CHAPTER ccxii.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Improvement Act District of Bournemouth, the Special Drainage District of Clacton-on-Sea, the Local Government District of Farnham, the Boroughs of Hythe and Margate, the Improvement Act Districts of Milton-next-Sittingborne and West Worthing, and the City of Winchester. A.D. 1884.

[7th August 1884.]

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

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

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

Short title.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 6) Act, 1884.

A.D. 1884.

Bournemouth Order.

SCHEDULE.

IMPROVEMENT ACT DISTRICT OF BOURNEMOUTH.

Provisional Order for altering and extending the provisions of a Local Act and certain Confirming Acts.

To the Bournemouth Commissioners, being the Sanitary Authority for the Urban Sanitary District of Bournemouth, in the County of Southampton;—

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

And to all others whom it may concern.

WHEREAS under the provisions of a Local Act of Parliament, intituled "The Bournemouth Improvement Act, 1856," (herein-after referred to as "the Local Act"), certain Commissioners and their successors were incorporated by the name of the Bournemouth Commissioners (herein-after referred to as "the Commissioners"), for carrying the Local Act into execution;

And whereas by Section 2 of the Local Act it was enacted that the limits of the Local Act should be so much of the Ecclesiastical District of Saint Peter, Bournemouth, in the Parishes of Christchurch and Holdenhurst, in the County of Southampton, as was comprised within the metes and bounds therein mentioned;

And whereas by Section 13 of the Local Act the Commissioners were empowered to make and maintain a Pier and works connected therewith;

And whereas by Sections 22 and 29 of the Local Act, Section 135 of the Towns Improvement Clauses Act, 1847, with respect to provision of a pleasure ground or place of public resort or recreation, and the Sections of the Town Police Clauses Act, 1847, with respect (inter alia) to public bathing, were incorporated with the Local Act;

And whereas by a Provisional Order of one of Her Majesty's Principal Secretaries of State dated the Ninth day of April, One thousand eight hundred

and sixty-nine, and duly confirmed by the Local Government Supplemental Act, 1869 (which Order and Act are herein-after respectively referred to as "the Order of 1869" and "the Confirming Act of 1869"), the Local Act was partially repealed, altered, and amended;

And whereas by a Provisional Order of the Local Government Board dated the Twenty-second day of June, One thousand eight hundred and seventy-six, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Bilbrough, &c.) Act, 1876, (which Order and Act are herein-after respectively referred to as "the Order of 1876" and "the Confirming Act of 1876"), it was ordered that the provisions of the Local Act as altered by the Confirming Act of 1869 should extend beyond the District theretofore within the limits of the Local Act, and should apply to and be in force within that part of the Rural Sanitary District of the Christchurch Union which was described in the Schedule thereto, and that the Commissioners should have jurisdiction, for the purposes of the Public Health Act, 1875, in that part of the said Rural Sanitary District accordingly;

And whereas by another Provisional Order of the Local Government Board dated the Fourth day of May One thousand eight hundred and seventy-eight and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Bournemouth, &c.) Act, 1878 (which Order and Act are herein-after respectively referred to as "the Order of 1878," and "the Confirming Act "of 1878") it was ordered that Section 13 of the Local Act should be altered and should provide that the Commissioners might construct and maintain, on a site and according to plans and sections approved or to be approved by the Board of Trade, a pier and works connected therewith in lieu of the pier and works mentioned in the said section 13 of the Local Act;

And whereas the District within the limits of the Local Act as extended by the Order of 1876 (herein-after referred to as "the District") is an Urban Sanitary District of which the Commissioners are the Urban Sanitary Authority;

And whereas the Guardians of the Poor of the Christchurch Union, in the County of Southampton, as the Sanitary Authority for the Rural Sanitary District of that Union, have borrowed the sum of Four thousand two hundred and eighty pounds for the construction of certain permanent works in that part of the Parish of Holdenhurst, which is situate in the portion of their District, described in the Schedule hereto, of which the sum of Four thousand one hundred and thirty-seven pounds six shillings and eightpence now remains unpaid;

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Sections 297 and 303 of the Public Health Act, 1875, and by suy other Statutes in that behalf, do hereby Order that from and after the date of the Act of Parliament confirming this Order, the following provisions shall take effect, viz.:—

Art. I. Section 2 of the Local Act shall be altered and amended so as to include within the limits in which that Act as partially repealed, altered and amended by the Orders and Confirming Acts of 1869, 1876, and 1878 may

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Bournemouth Order.

and shall be put in force, the portion of the Rural Sanitary District of the Christchurch Union described in the Schedule hereto.

Art. II. The Commissioners shall, for the purposes of the Public Health Act, 1875, have jurisdiction to the exclusion of any other Sanitary Authority in the portion of the Rural Sanitary District of the Christchurch Union hereby added to the District.

Art. III. The liability for the repayment of the said sum of Four thousand one hundred and thirty-seven pounds six shillings and eightpence, and the interest thereon, or so much thereof as shall be owing at the date of the Act of Parliament confirming this Order, shall be transferred to and vested in the Commissioners, and the repayment thereof shall be charged upon the District Fund and General District Rate to be established and levied over the whole of the District as hereby extended.

Art. IV. Section 29 of the Local Act shall be altered and amended so as to enable the Commissioners in addition to the byelaws authorised to be made in pursuance of the powers conferred by the said section to make byelaws for all or any of the following purposes; viz.:—

(*a.*) For appointing and limiting the places on the sea-shore which persons of each sex may use for the purpose of bathing therefrom without a bathing machine, and for prohibiting the use therefor of any other places on the shore:

(*b.*) For fixing the hours during which the places so appointed may be used for the aforesaid purpose, and for prohibiting such use thereof except during the hours so fixed:

(*c.*) For otherwise regulating the use of such places for bathing, and the bathing therefrom:

(*d.*) For requiring the proprietors or persons in charge of bathing machines to provide boats and other apparatus for saving life or for the prevention of accidents to persons bathing from or using such machines, and for fixing the places at which such apparatus shall be deposited or kept in readiness for use, and the times when and the limits or places within or at which such boats shall be used or kept in readiness for use, and for enforcing such other precautions or requirements as may be necessary or expedient for securing the prompt and efficient use of such apparatus and boats.

Art. V. The Commissioners may from time to time repeal, alter, amend, or vary any byelaws made under this Order, or may make other byelaws in lieu thereof or in addition thereto.

Art. VI. The provisions contained in the Public Health Act, 1875, with respect to byelaws, and the penalties which may be imposed thereby, and the recovery and application of penalties, shall apply to all byelaws made, altered, amended, varied, or repealed by the Commissioners under the provisions of Articles IV. and V. of this Order, and to all penalties imposed thereby.

Art. VII. Section 13 of the Local Act, as altered by the Order of 1878, shall be further altered so as to enable the Commissioners to erect and maintain upon the pier constructed by them in pursuance of the powers conferred by the Order

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Bournemouth Order.

of 1878, shelters for the accommodation of visitors, with all proper and necessary appliances.

