CHAPTER xxiii.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Bristol, Heckmondwike, Southampton, Sowerby Bridge, and Stockport. [18th June 1894.]

A.D. 1894.

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

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

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 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, 1894.

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SCHEDULE.

CITY OF BRISTOL.

Bristol Order. (2.)

Provisional Order for partially repealing and altering the Saint Philip's Bridge (Bristol) Transfer Act, 1875.

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

And to all others whom it may concern.

WHEREAS the City of Bristol (herein-after referred to as "the City") 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 Philip's Bridge (Bristol) Transfer Act, 1875 (herein-after referred to as "the Local Act"), is in force in the City;

38 & 39 Vict. c. xxviii.

And whereas by virtue of Section 7 of the Local Act the bridge undertaking, rights, powers (except the power of raising money), authorities, privileges, easements, and other property and effects of the Saint Philip's Bridge Company (herein-after referred to as "the Company"), subject to and charged with all the debts, certain quit rents amounting to the sum of twenty-nine pounds, and liabilities of the Company, became vested in the Corporation as the Urban Sanitary Authority from the Thirty-first day of July, One thousand eight hundred and seventy-five;

And whereas by Section 18 of the Local Act the Corporation were required to pay to the holder of every fifty-pound share in the capital of the Company a perpetual annuity of three pounds in respect of each such share (the annuities so created being herein-after referred to as "the annuities"), and the annuities were by Section 20 of the Local Act charged upon the general district fund and rates, and all rates and tolls leviable by the Corporation as a local board of health or sanitary authority;

And whereas by Section 40 of the Local Act it is enacted that the Corporation may from time to time, by agreement with any annuitant, redeem or purchase any annuity; and that when any annuity is so redeemed or purchased an entry of the redemption or purchase thereof shall be made in the register of annuitants; and that thereupon such redeemed or purchased annuity shall be wholly extinguished; but it is provided that the Corporation shall not redeem or purchase any annuity at a higher rate than twenty-five pounds for every one pound of annuity;

And whereas by Section 41 of the Local Act it is enacted that, in order to create a sinking fund for the redemption of the annuities, the Corporation shall, after the expiration of two years from the passing of that Act, every year set apart and appropriate out of the general district fund and rates, and all tolls

leviable by the Corporation as a local board of health or sanitary authority, a sum equal to one-thirtieth part of the capitalised value at twenty-five years' purchase of such of the annuities as shall not from time to time have been paid off by borrowed money, and shall apply the same from time to time as opportunity shall occur in the redemption of such of the annuities as they may then be able to purchase by agreement;

And whereas by Section 42 of the Local Act the Corporation were (inter alia) empowered to purchase by agreement the said quit rents (herein-after referred to as "the quit rents") or any of them;

And whereas by Section 45 of the Local Act the Corporation were empowered, in addition to any then existing mortgage and to any sums they might from time to time borrow under any other powers, to borrow on the securities therein named any further sum or sums not exceeding in the whole the sum of fifty thousand pounds;

And whereas by Section 46 of the Local Act it was enacted that the moneys to be borrowed by the Corporation under the powers of that Act should be applied only for the purposes and in the manner by that Act expressly declared;

And whereas by Section 47 of the Local Act it was enacted that the sums to be expended by the Corporation on capital account should not exceed (inter alia), in connexion with the purchase of the quit rents and the redemption of the annuities, the sum of thirty-eight thousand pounds;

And whereas by Section 50 of the Local Act provision was made for the formation of a sinking fund for the payment of the money borrowed under that Act;

And whereas five hundred annuities were originally granted by the Corporation under the Local Act, but of that number twenty-seven have been redeemed or purchased out of the sinking fund created under Section 41 of the Local Act;

And whereas the Corporation have not borrowed any money for the purchase of the quit rents or the redemption of the annuities, and the annual sum paid and payable to the sinking fund created under Section 41 of the Local Act is therefore the sum of one thousand two hundred and fifty pounds; and the sum of twenty-three thousand two hundred and twenty-nine pounds and seventeen shillings was, on the Thirty-first day of March, One thousand eight hundred and ninety-four, standing to the credit of such sinking fund:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order (herein-after referred to as "the commencement of this Order"), the Local Act shall be altered so that the following provisions shall have effect:— 38 & 39 Vict. c. 55.

Art. I.—(1.) The proviso to Section 40 and the whole of Sections 41, 45, and 51 of the Local Act shall be repealed, except so far as the same may have been acted upon.

(2.) Section 47 of the Local Act shall be altered by the omission of the words "In connexion with the purchase of the said quit rents and the redemption of "the annuities the sum of thirty-eight thousand pounds."

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(3.) Section 52 of the Local Act shall be altered by the omission therefrom of the words " or intitled."

Art. II. The Corporation may, subject to the provisions of this Order, borrow on the security of the district fund and general district rate of the City such sums not exceeding thirty-eight thousand pounds as they may require—

(1) for the purchase of annuities in accordance with Section 40 of the Local Act as hereby altered ;

(2) for the purchase of quit rents in accordance with Section 42 of the Local Act.

Art. III. Sections 236 to 239, both inclusive, of the Public Health Act, 1875, shall apply to all money raised and borrowed under this Order.

