ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

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C A P. XXXI.

An Act to confirm certain Provisional Orders under the Local Government Act (1858).

[19th *April* 1859.]

WHEREAS the Secretary of State for the Home Department, being One of Her Majesty's Principal Secretaries of State, has, under the Provisions of the Local Government Act, 1858, duly made certain Provisional Orders in the Schedule to this Act annexed; and it is provided by the aforesaid Local Government Act, that no such Orders shall be of any Validity whatever until they shall have been confirmed by Parliament; and it is expedient that the said Orders should be so confirmed, and further Provision made in relation thereto: 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:

Provisional Orders in Schedule confirmed.

I. The Provisional Orders contained in the Schedule hereunto annexed shall, from and after the passing of this Act, be absolute, and be as binding, and of the like Force and Effect, as if the Provisions of the same had been expressly enacted in this Act.

Separation of Kirkmanshulme from Newton Heath District.

II. The detached Portion of the Township of *Newton Heath* in the County Palatine of *Lancaster* known as *Kirkmanshulme* shall, for all Purposes whatever relating to the Highways within the Limits thereof, be considered and treated as not forming Part of *Newton Heath* aforesaid, but be considered and treated as a separate and distinct Township within the Parish of *Manchester* for all such Purposes, and be liable to repair its own Highways accordingly.

Act incorporated with 21 & 22 Vict. c. 98.

III. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were One Act.

Short Title.

IV. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Local Government Supplemental Act, 1859."

SCHE-

SCHEDULE.

Provisional Order authorizing the borrowing of 8,500*l.* *by the Worthing Local Board of Health, and the reborrowing of so much of their present Debt of* 15,000*l.* *as is still owing by the said Board.—Local Government Act,* 1858, *Sec.* 78.

Whereas the Local Board of Health in and for the District of Worthing in the County of Sussex, to which the Public Health Act, 1848, was duly applied by Provisional Order bearing date the Seventeenth day of January 1852, and confirmed by the First Public Health Supplemental Act, 1852, have, under the powers of the Public Health Act, 1848, executed Works of Sewerage and Water Supply, and the cost of such works has exceeded one year's assessable value of the premises assessable within the said District, to wit, the sum of 16,585*l.* 3*s.* 4*d.*

And whereas, under the powers of the Public Health Act, 1848, and of the First Public Health Supplemental Act, 1852, the said Local Board have borrowed of the Provident Life Office the sum of 8,500*l.*, and of the Globe Insurance Company the sum of 6,500*l.*, on the credit of the Special District Rates authorized to be made or collected under the said first-mentioned Act, and have since paid off and discharged portions of the principal of the said monies.

And whereas it may be desirable and expedient for the said Local Board to consolidate the two debts now remaining due to the said Provident Life Office and Globe Insurance Company; and in case either of the said Companies shall advance the sum of money hereby authorized to be raised under the powers of the "Local Government Act, 1858," to consolidate such new loan with the subsisting debts owing to the said Provident Life Office and Globe Insurance Company, or either of them.

And whereas the said Local Board have, in pursuance of the Local Government Act, 1858, presented a Petition, bearing date the Second day of November 1858, to the Right Honourable Spencer Horatio Walpole, as one of Her Majesty's then Principal Secretaries of State, praying for power to borrow, under the provisions of the said Local Government Act, for the purpose of the said works, the sum of 8,500*l.*, and to reborrow, under the powers of the same Act, so much of the sum of 15,000*l.* already borrowed by the said Board as is still due and owing by the said Board.

And whereas the whole amount so sought to be borrowed and reborrowed does not exceed two years assessable value of the premises assessable under the said Public Health Act and Local Government Act within the said District.

And whereas inquiry has been directed by the said Secretary into the subject of the said Petition, in the manner directed by the said Local Government Act.

And whereas it appears expedient that the powers sought by the said Petition should be granted, but this cannot be done without the authority of Parliament.

Now, therefore, in pursuance of the power vested in me by the said Local Government Act, as one of Her Majesty's Principal Secretaries of State, I do, by this Provisional Order, under my hand, direct:—That, from and after the passing of any Act of Parliament confirming this Order:—

Power to reborrow the Amount already owing by the Local Board of Health.

