CHAPTER lxix.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Chorley, Daventry, Newcastle-under-Lyme, Rochester, and Saint Helens. [3rd July 1891.]

A.D. 1891.

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:

Orders in schedule confirmed.

1. The Orders as altered and set out in the schedule hereto shall be and the same are hereby confirmed, and all the provisions thereof shall have full validity and force.

Short title.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 6) Act, 1891.

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SCHEDULE.

Chorley Order.

BOROUGH OF CHORLEY.

Provisional Order for altering the Chorley Improvement Act, 1871.

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

And to all others whom it may concern.

16 & 17 Vict. c. clxxxi.

WHEREAS under the provisions of the Chorley Improvement Act, 1853 (herein-after referred to as "the Act of 1853"), certain Commissioners and their successors were incorporated, under the name of the Chorley Commissioners (herein-after referred to as "the Commissioners"), to carry the Act into execution within the limits of the Act, such limits being, with a certain exception, the Parish of Chorley, in the County of Lancaster;

34 & 35 Vict. c. lxvi.

And whereas by the Chorley Improvement Act, 1871 (herein-after referred to as "the Act of 1871"), the Act of 1853 was amended, and the Act of 1871, except as therein expressly provided, was made to apply to and within the Parish of Chorley exclusively;

And whereas by virtue of Sections 66, 67, and 78 of the Act of 1871 the undertaking of the Chorley Gaslight Company became vested in the Commissioners, and the Commissioners became liable to pay to the shareholders in the Company, their successors, executors, administrators, and assigns, perpetual annuities (herein-after referred to as "gas annuities") to the aggregate amount of two thousand one hundred and seventy-eight pounds sixteen shillings;

And whereas by Section 102 of the Act of 1871 it was enacted that the Commissioners might from time to time, by agreement with any annuitant, redeem the gas annuities, and when any annuity was so redeemed an entry of the redemption thereof should be made in the register of gas annuitants, and thereupon the redeemed annuity should be wholly extinguished; but it was provided that the Commissioners should not redeem any annuity at a higher rate than that of twenty-two pounds for every one pound annuity;

And whereas by Sections 147 and 148 of the Act of 1871 the Commissioners were empowered to borrow money for (inter alia) the purchase of the gas annuities;

And whereas by Section 151 of the Act of 1871 provision was made with respect to the repayment of the money then owing under the Act of 1853, or otherwise, and of all money to be borrowed under the Act of 1871;

And whereas by Royal Charter dated the Seventeenth day of June, One thousand eight hundred and eighty-one, the Parish of Chorley was created a

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municipal borough by the name of "the Borough of Chorley" (herein-after referred to as "the Borough"); and by virtue of Section 310 of the Public Health Act, 1875, all the powers, rights, duties, capacities, liabilities, obligations, and property exerciseable by, attaching to, or vested in the Commissioners under the Public Health Act, 1875, or under the Act of 1853 and the Act of 1871 (herein-after referred to as "the Local Acts"), for purposes the same as or similar to those of the Public Health Act, 1875, passed to, and became exerciseable by, and vested in the Mayor, Aldermen, and Burgesses of the Borough acting by the Council (herein-after referred to as "the Corporation");

38 & 39 Vict. c. 55.

And whereas by a Provisional Order of the Local Government Board dated the Fifth day of June, One thousand eight hundred and ninety (herein-after referred to as "the Order"), and duly confirmed by the Local Government Board's Provisional Orders Confirmation (No. 12) Act, 1890, additional borrowing powers for the purposes of the Local Acts were conferred upon the Corporation, the powers of re-borrowing given by the Local Acts were repealed, and, for the purpose of discharging any loans contracted under the Order or the Local Acts, or either of them, new powers of re-borrowing moneys paid off otherwise than by instalments or by means of a sinking fund were given;

53 & 54 Vict. c. clxxx.