Art. IV. The Corporation, in order to provide for the purchase of annuities and quit rents, and for the repayment of any moneys to be borrowed under this Order, shall, out of the district fund or general district rate of the City, annually pay into a sinking fund (herein-after referred to as " the sinking fund ") the sum of one thousand two hundred and fifty pounds, and accumulations thereon and on the sum transferred to the sinking fund in pursuance of Article V. of this Order, at compound interest at the rate of three pounds per centum per annum :

Provided that, whenever and so long as the yearly income arising from the investment of the sinking fund is equal to the amount of the outstanding quit rents and annuities (if any), and the interest on moneys borrowed under this Order, the Corporation may discontinue the payment to the sinking fund of the said yearly sum and accumulations.

Art. V. The Corporation shall forthwith transfer to the sinking fund the said sum of twenty-three thousand two hundred and twenty-nine pounds and seventeen shillings, and any other sum or sums which is, are, or should be standing at the commencement of this Order to the credit of the sinking fund established under Section 41 of the Local Act.

Art. VI. The first annual payment into the sinking fund under this Order shall be made on or before the Thirteenth day of May, One thousand eight hundred and ninety-five, and the subsequent annual payments on or before the Thirteenth day of May in each succeeding year.

Art. VII.—(1.) Every sum paid to the sinking fund shall, unless applied in the purchase of annuities or quit rents, or in repayment of the loans in respect of which the sinking fund is formed, be immediately invested in securities in which trustees are by law for the time being authorised to invest, or in mortgages, bonds, debentures, debenture stock, stock, or other securities (not being annuity certificates or securities payable to bearer) duly issued by any Local Authority, as defined by Section 34 of the Local Loans Act, 1875, other than the Corporation, the Corporation being at liberty from time to time to vary and transpose such investments.

(2.) The Corporation may at any time apply the whole or any part of the sinking fund in or towards the purchase of annuities or quit rents, or in or towards the discharge of the borrowed money in respect of which the fund is formed.

(3.) The income derived from the investment of the sinking fund may be applied towards the annual payment provided for by Article IV. of this Order.

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

(5.) The Local Government Board may at any time authorise a reduction in the amount payable in accordance with this Order to the sinking fund, or require an increase of such amount if, having regard to the terms of this Order and the circumstances attending the case, such reduction or increase is desirable.

(6.) The Corporation may at any time increase the payments to the sinking fund.

(7.) Any surplus in the sinking fund remaining after the purchase of annuities or quit rents, and the repayment of the moneys borrowed under this Order, shall be applied to such purpose or purposes as the Corporation, with the consent of the Local Government Board, may determine.

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

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

Art. IX.—(1.) The town clerk shall, within twenty-one days after the Thirty-first day of March in each year, if during the twelve months next preceding the said Thirty-first day of March any sum is required to be paid as an instalment or to be paid to any sinking fund in pursuance of the provisions of the Local Act or this Order, and at any other time when the Local Government Board may require such a return to be made, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration of the town clerk, if so required by them, showing, for the year next preceding the making of such return, or for such other period as the Local Government Board may prescribe, the amounts which have been paid as instalments and the amounts which have been paid to, invested, or applied for the purpose of the sinking fund, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment, or of the sums accumulated by way of compound interest, has been applied during the same period, and the total amount (if any) remaining invested at the end of the year ; and, in the event

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of his failing to make such return, the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds, to be recovered by action on behalf of the Crown in the High Court; and, notwithstanding the recovery of such penalty, the making of the return shall be enforceable by writ of mandamus, to be obtained by the Local Government Board out of the High Court.

(2.) If it appears to the Local Government Board by that return, or otherwise, that the Corporation have failed to pay any instalment 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 or applied as in such Order mentioned; and any such Order shall be enforceable by writ of mandamus, to be obtained by the Local Government Board out of the High Court.

Art. X. This Order may be cited as the Bristol Order (No. 2), 1894.

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

(L.S.)

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

Heckmondwike Order.

LOCAL GOVERNMENT DISTRICT OF HECKMONDWIKE.

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

To the Heckmondwike Local Board of Health, being the Sanitary Authority for the Urban Sanitary District of Heckmondwike, in the County of the West Riding of Yorkshire;—

And to all others whom it may concern.

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

19 & 20 Vict. c. xxxvi.

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

24 Vict. c. xxxiii.

And whereas by Section 29 of the Dewsbury, Batley, and Heckmondwike Waterworks Amendment Act, 1861 (herein-after referred to as "the Act of 1861"), the Local Board were empowered to borrow for the purposes of that

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Act, and of the Act of 1856, five thousand pounds, in addition to the moneys authorised to be borrowed by them under the Act of 1856;

And whereas by Section 10 of the Dewsbury, Batley, and Heckmondwike Waterworks Amendment Act, 1867 (herein-after referred to as "the Act of 1867"), the Local Board were empowered to borrow for the purposes of the Act of 1856, the Act of 1861, and that Act, in addition to the sums authorised to be borrowed by them by the Act of 1856 and the Act of 1861, any sum or sums of money not exceeding nine thousand pounds; 30 Vict. c. lxii.

And whereas by Section 82 of the Batley Corporation Waterworks Act, 1871 (herein-after referred to as "the Act of 1871"), it was provided that any sum which the Local Board might require for the purchase of the share of the Mayor, Aldermen, and Burgesses of the Borough of Batley in the Dewsbury and Heckmondwike waterworks might be raised by the Local Board by mortgage in addition to and in like manner as money authorised to be raised by the Local Board under and for the purposes of the Act of 1856, the Act of 1861, and the Act of 1867; 34 & 35 Vict. c. xl.

