauses Act, 1847;

And whereas in addition to the said sum of ten thousand pounds borrowed as aforesaid under Section 5 of the Local Act, the Commissioners have borrowed the said sum of five thousand pounds, authorised to be borrowed by the Order of 1874, and of the fifteen thousand pounds so borrowed, the sum of nine thousand two hundred pounds has been expended for purposes in connexion with the gasworks which have been constructed by the Commissioners under the Local Act, and the sum of five thousand eight hundred pounds has been expended for other purposes of the Local Act;

And whereas out of the sinking fund set apart under the provisions of the Local Act and the Order of 1878, the Commissioners have repaid three hundred pounds of the said sum of nine thousand two hundred pounds, and one thousand pounds of the said sum of five thousand eight hundred pounds, so that of the moneys now owing on mortgage by the Commissioners under the Local Act and the Order of 1874, eight thousand nine hundred pounds have been expended for purposes in connexion with the gasworks of the Commissioners, and four thousand eight hundred pounds have been expended for other purposes of the Local Act;

And whereas by Article I. of a Provisional Order of the Local Government Board dated the Seventeenth day of February, One thousand eight hundred and eighty-one, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Godalming, &c.) Act, 1881, (which Order and Act are herein-after respectively referred to as "the Order of 1881," and "the Confirming Act of 1881") the Local Act was further altered and amended so as to provide that the Commissioners shall apply all money from time to time received by them in respect of their gasworks undertaking, except moneys applicable as capital, (inter alia) in providing a reserve fund, if they think fit, by setting aside such money as they from time to time think reasonable, and investing the same and the resulting income therefrom, in any securities in which trustees for the time being are authorised to invest, or in securities issued

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by any Local Authority, as defined by the Local Loans Act, 1875, other than the Commissioners, and accumulating the same at compound interest, but so that the reserve fund thus formed shall not at any time exceed two thousand pounds;

And whereas by Article V. of the Order of 1881 it was ordered that the Commissioners should set apart annually as a sinking fund for the repayment of the moneys which had been borrowed and expended for purposes in connection with their gasworks, or which should have been borrowed for the purpose of repaying such moneys one sixtieth part of the said sum of nine thousand two hundred pounds, and that such part should be deemed to be in lieu of the part which the Commissioners would otherwise be required to set apart for the repayment of such moneys in accordance with the provisions of the Commissioners Clauses Act, 1847;

And whereas by Article VI. of the Order of 1881 it was further ordered that the Commissioners should accumulate all sums so set apart in the way of compound interest by investing the same in any of the securities in which the reserve fund was therein-before authorised to be invested, and the Commissioners were further empowered at any time to apply the whole or any part of such sinking fund in or towards the discharge of the moneys for the repayment of which such sinking fund was set apart, provided that they pay into the fund in each year and accumulate, until the whole of such moneys are repaid, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied;

And whereas the district of the Commissioners as extended by the Order of 1878 (herein-after referred to as "the District"), is an Urban Sanitary District, of which the Commissioners are the Urban Sanitary Authority;

And whereas by Section 297 of the Public Health Act, 1875, it is enacted that any Act confirming any Provisional Order made in pursuance of any of the Sanitary Acts or of that Act, may be repealed, altered, or amended by any Provisional Order made by the Local Government Board and confirmed by Parliament;

And whereas the Order of 1881, is a Provisional Order made in pursuance of the Public Health Act, 1875;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875;

And whereas the Local Act is a Local Act within the meaning of Section 303 of the Public Health Act, 1875, and the Commissioners have applied to the Local Government Board to alter and amend the same as herein-after mentioned;

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And whereas the Local Government Board, upon receipt of such application, directed Local Inquiry to be held on the subject, which Inquiry was held, after due public notice, and report has been made to them thereon:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by the several Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, herein-after referred to as "the commencement of this Order," the following provisions shall take effect; viz.:

Art. I. Section 5 of the Local Act shall be altered and amended so as to enable the Commissioners to borrow, under the provisions thereof, for the purposes of the extension of their gasworks and mains, a sum not exceeding five thousand eight hundred pounds, in addition to the sum of fifteen thousand pounds, authorised to be borrowed under the provisions of that Section as altered by the Order of 1874.