And whereas the sum standing on the Twenty-fifth day of March, One thousand eight hundred and ninety-one, to the credit of the sinking fund established under Section 151 of the Act of 1871 was less by the sum of one thousand five hundred and eighty pounds than should have been standing to the credit of that fund if the provisions of that section had been complied with:

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. The proviso to Section 102 of the Act of 1871 shall be wholly repealed, and the Act of 1871 shall be altered so as to provide as follows; viz.,—

(1.) The Corporation may, in addition to the moneys which they are by the Local Acts or by the Order authorised to borrow, but subject to the provisions of this Order, borrow on the security of the revenue arising from their gas undertaking and of the general improvement rate, or upon either of such securities, such sums as may be necessary to enable the Corporation to purchase and redeem, by agreement with the annuitants, all or any of the gas annuities, and may re-borrow under Article VI. of the Order for the purpose of discharging any such loans.

(2.) The Corporation, in order to provide for the purchase of the gas annuities, and to repay any moneys to be borrowed for that purpose, shall, out of the gas account, or out of the general improvement fund, annually pay into a sinking fund, to be called the gas sinking fund, such a sum or sums as the Local Government Board may from time to time determine to be sufficient, with accumulations in the way of compound interest, after payment of all expenses, to purchase the said annuities, and to repay the

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moneys so borrowed within sixty years from the Twenty-fifth day of March, One thousand eight hundred and ninety-one.

(3.) The payments into the gas sinking fund shall be made on or before the Twenty-fifth day of March in each year, the first payment to be made on or before the Twenty-fifth day of March, One thousand eight hundred and ninety-two.

(4.) The Corporation may at any time apply the whole or any part of the gas sinking fund in the purchase and redemption of any of the gas annuities, or in or towards the discharge of money borrowed for such purchase and redemption: Provided that the Corporation pay into such fund each year, and accumulate until provision has been made for the purchase and redemption of the whole of the gas annuities and for the discharge of the whole of the money so borrowed, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied at the rate per cent. at which the annual payments to the sinking fund are based.

Art. II. Section 151 of the Act of 1871 shall be wholly repealed, except so far as the same may have been acted upon, and in lieu thereof the following provisions shall have effect; viz.,—

(1.) The moneys owing by the Commissioners at the passing of the Act of 1871, and all moneys borrowed or to be borrowed under the Local Acts (including moneys re-borrowed under the Order for the purpose of paying off money so borrowed, but not including any other moneys borrowed under the Order or this Order), shall be repaid within the period of fifty years from the Twenty-ninth day of June, One thousand eight hundred and ninety-one, which period is herein-after referred to as "the prescribed period."

(2.) The Corporation shall repay the moneys owing by the Commissioners at the passing of the Act of 1871, and any moneys borrowed or to be borrowed under the Local Acts, other than moneys borrowed under the Order or this Order, either by equal annual instalments of principal, or of principal and interest, or by setting apart in every year as a sinking fund, to be called the general sinking fund, such sum or sums as will (together with the sum or sums referred to in subdivision (4) of this Article), 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 said moneys within the prescribed period.

(3.) The payments into the general sinking fund (other than those referred to in subdivision (4) of this Article) shall be made on or before the Twenty-ninth day of June in each year, the first payment to be made on or before the Twenty-ninth day of June, One thousand eight hundred and ninety-two.

(4.) The Corporation shall forthwith transfer to the general sinking fund the sum or sums standing at the commencement of this Order to the credit of the sinking fund established under Section 151 of the Act of 1871, and in order to make good the deficiency in such last-mentioned sinking fund, the Corporation shall, within three years, commencing from the Twenty-ninth day of June, One thousand eight hundred and ninety-one, pay out of the

general improvement fund into the general sinking fund the sum of one thousand five hundred and eighty pounds.

(5.) The Corporation may at any time apply the whole or any part of the general sinking fund in or towards the discharge of the money for the repayment of which the fund is established: Provided that the Corporation pay into the fund each year, and accumulate until the whole of the money for the repayment of which the fund is established 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 at the rate per cent. on which the annual payments to the sinking fund are based.

Art. III. The Act of 1871 shall be further altered so as to provide as follows:—

(1.) The Corporation shall invest the gas sinking fund and the general sinking fund, and the interest on and the sums paid into such funds, 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, 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.