And whereas by Section 5 of the Dewsbury and Heckmondwike Waterworks Act, 1876 (herein-after referred to as "the Act of 1876"), the Acts of 1856, 1861, and 1867 were repealed from and after the passing of the Act of 1876, but subject to the provisions of that Act; 39 & 40 Vict. c. clxxxv.

And whereas by Section 10 of the Act of 1876 it was (inter alia) enacted that, notwithstanding such repeal, all mortgages and securities made or given by the Local Board under the powers of the Acts of 1856, 1861, and 1867, or for the purposes thereof, should remain good, valid, and effectual against and with reference to the Local Board;

And whereas by Section 22 of the Act of 1876 it was provided that nothing in that Act contained should be held or construed to repeal, alter, prejudice, or affect the provisions in the eighty-second section of the Act of 1871, or any of the rights, powers, duties, or interests of the Local Board under or by virtue of such provisions;

And whereas by Section 112 of the Act of 1876 the Local Board were empowered to borrow for the purposes of that Act such sums as they might from time to time think requisite, not exceeding in the whole the sum of forty-five thousand pounds, in addition to any moneys they had borrowed or were authorised to borrow;

And whereas by Section 129 of the Act of 1876 provision was made for the formation of a sinking fund for the repayment of the moneys borrowed or to be borrowed by the Local Board under the Acts of 1856, 1861, 1867, 1871, and 1876;

And whereas after the passing of the Act of 1876 the Local Board, notwithstanding the repeal of the Acts of 1856, 1861, and 1867, borrowed sums amounting to the sum of five thousand eight hundred and sixty-seven pounds, under the powers assumed to have been given to them under those Acts;

And whereas in a Provisional Order of the Local Government Board dated the Sixteenth day of May, One thousand eight hundred and eighty-two, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act, 1882 (which Order and Act are herein-after respectively referred 45 & 46 Vict. c. lxiii.

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to as "the Order" and "the Confirming Act"), it was recited that the moneys owing on the Sixteenth day of May, One thousand eight hundred and eighty-two, by the Local Board on mortgages purporting to have been made by virtue of the powers given to the Local Board by the Acts of 1856, 1861, and 1867 amounted to the sum of twenty-five thousand two hundred and fifty-five pounds, and that there was at the same date standing to the credit of the sinking fund for the repayment of such moneys sums amounting in the whole to the sum of one thousand two hundred and seventy-four pounds;

And whereas by Article I. of the Order the Act of 1876 was altered so as to legalise the borrowing of so much of the said sums as had been borrowed under the Acts of 1856 1861, and 1867 after the passing of the Act of 1876, and to render valid the mortgages for the same;

And whereas by Article II. of the Order it was (inter alia) ordered that the Local Board should repay so much of the said sum of twenty-five thousand two hundred and fifty-five pounds, and of all moneys borrowed under the Act of 1871 or the Act of 1876 before the Third day of July, One thousand eight hundred and eighty-two, as should not be repaid out of the sums then standing to the credit of any sinking fund set aside under the Acts of 1856, 1861, 1867, 1871, or 1876, within fifty-four years from the Third day of July, One thousand eight hundred and eighty-two, and all sums to be borrowed under the Act of 1871 or the Act of 1876 after the Third day of July, One thousand eight hundred and eighty-two, within fifty-four years from the borrowing thereof; and that such repayment should be either by equal annual instalments of principal or of principal and interest, or by setting apart in every year as a sinking fund such a sum or sums as would, according to a reasonable calculation for the time being, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the money so borrowed or to be borrowed within the said periods of fifty-four years respectively;

And whereas it has since been ascertained that the sum of twenty-five thousand two hundred and forty-three pounds fourteen shillings and fourpence was the amount actually owing on the Sixteenth day of May, One thousand eight hundred and eighty-two, under the Acts of 1856, 1861, and 1867, and that the sum of one thousand four hundred and ninety-nine pounds two shillings and eightpence was the amount actually standing at the same date to the credit of the sinking fund for the repayment of the sum of twenty-five thousand two hundred and forty-three pounds fourteen shillings and fourpence, and those sums were the amount owing and the amount standing to the credit of the said sinking fund respectively on the Third day of July, One thousand eight hundred and eighty-two, the date of the Confirming Act;

And whereas prior to the Third day of July, One thousand eight hundred and eighty-two, the Local Board had fully exercised the powers of borrowing conferred upon them by the Act of 1871, and the sum of nineteen thousand five hundred pounds was then outstanding in respect of the moneys borrowed by the Local Board under that Act;

And whereas prior to the Third day of July, One thousand eight hundred and eighty-two, the Local Board had borrowed under the Act of 1876 sums amounting in the whole to the sum of twenty-seven thousand three hundred

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and fifteen pounds nine shillings and ninepence, the whole of which was on that date outstanding;

And whereas the said sums of twenty-five thousand two hundred and forty-three pounds fourteen shillings and fourpence, nineteen thousand five hundred pounds, and twenty-seven thousand three hundred and fifteen pounds nine shillings and ninepence amount together to the sum of seventy-two thousand and fifty-nine pounds four shillings and one penny, and that sum being reduced by the application towards the repayment thereof of the said sum of one thousand four hundred and ninety-nine pounds two shillings and eightpence the Local Board are required by the Order to repay within fifty-four years from the Third day of July, One thousand eight hundred and eighty-two, the sum of seventy thousand five hundred and sixty pounds one shilling and fivepence;

