



CHAPTER cxi.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the City of Bath, the Local Government Districts of Birstal and Dalton-in-Furness, the City of Newcastle-upon-Tyne, and the Borough of Southport. A.D. 1887.
[19th July 1887.]

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, and that the provisions herein contained should be enacted with reference to one of such Orders :

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 :

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

2. The urban sanitary authority for the Local Government District of Dalton-in-Furness shall not under the powers of this Act or of the Order relating to that district hereby confirmed, without the consent of the Local Government Board, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which, after the passing of this Act, have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. Special provision as to houses of labouring class.

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A.D. 1887. For the purposes of this section, the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others except members of their own family, and persons other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

Short title. 3. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 6) Act, 1887.

SCHEDULE.

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CITY OF BATH.

Bath Order.

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

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

And to all others whom it may concern.

WHEREAS the City of Bath, in the County of Somerset (herein-after referred to as "the City"), is an Urban Sanitary District, of which the Mayor, Aldermen, and Citizens, acting by the Council (herein-after referred to as "the Corporation"), are the Urban Sanitary Authority, and the Bath Act, 1846 (herein-after referred to as "the Act of 1846"), and the Bath Act, 1870 (herein-after referred to as "the Act of 1870"), as altered by the Provisional Order herein-after recited, are in force in the City ;

And whereas by Section 21 of the Act of 1870, the Corporation were empowered from time to time to borrow, for the purposes of that Act (being purposes in connexion with their water undertaking), such sums as they might think requisite, not exceeding in the whole the sum of seventy thousand pounds ;

And whereas by a Provisional Order of the Local Government Board dated the Twenty-seventh day of May, One thousand eight hundred and seventy-five, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Aberdare, &c.) Act, 1875 (which Order and Act are herein-after respectively referred to as "the Order" and the "Confirming Act"), the Corporation were empowered, subject to the sanction of the Local Government Board, to borrow the sum of twelve thousand pounds for the purposes of the Act of 1870, in addition to the sum mentioned in Section 21 of that Act ;

And whereas by the Order the said sum of twelve thousand pounds, together with any interest from time to time to accrue thereon, was directed to be charged upon the borough fund or rate of the city, in addition to the rates and securities theretofore chargeable with the repayment of moneys borrowed under the Act of 1870 ; but it was provided that the said borough fund or rate should not be liable to contribute towards the sinking fund for the repayment of borrowed

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A.D. 1887. moneys in any year unless the receipts of the Corporation by virtue of the Act
Bath Order. of 1846 and the Act of 1870 should in such year be insufficient to provide the
sum required in such year to be paid to the said sinking fund :

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.,—

Art. I. The Act of 1870 shall be altered so as to provide as follows :—

- (1.) The Corporation may, for the purposes of their water undertaking, and with the sanction of the Local Government Board, and subject to the provisions of this Order, borrow, on the security of the revenue derived from such undertaking and of the borough fund and borough rate of the City, or upon either of such securities, any sum or sums not exceeding in the whole the sum of twenty thousand pounds.
- (2.) For the purpose of raising money under this Article the provisions of the Local Loans Act, 1875 (including the power of creating debenture stock), shall be available to the Corporation, and Sections 236 to 239, both inclusive, of the Public Health Act, 1875, shall apply to all money raised and borrowed under this Order, other than money borrowed under the provisions of the Local Loans Act, 1875.
- (3.) The moneys borrowed under the powers conferred by this Article shall be repaid within such period, not exceeding thirty years, as the Corporation, with the sanction of the Local Government Board, shall determine, and such period shall be deemed to be the "prescribed period" within the meaning of the Local Loans Act, 1875, and is herein-after referred to as "the prescribed period."
- (4.) The Corporation shall repay the moneys borrowed under the powers conferred by this Article, other than money borrowed under the provisions of the Local Loans Act, 1875, either by equal annual instalments of principal, or of principal and interest, or by setting apart in every year as a sinking fund such a sum or sums as will, according to a reasonable calculation for the time being, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the money so borrowed within the prescribed period, and shall invest the same in the purchase of Exchequer bills or other Government securities, or in securities in which trustees are by law for the time being authorised to invest, or in mortgages, debentures, debenture stock, or other securities issued by any Local Authority, as defined by Section 34 of the Local Loans Act, 1875, other than the Corporation, the Corporation being at liberty from time to time to vary and transpose such investments :

Provided that the borough fund or borough rate of the City shall not be liable in any year to contribute towards the discharge of the moneys borrowed under the powers conferred by this Order, unless the receipts of the Corporation, by virtue of the Act of 1846 and the Act of 1870, shall in such year be insufficient to provide the sum in such year required to be paid as an instalment, or to be paid into the sinking fund, in accordance with the provisions of this Order.