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

(3.) 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, 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 the sum in such Order mentioned, not exceeding double the amount in respect of which default has been made, shall be paid by way of instalment or be set apart

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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 the High Court.

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

(L.S.) CHAS. T. RITCHIE, President.
HUGH OWEN, Secretary.

Daventry Order.

BOROUGH OF DAVENTRY.

Provisional Order for altering a Confirming Act.

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

And to all others whom it may concern.

WHEREAS the Borough of Daventry (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;

37 & 38 Vict. c. 89. 38 & 39 Vict. c. ccxi. And whereas by a Provisional Order of the Local Government Board made under the provisions of Section 9 of the Sanitary Law Amendment Act, 1874, and dated the Fourteenth day of June, One thousand eight hundred and seventy-five, and which was duly confirmed by the Local Government Board's Provisional Orders Confirmation (Abingdon, Barnsley, &c.) Act, 1875 (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act"), it was ordered that, from and after the Twenty-ninth day of September, One thousand eight hundred and seventy-five, all the expenses incurred or payable under the Sanitary Acts by the Corporation as the Urban Sanitary Authority as aforesaid should be defrayed by such rate or rates, and in such manner as if the provisions of the Local Government Acts, as defined by Section 60 of the Public Health Act, 1872, with respect to rating, except such as preserve any previous exemptions from rating under any Local Act, had been at or immediately before the passing of the last-mentioned Act in force throughout the Borough;

35 & 36 Vict. c. 79. 38 & 39 Vict. c. 55. And whereas it is expedient to remove certain doubts which have arisen as to the rates to be raised and levied for defraying the expenses incurred or payable under the Public Health Act, 1875, by the Corporation as Urban Sanitary Authority, in consequence of the passing of the last-mentioned Act, before the Confirming Act became law and before the Order came into operation:

38 & 39 Vict. c. 55. Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 297 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the Confirming Act, so far as it relates to the Order, shall be deemed to have provided that the expenses of the Corporation incurred in the execution of the Public Health Act, 1875, except such expenses as are otherwise provided for, should be defrayed out of a general district rate to be levied by them under that Act over the whole of the

Borough, subject to the provisions of sub-section (2) of Section 216 of that Act with respect to the mode of defraying the expenses of the repair of highways in case the Corporation divide the Borough under Section 211 of that Act so that parts of the Borough are not rated for works of paving, water supply, and sewerage, or for such of those purposes as are provided for in the Borough; but that no kind of property in the Borough should be exempted from rating in pursuance of paragraph (*c*) of sub-section (1) of Section 211 of the last-mentioned Act by reason of the same having been so exempted by any Local Act in force in the Borough.

Given under the Seal of Office of the Local Government Board, this Twenty-fifth day of April, One thousand eight hundred and ninety-one.

(L.S.)

Chas. T. Ritchie, President.
Hugh Owen, Secretary.

BOROUGH OF NEWCASTLE-UNDER-LYME.

Newcastle-under-Lyme Order.

Provisional Order for partially repealing and altering the Newcastle-under-Lyme Corporation Act, 1877.

To the Mayor, Aldermen, and Burgesses of the Borough of Newcastle-under-Lyme, being the Urban Sanitary Authority for that Borough;—

And to all others whom it may concern.

WHEREAS the Borough of Newcastle-under-Lyme (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 Newcastle-under-Lyme Corporation Act, 1877 (herein-after referred to as "the Local Act"), is now in force in the Borough; 40 & 41 Vict. c. clxxii.

And whereas by Section 50 of the Local Act the Corporation were empowered from time to time, with the consent of the Local Government Board, to borrow in manner provided by the Local Loans Act, 1875, as follows:— 38 & 39 Vict. c. 83.

For gas purposes, such sums as might be required for the purchase of the undertaking of the Newcastle-under-Lyme Gaslight Company; and

For all or any of the other purposes of that Act, such sums as they might from time to time think requisite, not exceeding in the whole five thousand pounds;

And whereas the Corporation have borrowed, for gas purposes, the full amount authorised by the Local Act, and have borrowed, for the other purposes of the Local Act, sums amounting in the whole to the sum of four thousand three hundred and sixty-two pounds, and it is expedient that further powers of borrowing be conferred upon the Corporation:

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 38 & 39 Vict. c. 55.