Provided always, that, of the said sum of five thousand eight hundred pounds, no more than one thousand eight hundred pounds shall be borrowed without the sanction of the Local Government Board.

Art. II. Any moneys borrowed under Art. I. of this Order may be borrowed on the security of the revenue of the gasworks of the Commissioners, as well as on the security of the rates and assessments which the Commissioners are empowered to make under Section 23 of the Local Act.

Art. III. The Commissioners shall annually set apart as a sinking fund for the repayment of the sum or sums which may from time to time be borrowed under the powers of borrowing conferred by this Order, one sixtieth part of the sum or sums so borrowed, and such part shall be deemed to be in lieu of the part which the Commissioners would otherwise be required to set apart for the repayment of such sum or sums in accordance with the provisions of the Commissioners Clauses Act, 1847; and the provisions of Art. VI. of the Order of 1881 shall apply to all moneys set apart under the provisions of this Article.

Art. IV. The interest payable on moneys borrowed under this Order, and the sinking fund to be provided in respect of such moneys, shall be paid and provided out of the moneys received by the Commissioners in respect of their gasworks undertaking except moneys applicable as capital, as if the interest on, and sinking fund in respect of moneys borrowed under this Order had been mentioned in Art. I. of the Order of 1881, under the headings "secondly" and "thirdly"; and the Confirming Act of 1881 shall be amended accordingly.

Art. V. The Local Act shall be further altered and amended, and shall provide as follows:

(*a.*) The Clerk to the Commissioners shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund, in accordance with the provisions of this Order, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amounts which have been invested or applied for the purposes of such sinking fund during the year next preceding the making of such return, 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

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

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

Given under the Seal of Office of the Local Government Board, this Seventeenth day of May, in the year One thousand eight hundred and eighty-two.

J. G. Dodson, President.

(L.S.) John Lambert, Secretary.

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*Pemberton Order.*

## LOCAL GOVERNMENT DISTRICT OF PEMBERTON.

*Provisional Order for altering and amending certain Local Acts.*

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

And to all others whom it may concern.

WHEREAS the Local Government District of Pemberton, in the County of Lancaster, is an Urban Sanitary District of which the Pemberton Local Board (herein after referred to as "the Local Board") are the Urban Sanitary Authority, and the Pemberton Local Board Water Act, 1875 (herein-after referred to as "the Act of 1875"), and the Pemberton Local Board Water Act, 1879 (herein-after referred to as "the Act of 1879"), are in force in the said District;

And whereas by Section 7 of the Act of 1875 it is enacted that the Local Board may, subject to the provisions of that Act, make and maintain the reservoirs, drains, conduits, and other works shown on the deposited plans, together with all necessary works and conveniences connected therewith or incident thereto, in the lines and situation, upon the levels, and in, over, or upon the lands delineated on the deposited plans and sections, and described in the deposited books of reference, and for those purposes may enter upon, take, impound, divert, and use all or any of the lands, streams, springs, and waters

delineated on the deposited plans and described in the deposited books of reference, or which can or may be intercepted or taken by the said waterworks or works by that Act authorised in connection therewith;

And whereas by Section 8 of the Act of 1875 it is enacted that the works by that Act authorised and therein-before referred to are (inter alia):—

"2. A reservoir, No. 2, and other works connected therewith, necessary for
" the impounding of water, partly in the Township of Billinge-Higher-End,
" and partly in the Township of Winstanley, both in the Parish of Wigan,
" in the County of Lancaster, and which will occupy the site of the
" existing reservoir called Moor Mill Dam.