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

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(6.) The Corporation may re-borrow moneys paid off otherwise than by instalments or by means of a sinking fund upon either or both of the securities mentioned in subdivision (1) of this Article, for the purpose of discharging any loans contracted under that subdivision, other than loans contracted under the Local Loans Act, 1875: Provided that the money borrowed for such purpose shall be repaid in the manner provided by subdivisions (3) and (4) of this Article, and the time for repayment of the money so borrowed shall not, except with the sanction of the Local Government Board, extend beyond the unexpired portion of the prescribed period, and shall in no case be extended beyond the period of thirty years from the date of the original borrowing.

Art. II. The Act of 1870 and the Confirming Act, so far as it relates to the Order, shall be altered so as to provide as follows; viz.,—

(1.) The town clerk of the City shall, within twenty-one days after the expiration of each year ending on the Twenty-fifth day of March in which any sum is required to be paid as an instalment or to be set apart for a sinking fund in respect of moneys borrowed either under the provisions of the Act of 1870, or of that Act as altered by the Order and this Order, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing, for the year next preceding the making of such return, the amounts which have been paid as instalments and the amounts which have been invested or applied for the purpose of such sinking fund, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of interest has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and in the event of any wilful default in making such return, such clerk shall be liable to a penalty not exceeding twenty pounds, which shall be paid to the Local Government Board, and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act, 1875, in a summary manner, may be recovered by parties aggrieved within the meaning of that Act.

(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 by way of instalment, or be set apart

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and invested or applied as part of the sinking fund, and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

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

(L.S.) HENRY MATTHEWS, one of the Ex-officio Members
of the Local Government Board.
S. B. PROVIS, Assistant Secretary.

Birstal
Order.

LOCAL GOVERNMENT DISTRICT OF BIRSTAL.

Provisional Order for altering the Birstal Local Board Act, 1872.

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

And to all others whom it may concern.

WHEREAS the Local Government District of Birstal, in the West Riding of the County of York (herein-after referred to as "the District"), is an Urban Sanitary District, of which the Birstal Local Board (herein-after referred to as "the Local Board") are the Urban Sanitary Authority, and the Birstal Local Board Act, 1872 (herein-after referred to as "the Local Act"), is in force in the District ;

And whereas prior to the passing of the Local Act the Local Board had, under the provisions and for the purposes of the Local Government Act, 1858, and with the sanction of one of Her Majesty's Principal Secretaries of State, borrowed various sums for the purposes of water supply and lighting their District with gas, in respect of which sums the sum of six thousand and fifty pounds was at the date of the passing of the Local Act outstanding ;

And whereas by Section 72 of the Local Act the Local Board, in addition to moneys which they had borrowed or were authorised to borrow under the Public Health Acts, or otherwise than under the authority of that Act, were empowered to borrow such moneys as they might think fit, not exceeding,—

With respect to gas, forty thousand pounds ;

With respect to sewerage, drainage, and slaughter-houses, fourteen thousand pounds ;

With respect to markets, one thousand five hundred pounds ;

With respect to the town hall, baths, and wash-houses, four thousand five hundred pounds ; and

With respect to extending, enlarging, and improving the works of water supply of the Local Board in and to the District, five thousand pounds ;

And whereas by Section 73 of the Local Act it is provided that any mortgage granted by the Local Board under that Act shall, in accordance with the purposes of that Act for which the money thereby secured is borrowed, be distinguished on the face thereof as being either a "gasworks mortgage," or a "drainage and slaughter-house mortgage," or a "markets mortgage," or a "public buildings mortgage," or a "waterworks mortgage," as the case may be ;

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And whereas the Local Board have borrowed the whole of the sums mentioned in Section 72 of the Local Act, except the sum of one thousand seven hundred and fifty pounds, part of the amount authorised to be borrowed with respect to sewerage, drainage, and slaughter-houses, and on the Twenty-fifth day of March, One thousand eight hundred and eighty-seven, the whole amount borrowed by the Local Board as aforesaid under the Local Government Act, 1858, had been repaid, and the following sums were outstanding in respect of moneys borrowed under the Local Act, viz., the sum of thirty-six thousand three hundred and sixty-five pounds borrowed on gasworks mortgages, the sum of ten thousand seven hundred and fifty pounds borrowed on drainage and slaughter-house mortgages, the sum of one thousand five hundred pounds borrowed on markets mortgages, the sum of four thousand five hundred pounds borrowed on public buildings mortgages, and the sum of ten thousand four hundred and fifty pounds borrowed on waterworks mortgages, which last-mentioned sum included six thousand and fifty pounds re-borrowed for the purpose of repaying the amount borrowed by the Local Board as aforesaid under the Local Government Act, 1858:

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

Art. I. The Local Act shall be altered so as to provide that, without prejudice to any existing security for money borrowed by them, the Local Board shall not, in the exercise of their power to re-borrow money already borrowed, or of their power to borrow the said sum of one thousand seven hundred and fifty pounds under the Local Act, or of the powers of borrowing conferred by this Order, mortgage or borrow on the security of their gasworks, sewage works, slaughter-houses, markets, town hall, baths, wash-houses, or waterworks.