Art. VIII. Section 22 of the Local Act shall be altered and amended so as to provide as follows:

(1.) The Commissioners may erect and maintain in the Public Pleasure Grounds, band-stands, and such other erections as may be necessary for the more convenient use and enjoyment of the said grounds.

(2.) The Commissioners may, if they think fit, provide and maintain at a reasonable cost a band for the performance of music on the pier constructed in pursuance of the Order of 1878, and in the public pleasure grounds, or they may contribute a reasonable sum towards the expenses of providing and maintaining a band for such performance, subject to such terms and conditions as they may from time to time determine.

Art. IX. Nothing contained in this Order or in the Act to confirm the same shall authorise the Commissioners to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in this Order contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in, or enjoyed, or exercisable by the Queen's Majesty, her heirs, or successors.

Art. X. The Commissioners shall not construct on the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows and reflows, any work without the previous consent of the Board of Trade, to be signified in writing, under the hand of one of the Secretaries or Assistant Secretaries of the Board of Trade, and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of, such approval being signified as last aforesaid; and where any such work may have been constructed, the Commissioners shall not at any time alter or extend the same without obtaining, previously to making any such alteration or extension, the like consents or approvals. If any such work shall be commenced or completed contrary to the provisions of this Order, the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Commissioners and the amount of such costs and charges shall be a debt due from the said Commissioners to the Crown, and shall be recoverable accordingly with costs.

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The SCHEDULE above referred to.

All those portions of the Rural Sanitary District of the Christchurch Union, in the County of Southampton, comprising the parts of the Parishes of Holdenhurst and Christchurch, which are respectively coloured blue and pink on a Map marked A. sealed with the official seal of the Local Government Board, and deposited in their office, copies whereof, sealed in like manner, shall be deposited in the offices of the Commissioners and the Rural Sanitary Authority.

Given under the Seal of Office of the Local Government Board, this Fourth day of June, One thousand eight hundred and eighty-four.

(L.S.)

Charles W. Dilke, President.
Hugh Owen, Secretary.

Clacton-on-Sea Order.

SPECIAL DRAINAGE DISTRICT OF CLACTON-ON-SEA.

Provisional Order for dissolving the Special Drainage District of Clacton-on-Sea; and for other purposes.

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

To the Inhabitants of the Parish of Great Clacton, in the said Rural Sanitary District; —

To the Inhabitants of the Special Drainage District of Clacton-on-Sea, in the said Rural Sanitary District; —

And to all others whom it may concern.

WHEREAS the Special Drainage District of Clacton-on-Sea, in the County of Essex, is comprised within the Rural Sanitary District of the Tendring Union, in the same County, and loans amounting in the whole to the sum of seven thousand five hundred pounds have been sanctioned under the provisions of the Public Health Act, 1875, for the execution of works in the Special Drainage District; and some part of the said sum has already been borrowed from the Public Works Loan Commissioners; and a further amount may be borrowed before the commencement of this Order.

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 270 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order as follows:—

Art. I. The said Special Drainage District shall be dissolved, and shall be merged in the Parish of Great Clacton in which it is situated.

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Clacton-on-Sea Order.

Art. II. This Order shall come into operation on the Twenty-ninth day of September, One thousand eight hundred and eighty-four (herein referred to as "the commencement of this Order").

Art. III. The moneys required for the payment of so much of the said sum of seven thousand five hundred pounds, as shall have been borrowed and shall remain unpaid at the commencement of this Order, together with the interest from time to time to accrue due thereon, shall be raised by the levy of rates in that part of the Rural Sanitary District which prior to the commencement of this Order constituted the said Special Drainage District by the Overseers of the Poor of the Parish of Great Clacton in the same manner as if such rates were rates for special expenses in a contributory place within the meaning of the Public Health Act, 1875; but nothing in this Order shall affect the security on which the said money is charged or the remedies of the Public Works Loan Commissioners in case the said sum or the interest thereon is not duly paid.

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

(L.S.)

Charles W. Dilke, President.
Hugh Owen, Secretary.

Farnham Order.

LOCAL GOVERNMENT DISTRICT OF FARNHAM.

Provisional Order for extending the Local Government District of Farnham.

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

To the Guardians of the Poor of the Farnham Union, in the Counties of Surrey and Southampton, being the Sanitary Authority for the Rural Sanitary District of that Union;—

And to all others whom it may concern.

WHEREAS the Local Government District of Farnham, in the County of Surrey, is an Urban Sanitary District, of which the Farnham Local Board are the Urban Sanitary Authority;

And whereas the portion of the Rural Sanitary District of the Farnham Union, in the Counties of Surrey and Southampton, which is described in the Schedule hereto, immediately adjoins the Local Government District of Farnham

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 270 of the Public Health Act, 1875, and by any other

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Farnham Order.

Statutes in that behalf, do hereby Declare that from and after the date when this Order shall come into operation, all that portion of the Rural Sanitary District of the Farnham Union which comprises the part of the Parish of Farnham described in the Schedule hereto, shall be included in, and shall, for the purposes of the Public Health Act, 1875, be deemed to form part of, the Local Government District of Farnham.

And We do hereby Order as follows; viz.:—

Art. I. This Order shall come into operation on the date of the Act of Parliament confirming the same.

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

The SCHEDULE above referred to.

All that portion of the Rural Sanitary District of the Farnham Union, comprising the part of the Parish of Farnham, which is coloured pink on a map marked A, sealed with the official seal of the Local Government Board, and deposited in their office, copies whereof, sealed in like manner, shall be deposited in the offices of the Farnham Local Board and the Rural Sanitary Authority of the Farnham Union.

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

(L.S.)

Charles W. Dilke, President.
Hugh Owen, Secretary.

Hythe Ordee.

BOROUGH OF HYTHE.

Provisional Order for altering and amending the Hythe Improvement and Waterworks Act, 1874.

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

And to all others whom it may concern.