And whereas since the Third day of July, One thousand eight hundred and eighty-two, the Local Board have purported to borrow under the Act of 1876 the sums set forth in the Schedule hereto, amounting together to the sum of twenty-two thousand two hundred and ten pounds ten shillings and eightpence, making together with the said sum of twenty-seven thousand three hundred and fifteen pounds nine shillings and ninepence the sum of forty-nine thousand five hundred and twenty-six pounds and fivepence, being four thousand five hundred and twenty-six pounds and fivepence in excess of the sum which they were by the Act of 1876 authorised to borrow, and the moneys so borrowed have been raised by mortgages purporting to have been made by virtue of the powers of the Act of 1876:

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 (herein-after referred to as "the commencement of this Order"), the Act of 1876 and the Confirming Act, so far as it relates to the Order, shall be altered so that the following provisions shall take effect:— 38 & 39 Vict. c. 55.

Art. I. Section 112 of the Act of 1876 shall be altered so that the words "forty-nine thousand five hundred and twenty-six pounds and fivepence" shall be deemed as from the passing thereof to have been substituted for the words "forty-five thousand pounds."

Art. II. So much of the said sum of forty-nine thousand five hundred and twenty-six pounds and fivepence as has been borrowed by the Local Board in excess of the amount authorised to be borrowed under the Act of 1876 shall be deemed to have been legally borrowed under that Act, and such of the mortgages existing at the commencement of this Order for securing that sum as have been executed by the Local Board to secure the repayment of sums in excess of their borrowing powers as aforesaid shall to all intents and purposes be as valid as if those sums had been authorised to be borrowed under the Act of 1876.

Art. III. The Local Board may, with the sanction of the Local Government Board, and subject to the provisions of this Order, borrow on the security of their share of the revenue arising from the water undertaking, and of the district fund and general district rate of the District, or upon any of such securities, either together or separately, such sums, not exceeding in the whole the sum of

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twenty thousand pounds, as may from time to time be necessary for the purposes of the Act of 1876, in addition to the said sum of forty-nine thousand five hundred and twenty-six pounds and fivepence.

Art. IV. So much of the Confirming Act as relates to Articles II., III., IV., V.,.and VI. of the Order shall be repealed, except so far as the same may have been acted upon.

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

Art. VI. The Local Board shall repay—

(1.) The outstanding balance of the said sum of seventy thousand five hundred and sixty pounds one shilling and fivepence within a period of forty-three years from the Third day of July, One thousand eight hundred and ninety-three ;

(2.) The outstanding balances of the several sums specified in the Schedule hereto within a period of fifty-four years from the date set opposite to such sums respectively in column 1 of the said Schedule ; and

(3.) Moneys borrowed by virtue of this Order within such period, not exceeding sixty years from the date of borrowing, as the Local Board, with the sanction of the Local Government Board, shall determine,

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

Art. VII.—(1.) The Local Board shall repay the moneys mentioned in Article VI. of this Order, other than moneys borrowed under the provisions of the Local Loans Act, 1875, by equal annual instalments of principal, or by equal annual instalments of principal and interest combined, or by means of sinking funds, or partly by one of these methods and partly by another or the others of them.

(2.) Subject to the provisions of Article VIII. of this Order, any sinking fund established for the repayment of any of the moneys mentioned in Article VI. of this Order shall be formed and maintained either—

(*a.*) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is herein-after called a non-accumulating sinking fund ; or

(*b.*) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum, together with the sums transferred to the fund in pursuance of subdivision (3) of this Article, and the accumulations thereon will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is herein-after called an accumulating sinking fund,

(3.) Any sum which, at the commencement of this Order, is or should be standing to the credit of any sinking fund for the repayment of any part of the said sum of seventy thousand five hundred and sixty pounds one shilling and fivepence, or of the several sums specified in the Schedule hereto, shall be forthwith carried to the credit of the corresponding sinking fund under this Order.

(4.) Every sum paid to a sinking fund, and, in the case of an accumulating sinking fund, the interest on the investments of the sinking fund, shall, unless applied in repayment of the loan in respect of which the sinking fund is formed, be immediately invested in securities in which trustees are by law for the time being authorised to invest, or in mortgages, bonds, debentures, debenture stock, stock, or other securities (not being annuity certificates or securities payable to bearer) duly issued by any Local Authority, as defined by Section 34 of the Local Loans Act, 1875, other than the Local Board, the Local Board being at liberty from time to time to vary and transpose such investments.

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

(6.) The Local Board may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed: Provided that, in the case of an accumulating sinking fund, the Local Board shall pay into the fund each year, and accumulate during the residue of the prescribed[1] period, a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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

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

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

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

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is necessary, the Local Board shall increase the payments to such extent as the Board may direct.