Art. II. Sections 72 and 74 of the Local Act shall be altered so as to enable the Local Board, with the sanction of the Local Government Board, and subject to the provisions of this Order, to borrow, in addition to the sums which they are by the Local Act authorised to borrow, such sums as they may from time to time think requisite, not exceeding,—

With respect to gas, and on security of the revenue arising from the gas undertaking and of the district fund and general district rate of the District, or upon either of such securities, the sum of six thousand pounds; and

With respect to water, and on security of the revenue arising from the water undertaking and of the district fund and general district rate of the District, or upon either of such securities, the sum of two thousand pounds.

Art. III. Sections 81, 83, 84, 85, 88, and 91 of the Local Act shall be wholly repealed, except so far as the same may have been acted upon.

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

(1.) For the purpose of raising money under the Local Act as altered by this Order, the provisions of the Local Loans Act, 1875 (including the power of creating debenture stock), shall be available to the Local Board, and Sections 236 to 239, both inclusive, of the Public Health Act, 1875, shall apply to all money raised and borrowed under the Local Act as

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altered by this Order, other than money borrowed under the Local Loans Act, 1875.

- (2.) The moneys already borrowed or hereafter to be borrowed under the Local Act as altered by this Order shall be repaid within the following periods ; viz.,—

The said sums of thirty-six thousand three hundred and sixty-five pounds, ten thousand seven hundred and fifty pounds, one thousand five hundred pounds, four thousand five hundred pounds, and ten thousand four hundred and fifty pounds within forty-five years from the Twenty-fifth day of March, One thousand eight hundred and eighty-seven ;

The said sum of one thousand seven hundred and fifty pounds authorised to be borrowed under the Local Act for sewerage, drainage, and slaughter-houses within forty-five years from the date when the same shall be borrowed ;

The moneys hereafter to be borrowed under Article II. of this Order within such period, not exceeding thirty years, as the Local Board, with the sanction of the Local Government Board, shall determine ;

and those periods respectively shall be deemed to be the "prescribed periods" within the meaning of the Local Loans Act, 1875, and for the purpose of this Order.

- (3.) The Local Board shall repay—

(a.) So much of each of the said sums of thirty-six thousand three hundred and sixty-five pounds, ten thousand seven hundred and fifty pounds, one thousand five hundred pounds, four thousand five hundred pounds, and ten thousand four hundred and fifty pounds, as the sums transferred to sinking funds in accordance with subdivision (5) of this Article, with the accumulations thereon, will not be sufficient to repay ; and

(b.) The moneys to be hereafter borrowed under the Local Act or under the powers of borrowing conferred by this Order, other than money borrowed under the provisions of the Local Loans Act, 1875,

either by equal annual instalments of principal, or of principal and interest, or by setting apart in every year as a sinking fund such a sum or sums as will, according to a reasonable calculation for the time being, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off each of the said sums and the moneys to be borrowed as aforesaid within the prescribed period in each case, and shall invest each of the said sinking funds and the income thereof in the purchase of Exchequer bills or other Government securities, or in securities in which trustees are by law for the time being authorised to invest, or in mortgages, debentures, debenture stock, or other securities issued by any Local Authority, as defined by Section 34 of the Local Loans Act, 1875, other than the Local Board, the Local Board being at liberty from time to time to vary and transpose such investments.

- (4.) The Local Board may at any time apply the whole or any part of any such sinking fund in or towards the discharge of the money for the repayment of which the fund is established : Provided that the Local Board pay into the fund each year, and accumulate until the whole of the money borrowed is

discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied.