1.—The said Local Board may reborrow, and take up at interest, on the credit of the General District Rates authorized to be made and collected under "The Local Government Act, 1858," all or any part of the principal sum and sums of money which at the time of such reborrowing shall be due and owing to the said Provident Life Office and Globe Insurance Company, or either of them, for the purpose of redeeming the securities existing for the said original loans, and of consolidating the principal monies remaining due to the said Provident Life Office and Globe Insurance Company, or of consolidating such principal monies, or either of them, with the new loan authorized by this Provisional Order to be borrowed, and may mortgage and assign to the person or persons by or on behalf of whom such sums are advanced the said General District Rates for securing the repayment of any sum or sums so to be reborrowed and borrowed as aforesaid, together with such interest as aforesaid. And the respective Mortgagees shall be entitled to a proportion of the Rates comprised in their respective mortgages, according to the sums in such mortgages mentioned to have been advanced. And each Mortgagee shall be repaid the sum so advanced, with interest, without any preference over the others of them by reason of any priority of advance or the date of his mortgage. The money authorized by this Section to be reborrowed may be borrowed for such period, not exceeding fifty years, as the said Local Board and the person or persons lending the same shall mutually agree and determine upon. And, subject as aforesaid, the said Local Board may either pay off the monies so reborrowed or borrowed, with the interest thereon, by equal annual instalments, or they may, in every year, set apart as a sinking fund, and accumulate in the way of compound interest, by investing the same in the purchase of Exchequer Bills or other Government securities, such sum as will be sufficient to pay off the monies so reborrowed or borrowed, or a part thereof, as the said Local Board may determine.

2.—The

2.—The Local Board may, from time to time, or at any one time, borrow and take up at interest on the credit of the General District Rates authorized to be made or collected under "The Local Government "Act, 1858," any sum or sums of money not exceeding in the whole the sum of 8,500*l.*, for the purpose of defraying any costs, charges, and expenses incurred, or to be incurred, by them in the execution of the said Public Health Act, 1848, or of the First Supplemental Act, 1852, or of the said Local Government Act, 1858, or any Provisional Order under the said Acts, or any of them. And for the purpose of securing the repayment of any sum or sums of money so borrowed, together with such interest as aforesaid, the said Local Board may mortgage and assign over to the persons by or on behalf of whom such sum or sums are advanced, the said General District Rates. And the respective Mortgagees shall be entitled to a proportion of the Rates comprised in their respective mortgages, according to the sums in such mortgages mentioned to have been advanced. And each Mortgagee shall be repaid the sum so advanced, with interest, without any preference over the others of them by reason of any priority of advance, or the date of his mortgage. The said money may be borrowed for such time, not exceeding Fifty years, as the said Local Board and the persons lending such money shall mutually agree and determine upon. And, subject as aforesaid, the said Local Board may either pay off the monies so borrowed, with the interest thereon, by equal annual instalments; or they may, in every year, set apart as a sinking fund, and accumulate in the way of compound interest, by investing the same in the purchase of Exchequer Bills or other Government securities, such sum as will be sufficient to pay off the monies so borrowed, or a part thereof, as the said Local Board may determine.

Power to borrow 8,500*l.*

Given under my Hand this First day of April 1859.

(Signed) T. Sotheron-Estcourt.

Provisional Order for extending the Borrowing Powers of the Nantwich Local Board of Health.

Local Government Act, 1858.

Whereas by an Order of Her most Gracious Majesty in Council, bearing date the Twenty-fourth day of September 1850, the Public Health Act, 1848, was duly applied to the Township of Nantwich, in the County of Chester, and the said Township was thereby constituted a District under that Act.

And whereas the said Local Board have borrowed under that Act, and with the authority of the General Board of Health, sums, amounting in the whole

to Eleven thousand six hundred and seventeen Pounds One Shilling and Sixpence, to defray the expense of a portion of the works for the drainage of and supply of water to the said District, which said sums equalled, at the time they were sanctioned to be borrowed, the assessable value for one year of the premises assessable under that Act within such District, but were not sufficient to defray the remainder of the cost of the aforesaid works.

And whereas the said Board have now, under the authority of the 78th Section of the Local Government Act, 1858, petitioned the Right Honourable Spencer Horatio Walpole, being one of Her Majesty's then Principal Secretaries of State, for powers to borrow a further sum or sums, not exceeding in the whole one-quarter of the yearly assessable value of the premises assessable within such District; the said further sum or sums to be repaid within a period of thirty years.