WHEREAS the Borough of Hythe, in the County of Kent (herein-after referred to as "the Borough"), is an Urban Sanitary District, of which the

Mayor, Aldermen, and Burgesses, acting by the Council (herein-after referred to as "the Corporation"), are the Urban Sanitary Authority, and the Hythe Improvement and Waterworks Act, 1874 (herein-after referred to as "the "Local Act"), is in force in the Borough;

And whereas by Section 80 of the Local Act it is enacted that the Corporation in addition to any sums they may from time to time borrow, under the powers of that Act upon the security of the borough fund exclusively, or under the powers of the Sanitary Acts, or any or either of them, may from time to time borrow at interest by virtue of the Local Act on the security of the general district fund and rates, and all property from time to time vested in them as a sanitary authority, any further sum or sums not exceeding in the whole the sum of thirty thousand pounds, and in calculating the amount which the Corporation may borrow under the Sanitary Acts or any or either of them, any sums which they may borrow under the Local Act shall not be reckoned;

And whereas by Section 82 of the Local Act, it is (inter alia) enacted that the sum to be expended by the Corporation on capital account in connection with waterworks shall not exceed the sum of eight thousand pounds;

And whereas by an Instrument dated the Sixth day of December, One thousand eight hundred and seventy-nine, and purporting to be made in pursuance of the Public Health Act, 1875, the Local Government Board sanctioned the borrowing by the Corporation of a sum of one thousand pounds for works of water supply; and the Corporation have, in pursuance of such sanction, borrowed the said sum of one thousand pounds, and have expended such sum on capital account in connection with the waterworks;

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

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order, that from and after the date of the Act of Parliament confirming this Order (herein-after referred to as "the commencement of this Order"), the following provisions shall take effect, viz.:—

Art. I. Section 80 of the Local Act shall be altered and amended in such a manner—

(1.) That the Corporation shall be deemed to have been and be authorised, with the sanction of the Local Government Board, to borrow thereunder before and after the commencement of this Order on mortgage of the district fund and general district rate of the Borough, and upon mortgage of the water rates and other revenue of the Corporation arising from their waterworks, or upon either of such securities, any sum or sums not exceeding in the whole the sum of six thousand pounds, in addition to the sum of thirty thousand pounds mentioned in that section.

(2.) That the sum of one thousand pounds borrowed by the Corporation in pursuance of the above-cited sanction of the Local Government Board dated

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the Sixth day of December, One thousand eight hundred and seventy-nine, shall be deemed to have been raised by the Corporation under the Local Act, as altered by Sub-division (1.) of this Article.

(3.) That such of the mortgages existing at the commencement of this Order for securing the said sum of one thousand pounds shall, to all intents and purposes, be as valid as if they had been authorised to be made by the Corporation under the Local Act.

Art. II. Section 82 of the Local Act shall be altered so as to provide that the sum of one thousand pounds expended as aforesaid on capital account in connection with waterworks, shall be deemed to have been authorised to be so expended, and that any sum or sums which may be borrowed by the Corporation after the commencement of this Order under the powers of borrowing conferred by this Order shall be expended on capital account in connection with waterworks, in addition to the sum of eight thousand pounds mentioned in that Section.

Art. III. The said sum of one thousand pounds shall be repaid within a period of twenty years from the date of borrowing thereof, and any sum or sums borrowed after the commencement of this Order under the powers of borrowing conferred by Art. I. of this Order shall be repaid within such period as the Local Government Board, by their sanction, may in each case determine.

Art. IV. All the provisions of the Public Health Act, 1875, with respect to borrowing powers (except Sub-sections (2.) and (3.) of Section 234) shall apply to the moneys already borrowed, or from time to time to be borrowed under the powers conferred by Art. I. of this Order as if they were loans contracted under the said Public Health Act, 1875.

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

(1.) The Treasurer to the Corporation 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 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 recoverabe under the Public Health Act, 1875, in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

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(2.) 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 Twenty-seventh day of May, One thousand eight hundred and eighty-four.

Charles W. Dilke, President.

(L.S.) Hugh Owen, Secretary.

BOROUGH OF MARGATE.

Margate Order.

Provisional Order for altering and amending a Local Act.

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

And to all others whom it may concern.

WHEREAS the Borough of Margate, in the County of Kent (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 a Local Act of Parliament (herein-after referred to as "the Local Act"), passed in the sixth year of the reign of His late Majesty King George the Fourth (chapter twenty), and intituled "An Act to amend and render more effectual several Acts relative "to the paving, lighting, watching, and improving the Town of Margate, in "the Parish of Saint John the Baptist, in the County of Kent; for erecting "certain defences against the sea for the protection of the said Town; and "for making further improvements in and about the said Town and Parish" is in force in the Borough;

And whereas the Local Act is a Local Act within the meaning of Section 303 of the Public Health Act, 1875, and the Corporation have applied to the Local Government Board for a Provisional Order to alter and amend the same:

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Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 303 of the Public Health Act, 1875, and by any other Statutes in that behalf do hereby Order that from and after the date of the Act of Parliament confirming this Order, the following provisions shall take effect; (viz.),—

Art. I. Sections 22, 23, and 24 of the Local Act shall be wholly repealed, except so far as the same may have been acted upon.

Art. II. The Local Act shall be altered and amended so as to provide as follows:

"It shall be lawful for the Corporation, upon application made to them " in writing and signed by a majority of the freehold proprietors of the " several houses and buildings situate in Marine Terrace and Albert " Terrace, and specified in the Schedule hereto (such proprietors, if more " than one, in respect of any house or building, to be considered as one " only) assembled at a general meeting of such proprietors in the Borough, " by printed notices with the names affixed thereto of the proprietors of at " least five of the said houses or buildings, specifying the time, place, and " object of the said meeting, and to be left or affixed at or upon the " respective houses and buildings of all the said proprietors at least seven " days before such meeting, at any time or times to lay out, plant, " ornament, and improve the space of ground belonging to and in front " of part of the said houses and buildings, and commonly known as " Marine Terrace Green (hereinafter referred to as "the Green") in such " manner as may be specified in the said application; and to paint and " repair or replace and renew the railing or fence enclosing the Green in " such manner as may also be specified in such application; and to do such " other acts and things and execute such other works for improving and " maintaining the Green as the said majority of the said proprietors may " from time to time, as specified in any such application as aforesaid, " desire. Provided always, that upon receipt of such application, so signed " as aforesaid, it shall be lawful for the said council, by writing under the " Common Seal of the Corporation, to authorise the said proprietors to " carry out, under their own management and control, all such improve- " ments and repairs and other works as may be specified or referred to in " the said application."

Art. III. The Local Act shall be further altered and amended so as to provide as follows:

"(1.) For defraying the reasonable costs of the Corporation in respect of this " Order and of the enquiry preliminary thereto, as sanctioned by the " Local Government Board, and for purposes to which capital is properly " applicable in connection with such works for the improvement and main- " tenance of the Green as may be specified in any application so to be made " as aforesaid, the Corporation may from time to time borrow on the security " of the rate herein-after specified, such sum or sums as may from time " to time be required, not exceeding in the aggregate the sum of One " thousand pounds.

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" (2.) The Corporation shall pay off all moneys from time to time to be " borrowed as aforesaid within twenty years from the date or respective " dates of borrowing, in accordance with the provisions of Sub-sections (4) " and (5) of Section 234 of the Public Health Act, 1875, and Sections " 236 to 238, both inclusive, of the Public Health Act, 1875, shall apply " to all moneys raised and borrowed as aforesaid.

" (3.) The Corporation shall repay the balance of debt now owing under " Section 23 of the Local Act within one year from the date of the Act " confirming this Order out of the moneys to be raised by them by means " of the rate or rates herein-after mentioned.