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

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

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

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

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

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

Art. X.—(1.) The clerk to the Local Board shall, within twenty-one days after the Thirty-first day of March in each year, if during the twelve months next preceding the said Thirty-first day of March any sum is required to be paid as an instalment or annual payment, or to be appropriated, or to be paid to a sinking fund, in pursuance of the provisions of this Order, or in respect of any money raised thereunder, and at any other time when the Local Government Board may require such a return to be made, transmit to the Local Government Board a return, in such form as may from time to time be prescribed by that Board, and, if required by that Board, verified by statutory declaration of such clerk, showing for the year next preceding the making of such

return, or for such other period as the Board may prescribe, the amounts which have been paid as instalments or annual payments, and the amounts which have been appropriated, and the amounts which have been paid to or invested or applied for the purpose of the sinking fund, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment, or of the sums accumulated by way of compound interest, has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and, in the event of his failing to make such return, such clerk shall for each offence be liable to a penalty not exceeding twenty pounds, to be recovered by action on behalf of the Crown in the High Court; and, notwithstanding the recovery of such penalty, the making of the return shall be enforceable by writ of mandamus, to be obtained by the Local Government Board out of the High Court.

(2.) If it appears to the Local Government Board by that return, or otherwise, that the Local Board have failed to pay any instalment or annual payment required to be paid, or to appropriate any sum required to be appropriated, or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Order or by the Local Government Board in virtue thereof to be paid, appropriated, or set apart), or have applied any portion of any sinking fund to any purpose other than those authorised, the Local Government Board may, by Order, direct that the sum in such Order mentioned, not exceeding double the amount in respect of which default has been made, shall be paid or applied as in such Order mentioned; and any such Order shall be enforceable by writ of mandamus, to be obtained by the Local Government Board out of the High Court.

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

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

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

(2.) The application for the appointment of a receiver shall be made to the High Court, and the Court, if it thinks fit, may appoint a receiver on such terms

A.D. 1894.

Heckmondwike Order.

as it thinks fit, and may at any time discharge the receiver and otherwise exercise full jurisdiction over him.

Art. XIV. This Order may be cited as the Heckmondwike Order, 1894.

The SCHEDULE above referred to.

Sums borrowed under the Act of 1876 since the 3rd July, 1882.

1. Date.	2. Amount.
	£ s. d.
25th March, 1883 - - -	10,450 0 0
„ 1885 - - -	2,738 18 9
„ 1888 - - -	348 4 2
„ 1889 - - -	1,668 16 0
„ 1890 - - -	2,869 14 0
„ 1891 - - -	2,750 16 6
„ 1893 - - -	1,384 1 3
Total - -	£22,210 10 8

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

(L.S.)

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

Southampton Order.

BOROUGH OF SOUTHAMPTON.

Provisional Order for altering the Southampton Corporation Act, 1885, *and a Confirming Act.*

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

And to all others whom it may concern.

WHEREAS the Borough of Southampton (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 Southampton Corporation Act, 1885 (herein-after referred to as "the Local Act"), as altered by a Provisional Order

48 & 49 Vict. c. clxx.

of the Local Government Board dated the Twenty-third day of May, One thousand eight hundred and eighty-nine, and duly confirmed by Parliament, and by the Provisional Order herein-after recited, is in force in the Borough;

And whereas by Section 10 of the Local Act the Corporation were empowered to make (inter alia) certain works in connexion with their water undertaking;

And whereas by Section 27 of the Local Act the Corporation were empowered (in addition to any other moneys which they were authorised to borrow) to borrow (inter alia) for the purposes of their water undertaking sixty thousand pounds;

And whereas by sub-section (3) of Section 38 of the Local Act the term statutory security for the purposes of Part IV. of that Act includes any mortgage, bond, debenture, debenture stock, corporation stock, annuity, rentcharge, rent, or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation in Great Britain, including the Corporation;

And whereas by Section 39 of the Local Act the Corporation were empowered to exercise any statutory borrowing power by the creation of stock, either redeemable or irredeemable, to be from time to time issued in accordance with the provisions of that Act;

And whereas by Article II. of a Provisional Order of the Local Government Board dated the Twelfth day of May, One thousand eight hundred and ninety-one, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act, 1891 (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act"), the Corporation were empowered, with the sanction of the Local Government Board, and subject to the provisions of the Order, to borrow on the security of the district fund and general district rate of the Borough, and for the purposes of the water undertaking, such sums as they might from time to time think requisite, not exceeding in the whole the sum of six thousand pounds, in addition to the sum authorised by the Local Act to be borrowed for those purposes;

54 & 55 Vict. c. cvii.

And whereas it is expedient that the Corporation should be authorised to borrow further moneys for waterworks purposes, and that the other provisions herein-after contained should be made:

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.—(1.) The Local Act shall be altered so as to provide that the Corporation shall not invest any sinking fund established by them in any security of the Corporation.

(2.) Sub-section (3) of Section 38 of the Local Act shall be altered by the insertion therein of the words "other than the Corporation" in lieu of the words "including the Corporation."

Art. II. So much of the Local Act, or of any Act or Provisional Order amending that Act, as confers upon the Corporation the power to create and issue irredeemable stock shall be repealed.

A.D. 1894.

Southampton Order.

Art. III. The Confirming Act shall be altered by the insertion in Article II. of the Order of the words "thirty-nine thousand five hundred pounds" in lieu of the words "six thousand pounds."

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

Art. V. This Order may be cited as the Southampton Order, 1894.

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

(L.S.)

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

Sowerby Bridge Order.

LOCAL GOVERNMENT DISTRICT OF SOWERBY BRIDGE.

Provisional Order for altering certain Local Acts and Confirming Acts.

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

And to all others whom it may concern.