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- (5.) Any sum or sums which at the date of the Act of Parliament confirming this Order is or are standing to the credit of any sinking fund established under Section 83 of the Local Act shall be forthwith carried to the credit of the corresponding sinking fund to be established under subdivision (3.) of this Article.
- (6.) The Local Board may from time to time re-borrow any money borrowed or to be borrowed by them under the Local Act as altered by this Order, and paid off otherwise than by instalments, or by means of a sinking fund, or out of the proceeds of the sale or disposition of land, or out of other moneys received on capital account: Provided always, that all moneys so re-borrowed shall be repaid within the prescribed period, and any moneys from time to time re-borrowed shall be deemed to form the same loan as the money in lieu of which such re-borrowing has been made, and the obligations of the Local Board with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.
- (7.) The clerk to the Local Board shall, within twenty-one days after the expiration of each year ending on the Twenty-fifth day of March in which any sum is required to be paid as an instalment or to be set apart for a sinking fund in respect of the said sums of thirty-six thousand three hundred and sixty-five pounds, ten thousand seven hundred and fifty pounds, one thousand five hundred pounds, four thousand five hundred pounds, and ten thousand four hundred and fifty pounds, or in respect of the moneys to be borrowed under the Local Act or under the powers of borrowing conferred by this Order, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing, for the year next preceding the making of such return, the amounts which have been paid as instalments, and the amounts which have been invested or applied for the purpose of such sinking fund, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of interest has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and in the event of any wilful default in making such return, such clerk shall be liable to a penalty not exceeding twenty pounds, which shall be paid to the Local Government Board, and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act, 1875, in a summary manner, may be recovered by parties aggrieved within the meaning of that Act.
- (8.) If it appears to the Local Government Board by that return, or otherwise, that the Local Board have failed to pay any instalment required to be paid, or to set apart any sum required for 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

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default has been made, shall be paid by way of instalment, or be set apart and invested or applied as part of the sinking fund, and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

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

(L.S.)

CHAS. T. RITCHIE, President.
HUGH OWEN, Secretary.

*Dalton-in-
Furness
Order.*

LOCAL GOVERNMENT DISTRICT OF DALTON-IN-
FURNESS.

*Provisional Order for altering the Dalton-in-Furness District
Local Board Act, 1878.*

To the Dalton-in-Furness Local Board of Health, being the Sanitary Authority for the Urban Sanitary District of Dalton-in-Furness, in the County of Lancaster ; —

And to all others whom it may concern.

WHEREAS the Local Government District of Dalton-in-Furness, in the County of Lancaster (herein-after referred to as "the District"), is an Urban Sanitary District, of which the Dalton-in-Furness Local Board (herein-after referred to as "the Local Board") are the Urban Sanitary Authority, and the Dalton-in-Furness District Local Board Act, 1878 (herein-after referred to as "the Local Act"), is in force in the District ;

And whereas by Section 13 of the Local Act the Local Board were authorised to purchase, by agreement, such lands as might be necessary for any of the purposes of the Local Act ;

And whereas by Section 15 of the Local Act the Local Board were empowered, on the lands described in the Second Schedule to the Local Act, when the same had been acquired by them, to erect and maintain, and from time to time renew, alter, and enlarge, gasworks, buildings, retorts, gasholders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom, and to make gas and supply and sell the same within the limits of supply, and to manufacture coke, coal-tar, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and to sell and dispose of the same at the works and elsewhere : Provided that no lands should be used by the Local Board for the purpose of manufacturing gas or residual products except the lands described in the Second Schedule to the Local Act ;

And whereas by Section 26 of the Local Act the Local Board were authorised, with the consent of the Local Government Board, to borrow, inter alia, with respect to the gas undertaking, such sums as they might from time to time think requisite, not exceeding seventeen thousand pounds ;

And whereas by Section 35 of the Local Act it was provided that in case the revenue of the Local Board from their gas undertaking was in any year insufficient

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for payment of the expense of carrying the Local Act into execution, the Local Board might in such year supply such insufficiency out of the general district rates, but that the Local Board should not, under the authority of the Local Act supply such deficiency in manner aforesaid in any year in which they charged less than the maximum price of gas to any consumer of gas by meter within the limits of supply, which maximum price was by Section 20 of the Local Act fixed at five shillings and sixpence per one thousand cubic feet :

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*Dalton-in-Furness
Order.*

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

Art. I. Section 13 of the Local Act shall be altered so as to provide that the Local Board may purchase, by agreement, and use for any of the purposes mentioned in Section 15 of the Local Act the lands described in the Schedule hereto, anything to the contrary in the proviso to Section 15 of the Local Act notwithstanding.

Art. II. Section 15 of the Local Act shall be altered so as to provide that the Local Board may manufacture, purchase, or hire, and sell or let on hire, gas cooking ovens, stoves, meters, ranges, burners, or other fittings or apparatus used in the supply or consumption of gas for lighting, heating, and motive power, or other purposes.