" (4.) In order to provide for the repayment of the moneys to be " borrowed as aforesaid, and the interest thereon, and for the repayment " of the balance of the debt now owing under Section 23 of the Local Act, " and the interest thereon, and for the purpose of providing the necessary " revenue for maintaining the Green and the fences thereof in good " order and condition, the Corporation shall levy and assess on the occupiers " of the several houses and buildings specified in the Schedule to this " Order such rate or rates as may from time to time be necessary for " the above-named purposes. Every such rate shall be levied, assessed, " and recovered (subject as herein-after provided) in the same manner " as a private improvement rate made under the authority of the Public " Health Act, 1875, and the provisions of Sections 214 and 256 of that Act " shall accordingly apply to all rates levied and assessed in pursuance of " this sub-division."

Art. IV. The Local Act shall be further amended so as to provide that every rate to be levied in pursuance of sub-division 4 of Art. III. shall be assessed on the occupiers of the several houses and buildings specified in the Schedule hereto, if such houses and buildings are occupied, and if unoccupied, then on the owner or owners of such houses and buildings, in accordance with the net annual value of such houses and buildings appearing in the last district rate of the Borough made prior to such first mentioned rate.

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

(*a.*) The Town Clerk 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, or 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 in the event of any wilful default in making such return, the Town Clerk shall be liable to a penalty not exceeding twenty pounds, which shall be

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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 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 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.

The SCHEDULE above referred to.

Situation.		Present Owner.	Present Occupier.
Marine Terrace, No.	1	W. D. Pickering, trustee	John Fagg.
,,	2	Mrs. Williams - -	D. J. Stein.
,,	3	Mrs. Beckley - -	W. Santer.
,,	4	Mrs. Yeatman - -	Mrs. Yeatman.
,,	5	W. D. Pickering, trustee	R. Kerr.
,,	6	Young Men's Christian Association, trustees of.	G. Armatage, Manager.
,,	7	Robert Clark - -	Mrs. Gate.
,,	8	Smith's Estate, trustee of	Mrs. Gate.
,,	9	John Jenkins - -	Mrs. Winchester.
,,	10	W. G. Bower -	W. G. Bower.
,,	11	F. J. Mercer - -	Misses Cobb.
,,	12	W. J. Mercer - -	Mrs. Mercer.
,,	13	W. J. Mercer - -	Miss Lovelock.
,,	14	Witherden's Heirs -	T. Dunn, jun.
Albert Terrace, No.	14	W. Crump - -	W. Crump.
,,	15	T. R. Frinnaby - -	Thomas Hoare.
,,	16	T. R. Frinnaby - -	Richard Paramor.
,,	17	Frederick Chambers, jun.	Charles Ive.
,,	18	Mrs. Caroline Oliver -	Miss Pitts.
,,	19	Mrs. Caroline Oliver -	Mrs. Beerling.
,,	20	Mrs. Caroline Oliver -	Miss Pitts.
,,	21	Frederick Chambers, jun.	David Morton.

Given under the Seal of Office of the Local Government Board, this Fourth day of June, One thousand eight hundred and eighty-four.

Charles W. Dilke, President.

(L.S.) Hugh Owen, Secretary.

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IMPROVEMENT ACT DISTRICT OF MILTON-NEXT-SITTINGBORNE.

Provisional Order for partially repealing, altering, and amending a Local Act, and a Confirming Act.

To the Commissioners for executing the powers and provisions of a Local Act of Parliament passed in the first year of the reign of Her present Majesty Queen Victoria, intituled "An Act for better paving, "cleansing, lighting, watching, and otherwise improving the Town "of Milton-next-Sittingborne, in the County of Kent," being the Sanitary Authority for the Urban Sanitary District of Milton-next-Sittingborne, in the same County;—

And to all others whom it may concern.

WHEREAS under the provisions of a Local Act of Parliament passed in the first year of the reign of Her present Majesty Queen Victoria, intituled "An Act for better paving, cleansing, lighting, watching, and otherwise "improving the Town of Milton-next-Sittingborne, in the County of Kent," (herein-after referred to as "the Local Act"), certain Commissioners (who, and their successors are herein-after called "the Commissioners") were appointed to execute the Local Act in the Town of Milton-next-Sittingborne;

And whereas by virtue of Section 3 of the Local Act a debt amounting to the sum of one thousand pounds, incurred by the Commissioners acting by or under a previous Local Act of Parliament passed in the 44th year of the reign of His late Majesty King George the 3rd (c. 19), intituled "An Act for paving, "cleansing, lighting, and watching the streets, lanes, and other public passages "and places within the town of Milton-next-Sittingborne, in the county of "Kent, and for removing and preventing encroachments, obstructions, "nuisances, and annoyances therein" (which last-mentioned Act was repealed by the Local Act), was transferred to the Commissioners;

And whereas by virtue of Section 4 of the Local Act the said sum of one thousand pounds became charged upon and payable out of the rates and assessments by the Local Act authorised to be raised and collected;

And whereas by Section 36 of the Local Act the Commissioners are empowered, for the purpose of lighting the several streets, lanes, and other passages and places within the said town, to manufacture gas or inflammable air, and for that purpose to establish gasometers and all apparatus and machinery necessary or convenient thereto, and to purchase, and hold, or rent, or lease for a term of years any land or ground not exceeding three statute acres, for such purposes;

And whereas the Commissioners in pursuance of the powers conferred by Section 36 of the Local Act have erected gasworks, and are now supplying gas within certain parts of the District;

And whereas by Section 97 of the Local Act the Commissioners were empowered from time to time and so often as they should think it expedient, to borrow and take up at interest any sum of money they should judge necessary

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upon the credit of the rates or assessments to be made or collected by virtue of the Local Act, and in the event of the same sum of money or any part thereof being repaid by the Commissioners, to borrow and take up at interest, in like manner, any other sum of money, and so, toties quoties, but so nevertheless that there should not be owing upon the security aforesaid at any one time more than the sum of three thousand five hundred pounds;

And whereas prior to the commencement of the Provisional Order herein-after mentioned, the Commissioners had borrowed, under the provisions of Section 97 of the Local Act, certain sums of money to such an amount that the same, together with the sum previously owing on the security aforesaid, exceeded the sum fixed in that section;

And whereas by a Provisional Order of the Local Government Board, dated the twenty-ninth day of February, one thousand eight hundred and seventy-six, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Arundel, &c.) Act, 1876 (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act") certain sections of the Local Act (including Section 97 above-recited) were wholly repealed, and it was ordered that the provisions of the Local Act should be extended beyond the District comprised in the Local Act, and should apply to and be in force within the whole of the Parish of Milton-next-Sittingborne, and that the Commissioners, as the Urban Sanitary Authority for the Urban Sanitary District of Milton-next-Sittingborne should have jurisdiction for the purposes of the Public Health Act, 1875, in the whole of the said Parish (herein-after referred to as "the District");