WHEREAS the Local Government District of Sowerby Bridge, in the County of the West Riding of Yorkshire (herein-after referred to as "the District"), is an Urban Sanitary District, of which the Sowerby Bridge Local Board of Health (herein-after referred to as "the Local Board") are the Urban Sanitary Authority, and the unrepealed provisions of the Sowerby Bridge Gas Act, 1861, and of the Sowerby Bridge Local Board Act, 1863 (each of which Acts is herein-after referred to as the Act of the year in which it was passed, and which Acts are together referred to as "the Local Acts"), as altered by the Provisional Orders herein referred to, and by another Provisional Order of the Local Government Board dated the Thirteenth day of May, One thousand eight hundred and eighty-two, but which does not affect the subject-matter of this Order, are in force in the District;

24 & 25 Vict. c. lxxx. 26 Vict. c. lii.

And whereas the Local Board have, under the provisions of the Act of 1861, acquired the gas undertakings of the Sowerby Bridge Gas Company and the Sowerby Bridge Gas Consumers Company, and the Local Board are empowered to manufacture gas, and to light with gas the streets and public buildings within the District, and to supply gas within the limits of the Act of 1861;

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Sowerby Bridge Order.

And whereas, having regard to the provisions of Section 46 of the Act of 1861, the Local Board were unable to erect or maintain works for the manufacture of gas in any other place than upon the lands comprised within the limits of the works situate within the Township of Skircoat, and bounded as described in that section;

And whereas by Section 79 of the Act of 1861 the Local Board were empowered to borrow money for gasworks purposes on the security therein mentioned, so that the total moneys borrowed and outstanding at any one time should not exceed forty thousand pounds;

And whereas by Section 9 of the Act of 1863 the Local Board were empowered to borrow at interest on the security therein mentioned such sums as they might think requisite, not exceeding in the whole twenty-two thousand pounds, in addition to the said sum of forty thousand pounds;

And whereas by a Provisional Order of the Local Government Board dated the Fifth day of June, One thousand eight hundred and eighty-four, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (No. 8) Act, 1884 (which Order and Act are herein-after respectively referred to as "the Order of 1884" and "the Confirming Act of 1884"), certain sections of the Local Acts were repealed, the Local Board were authorised to borrow, with the sanction of the Local Government Board, the sum of twenty thousand pounds for gas purposes, and provision was made with regard to the mode and period of repayment of moneys borrowed under the Local Acts and the Order of 1884;

47 & 48 Vict. c. ccxv.

And whereas by Article VI. of the Order of 1884 provision was made as to the application of the revenue arising from the gas undertaking;

And whereas by another Provisional Order of the Local Government Board dated the Sixteenth day of May, One thousand eight hundred and eighty-seven, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act, 1887, the Local Board were empowered to maintain the gas works purchased from Messrs. Whitworth and Co., Limited, and to manufacture and store gas upon the lands situate in the Township of Sowerby described in the Schedule to that Order;

50 & 51 Vict. c. cxxii.

And whereas the Local Board, in pursuance of the Public Health Act, 1875, purchased certain land situate at the Holmes, in the District, for the construction thereon of works for the disposal of the sewage of their District, but such land has not been used for that purpose, and it is proposed that the part thereof described in the Schedule hereto should be appropriated for the purposes of the gas undertaking of the Local Board;

And whereas the Local Board for the purpose of defraying the cost of such purchase borrowed the sum of four thousand five hundred pounds, which is being repaid by equal annual instalments of principal within fifty years from the Second day of December, One thousand eight hundred and eighty;

And whereas it is expedient that the Local Board should be empowered to borrow further moneys for gasworks purposes, and to manufacture and store gas on the land described in the Schedule hereto:

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

38 & 39 Vict. c. 55.

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Sowerby Bridge Order.

the Act of Parliament confirming this Order, the Local Acts, and the Confirming Act of 1884, so far as it relates to the Order of 1884, shall be altered so as to provide as follows :—

Art. I. The Local Board may, with the sanction of the Local Government Board, and subject to the provisions of this Order, borrow on the security of the revenue arising from their gas undertaking, and of the district fund and general district rate of the District, or upon any of such securities, either together or separately, such sums, not exceeding in the whole the sum of twenty thousand pounds, as may from time to time be necessary for the purposes of their gas undertaking, in addition to the sums which they are already authorised to borrow for those purposes.

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

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

Art. IV.—(1.) The Local Board shall repay the moneys borrowed by virtue of this Order, other than moneys borrowed under the provisions of the Local Loans Act, 1875, by equal annual instalments of principal, or by equal annual instalments of principal and interest combined, or by means of a sinking fund, or partly by one of these methods and partly by another or the others of them.

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

(*a.*) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is herein-after called a non-accumulating sinking fund ; or

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

(3.) Every sum paid to a sinking fund, and, in the case of an accumulating sinking fund, the interest on the investments of the sinking fund, shall, unless applied in repayment of the loan in respect of which the sinking fund is formed, be immediately invested in securities in which trustees are by law for the time being authorised to invest, or in mortgages, bonds, debentures, debenture stock, stock, or other securities (not being annuity certificates or securities payable to bearer) duly issued by any Local Authority, as defined by Section 34 of the Local

Loans Act, 1875, other than the Local Board, the Local Board being at liberty from time to time to vary and transpose such investments.

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

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

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

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

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

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

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

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

A.D. 1894.

Sowerby Bridge Order.

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

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

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

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

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

penalty, the making of the return shall be enforceable by writ of mandamus, to be obtained by the Local Government Board out of the High Court.