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Newcastle-under-Lyme Order.

of the Act of Parliament confirming this Order (herein-after referred to as "the commencement of this Order"), the Local Act shall be altered and partially repealed as herein-after set forth; viz.,—

Art. I. Sections 51, 52, 53, and 55 shall be wholly repealed, except so far as the same may have been acted upon.

Art. II.—(1.) The Corporation may, subject to the provisions of this Order, from time to time borrow the following sums; viz.,—

(*a.*) The sums necessary to repay moneys borrowed or to be borrowed under Section 50, and which shall not have been paid off by means of the sinking fund, or by instalments, or out of the proceeds of the sale or disposition of land, or out of other moneys received on capital account (not being borrowed moneys); and,

(*b.*) For gas purposes, such sums as may be sanctioned by the Local Government Board, not exceeding in the whole the sum of twenty thousand pounds, in addition to the sums authorised to be borrowed for those purposes under the Local Act.

(2.) Any moneys so borrowed shall be charged,—

in the case of moneys borrowed for gas purposes, upon the security of the revenue arising from their gas undertaking, and of the district fund and general district rate of the Borough, or of either of such securities; and

in the case of moneys borrowed for any other purpose, upon the security of the district fund and general district rate.

Art. III.—(1.) For the purpose of raising money under the Local Act, and under this Order, the Corporation may borrow on mortgage, or under the provisions of the Local Loans Act, 1875 (including the provisions as to the creation of debenture stock), and Sections 236 to 239, both inclusive, of the Public Health Act, 1875, shall apply to all money hereafter raised and borrowed under the Local Act or this Order, other than money borrowed under the provisions of the Local Loans Act, 1875.

38 & 39 Vict. c. 83.

(2.) The moneys borrowed or to be borrowed under the Local Act and this Order shall be repaid within the following periods; viz.,—

(*a.*) Moneys already borrowed for gas purposes under the Local Act, or to be borrowed under subdivision (1) (*a*) of Article II. of this Order for the purpose of discharging those moneys, within sixty years from the Second day of August, One thousand eight hundred and seventy-seven;

(*b.*) Moneys borrowed or to be borrowed under the Local Act, for purposes other than gas purposes, or to be borrowed under subdivision (1) (*a*) of Article II. of this Order for the purpose of discharging those moneys, within fifty years from the date of the original borrowing; and

(*c.*) Moneys to be borrowed under the powers conferred by subdivision (1) (*b*) of Article II. of this Order within such period, not exceeding sixty years from the date of borrowing, as the Corporation, with the sanction of the Local Government Board, may in each case determine;

and the respective periods fixed by or determined in accordance with this subdivision shall be deemed to be "the prescribed periods" within the meaning of

the Local Loans Act, 1875, and are herein-after referred to as "the prescribed periods."

(3.) The Corporation shall repay the moneys borrowed or to be borrowed under the Local Act and 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 sum or sums as will (together with the sum which should, at the commencement of this Order, be standing to the credit of the sinking fund established for the repayment of moneys already borrowed under the Local Act, and the annual sums payable in respect of interest on any part of such sinking fund applied in repayment of debt before the commencement of this Order), 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 periods, and shall invest such sinking fund and the interest on and the sums paid into the fund in the purchase of Exchequer bills or other Government securities, or in securities in which trustees are by law for the time being authorised to invest, or in mortgages, debentures, debenture stock, or other securities, issued by any Local Authority, as defined by Section 34 of the Local Loans Act, 1875, other than the Corporation, the Corporation being at liberty from time to time to vary and transpose such investments. 38 & 39 Vict. c. 83.

(4.) The Corporation shall forthwith transfer to the sinking fund to be established under this Article the sum which should at the commencement of this Order be standing to the credit of the sinking fund established for the repayment of moneys already borrowed under the Local Act.

(5.) The Corporation may at any time apply the whole or any part of the sinking fund established under this Article in or towards the discharge of the money for the repayment of which the fund is established: Provided that the Corporation pay into the fund each year, and accumulate, until the whole of the moneys 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 at the rate per cent. on which the annual payments to the sinking fund are based.