Art. III. Section 26 of the Local Act shall be altered so as to provide as follows ; viz.,—

- (1.) The Local Board may, in addition to the moneys which they are thereby authorised to borrow for the purposes of their gas undertaking, and, with the sanction of the Local Government Board, borrow for the purchase of the lands mentioned in the Schedule hereto, the erection thereon of the necessary works, for the required plant in connexion therewith, for the laying of mains, for the purposes of Article II. of this Order, and for working capital in connexion with their gasworks under this Order, and upon the security of the revenue of their gas undertaking, and the district fund and general district rate of the District, or upon either of such securities, such sum or sums of money as they may from time to time find requisite, not exceeding in the whole the sum of ten thousand pounds.
- (2.) For the purpose of raising money under this Article the provisions of the Local Loans Act, 1875 (including the power of creating debenture stock), shall be available to the Local Board, and Sections 236 to 239, both inclusive, of the Public Health Act, 1875, shall apply to all money raised and borrowed under this Article, other than money borrowed under the provisions of the Local Loans Act, 1875.
- (3.) The moneys borrowed under the powers conferred by this Article shall be repaid within such period (not exceeding fifty years) as the Local Board, with the sanction of the Local Government Board, shall determine, and the period so determined and sanctioned shall be deemed to be the "prescribed period" within the meaning of the Local Loans Act, 1875, and is hereinafter referred to as "the prescribed period."

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- (4.) The Local Board shall repay the money borrowed under the powers conferred by this Order, other than money borrowed under the provisions of the Local Loans Act, 1875, either by equal annual instalments of principal, or of principal and interest, or by setting apart in every year as a sinking fund such a sum or sums as will, according to a reasonable calculation for the time being, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the money so borrowed within the prescribed period, and shall invest any such sinking fund, and the income thereof, in the purchase of Exchequer bills or other Government securities, or in securities in which trustees are by law for the time being authorised to invest, or in mortgages, debentures, debenture stock, or other securities issued by any Local Authority, as defined by Section 34 of the Local Loans Act, 1875, other than the Local Board, the Local Board being at liberty from time to time to vary and transpose such investments.
- (5.) The Local Board may at any time apply the whole or any part of such sinking fund in or towards the discharge of the money for the repayment of which the fund is established : Provided that they pay into the fund each year, and accumulate until the whole of the money borrowed is discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied.
- (6.) The Local Board may from time to time re-borrow moneys borrowed under the powers conferred by this Article and paid off otherwise than by instalments or by means of a sinking fund, or out of the proceeds of the sale or disposition of land, or out of other moneys received on capital account : Provided that all moneys so re-borrowed shall be repaid within the prescribed period, and any moneys from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing has been made, and the obligations of the Local Board with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.
- (7.) All money borrowed under the powers conferred by this Article shall be appropriated only to the purposes for which it is authorised to be so borrowed, and all money received by the Local Board either as purchase money of lands sold, or for equality of exchange, or as consideration for a lease, shall be applied only towards the reduction of the debt owing by the Local Board, or towards the increase of the sinking fund set apart under this Article, in addition to and not in substitution for the ordinary annual payments, save to such extent as the Local Government Board may from time to time approve : Provided that it shall not be in any way incumbent on any mortgagee to see to the application of any money so borrowed or re-borrowed, nor shall the mortgagee be responsible for any misapplication thereof.
- (8.) The clerk to the Local Board shall, within twenty-one days after the expiration of each year ending on the Twenty-fifth day of March in which any sum is required to be paid as an instalment or to be set apart for a sinking fund in respect of moneys borrowed under the provisions of this Article, transmit to the Local Government Board a return, in such form as

may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing, for the year next preceding the making of such return, the amounts which have been paid as instalments, and the amounts which have been invested or applied for the purpose of such sinking fund, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of interest has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and in the event of any wilful default in making such return, such clerk shall be liable to a penalty not exceeding twenty pounds, which shall be paid to the Local Government Board, and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act, 1875, in a summary manner, may be recovered by parties aggrieved within the meaning of that Act.

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Dalton-in-Furness
Order.

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

Art. IV. Section 35 of the Local Act shall be altered by the insertion therein of the words "four shillings per one thousand cubic feet" in lieu of the words "the maximum price."

The SCHEDULE above referred to.

All that piece or parcel of land, containing by estimation two thousand two hundred and seventy square yards or thereabouts, being part of a close of land belonging or reputed to belong to George Ashburner, and known as Saw Mill Field, situate near the railway station at Askam-in-Furness, in the County of Lancaster, and bounded on the east and south by lands of the Furness Railway Company, and on the west and north by other portions of the said close of land.

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

(L.S.)

HENRY MATTHEWS, One of the Ex-officio Members
of the Local Government Board.

S. B. PROVIS, Assistant Secretary.

A.D. 1887.

*Newcastle-
upon-Tyne
Order.*

CITY OF NEWCASTLE-UPON-TYNE.

Provisional Order for altering certain Local Acts.