And whereas by Article VII. of the Order it was further ordered that the Commissioners should, in lieu of the rates theretofore authorised to be made and levied under the Local Act, make and levy a General District Rate within the District, in accordance with the provisions 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 should apply such rate to all the purposes of the Local Act and Public Health Act, 1875, respectively, and to such other purposes as should from time to time be chargeable upon a General District Rate in an Urban Sanitary District;

And whereas by virtue of Article VIII. of the Order all the outstanding debts and liabilities of the Commissioners became charged upon and payable out of the General District Rate so to be made and levied as aforesaid;

Now, therefore, We, the Local Government Board, in pursuance of the powers given to Us by Sections 297 and 303 of the Public Health Act, 1875, and by any other Statutes in that behalf do hereby order that from and after the twenty-ninth day of September, one thousand eight hundred and eighty-four (herein-after referred to as "the commencement of this Order"), the following provisions shall take effect, viz.:—

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

(1.) That the outstanding debts and liabilities thereby charged upon and made payable out of the General District Rate of the District, shall be

deemed to have included such of the moneys which had been borrowed or were owing on the security mentioned in Section 97 of the Local Act as were unpaid on the twenty-ninth day of September, one thousand eight hundred and seventy-six, notwithstanding that part thereof may have been borrowed without any statutory authority.

(2.) That the mortgages or other securities made or given by the Commissioners or by any person on their behalf, for securing such of the said moneys as may be owing at the commencement of this Order, shall, to all intents and purposes, be as valid as if they had been authorised to be so made or given under the Local Act or the Order.

Art. II. The Local Act shall be altered and amended so as to provide that the Commissioners may, subject to the provisions of this Order, borrow money upon security of the District Fund and General District Rates of the District, and of the moneys received by way of revenue from or on account of their gas undertaking (which moneys are herein-after referred to as "Gas Revenue"), or upon either of such securities, for the purpose of discharging such of the moneys referred to in Article I. as may be owing at the commencement of this Order.

Art. III. The Local Act shall be further altered so as to provide as follows,—

(1.) The Commissioners may, with the sanction of the Local Government Board, and for the purposes of their gas undertaking, and in addition to any moneys borrowed or remaining unpaid as aforesaid, borrow upon the security of the district fund and general district rate of the district, and their gas revenue, or upon either of such securities, any sum or sums not exceeding in the whole the sum of three thousand pounds.

(2.) For the purpose of raising moneys under the powers of borrowing conferred by Article II. of this Order, and Sub-division (1) of this Article, the provisions of the Local Loans Act, 1875, (including the power of creating debenture stock) shall be available to the Commissioners, and Sections 236 to 239, both inclusive, of the Public Health Act, 1875, shall apply to all money raised and borrowed under this Order, other than money borrowed under the provisions of the Local Loans Act, 1875.

(3.) The moneys raised under the powers of borrowing conferred by the Local Act or this Order shall be repaid within the following periods, viz.,—

(*a.*) All moneys raised under the powers conferred by the Local Act or Article II. of this Order within a period not exceeding thirty years from the commencement of this Order;

(*b.*) All moneys raised under the powers conferred by Sub-division (1) of this Article within such period (not exceeding 50 years) as the Commissioners, with the sanction of the Local Government Board shall determine;

and the period within which any moneys are required to be paid under this Article shall, as regards such moneys, be deemed to be "the prescribed

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period" within the meaning of the Local Loans Act, 1875, and is hereinafter referred to as "the prescribed period."

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

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

(6.) The Commissioners may, with the sanction of the Local Government Board, reborrow money upon one or more of the securities mentioned in Article II. of this Order, for the purpose of discharging any loans contracted under that Article, or under Sub-division (1) of this Article, other than loans contracted under the Local Loans Act, 1875: Provided, that the money borrowed for such purpose shall be repaid in the manner provided by Sub-divisions (3) and (4) of this Article, and the time for repayment of the money so borrowed shall not, except with the sanction of the Local Government Board, extend beyond the unexpired portion of the prescribed period, and shall in no case be extended beyond the respective periods mentioned in Sub-division (3) of this Article.

(7.) All money borrowed or reborrowed under this Order shall be appropriated to the purposes for which it is authorised to be so borrowed or reborrowed, and all money received by the Commissioners, either as purchase money of lands sold, or for equality of exchange, or as consideration for a lease, shall be applied to works or objects on which capital may properly be expended, when the Local Government Board have sanctioned the application of the same to those purposes, or shall be applied, according as the Commissioners may determine, towards the reduction of the debt owing by the Commissioners, or towards the increase of the sinking fund set apart under this Order: Provided, that it shall not be in any way incumbent on

any mortgagee to see to the application of any money so borrowed or reborrowed, nor shall the mortgagee be responsible for any misapplication thereof.

(8.) The powers of borrowing and reborrowing conferred by Article II., of this Order and Sub-divisions (1) and (6) of this Article shall be deemed to be distinct from, and in addition to, the powers of borrowing conferred on the Commissioners by the Public Health Act, 1875.

(9.) The Clerk to the Commissioners shall within twenty-one days after the expiration of each year, ending on the twenty-fifth day of March, in which any sum is required to be paid as an instalment or to be set apart for a sinking fund, in respect of moneys borrowed under the provisions of this Order, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amounts which have been paid as instalments and the amounts which have been invested or applied for the purpose 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 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.

(10.) If it appear to the Local Government Board by that return, or otherwise, that the Commissioners have failed to pay any instalment required to be paid, or to set apart any sum required for any sinking fund, or have applied any portion of the moneys set apart for any sinking fund, or of the sums accumulated by way of interest to any purpose other than those authorised, the Local Government Board may by order direct that 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.

Art. IV. Sections 37 to 47 (both inclusive) 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 any moneys due or payable thereunder on or before the commencement of this Order to be recovered.

Art. V. The Local Act shall be further altered, and amended, so as to provide that the provisions of the Lands Clauses Consolidation Acts (except with respect to the purchase and taking of lands otherwise than by agreement,

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and with respect to the entry upon lands by the promoters of the undertaking and except Section 127 of the Lands Clauses Consolidation Act, 1845,) and the provisions of the Gasworks Clauses Act, 1847, (except Sections 30 to 38 both inclusive, and Sections 41, 43, 45, 46, and 47 thereof), and of the Gasworks Clauses Act, 1871, (except Sections 24 to 27 both inclusive, Sections 29 and 35 and Schedule B. thereof) shall be incorporated with the Local Act, but subject to such alterations as this Order may make therein, and the said provisions of the said Gas Works Clauses Acts shall apply as well to any mains, pipes, or works which may now belong to the Commissioners, as to any mains, pipes, or works which may be laid down or constructed under the authority of the Local Act as hereby altered.