(6.) The Corporation may re-borrow for the purpose of paying off moneys borrowed under this Order, and not paid off by means of any sinking fund set apart for their repayment, or by instalments, or out of the proceeds of the sale or disposition of land, or out of other moneys received on capital account (not being borrowed moneys): Provided that all moneys so re-borrowed shall be repaid within the prescribed period; and any moneys from time to time re-borrowed shall be deemed to form the same loan as the money in lieu of which such re-borrowing has been made, and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

(7.) The treasurer of the Borough shall, within twenty-one days after the Twenty-fifth day of March in each year in which any sum is required to be paid as an instalment or to be set apart for a sinking fund in pursuance of this Order, transmit to the Local Government Board a return, in such form as may be prescribed by

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that Board, and verified by statutory declaration, if so required by them, showing, for the year next preceding the making of such return, the amounts which have been paid as instalments, and the amounts which have been invested or applied for the purpose of such sinking fund, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of interest has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and in the event of any wilful default in making such return, such 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.

(8.) 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, 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 the sum in such Order mentioned, not exceeding double the amount in respect of which default has been made, shall be paid by way of instalment or be set apart and invested or applied as part of the sinking fund, and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Art. IV.—(1.) It shall be the duty of the Local Government Board to satisfy themselves that any loan raised under this Order is applied to the purpose or purposes for which the same is authorised to be raised, and that Board may from time to time make such examination as they may think necessary with a view to ascertain that such loan has been so applied.

(2.) The Local Government Board may appoint any officer to conduct such examination on their behalf, and any such officer shall have the same powers to require the attendance of persons and the production of accounts and other documents, so far as such attendance or production is required for the purpose of such examination, as an inspector of the Local Government Board has under the Acts relating to the relief of the poor.

(3.) Where upon any such examination it appears to the Local Government Board that any sum borrowed under this Order has not been applied to the purpose or purposes for which the loan was authorised to be borrowed, the Local Government Board may, by Order, direct that the sum in such Order mentioned, not exceeding the amount so unapplied, shall be, within a time mentioned in the Order, applied either for the said purpose or purposes, or in or towards the repayment of the principal of the loan, or to any sinking fund established for the repayment of such loan, or partly in one of such ways and partly in the other; or if it appears to the Local Government Board that any sum borrowed under this Order has been applied for some purpose other than that for which the loan was authorised to be borrowed, the Local Government Board may, by Order, direct a sum equal to the amount so misapplied to be raised within the time

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and out of the fund or rate named in, and to be applied as directed by, the Order; and any Order made in pursuance of this subdivision shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(4.) Where the Local Government Board cause any examination to be made in pursuance of this Article, the costs incurred in relation to such examination, including the salary of any officer engaged in such examination, not exceeding three guineas a day, shall be paid by the Corporation out of such fund or rate as the Board may direct, and the Board may certify the amount of the costs incurred; and any sum so certified and directed to be paid by the Corporation shall be a debt due to the Crown from the Corporation.

Given under the Seal of Office of the Local Government Board, this Twenty-fifth day of April, One thousand eight hundred and ninety-one.

(L.S.)

Chas. T. Ritchie, President.
Hugh Owen, Secretary.

CITY OF ROCHESTER.

Rochester Order.

Provisional Order for altering the Rochester City Improvement Act, 1880.

To the Mayor, Aldermen, and Citizens of the City of Rochester, being the Urban Sanitary Authority for that City; —

And to all others whom it may concern.

WHEREAS the City of Rochester (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 the Rochester City Improvement Act, 1880 (herein-after referred to as "the Local Act"), is in force in the Borough;

43 & 44 Vict. c. cix.