To the Mayor, Aldermen, and Citizens of the City and County of Newcastle-upon-Tyne, being the Urban Sanitary Authority for that City ; —

And to all others whom it may concern.

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

And whereas the Newcastle-upon-Tyne Improvement Act, 1837 (herein-after referred to as "the Act of 1837"), the Newcastle-upon-Tyne Improvement Act, 1841 (herein-after referred to as "the Act of 1841"), the Newcastle-upon-Tyne Improvement Act, 1865 (herein-after referred to as "the Act of 1865"), the Newcastle-upon-Tyne Improvement Act, 1870 (herein-after referred to as "the Act of 1870"), the Newcastle-upon-Tyne Improvement Act, 1871 (herein-after referred to as "the Act of 1871"), and the Newcastle-upon-Tyne Corporation Loans Act, 1882 (herein-after referred to as "the Act of 1882"), so far as those Acts have not been altered or repealed, are in force in the City ;

And whereas by Section 91 of the Act of 1837 the Corporation were, inter alia, empowered from time to time to find, provide, and appropriate proper and convenient places within the City for holding and keeping public fairs and markets ;

And whereas by Section 130 of the Act of 1837 the Corporation were authorised to borrow, for the purposes of that Act, the sum of thirty thousand pounds ;

And whereas by Section 26 of the Act of 1841 the Corporation were authorised to borrow, for the purposes of the Act of 1837 or of that Act, seventy thousand pounds in addition to the said sum of thirty thousand pounds, making together the sum of one hundred thousand pounds ;

And whereas by Section 49 of the River Tyne Improvement Act, 1850, it was provided that, as between the Corporation and the River Tyne Improvement Commissioners, the principal sum of sixty-seven thousand three hundred and forty-nine pounds (being part of the sum then remaining unpaid in respect of moneys borrowed under the Act of 1837 and the Act of 1841), and the interest thereon, should be borne and paid exclusively by the said Commissioners and the Tyne Improvement Fund, and that the Corporation should be exonerated from liability in respect thereof ;

And whereas the Corporation still owe the sum of thirty-two thousand six hundred and thirty-four pounds in respect of the sum of one hundred thousand pounds borrowed by them under the Act of 1837 and the Act of 1841 ;

And whereas the Corporation have from time to time, out of moneys received on other accounts, expended for market purposes various sums amounting in the aggregate to the sum of thirty-nine thousand nine hundred and seventy-four pounds, which they have been required to replace as capital ;

And whereas by Section 45 of the Act of 1870 the Corporation were authorised to borrow, for the purposes of that Act and of the Act of 1865, any money not exceeding in the whole the sum of one hundred and fifty thousand pounds;

And whereas by Section 20 of the Act of 1871 the Corporation were empowered to apply for the purposes of that Act any money ordered or authorised to be raised under (inter alia) the Act of 1837, the Act of 1841, and the Act of 1870, and not required for the purposes of those Acts;

And whereas by the Act of 1882 the Corporation are empowered to exercise any statutory borrowing power vested in them by the creation and issue of Irredeemable and Redeemable Corporation Stock:

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

Art. I. Sections 130, 131, and 132 of the Act of 1837 and Section 26 of the Act of 1841 shall be repealed in so far as the same have not been acted upon.

Art. II. The Act of 1837 and the Act of 1841 shall be altered so as to provide that, in addition to the sum of thirty-two thousand six hundred and thirty-four pounds now owing under those Acts, the Corporation may borrow for market purposes on the security of the market revenues and the borough fund and borough rate the sum of forty-four thousand nine hundred and seventy-four pounds: Provided always, that no more than thirty-nine thousand nine hundred and seventy-four pounds of such forty-four thousand nine hundred and seventy-four pounds shall be borrowed without the previous consent of the Local Government Board.

Art. III. The Act of 1870 shall be altered so as to provide that, in addition to the moneys which the Corporation are by that Act authorised to borrow, they may, with the sanction of the Local Government Board, and subject to the provisions of this Order, borrow upon the security of the improvement rate authorised by the Act of 1865, and of the borough fund, or upon either of such securities, any sum or sums, not exceeding in the whole the sum of ten thousand pounds, for the purposes of Section 63 of the Act of 1870.

Art. IV. The Act of 1837, the Act of 1841, and the Act of 1870 shall be altered so as to provide as follows; viz.,—

(1.) The provisions of Sections 236 to 239, both inclusive, of the Public Health Act, 1875, shall apply to all moneys borrowed under the powers conferred by this Order.