"3. A reservoir, No. 3, and other works connected therewith, necessary for
" the impounding of water, partly in the Township of Winstanley, and
" partly in the Township of Orrell, both in the Parish of Wigan
" aforesaid";

And whereas by Section 15 of the Act of 1875, it is enacted that the works thereby authorised shall be completed within five years from the passing of that Act, and that, on the expiration of such period, the powers by that Act granted to the Local Board for making the said works, or otherwise in relation thereto, shall cease, except as to so much thereof as shall then be completed;

And whereas by Section 5 of the Act of 1879, the period limited by the Act of 1875 for the completion of the reservoirs No. 2 and No. 3 was extended, as regards reservoir No. 2, to ten years, and as regards reservoir No. 3, to five years, from the passing of the Act of 1879; and it is provided that all enactments referring to that period shall be construed and have effect accordingly;

And whereas by Section 7 of the Act of 1879, it is enacted that the Local Board may, subject to the provisions of that Act, make and maintain the service tanks, and filter beds, conduits, and other works shown on the deposited plans, together with all necessary works and conveniences connected therewith, or incident thereto, in the lines and situation, on the levels, and in, over, or on the lands delineated on the deposited plans and sections, and described in the deposited book of reference, and for those purposes may enter upon, take, and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference, and may take, impound, and use the waters from the disused Bispham Quarry, and all waters on or under any lands for the time being belonging to the Local Board, or which can or may be intercepted or taken by the works by that Act authorised; subject to the proviso that nothing in that Act shall authorise the Local Board to take water from any river or brook or any other water running in a defined course;

And whereas by Section 8 of the Act of 1879, it is enacted that the works by that Act authorised and therein-before referred to, are (inter alia): —

"(6.) A conduit, watercourse, or line of pipes commencing by a junction
" with the present outlet pipe of the said authorised reservoir No. 3,
" and terminating at the service tank and filter-beds next herein-after
" described";

And whereas by Section 13 of the Act of 1879, it is enacted that the works by that Act authorised shall be completed within five years from the passing thereof, and that, on the expiration of such period, the powers by that Act

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granted to the Local Board for making the said works, or otherwise in relation thereto, shall cease, except as to so much thereof as shall then be completed;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875;

And whereas the Act of 1875 and the Act of 1879 are Local Acts within the meaning of the above-recited section of the Public Health Act, 1875, and the Local Board have applied to the Local Government Board to alter and amend the same as herein-after mentioned;

And whereas the Local Government Board, upon receipt of such application, directed Local Inquiry to be held on the subject, which Inquiry was held, after due public notice, and report has been made to them thereon:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by the Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order (herein-after referred to as "the commencement of this Order"), the following provisions shall take effect, that is to say:—

Art. I. The Act of 1875 and the Act of 1879 shall be altered and amended so as to provide that the period limited by Section 15 of the Act of 1875, and extended by Section 5 of the Act of 1879, for the completion of the reservoir No. 2, shall be further extended to fifteen years from the passing of the Act of 1879; and all enactments referring to the period for the completion of the reservoir No. 2 shall be construed and have effect accordingly.

Art. II. The Act of 1875 and the Act of 1879 shall be altered and amended so as to provide that the period limited by Section 15 of the Act of 1875, and extended by Section 5 of the Act of 1879, for the completion of the reservoir No. 3, shall be further extended to ten years from the passing of the Act of 1879; and all enactments referring to the period for completion of the reservoir No. 3 shall be construed and have effect accordingly.

Art. III. Section 13 of the Act of 1879 shall be altered and amended so as to provide that the period limited by that section for the completion of the said conduit, watercourse, or line of pipes, commencing by a junction with the present outlet pipe of the said reservoir No. 3, and terminating at the service tank and filter beds therein described, shall be extended to ten years from the passing of the Act of 1879; and all enactments referring to that period shall be construed and have effect accordingly.

Given under the Seal of Office of the Local Government Board, this Thirteenth day of May, in the year One thousand eight hundred and eighty-two.