And whereas by Section 56 of the Local Act the Corporation were empowered to borrow such moneys as they might think requisite for the purposes of that Act, to an amount not exceeding in the aggregate the amounts by that Act authorised;

And whereas by Section 57 of the Local Act it was enacted that the moneys to be borrowed by the Corporation under the authority of that Act should not in connexion with the purposes therein specified exceed the sums therein set forth, but it was provided that in case any further moneys should be required for any of those purposes the Local Government Board might, at the request of the Corporation, authorise them to borrow such further sums as the Local Government Board might from time to time think fit;

And whereas by sub-section (2) of Section 58 of the Local Act it was enacted that all moneys borrowed or re-borrowed by the Corporation by mortgage under the authority of that Act might be borrowed and re-borrowed for any term not exceeding sixty years from the date of the first borrowing of the same;

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And whereas by Section 59 of the Local Act it was enacted that every loan raised in pursuance of that section by the issue of debentures, debenture stock, or annuity certificates under the powers and subject to the provisions of the Local Loans Act, 1875, should be discharged within sixty years from the date thereof:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the Local Act shall be altered so as to provide that, notwithstanding anything therein contained, all moneys borrowed or to be borrowed by the Corporation under the authority of the Local Government Board pursuant to the proviso to Section 57 of the Local Act, shall be repaid within such period, not exceeding sixty years from the date of borrowing, as the Corporation, with the sanction of the Local Government Board, shall in each case determine.

Given under the Seal of Office of the Local Government Board, this Twenty-second day of April, One thousand eight hundred and ninety-one.

(L.S.)

Chas. T. Ritchie, President.
Hugh Owen, Secretary.

Saint Helens Order.

BOROUGH OF SAINT HELENS.

Provisional Order for altering a Local Act and a Confirming Act.

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

And to all others whom it may concern.

WHEREAS the Borough of Saint Helens (herein-after referred to as "the Borough") is an Urban Sanitary District, of which the Mayor, Aldermen, and Burgesses, acting by the Council (herein-after referred to as "the Corporation"), are the Urban Sanitary Authority, and the Saint Helens Improvement Act, 1869 (herein-after referred to as "the Local Act"), as altered, and so far as the same has not been repealed, is in force in the Borough;

32 & 33 Vict. c. cxx.

And whereas by Section 344 of the Local Act provision was made with respect to the purposes to which the borough fund of the Borough should be applied;

And whereas by Section 375 of the Local Act the Corporation were empowered, in addition to any then existing mortgage debt, to borrow, on the securities therein named, any sum not exceeding in the whole one hundred thousand pounds; and by Section 376 of the Local Act the purposes to which the money so to be borrowed was to be applied comprised (inter alia) the discharge of the purchase money for the gas undertaking of the Corporation;

And whereas by Section 387 of the Local Act provision was made with respect to the repayment of money borrowed on mortgages made under that Act, and by

sub-section (4) of that section it was (inter alia) enacted that the sinking fund for the repayment of sums borrowed under the Local Act should be invested on such security as the Corporation might think fit;

And whereas by a Provisional Order of the Local Government Board dated the Eighteenth day of May, One thousand eight hundred and seventy-seven, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Belper Union, &c.) Act, 1877 (which Order and Act are hereinafter respectively referred to as "the Order" and "the Confirming Act"), Section 375 of the Local Act was altered so as to enable the Corporation, subject to the sanction of the Local Government Board, to borrow a sum not exceeding two hundred and fifty thousand pounds, in lieu of the sum of one hundred thousand pounds in that section mentioned, such sum of two hundred and fifty thousand pounds to be applied in the manner directed by the Local Act as altered by the Order with respect to money borrowed under that section;

40 & 41 Vict. c. cxxxii.

And whereas by Section 6 of the Confirming Act provision was made for a return to be sent to the Local Government Board as regards the sums set apart as a sinking fund or paid as instalments in respect of moneys borrowed on mortgage under the Local Act as altered by the Order:

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 date of the Act of Parliament confirming this Order, the following provisions shall take effect; viz.,—

38 & 39 Vict. c. 55.

Art. I. Section 344 of the Local Act shall be altered by the insertion of the words "In providing for the discharge of borrowed moneys not otherwise provided for" in lieu of the words "In paying all sums required for the formation of any sinking fund not hereby otherwise provided for."