Art. VI. The Local Act shall be further altered and amended so as to provide as follows:—

(1.) The Commissioners may, on the land acquired, or to be acquired, by them, in pursuance of Section 36 of the Local Act, repair, renew, maintain, continue, and from time to time construct, erect, alter, enlarge, or when necessary, remove offices or residences for their officers and servants, and buildings, apparatus and works for the manufacture and storage of gas, and of coke, asphaltum, pitch, coal-tar, ammoniacal liquor, and other refuse or residual products arising from the manufacture of gas, and any matters producible therefrom; and they may, subject to the provisions of this Order, make gas and supply and sell the same within the district, and may convert or manufacture coke, asphaltum, pitch, coal-tar, ammoniacal liquor, and all refuse or residual products arising from the manufacture of gas by them, and any matter producible therefrom, and may sell and dispose of the same at the gasworks and elsewhere.

(2.) The Commissioners shall not manufacture any residual products arising in the manufacture of gas on any land other than that already acquired by them in pursuance of Section 36 of the Local Act, neither shall they commence the storage of gas on any land, other than that acquired, or to be acquired, as aforesaid, which shall be situated within three hundred yards of any dwelling-house, without the previous consent in writing of the owner, lessee, and occupier of such dwelling-house.

(3.) The quality of the gas supplied by the Commissioners shall, with respect to its illuminating power, be such as to produce at the testing-place hereinafter mentioned, a light equal in intensity to the light produced by fifteen sperm candles, of six to the pound, and shall, in all respects, be in accordance with the provisions of the Gasworks Clauses Act, 1871.

(4.) The Commissioners shall within one month from the commencement of this Order provide and maintain a suitable photometer and other necessary appliances for the purposes of testing the quality of the gas, and shall at all times keep the same in proper order and repair.

(5.) All gas supplied by the Commissioners to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight-tenths of an

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inch in height at the main, or as near as may be to the junction therewith of the service-pipe supplying such consumer.

(6.) For the purposes of the Gasworks Clauses Act, 1871, the prescribed testing-place shall be a testing-place to be provided by the Commissioners at the gasworks situated on the land acquired by them as aforesaid within one month after the commencement of this Order, and the burner to be used for testing the gas shall be a Sugg's "London" Argand, No. 1, with a six-inch by one and three-quarter inch glass chimney, and if at any time the gas-flame tails over the top of the glass, a six-inch by two-inch chimney shall be used. Any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing-place, or elsewhere, not being the immediate approach to any railway bridge or railway station, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority.

(7.) No penalty shall be incurred by the Commissioners for insufficiency of pressure, defect of illuminating power, or for excess of impurity, in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was produced by an unavoidable cause or accident.

(8.) The price to be charged by the Commissioners for gas supplied by them to consumers shall not exceed five shillings and sixpence per one thousand cubic feet, and so on in proportion for any less quantity supplied: Provided nevertheless, that every odd fraction or portion of one hundred cubic feet may be charged for as one hundred cubic feet.

(9.) When the Commissioners require money to be deposited by any person with them by way of security for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas, or of the purchase or hire of any meter, the Commissioners shall pay interest at the rate of three pounds per centum per annum on every sum of ten shillings so deposited, for every six months during which the same remains in their hands: Provided that the Commissioners may, if they think fit, invest any money so deposited with them in the manner provided by sub-division (4) of Article III. of this Order as to the sinking fund, and in that case the Commissioners shall pay no higher rate of interest than they themselves receive thereon.

(10.) The Commissioners shall keep separate capital and revenue accounts of all receipts, credits, payments, liabilities and transactions from or on account of their gas undertaking, which accounts shall be distinct from the other accounts of the Commissioners, and shall be called respectively "the Gas Capital Account" and "the Gas Revenue Account."

(11.) All moneys from time to time received by the Commissioners by way of gas revenue shall be applied for the following purposes:—

In payment of the gas establishment charges, that is to say, of the expenses properly chargeable to revenue of establishing, conducting,

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managing, and maintaining the gasworks, and works connected therewith;

In payment of the interest on the moneys borrowed or reborrowed for the purposes of the gas undertaking;

In providing for the discharge of any moneys so borrowed or reborrowed;

In setting apart, if the Commissioners think fit, a yearly sum not exceeding ten pounds per centum of such revenue, for the purpose of forming a reserve fund to provide for the expenses attendant upon or occasioned by any sudden accident to the said gasworks and works connected therewith, or any other extraordinary expenditure authorised by this Order: Provided that such reserve fund shall be accumulated by way of compound interest by investment in the manner specified in Sub-division (4) of Article III. of this Order as to the sinking fund, and shall not at any time exceed the sum of two thousand pounds, and that whenever the reserve fund amounts to two thousand pounds the income therefrom shall be applied in the same manner as money received by the Commissioners by way of revenue from or on account of their gas undertaking;

In payment, if the Commissioners think fit, of the expenses of executing any permanent works authorised by the Local Act as hereby altered;

The residue, if any, of such revenue, shall be carried to the credit of the District Fund or General District Rate (at the option of the Commissioners) but no part of such revenue shall be carried to the credit of the District Fund or General District Rate when the price of gas to private consumers exceeds four shillings per one thousand cubic feet.

(12.) The Commissioners shall keep separate records of the quantities of gas supplied to private consumers, and for public lighting, respectively, and for the purpose of ascertaining the quantity of gas supplied for public lighting, shall provide and maintain meters for the public street lamps in the proportion of not less than one meter for every twelve lamps. Separate accounts of the cost of the public and private lighting shall be kept by the Commissioners, and the price charged for gas for public lighting shall not be more than ten pounds per centum less than that charged to private consumers.

(13.) The Commissioners shall not defray any of the charges and expenses in respect of their gas works undertaking, other than payments required to be made in respect of money borrowed on mortgage of the District Fund and General District Rate, out of the District Fund or General District Rate, when the price of gas is less than five shillings and sixpence per one thousand cubic feet.

(14.) If any difference arise between the Commissioners and any Railway, Canal, or other Company whose lands or works the Commissioners have power to cross under the authority of the Local Act as hereby altered for the purposes of meeting the demands for gas within the district, as to the

mode of laying down, repairing, altering, or enlarging their pipes or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Local Government Board at the request of either party.

Art. VII. The Local Act shall be further altered so as to provide that the several words and expressions to which by the Acts in whole or in part hereby incorporated with the Local Act, and by the Gas and Waterworks Facilities Act, 1870, meanings are assigned, have in this Order the same respective meanings.

Art. VIII. The Local Act shall be further altered so as to provide as follows:—

(1.) The Commissioners shall, in relation to the purposes of the Local Act as hereby altered, exercise and be subject to all the powers and provisions of the Public Health Act, 1875, so far as the same are applicable to such purposes.

(2.) The provisions of Sections 245, 247 (excepting sub-section (2)), 249, and 250 of the Public Health Act, 1875, relating to accounts and their audit, and the provisions of the District Auditors Act, 1879, so far as the same are applicable, shall apply to the accounts of the Commissioners under the Local Act as hereby altered and to the audit of such accounts.