J. G. Dodson, President.
John Lambert, Secretary.

(L.S.)

## BOROUGH OF ROCHDALE.

A.D. 1882.

*Rochdale Order.*

*Provisional Order for partially repealing, altering, and amending certain Local Acts and Confirming Acts.*

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

And to all others whom it may concern.

WHEREAS the Borough of Rochdale, in the County of Lancaster (herein-after referred to as "the Borough"), is an Urban Sanitary District, of which the Mayor, Aldermen, and Burgesses, acting by the Council (herein-after referred to as "the Corporation"), are the Urban Sanitary Authority;

And whereas the Rochdale Improvement Act, 1853 (herein-after referred to as "the Act of 1853"), the Rochdale Waterworks Act, 1866 (herein-after referred to as "the Act of 1866"), the Rochdale Improvement Act, 1872 (herein-after referred to as "the Act of 1872"), and the Rochdale Improvement Act, 1875 (herein-after referred to as "the Act of 1875"), as partially repealed and amended by the Provisional Orders herein-after referred to, are in force in the said Urban Sanitary District;

And whereas by Section 9 of the Act of 1853, the Commissioners Clauses Act, 1847, except Section 43 thereof, is incorporated with the Act of 1853;

And whereas by Section 63 of the Act of 1866, the Corporation, in estimating the amount which may from time to time be required to be raised by the borough rate, are directed from time to time to take into account and provide for any estimated or probable deficiency in the waterworks account, and to apply a sufficient part of the moneys raised by such rate in making good the deficiency;

And whereas by a Provisional Order dated the Ninth day of April, One thousand eight hundred and sixty-nine (herein-after referred to as "the Order of 1869"), and duly confirmed by the Local Government Supplemental Act, 1869 (herein-after referred as to "the Act of 1869"), the Corporation were empowered for the purposes of the Act of 1853 with the sanction of one of Her Majesty's Principal Secretaries of State to borrow or reborrow, on mortgage of the rates, rents, profits, and other moneys arising or accruing under or by virtue of the Act of 1853 such a sum or sums of money as, with the sums already borrowed under and for the purposes of the Act of 1853, and then due and owing by them, should not exceed in the whole two years' assessable value of the premises assessable under the Act of 1853;

And whereas by Section 131 of the Act of 1872 every new dwelling-house is required to have as its site a space of not less than sixty-four square yards, inclusive of the yard and appurtenances belonging thereto;

And whereas by Section 135 of the Act of 1872, the persons therein mentioned are required before beginning to dig the foundation of any new building to give to the Corporation such notice as is thereby provided;

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And whereas by Section 141 of the Act of 1872 every new dwelling-house is required to have directly attached thereto and at the back thereof, and for the sole and separate use thereof, an open yard containing a clear superficial area (exclusive of any building erected thereon) of at least one hundred and forty square feet;

And whereas by Section 142 of the Act of 1872 every new dwelling-house is required to have at least one watercloset or privy and ash-place, and every such privy and ash-place are required to be placed outside the dwelling-house, and the receptacle for the soil is required to be separated from the wall of the dwelling-house by a space of at least three feet;

And whereas by Section 150 of the Act of 1872 it is provided that every room in every new dwelling-house, used or intended to be used as a dwelling or sleeping room, shall have a superficial area of not less than one hundred and twenty square feet, but where a new dwelling-house has two dwelling and two sleeping rooms respectively of not less than that area, other rooms may be built having respectively a superficial area of not less than sixty square feet, and every such room (except rooms above the second storey and partly in the roof) shall be in every part nine feet in height at least from the floor to the ceiling, and every room used or intended to be used as aforesaid, and being above the second storey thereof and partly in the roof, shall average eight feet in height from the floor to the ceiling;

And whereas by Section 216 of the Act of 1872 the Corporation were empowered to borrow any sums which they might require, not exceeding three hundred thousand pounds, for the purposes of that Act, other than purposes of the waterworks undertaking therein referred to;