And whereas the said Secretary of State, after due inquiry and report by William Ranger, Esquire, the Inspector appointed for the purpose, and after the ssent of the ratepayers of the aforesaid District in public meeting assembled, is of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State, I do hereby, by this Provisional Order under my Hand, direct as follows:—

That, from and after the passing of any Act of Parliament confirming this present Order—

1.—The Local Board of Health for the District of Nantwich, in the County of Chester, shall have power and authority to borrow, for the execution and completion of works of sewage and water supply within such District, and on mortgage of the rates leviable by them under the Local Government Act, 1858, a further amount not exceeding a quarter of one year's assessable value of the premises assessable under such Act within the aforesaid District, to be repaid, with interest thereon, within a period of thirty years from the date of the borrowing thereof.

Given under my Hand this First day of April 1859.

(Signed) T. SOTHERON-ESTCOURT.

Provisional Order repealing and altering Parts of a Local Act in force within the District of the Worthing Local Board of Health. —Local Government Act, 1858, *Sec.* 77.

Whereas the Local Board of Health in and for the District of Worthing, in the County of Sussex, to which the Public Health Act, 1848, was duly applied by Provisional Order bearing date the Seventeenth day of January 1852, and confirmed by the First Public Health Supplemental Act, 1852, have, in pursuance of the Local Government Act, 1858, presented a Petition

to

to me, as one of Her Majesty's Principal Secretaries of State, praying for alteration of the said Provisional Order, and also for the alteration and partial repeal of a certain Local Act of Parliament in force within the said District having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit, that is to say, an Act passed in the Second year of the reign of King George the Fourth, intituled "An Act to "repeal two Acts made in the forty-third and forty-ninth years of His late "Majesty for paving the Town of Worthing, in the County of Sussex, and "establishing a Market therein, and for making other provisions in lieu "thereof, for erecting groyns, for laying a duty on coals imported into the "said Town, and for other purposes relating to the improvement of the said "Town."

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the several matters mentioned in the said Petition.

And whereas it appears to me expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as Her Majesty's Principal Secretary of State for the Home Department, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

Repeal of Sections in Local Act.

1.—The parts of the said Local Act specified in the Schedule hereunto annexed shall be repealed.

Byelaws as to Boats, &c.

2.—The said Local Board, from and after the day aforesaid, may, in addition to the Byelaws already made under the provisions of the said Act, make Byelaws for the licensing, regulation, and management of boats or vessels let to hire for the purpose of sailing or rowing for pleasure, and the persons attending the same, and the fares and prices to be received and taken by the watermen or sailors attending and conducting such boats, and for the situation of capstans on the beach, in the same way and subject to the same conditions as if such Byelaws were framed under the powers and for the purposes of the Local Government Act, 1858.

As to Offences under the Towns Police Clauses Act, 1849.

3.—Any constable or other officer appointed by virtue of the Act of the 19th and 20th Victoria, chapter 69, shall within the District of Worthing have all the powers conferred by the Towns Police Clauses Act, 1847, upon the constables referred to in that Act.

Byelaws as to Esplanade, &c.

4.—From and after the day aforesaid it shall be lawful for the said Local Board, and they are hereby empowered, to extend, enlarge, alter, and protect from the sea the existing public walk or esplanade in front of the sea, and the public lawns and walks adjoining thereto, as they may think fit, and to make Byelaws for the use, order, and management of the same, and of the beach adjoining the same. Provided always, that nothing herein, or in any Byelaw to be made in pursuance of this Provisional Order, shall affect or impair any public,

public, private, or prescriptive right to dig, remove, or take away any sea-weed, stones, boulders, flints, marl, sand, or gravel, within the limits of the said District, or any prescriptive right of the fishermen to mend and dry their nets on the beach within the same District.

Consolidation and Repayment of old Commissioners Debt.