Given under the Seal of Office of the Local Government Board, this Fourth day of June, One thousand eight hundred and eighty-four.

(L.S.)

Charles W. Dilke, President.
Hugh Owen, Secretary.

IMPROVEMENT ACT DISTRICT OF WEST WORTHING.

Provisional Order for partially repealing, altering, and amending the West Worthing Improvement Act, 1865.

To the West Worthing Improvement Commissioners, being the Sanitary Authority for the Urban Sanitary District of West Worthing, in the County of Sussex;—

And to all others whom it may concern.

WHEREAS the Improvement Act District of West Worthing, in the County of Sussex (herein-after referred to as "the District"), is an Urban Sanitary District, of which the West Worthing Improvement Commissioners (herein-after referred to as "the Commissioners") are the Urban Sanitary Authority, and the West Worthing Improvement Act, 1865 (herein-after referred to as "the Local Act"), is in force in the District;

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And whereas by Section 25 of the Local Act it was provided that on and after the expiration of seven years from the passing of that Act it should be lawful for the Commissioners to borrow on the security of the rates for general purposes any sum not exceeding in the whole the sum of Ten thousand pounds, and on the security of the sewers rates any sum not exceeding in the whole Five thousand pounds ;

And whereas the Commissioners have under the powers conferred by the said recited Section, borrowed from the Mutual Life Assurance Society the sums of Twelve hundred pounds and Three thousand pounds, under mortgages dated respectively the Eighth day of July, One thousand eight hundred and seventy-six, and the Eleventh day of June, One thousand eight hundred and eighty-one, but by such mortgages the repayment of the sums borrowed was covenanted to be made by instalments, whereas the only mode of repayment authorised by the Local Act was by a sinking fund.

And whereas by Section 26 of the Local Act it was provided that in certain events the Commissioners might borrow further sums amounting to Fifteen thousand pounds ;

And whereas by Section 28 of the Local Act the sum to be set apart out of the rates for general purposes and sewers rates as a sinking fund, to be applied in paying off moneys borrowed on mortgage of those rates respectively, should be in each year one-thirtieth part of the moneys from time to time so borrowed and secured ;

And whereas by Section 40 of the Local Act certain general powers for the improvement of the District were conferred upon the Commissioners ;

And whereas by Section 44 of the Local Act the Commissioners were empowered to make byelaws for certain purposes ;

And whereas by Section 47 of the Local Act power was given to the Commissioners to acquire for the purposes of that Act any lands not exceeding in the whole five acres ;

And whereas by Section 49 of the Local Act it was provided that it should be lawful or fthe Commissioners from time to time to make, assess, and levy such equal rates to be called "the rate for general purposes," as might be necessary, such rates not exceeding in the whole in any one year, Two shillings and sixpence in the pound of the annual value of the property included in such rates ;

And whereas by Section 56 of the Local Act provision is made with respect to the highway rate to be levied by the Commissioners ;

And whereas by Section 59 of the Local Act the Commissioners were empowered to make special sewers rates and general sewers rates in manner provided by the Towns Improvement Clauses Act, 1847 ;

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that from and after the date of the Act of Parliament confirming this Order (herein-after referred to as "the commencement of this Order"), the following provisions shall take effect ; (viz.) :

Art. I. So much of Section 2 of the Local Act as incorporates the provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be

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executed by the Commissioners, and Section 25 of the Local Act shall be repealed, and in lieu thereof the following provisions shall take effect:

(1.) It shall be lawful for the Commissioners for the purpose of defraying any costs, charges, and expenses incurred or to be incurred by them in the execution of the Local Act, to borrow and take up at interest upon the security of the district fund and general district rate of the district to be levied under the Public Health Act, 1875, any sum or sums of money not exceeding, inclusive of the sums already borrowed by the said Commissioners, the sum of Fifteen thousand pounds.

(2.) The provisions of Sections 236 to 239, both inclusive, of the Public Health Act, 1875, shall apply to all money to be raised and borrowed under this Article.

(3.) Money borrowed under the powers of this Order shall be applied only to the purpose for which it is authorised to be borrowed, and for purposes to which capital is properly applicable.

Art. II. Section 26 of the Local Act shall be repealed.

Art. III. Section 28 of the Local Act shall be repealed, and in lieu thereof the following provisions shall take effect:

(1.) The Commissioners shall repay the money borrowed under the Local Act or under Art. I. of this Order within thirty years from the date of borrowing the same, either by equal annual instalments of principal, or of principal and interest combined, or by setting apart in every year as a sinking fund such a sum or sums as will with accumulations in the way of compound interest at the rate of Three pounds per centum per annum be sufficient after payment of all expenses to pay off the money so borrowed within the said period of thirty years, and shall invest such sinking fund and the income thereof in the purchase of exchequer bills or other government securities, or in securities in which trustees are by law for the time being authorised to invest, or in mortgages, debentures, debenture stock, or other securities issued by any Local Authority, as defined by Section 34 of the Local Loans Act, 1875, other than the Commissioners, the Commissioners being at liberty from time to time to vary and transpose such investments.

(2.) The Commissioners may at any time apply the whole or any part of such sinking fund in or towards the discharge of the money for the repayment of which the fund is established. Provided that the Commissioners pay into the fund each year, and accumulate until the whole of the money borrowed is discharged, a sum equivalent to the interest at the rate of Three pounds per centum per annum, which would have been produced by the sinking fund or the part of the sinking fund so applied.

(3.) The Commissioners may from time to time reborrow any money borrowed by them under the Local Act or this Order, and paid off otherwise than by instalments or appropriations, or by means of a sinking fund, or out of moneys received on capital account. Provided always, that all moneys so reborrowed shall be repaid within the period prescribed by this Order for the repayment of the moneys in lieu of which such reborrowing is made, and any amounts from time to time reborrowed shall be deemed to form the same loan as the

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moneys in lieu of which such reborrowing has been made, and the obligations of the Local Board with respect to the repayment of such moneys shall not be in any way affected by such reborrowing.

(4.) The Clerk to the Commissioners 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, and any other amounts which may have been applied in repayment of loans, 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 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.

(5.) If it appears to the Local Government Board by that return or otherwise that the Commissioners have failed to pay any instalment or sum 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.

Art. IV. The herein-before recited mortgages shall be hereby rendered as valid and of as full effect as if they had been executed by the Commissioners after the commencement of this Order, and the moneys borrowed on such mortgages shall be deemed to have been borrowed on the security of the district fund and general district rate leviable by the Commissioners under the Public Health Act, 1875.

Art. V. Section 40 of the Local Act shall be amended so as to provide that in addition to the powers therein given the Commissioners may exercise within the limits of the Local Act the following powers:—

They may make, erect, and maintain along the sea front, benches, seats, and shelters.