And whereas by Section 6 of the Act of 1875 the Corporation were empowered from time to time to borrow and reborrow for the purposes of their waterworks undertaking, under the powers of that Act, two hundred thousand pounds; and it was provided that all the provisions of the Act of 1872 with respect to the amount thereby authorised to be borrowed, and the interest thereon, and the modes of raising and charging the same, and all incidental matters should apply to the sums to be borrowed under the powers of the Act of 1875;

And whereas by Section 11 of the Act of 1875 it is provided that from and after the passing of that Act the rate at which the Corporation should supply water for domestic use to all premises, the annual rack rent or value of which should exceed six pounds shall be a rate per centum per annum not exceeding ten pounds on the annual rack rent or value of the premises so supplied with water;

And whereas by Section 40 of the Act of 1875 it is provided that the open yard required by Section 141 of the Act of 1872 to be attached to every new dwelling-house may with the consent of the Corporation be so attached at the back or side, or partly at the back and partly at the side of such dwelling-house;

And whereas by a Provisional Order of the Local Government Board dated the Twentieth day of May, One thousand eight hundred and eighty (herein-after

referred to as "the Order of 1880"), and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Bethesda &c.) Act, 1880 (hereinafter referred to as "the Act of 1880"), the Acts of 1853, 1866, 1872, and 1875 were partially repealed and amended;

And whereas by Article I. of the Order of 1880 the Act of 1853 is altered and amended in such a manner that the Corporation in the execution of the Act of 1853 may exercise all the powers conferred on Sanitary Authorities by Sections 15, 16, 27, and 131 of the Public Health Act, 1875, and so that the exercise of such powers by the Corporation is to be deemed to be one of the purposes for which the Corporation were empowered to borrow money under and subject to the provisions of the Order of 1869;

And whereas by Article III. of the Order of 1880 Section 216 of the Act of 1872, was partially repealed and amended and the Corporation were authorised to invest the sinking funds referred to in that Article in the purchase of Exchequer Bills or other Government securities, or any other securities in which trustees for the time being are authorised to invest;

And whereas by Article IV. of the Order of 1880 Section 6 of the Act of 1875 was altered and amended by the substitution of the words "two hundred and eighty thousand pounds" for the words "two hundred thousand pounds";

And whereas by Section 297 of the Public Health Act, 1875, it is enacted that any Act confirming any provisional Order made in pursuance of any of the Sanitary Acts or of that Act, may be repealed, altered, or amended by any Provisional Order made by the Local Government Board and confirmed by Parliament;

And whereas the Orders of 1869 and 1880 were made under the Sanitary Acts and the Public Health Act, 1875;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially, to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875;

And whereas the Act of 1853, the Act of 1866, the Act of 1872, and the Act of 1875, are Local Acts within the meaning of Section 303 of the Public Health Act, 1875, and the Corporation have applied to the Local Government Board to issue a Provisional Order to alter and amend the same, and the Acts of 1869 and 1880, so far as they relate to the Orders of 1869 and 1880;

And whereas the Local Government Board, upon receipt of the said application, directed Local Inquiry to be held on the subject thereof, which Inquiry was held, after due public notice, and report has been made to them thereon:

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Now therefore, We, the Local Government Board, in pursuance of the powers given to Us, by the Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order (herein-after referred to as "the commencement of this Order"), the following provisions shall take effect; viz.,—

Art. I. Section 9 of the Act of 1853 shall be altered and amended, so that the expression "the Clerk to the Commissioners" in Section 102 of the Commissioners Clauses Act, 1847, as incorporated with the Act of 1853, shall include not only the town clerk but any accountant or collector of rates appointed by the Corporation to act for the purposes of that Section.