(2.) If it appears to the Local Government Board by that return, or otherwise, that the Local Board have failed to pay any instalment or annual payment required to be paid, or to appropriate any sum required to be appropriated, or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Order or by the Local Government Board in virtue thereof to be paid, appropriated, or set apart), or have applied any portion of any sinking fund to any purpose other than those authorised, the Local Government Board may, by Order, direct that the sum in such Order mentioned, not exceeding double the amount in respect of which default has been made, shall be paid or applied as in such Order mentioned; and any such Order shall be enforceable by writ of mandamus, to be obtained by the Local Government Board out of the High Court.

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

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

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

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

Art. XI. The Local Board may appropriate and use the land described in the Schedule hereto for the purposes of their gas undertaking, and, notwithstanding anything in the Act of 1861 contained, it shall be lawful for the Local Board on that land to make, maintain, renew, continue, construct, erect, alter, enlarge, or, when necessary, remove buildings, apparatus, and works for the purposes of their gas undertaking, and to make, manufacture, and store in and upon any such lands gas, coke, asphaltum, pitch, coal-tar, ammoniacal liquor, and other refuse or residual products arising from the manufacture of gas, and any matters producible therefrom,

A.D. 1894.

Sowerby Bridge Order.

Art. XII. Article VI. of the Order of 1884 shall be altered by the insertion therein in lieu of the paragraph commencing "Thirdly" of the words—

"Thirdly, in payment of the interest on the moneys borrowed or re-borrowed "for the purposes of their gas undertaking, and in providing the requisite "instalments, annual repayments, appropriations, or sinking funds in respect "of moneys borrowed for the purposes of their gasworks undertaking; and "for this purpose a sum of one thousand six hundred and twenty-five "pounds, part of the amount outstanding in respect of the said sum of four "thousand five hundred pounds, shall be deemed to have been borrowed "for the purposes of the gas undertaking of the Local Board on the "Second day of December, One thousand eight hundred and ninety-"three, and to be repayable by equal annual instalments of principal "within thirty-seven years from that date."

Art. XIII. This Order may be cited as the Sowerby Bridge Order, 1894.

The SCHEDULE above referred to.

All that piece of land situate at a place called the Holmes, in the Township of Norland, in the District, containing by admeasurement five thousand square yards or thereabouts, being part of the land which was conveyed to the Local Board by an indenture dated the First day of December, One thousand eight hundred and eighty, and made between Robert Stansfeld of the one part and the Local Board of the other part, and bounded on the north by the River Calder, on the south by a new road, on the east by the remainder of the land so conveyed to the Local Board, and on the west by land and hereditaments belonging or reputed to belong to Captain Stansfield.

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

(L.S.) G. Shaw-Lefevre, President.
Hugh Owen, Secretary.

Stockport Order.

BOROUGH OF STOCKPORT.

Provisional Order for altering certain Local Acts.

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

And to all others whom it may concern.

WHEREAS the Borough of Stockport (herein-after referred to as "the Borough") is an Urban Sanitary District, of which the Mayor, Aldermen, and Burgesses, acting by the Council (herein-after referred to as "the Corporation"), are the Urban Sanitary Authority, and the unrepealed provisions of the

Stockport Order.

following Local Acts (which Local Acts are herein-after together referred to as "the Local Acts"); viz.,—

An Act passed in the first year of the reign of Her present Majesty Queen Victoria, intituled "An Act for improving and regulating the Borough of "Stockport, in the several Counties of Chester and Lancaster" (herein-after referred to as "the Act of 1837"); 1 Vict. c. cxxix.

An Act passed in the tenth and eleventh years of the reign of Her present Majesty Queen Victoria, intituled "An Act to purchase and define the "manorial and market rights of Stockport, to establish public parks, to "purchase or lease waterworks, to build bridges, and to make other "communications within the Borough of Stockport" (herein-after referred to as "the Act of 1847"); and 10 & 11 Vict. c. cclxxxiv.

The Stockport Amendment Act 1853 (herein-after referred to as "the Act of 1853"), 16 Vict. c. xxvi.

as altered by the Provisional Order herein-after mentioned, and by a Provisional Order of the Local Government Board dated the Tenth day of June, One thousand eight hundred and eighty-six, and duly confirmed by Parliament, but which does not affect the subject-matter of this Order, are in force in the Borough;

And whereas by Section 159 of the Act of 1837 the Corporation were empowered to borrow such sum or sums of money as they should judge necessary for the purposes of that Act upon the credit of the rates or assessments to be laid and collected by virtue of that Act;

And whereas by Section 163 of the Act of 1837 the Corporation were empowered to re-borrow for the purpose of paying off mortgages granted under that Act;

And whereas by Section 4 of the Act of 1847 the Corporation were empowered to borrow at interest on the security therein mentioned any sum of money which, together with any sum previously borrowed under that Act, should not exceed the sum of seventy thousand pounds;

And whereas by Section 12 of the Act of 1847 the Corporation were empowered to re-borrow for the purpose of paying off and discharging the securities given by them under that Act;

And whereas by Section 6 of the Act of 1853 further provision was made with regard to the re-borrowing of money for the purpose of paying off and discharging any security or securities then existing or at any time thereafter to be existing;

And whereas the Local Acts were partially repealed by a Provisional Order of one of Her Majesty's Principal Secretaries of State dated the Thirtieth day of May, One thousand eight hundred and sixty-four, and confirmed by the Local Government Supplemental Act, 1864 (No. 2); 27 & 28 Vict. c. 83.