(2.) The said sum of thirty-two thousand six hundred and thirty-four pounds, and the moneys to be borrowed under the powers conferred by Articles II. and III. of this Order, shall be repaid within the following periods; viz.,—

(a.) The said sum of thirty-two thousand six hundred and thirty-four pounds, and the sum of thirty-nine thousand nine hundred and seventy-four pounds, part of the said sum of forty-four thousand nine hundred and seventy-four pounds, authorised to be borrowed by Article II. of this Order, within the period of forty-one years from the Twenty-fifth day of March, One thousand eight hundred and eighty-seven;

(b.) The other moneys to be hereafter borrowed under the powers conferred by Article II. of this Order within such period, not exceeding

A.D. 1887.

—
*Newcastle-
upon-Tyne*
Order.
—

A.D. 1887.

*Southport
Order.*

BOROUGH OF SOUTHPORT.

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

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

And to all others whom it may concern.

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

And whereas the Southport Improvement Act, 1865, the Southport Improvement Act, 1871, the Southport Improvement Act, 1875, the Southport Improvement Act, 1876, and the Southport Improvement Act, 1885 (which Acts are herein-after collectively referred to as "the Local Acts," and each Act separately as the Act of the year in which it was passed), so far as the same have not been altered or repealed by the Provisional Orders herein-after mentioned, are now in force in the Borough ;

And whereas by a Provisional Order dated the Sixteenth day of March, One thousand eight hundred and seventy-eight, and confirmed by the Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Act, 1878, by a Provisional Order dated the Fourth day of May, One thousand eight hundred and eighty, and confirmed by the Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Act, 1880, and by a Provisional Order dated the Twenty-fourth day of May, One thousand eight hundred and eighty-six, and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act, 1886 (which Provisional Orders are herein-after together referred to as "the Orders," and which Confirming Acts are herein-after together referred to as "the Confirming Acts," and which said Orders and Confirming Acts are herein-after severally referred to as the Order or Confirming Act of the year in which they were respectively passed), the Local Acts have been partially repealed and altered ;

And whereas by the Local Acts and the Orders mentioned in Column 1 of the Schedule hereto (herein-after referred to as "the Schedule") borrowing powers and powers to expend borrowed moneys to the extent mentioned in Column 2 of the Schedule have been conferred upon the Corporation, and up to the Twenty-fifth day of March, One thousand eight hundred and eighty-seven, the Corporation had exercised their powers of borrowing to the extent mentioned in Column 3 of the Schedule, and there were then owing by them in respect of moneys borrowed under the Local Acts and Orders the sums mentioned in Column 4 of the Schedule ;

And whereas the sums mentioned in Column 5 of the Schedule were on the Twenty-fifth day of March, One thousand eight hundred and eighty-seven, standing to the credit of sinking funds for repayment of the sums mentioned in Column 4 of the Schedule, and it has been arranged that those sums shall be forthwith applied in reduction of the sums mentioned in Column 4 of the

Schedule, and that the balances of the sums mentioned in such Column 4, after such application, and any other sums borrowed prior to the commencement of this Order under the Act of 1885, shall be repaid in manner herein-after appearing within the period of forty-eight years from the said Twenty-fifth day of March, One thousand eight hundred and eighty-seven, and that all moneys borrowed since the Twenty-fifth day of March, One thousand eight hundred and eighty-seven, or to be borrowed under the powers of the Local Acts (other than loans raised after the Twenty-fifth day of March, One thousand eight hundred and eighty-seven, under the borrowing powers conferred by the Order of 1880 and the Order of 1886, and under the Act of 1885), shall be repaid within fifty-four years from the respective dates of borrowing :

A.D. 1887.

Southport
Order.

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Sections 297 and 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order (herein-after referred to as "the commencement of this Order"), the following provisions shall take effect; viz.,—

Art. I. The following provisions of the Local Acts, the Orders, and the Confirming Acts shall be repealed, except so far as the same have been acted upon; viz.,—

- (1.) Of the Act of 1865, Section 122, Section 130 from and after the words "owing under the recited Act" to the end of the section, and Section 132;
- (2.) Of the Act of 1871, Sections 115, 152, and 154, and sub-section (4) of Section 157;
- (3.) Of the Act of 1875, so much of Section 26 as relates to Section 152 and to sub-section (4) of Section 157 of the Act of 1871, and Section 27;
- (4.) Of the Act of 1876, so much of Section 44 as relates to Section 152, and to sub-section (4) of Section 157 of the Act of 1871, and Sections 45 and 46;
- (5.) Of the Act of 1885, sub-section 4 of Section 63, and Sections 64 and 67;
- (6.) Of the Confirming Act of 1878, so much as relates to the Order of 1878;

Art. II. The Local Acts, the Orders, and the Confirming Acts shall be altered so as to provide that, notwithstanding anything therein contained, the following provisions shall have effect:—