Art. II. The Act of 1853 as altered and amended by Article I. of the Order of 1880 shall be further altered and amended so as to enable the Corporation, in the execution of the Act of 1853, to exercise the powers of Section 175 of the Public Health Act, 1875, for the purchase of lands for the purpose of providing a hospital under Section 131 of the Public Health Act, 1875, and the exercise of the powers of and in relation to the providing and maintaining of such hospital, shall be deemed to be a purpose of the Act of 1853 for which the Corporation may thereunder borrow money and levy rates.

Art. III. Section 63 of the Act of 1866 shall be altered and amended by the substitution of the word "ascertained" for the words "estimated or probable."

Art. IV. Section 131 of the Act of 1872 shall be altered and amended so that the superficial area thereby required for the site of a new dwelling-house shall be estimated exclusive of any garden, yard, or open space either at the front or side of such house; Provided that in any case where an old dwelling-house shall be pulled down and the site thereof shall not admit of a new dwelling being erected thereon in conformity with the provisions of that section as hereby amended, the Corporation may, by Order under the hand of the Town Clerk, authorise a reduction in the superficial area required by the said section as so amended.

Art. V. Section 135 of the Act of 1872 shall be altered and amended by the substitution of the words "to dig or build or lay" instead of the words "to dig."

Art. VI. Section 141 of the Act of 1872 as amended by Section 40 of the Act of 1875 shall be altered and amended by adding at the end of the section the words "and every such yard shall be separated from the yard or garden of every adjoining house by a wall of stone, flag, or brick not less than four feet high."

Art. VII. Section 142 of the Act of 1872 shall be altered and amended by the addition of the following words at the end thereof (that is to say), "and "the Corporation may from time to time, at the expense of the owner of such "dwelling-house, provide and maintain such receptacle for the soil and for the "ashes or for either, and such expense shall be deemed to be private improve-"ment expenses, and may be recovered by the Corporation as such."

Art. VIII. So much of Section 150 of the Act of 1872 as provides that every room in every new dwelling-house, used or intended to be used as a

dwelling or sleeping room, except rooms above the second storey and partly in the roof, shall be in every part nine feet in height at least from the floor to the ceiling, and that every room used or intended to be used as aforesaid, and being above the second storey thereof and partly in the roof, shall average eight feet in height from the floor to the ceiling, is hereby repealed; and in lieu thereof the said last-mentioned section shall provide that every room in every new dwelling-house used or intended to be used as a dwelling or sleeping room shall be in every part nine feet in height at least from the floor to the ceiling, unless such room shall be above the second storey and partly in the roof, and shall have an area of at least one hundred and forty-four square feet, and shall average at least eight feet in height for the whole area of the room.

For the purposes of the last mentioned section as hereby amended, every room having a fireplace or which is intended to be occupied for residence, shall be deemed a dwelling-room.

Art. IX. Section 216 of the Act of 1872 and the Act of 1869, so far as it relates to the Order of 1869, shall be altered and amended so as to authorise the Corporation to apply to any purposes of the Act of 1853, the Act of 1872, the Act of 1875, or this Order, and not being waterworks purposes, any moneys authorised to be raised by the Act of 1872 for other than waterworks purposes, or by the Order of 1869.

Provided that no moneys shall be applied under the powers conferred by this Article to any purposes other than those to which capital is properly applicable, and that no moneys shall be borrowed by the Corporation under the Order of 1869 without the sanction of the Local Government Board.

Art. X. Section 216 of the Act of 1872 as amended by Article III. of the Order of 1880 shall be altered and amended so as to authorise the investment by the Corporation of the sinking funds therein referred to, and any other sinking funds set aside by the Corporation under any Act of Parliament in securities in which trustees are by law for the time being authorised to invest, or in mortgages, debentures, debenture stock, or other securities issued by any Local Authority, as defined by Section 34 of the Local Loans Act, 1875, other than the Corporation.