And whereas there now remains outstanding in respect of moneys borrowed by the Corporation—

(*a*) under the Act of 1837, the sum of one hundred and thirty-nine thousand eight hundred and seventy-five pounds eight shillings and threepence; and

(*b*) under the Act of 1847, the sum of sixty-nine thousand seven hundred and thirty-seven pounds nineteen shillings;

A.D. 1894.

Stockport Order.

And whereas it is expedient that provision should be made with respect to the repayment of the said sums of one hundred and thirty-nine thousand eight hundred and seventy-five pounds eight shillings and threepence and sixty-nine thousand seven hundred and thirty-seven pounds nineteen shillings, and that the provisions herein-after contained should be made with reference to the borrowing of moneys for the purposes of the Local Acts :

38 & 39 Vict. c. 55.

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

Art. I. The following provisions of the Local Acts ; viz.,—

Of the Act of 1837 : Sections 159, 160, 162, 163, and so much of Section 166 as relates to the application of borrowed moneys,

Of the Act of 1847 : Sections 4, 5, 8, 9, 10, 11, and 12, and Schedules C. and D.,

Of the Act of 1853 : Sections 2 and 6, and so much of Section 9 as relates to the Act of 1853,

shall be repealed, except so far as the same may have been acted upon, and as it may be necessary to continue the same as regards existing mortgages.

Art. II. The Corporation may, with the sanction of the Local Government Board, and subject to the provisions of this Order, borrow upon the security of rates or assessments to be laid and collected by virtue of the Act of 1837, as altered by the Act of 1853 or any subsequent Act, such sum or sums of money as may be necessary for the purposes of the unrepealed portion of the Act of 1837, in addition to the moneys borrowed for those purposes before the commencement of this Order.

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

Art. IV. The moneys borrowed or to be borrowed by virtue of the Local Acts and this Order shall be repaid within the following periods ; viz.,—

(*a.*) The said sums of one hundred and thirty-nine thousand eight hundred and seventy-five pounds eight shillings and threepence and sixty-nine thousand seven hundred and thirty-seven pounds nineteen shillings, and any other moneys borrowed under the Local Acts before the commencement of this Order, within the period of sixty years from the commencement of this Order ;

(*b.*) Moneys borrowed under Article II. of this Order within such period, not exceeding fifty years from the date of borrowing, as the Corporation, with the sanction of the Local Government Board, shall in each case determine,

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

Art. V.—(1.) The Corporation shall repay the moneys borrowed or to be borrowed by virtue of the Local Acts and this Order, other than moneys borrowed under the provisions of the Local Loans Act, 1875, by equal annual instalments of principal, or by equal annual instalments of principal and interest combined, or by means of a sinking fund, or partly by one of these methods and partly by another or the others of them.

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

(*a.*) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is herein-after called a non-accumulating sinking fund ; or

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

(3.) Every sum paid to a sinking fund, and, in the case of an accumulating sinking fund, the interest on the investments of the sinking fund, shall, unless applied in repayment of the loan in respect of which the sinking fund is formed, be immediately invested in securities in which trustees are by law for the time being authorised to invest, or in mortgages, bonds, debentures, debenture stock, stock, or other securities (not being annuity certificates or securities payable to bearer) duly issued by any Local Authority, as defined by Section 34 of the Local Loans Act, 1875, other than the Corporation, the Corporation being at liberty from time to time to vary and transpose such investments.

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

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

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

(*b.*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same

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were invested at the rate per centum per annum on which the equal annual payments to the fund are based, any such excess may be applied towards such equal annual payments.

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

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

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

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

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

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

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

Provided that the Corporation shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments, or by means of a sinking fund, or out of moneys derived from the sale of land, or out of any capital moneys properly applicable to the purpose of such repayment,

other than moneys borrowed for that purpose: Provided also, that any moneys re-borrowed shall be deemed to form the same loan as the money for the repayment of which the re-borrowing has been made, and shall be repaid within the prescribed period:

Provided also, that moneys so re-borrowed shall be secured in the case of moneys borrowed to repay moneys originally borrowed under the Act of 1837 or this Order upon the rates or assessments to be laid and collected by virtue of that Act, as altered by the Act of 1853 or any subsequent Act, and in the case of moneys borrowed to repay moneys originally borrowed under the Act of 1847 upon the borough fund and borough rate of the Borough.

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

(2.) If it appears to the Local Government Board by that return, or otherwise, that the Corporation have failed to pay any instalment or annual payment required to be paid, or to appropriate any sum required to be appropriated, or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Order, or by the Local Government Board in virtue thereof, to be paid, appropriated, or set apart), or have applied any portion of any sinking fund to any purpose other than those authorised, the Local Government Board may, by Order, direct that the sum in such Order mentioned, not exceeding double the amount in respect of which default has been made, shall be paid or applied as in such Order mentioned; and any such Order shall be enforceable by writ of mandamus, to be obtained by the Local Government Board out of the High Court.

Art. IX. All moneys hereafter from time to time borrowed by virtue of this Order shall be applied by the Corporation only for the purposes for which the

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same are respectively authorised to be borrowed, excepting that moneys which may have been borrowed in excess of the amount required shall be applied in such manner as the Corporation, with the approval of the Local Government Board, determine.

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

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

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

Art. XII. This Order may be cited as the Stockport Order, 1894.

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

(L.S.)

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

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