Art. VI. So much of section 40 of the Local Act as relates to byelaws for the prevention of nuisances and obstructions on the sea beach, sands, or sea shore,

shall be altered and amended so as to enable the Commissioners after obtaining and during the currency of any leave or license from or on behalf of Her Majesty, or other the owner or owners of the sea beach, sands, and foreshore, to make and enforce byelaws for the proper use, control, management, and regulation of the sea beach, sands, and foreshore, and so much of sections 2, 3, 40, 41, 42, and 44 of the Local Act as relates to byelaws shall be amended so as to provide that the provisions contained in the Public Health Act, 1875, with respect to byelaws, and the penalties which may be imposed thereby, and the recovery and application of penalties, shall apply to all byelaws made, altered, or repealed under the Local Act or this Order, and to all penalties imposed by such byelaws.

Art. VII. Section 45 and so much of Sections 60 and 61 of the Local Act as refer to the recovery and application of penalties for breaches of byelaws are hereby repealed.

Art. VIII. Section 47 of the Local Act shall be amended so as to provide that it shall be lawful for the Commissioners from time to time to purchase by agreement and hold any lease or leases of the foreshore of the District, in addition to any other lands which by that section they are authorised to hold.

Art. IX. Sections 49 to 59, both inclusive, of the Local Act are hereby repealed.

Art. X. The Local Act shall be further altered and amended so as to provide that all moneys received by the Commissioners thereunder (other than moneys, the application of which is otherwise expressly provided for), shall be carried to the district fund of the district; and all expenses incurred or payable by the said Commissioners in the execution of the said Act, other than expenses incurred for which borrowed money is applicable, shall be charged on and defrayed out of the district fund or general district rate leviable by the Commissioners within the said District under the Public Health Act, 1875.

Art. XI. All rates, rents, and moneys which immediately before the commencement of this Order are due and payable, or accruing due and payable to the Commissioners under the Local Act, shall be collected and recovered by the Commissioners in like manner as the same might have been collected and recovered under the Local Act if this Order had not been made.

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

(L.S.)

Charles W Dilke, President.
Hugh Owen, Secretary.

A.D. 1884.

Winchester Order.

CITY OF WINCHESTER.

Provisional Order for altering and amending a Confirming Act.

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

And to all others whom it may concern.

WHEREAS the City of Winchester, in the County of Southampton (herein-after referred to as "the City"), is an Urban Sanitary District, of which the Mayor, Aldermen, and Citizens, acting by the Council (herein-after referred to as "the Corporation"), are the Urban Sanitary Authority;

And whereas by a Local Act of Parliament passed in the forty-eighth year of the reign of His late Majesty King George the Third, intituled "An Act for "amending and enlarging the Powers of an Act of His present Majesty, for "paving, cleansing, lighting, and watching the streets and public passages "in the City of Winchester, and several Parishes in the suburbs thereof; and "for removing and preventing nuisances therein," (herein-after referred to as "the Local Act"), certain Commissioners and their successors (herein-after referred to as "the Commissioners") were appointed for carrying into execution the Local Act and another Act therein recited and herein-after referred to as "the Act of 1771";

And whereas by Section 15 of the Local Act the Commissioners were empowered to borrow and take up at interest such sum or sums of money as they should judge necessary, not exceeding in the whole the sum of Five thousand pounds, for the purpose of defraying the expenses of obtaining and passing the Local Act, and of discharging the debts then due and owing by the Commissioners, and of repairing and re-laying the pavements of the several streets, lanes, and other public passages and places within the limits of the Act of 1771 and the Local Act, upon the credit of the rates or assessments to be laid and collected by virtue of the Local Act, and the tolls granted by the Act of 1771.

And whereas by Section 20 of the Local Act the Commissioners were empowered to borrow and raise by both or either of the modes therein-before mentioned, any sum or sums of money not exceeding Four thousand pounds in the whole, over and above the said sum of Five thousand pounds, upon the credit of the said rates or assessments and tolls, which sum or sums should be applied in widening the streets and other public passages within the limits of the Act of 1771 and the Local Act, and in making such permanent improvements as the Commissioners should think proper;

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Winchester Order.

And whereas the Commissioners in pursuance of the powers of borrowing conferred upon them by Sections 15 and 20 of the Local Act, borrowed certain sums amounting in the whole to the sum of Nine thousand pounds upon mortgage of the rates and tolls mentioned in the Local Act;

And whereas by a Provisional Order under the hand of one of Her Majesty's Principal Secretaries of State dated the Twenty-seventh day of November, One thousand eight hundred and sixty-five, and duly confirmed by the Local Government Supplemental Act, 1866, (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act"), the whole of the Act of 1771, and the whole of the Local Act, except Sections 24, 25, and 26, were repealed, and it was directed that all debts, moneys, and securities for money contracted or payable by the Commissioners should be satisfied by the Corporation as the Local Board out of such parts of the property and estate transferred to the Corporation as the Local Board by the Order, as would have been chargeable therewith if the Order had not been made; and should be paid and satisfied by the Corporation as such Local Board;

And whereas the said debt of Nine thousand pounds was, by virtue of the Order, transferred to the Corporation, and no part of it has been paid off;

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 297 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that from and after the date of the Act of Parliament confirming this Order, the following provisions shall take effect, viz.:—

Art. I. The Confirming Act, so far as it relates to the Order, shall be altered and amended so as to provide as follows, viz.,

(1.) The Corporation may, subject to the provisions of this Order, borrow money, upon mortgage of the district fund and general district rate of the City, for the purpose of discharging the whole or any part of the said sum of Nine thousand pounds so owing as aforesaid.

(2.) All money borrowed by the Corporation under this Order shall be repaid by equal yearly or half-yearly instalments of principal, or of principal and interest combined, within a period not exceeding forty years, from the date of the Act of Parliament confirming this Order.

(3.) The provisions of Sections 236 to 239, both inclusive, of the Public Health Act, 1875, shall, mutatis mutandis, apply to all money borrowed under this Order.

(4.) The Corporation may from time to time reborrow money upon the security mentioned in sub-division (1) of this Article for the purpose of discharging any loan contracted under that sub-division: Provided that the time for repayment of the money so reborrowed shall not extend beyond the unexpired portion of the period mentioned in sub-division (2) of this Article.

Art. II. The Confirming Act, so far as it relates to the Order, shall be further altered and amended so as to provide as follows; viz.:

The Treasurer of the Corporation shall within twenty-one days after the expiration of each year in which any sum is required to be paid as an

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instalment in respect of moneys borrowed under the provisions of this Order, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amounts which have been paid as instalments during the year next preceding the making of such return; 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.

If it appear to the Local Government Board by that return, or otherwise, that the Corporation have failed to pay any instalment required to be paid, the Local Government Board 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, and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

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

(L.S.)

Charles W. Dilke, President.
Hugh Owen, Secretary.

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