5.—The said Local Board may from time to time borrow and take up at interest, on the credit of the General District Rates authorized to be made and collected under the "Local Government Act, 1858," all or any part of the sum of 9,022*l.* now due and owing by the said Local Board as Commissioners acting in execution of the said Local Act, and for the purpose of redeeming the existing securities for the same, upon due notice given to the present Mortgagees or their legal representatives, and may mortgage and assign over to the persons or person by or on behalf of whom such sums are advanced the said General District Rate for securing the repayment of any sum or sums so to be borrowed as last aforesaid, together with such interest as aforesaid; and the respective Mortgagees shall be entitled to a proportion of the rates comprised in their respective mortgages, according to the sums in such mortgages mentioned to have been advanced. And each Mortgagee shall be repaid the sum so advanced, with interest, without any preference over the others of them by reason of any priority of advance or the date of his mortgage, and the said money may be borrowed for such time not exceeding fifty years as the said Local Board and the persons lending such money shall mutually agree and determine upon; and, subject as aforesaid, the said Local Board may either pay off the monies so borrowed, with the interest thereon, by equal annual instalments, or they may in every year set apart as a sinking fund, and accumulate in the way of compound interest by investing the same in the purchase of Exchequer Bills or other Government securities, such sum as will be sufficient to pay off the monies so borrowed, or a part thereof, as the said Local Board may determine.

Given under my Hand this First day of April 1859.

(Signed) T. SOTHERON-ESTCOURT.

Schedule to which this Order refers.

The parts of the Local Act referred to in this Order to be repealed are as follows; that is to say,

The sections numbered respectively in the copies of the said Act printed by the King's Printers, 30, 61, 62, 63, 124, 125, 137, 138, 139, and 140.

Provisional Order for altering the Boundaries of the District of Newton Heath, in the County Palatine of Lancaster, as constituted for the purposes of the Public Health Act, 1848.

Whereas by an Order of Her most Gracious Majesty in Council, bearing date the Twenty-ninth Day of December 1853, the Public Health Act, 1848, was duly

duly applied to the Township of Newton, commonly called Newton Heath, in the County Palatine of Lancaster.

And whereas it appeared to the General Board of Health appointed for the purposes of the Public Health Act, 1848, that the boundaries of the said District, as determined by the said Order, should be altered and amended in the manner prescribed by the said Act.

And whereas the said General Board, in pursuance of the provisions of the said Act, directed Alfred Lamerte Dickens, a Superintending Inspector appointed for the purposes of the said Act, to visit the said District, and to make public inquiry, and to examine witnesses as to the boundaries, not being the boundaries of the said Township, which might be most advantageously adopted for the purposes of the said Act; and the said Superintending Inspector having previously given the requisite notices, proceeded upon the said inquiry as directed by such Act and reported thereon in writing, and copies of that Report have been published and deposited, but the proposed alteration of the boundaries for the said District cannot be effected without the authority of Parliament.

And whereas the proceedings and things mentioned in the last two paragraphs were begun or made before the coming into operation of the Local Government Act, 1858.

And whereas it is enacted by the Local Government Act, 1858, that all proceedings, contracts, matters, and things respectively begun or made under any section of the Public Health Act, 1848, repealed by the aforesaid Act, may respectively be proceeded with and enforced as if no such repeal had taken place.

Now, therefore, in pursuance of the power now vested in me, as one of Her Majesty's Principal Secretaries of State, I do, hereby, by this Provisional Order, under my Hand, order and direct as follows, that is to say:—

That from and after the passing of any Act of Parliament confirming this present Order—

1.—The provisions of the Public Health Act, 1848, and of the Local Government Act, 1858, shall apply to and be in force within the Township of Newton, commonly called Newton Heath, in the County Palatine of Lancaster, except the detached portion of such Township, known as Kirkmanshulme, (which is shown by a dotted line on the map accompanying Mr. Rawlinson's first Report on Newton Heath, addressed to the General Board of Health in February 1852, and described on such map as "the detached part not to be included under the powers of the Act;") and the aforesaid detached portion of such Township, called Kirkmanshulme, shall thenceforward be excluded from the area of the District of the Newton Heath Local Board of Health.

2.—The present Local Board of Health for the time being for the said District, as originally constituted by the herein-before recited Order in Council, shall, from and after the passing of the Act of Parliament confirming this Order, be the Local Board of Health for the District as constituted by this Order and the Act of Parliament confirming the same.

3.—At every election of members of the said Local Board which shall take place after the passing of the Act of Parliament confirming this Order, the members to be elected shall be elected for the whole of the District as constituted by this Order, and by the votes of owners of, and ratepayers in respect of, property situate within the District so constituted; and any person residing therein, or within seven miles thereof, may be elected a member of the said Local Board; but the number and qualification of such members and the day of such election shall remain as fixed by the herein-before recited Order in Council, bearing date the Twenty-ninth of December 1853.

Given under my Hand this First day of April 1859.

(Signed) T. SOTHERON-ESTCOURT.

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Printers to the Queen's most Excellent Majesty. 1859.