Art. II. Sections 375, 376, and 379 of the Local Act shall be altered so as to provide as follows:—

(1.) The Corporation may, with the sanction of the Local Government Board, and subject to the provisions of this Order, borrow for all or any of the purposes of the Local Act (other than waterworks purposes) any sum or sums not exceeding in the whole the sum of one hundred thousand pounds, in addition to the sum of two hundred and fifty thousand pounds authorised to be borrowed for those purposes under the Local Act as altered by the Order.

(2.) Moneys raised under this Order shall be borrowed,—

in the case of money borrowed for the purposes of the gas undertaking of the Corporation, on the security of the revenue arising from that undertaking and of the borough fund and borough rate, or upon either of such securities; and

in the case of money borrowed for other purposes, on the security of the borough fund and borough rate.

(3.) For the purpose of raising money under this Order the provisions of the Local Loans Act, 1875 (including the power of creating debenture stock), shall be available to the Corporation.

A.D. 1891.

Saint Helens Order.

(4.) Moneys borrowed under the powers conferred by this Order shall be applied, as may be specified in the sanction of the Local Government Board authorising the borrowing, to the enlargement and improvement of the gas-works of the Corporation, or to any of the purposes of the Local Act (other than waterworks purposes) to which capital is properly applicable.

Art. III. Section 380 of the Local Act shall be wholly repealed, except so far as the same may have been acted upon, and in lieu thereof the following provisions shall have effect; viz.,—

The Corporation may re-borrow for the purpose of paying off moneys borrowed under the Local Act, or under the Local Act as altered by the Order or by this Order, and not paid off by means of any sinking fund set apart for their repayment, or by instalments, or out of the proceeds of the sale or disposition of land, or out of other moneys received on capital account (not being borrowed moneys): Provided that all moneys so re-borrowed shall be repaid within the period fixed for the repayment of the loan, for the paying off of which the re-borrowing has been made, and any moneys from time to time re-borrowed shall be deemed to form the same loan as the money in lieu of which such re-borrowing has been made, and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Art. IV. The provisions of sub-section (4) of Section 387 of the Local Act shall not apply to moneys borrowed under Article II. of this Order, but in lieu thereof the following provisions shall have effect; viz.,—

(1.) The moneys shall be repaid within such period, not exceeding sixty years from the date of borrowing, as the Corporation, with the sanction of the Local Government Board, may in each case determine; and the period so determined and sanctioned shall be deemed to be "the prescribed period" within the meaning of the Local Loans Act, 1875, and is herein-after referred to as "the prescribed period."

(2.) The Corporation shall repay the moneys, 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 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 within the prescribed period.

(3.) The Corporation may at any time apply the whole or any part of such sinking fund in or towards the discharge of the money for the repayment of which the fund is established: Provided that the Corporation pay into the fund each year, and accumulate, until the whole of the moneys 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 at the rate per cent. on which the annual payments to the sinking fund are based.

Art. V. So much of sub-section (4) of Section 387 of the Local Act as relates to the investment of the sinking fund shall be repealed, except so far as the same may have been acted upon, and the Local Act shall be further altered so as to provide that the Corporation shall invest any sinking fund set apart for the

repayment of moneys borrowed under the Local Act, or the Local Act as altered by the Order or by this Order, and the interest on and the sums paid into such fund in the purchase of Exchequer bills or other Government securities, or in securities in which trustees are by law for the time being authorised to invest, or in mortgages, debentures, debenture stock, or other securities issued by any Local Authority, as defined by Section 34 of the Local Loans Act, 1875, other than the Corporation, the Corporation being at liberty from time to time to vary and transpose such investments.

Art. VI. Section 6 of the Confirming Act shall be wholly repealed, except so far as the same may have been acted upon, and in lieu thereof the following provisions shall have effect; viz.,—

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

(2.) 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, or to set apart any sum required for any sinking fund, or have applied any portion of the moneys set apart for any sinking fund, or of the sums accumulated by way of interest, to any purposes other than those authorised, the Local Government Board may, by Order, direct that the sum in such Order mentioned, not exceeding double the amount in respect of which default has been made, shall be paid by way of instalment, or be set apart and invested or applied as part of the sinking fund, and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

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

(L.S.)

Chas. T. Ritchie, President.
Hugh Owen, Secretary.

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