Art. XI. Section 6 of the Act of 1875 as amended by Article IV. of the Order of 1880 shall be further altered and amended so as to enable the Corporation, in addition to the sum of two hundred and eighty thousand pounds which the Corporation are already authorised to borrow and reborrow thereunder, to borrow and reborrow from time to time for purposes of their waterworks undertaking to which capital is properly applicable any sum or sums not exceeding in the whole one hundred thousand pounds.

Provided that no part of the said sum of one hundred thousand pounds may be borrowed without the sanction of the Local Government Board.

Art. XII. Subject as is by this Order provided all the provisions of the Act of 1872 with respect to the amount thereby authorised to be borrowed, and the interest thereon, and the modes of raising and charging the same and all incidental matters, shall apply to all moneys borrowed under the powers of borrowing conferred by Article XI. of this Order.

A.D. 1882.

*Rochdale Order.*

Art. XIII. The Corporation shall, from and after the date prescribed by Section 10 of the Act of 1875 for the commencement of the sinking fund for the repayment of moneys borrowed under that Act, repay all moneys borrowed by them under the powers of borrowing conferred by Article XI. of this Order within sixty years from the date of borrowing the same respectively, either by equal annual instalments of principal, or of principal and interest, or by setting apart in every year as a sinking fund such a sum or sums as will, according to a reasonable calculation for the time being, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the money so borrowed within the said period, and shall invest the same in the purchase of exchequer bills or other government securities, or in securities in which trustees are by law for the time being authorised to invest, or in mortgages, debentures, debenture stock, or other securities, issued by any Local Authority, as defined by Section 34 of the Local Loans Act, 1875, other than the Corporation, the Corporation being at liberty from time to time to vary and transpose such investments.

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

Art. XIV. Section 11 of the Act of 1875 shall be altered and amended by the omission of the words "the annual rack-rent or value of which shall exceed six pounds."

Art. XV. The Act of 1853, the Act of 1866, the Act of 1872, and the Act of 1875, shall be further altered and amended so as to enable the Corporation by agreement with the persons entitled thereto, to acquire all the rights and interests of such persons in any springs, streams, or waters, whether such rights or interests arise under statute or otherwise, and the provisions of "the Lands Clauses Consolidation Acts, 1845, 1860, and 1869" (except the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the purchase of lands otherwise than by agreement), shall extend and apply to and for the purpose of this Article, and in construing the last mentioned Acts for the purposes of this Article the word "lands" shall be deemed to mean the said rights and interests.

Art. XVI. The Treasurer of the Borough shall, within twenty-one days after the Twenty-fifth day of March in every year during which any sum is required to be paid as an instalment, or to be set apart for a sinking fund, in respect of moneys borrowed under the powers conferred by this Order, or in respect of moneys reborrowed for the repayment of moneys so borrowed, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amounts which have been paid as instalments, and the amounts which have been invested or applied for the purposes of such sinking fund during the year next preceding the making of such return, and the description of the securities

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

A.D. 1882. *Rochdale Order.*

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

Given under the Seal of Office of the Local Government Board, this Seventeenth day of May, in the year One thousand eight hundred and eighty-two.

J. G. Dodson, President.
(L.S.) John Lambert, Secretary.

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## LOCAL GOVERNMENT DISTRICT OF SOWERBY BRIDGE.

*Sowerby Bridge Order.*

*Provisional Order for partially repealing, altering, and amending the Sowerby Bridge Local Board Act*, 1863.

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

And to all others whom it may concern.

WHEREAS the Local Government District of Sowerby Bridge, in the West Riding of the County of York (herein-after referred to as "the District"), is an Urban Sanitary District, of which the Sowerby Bridge Local Board (herein-after referred to as "the Local Board"), are the Urban Sanitary Authority, and the Sowerby Bridge Local Board Act, 1863 (herein-after referred to as "the Local Act"), is in force in the District;

And whereas by Section 34 of the Local Act it is enacted that the Local Board may, from time to time, under the authority of that Act, borrow at interest on mortgage of the water rents or rates and general district rates and