- (1.) The sums mentioned in column 4 of the Schedule, and any other sums borrowed prior to the commencement of this Order under the Act of 1885, shall be repaid within forty-eight years from the Twenty-fifth day of March, One thousand eight hundred and eighty-seven.
- (2.) Moneys borrowed since the Twenty-fifth day of March, One thousand eight hundred and eighty-seven, or to be hereafter borrowed by the Corporation under the Local Acts, other than moneys borrowed or to be borrowed under the Act of 1885, and not including moneys borrowed under the additional powers given by the Order of 1880 and the Order of 1886, shall be repaid within fifty-four years from the respective dates of borrowing.
- (3.) Moneys borrowed since the Twenty-fifth day of March, One thousand eight hundred and eighty-seven, or to be hereafter borrowed under the additional powers given by the Order of 1880 or the Order of 1886, or after the commencement of this Order under the Act of 1885, shall be

[Ch. cxi.] *Local Government Boards* [50 & 51 VICT.]
Provisional Orders Confirmation (No. 6) Act, 1887.

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Southport
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repaid within the periods by the Orders or the sanctions granted thereunder, or by the Act of 1885, respectively prescribed.

- (4.) The Corporation shall forthwith apply the sums mentioned in column 5 of the Schedule in reduction of the sums mentioned in column 4 of the Schedule.
- (5.) The repayment of so much of the sums mentioned in column 4 of the Schedule as shall remain after the application of the sums mentioned in column 5 of the Schedule, in accordance with subdivision (4) of this Article, and of all moneys borrowed since the Twenty-fifth day of March, One thousand eight hundred and eighty-seven, or to be hereafter borrowed under the Local Acts and the Orders (other than the Act of 1885), and of all moneys borrowed under the Act of 1885 after the commencement of this Order, shall be made within the periods respectively mentioned in subdivisions (1) and (2) of this Article (herein-after referred to as "the prescribed periods"), either by equal annual instalments of principal, or of principal and interest, or by setting apart in every year as a sinking fund such equal sums as will, with accumulations by way of compound interest at the rate of three pounds per centum per annum, be sufficient to pay off those moneys within the prescribed periods respectively.
- (6.) 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 established: Provided that they pay into the fund each year, and accumulate at compound interest at the rate of three pounds per centum per annum, until the expiration of the full period allowed for repayment of the sum so paid off, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied at the rate of three pounds per centum per annum.
- (7.) Pending the application of the sinking funds in repayment of debt, the Corporation shall invest the same and the dividends, interest, and annual income thereof in the purchase of Exchequer bills or other Government securities, or in securities in which trustees are by law for the time being authorised to invest, or in mortgages, debentures, debenture stock, or other securities issued by any Local Authority as defined by Section 34 of the Local Loans Act, 1875, other than the Corporation, the Corporation being at liberty from time to time to vary and transpose such investments: Provided always, that if in any year the interest produced by the investments of the sinking fund falls short of the prescribed rate of accumulation for such fund, the Corporation shall forthwith make good such deficiency out of the rates or revenues liable to make the equal annual payments to the fund: Provided also, that in case in any year the income received from investments of the sinking fund is in excess of the fixed rate of accumulation, any such excess may be applied by the Corporation in reduction of the other payments to the fund.
- (8.) The first annual payment to the sinking fund in respect of the balances of the sums mentioned in Column 4 of the Schedule, referred to in subdivision (4) of this Article, and in respect of moneys borrowed prior to the commencement of this Order under the Act of 1885, shall be made on or before the Twenty-fifth day of March, One thousand eight hundred and

eighty-eight, and in respect of other moneys borrowed since the Twenty-fifth day of March, One thousand eight hundred and eighty-seven, or to be hereafter borrowed under the Local Acts or the Orders, within twelve months after the respective dates of borrowing.

A.D. 1887.

*Southport
Order.*

(9.) The Corporation may from time to time re-borrow any money borrowed or to be borrowed by them under the Local Acts or the Orders, and paid off otherwise than by instalments or appropriations, or by means of a sinking fund, or out of the proceeds of the sale or disposition of land, or out of other moneys received on capital account: Provided always, that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing is made, and any moneys from time to time re-borrowed shall be deemed to form the same loan as the money in lieu of which such re-borrowing has been made, and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Art. III. The Local Acts, the Orders, and the Confirming Acts shall be further altered so as to provide that, as regards moneys to be repaid in accordance with the provisions of this Order, the following provisions shall take effect:—

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

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

[Ch. cxi.] *Local Government Board's* [50 & 51 VICT.]
Provisional Orders Confirmation (No. 6) Act, 1887.

A.D. 1887.

*Southport
Order.*

Art. IV. Section 114 of the Act of 1871, so much of the Confirming Act of 1880 as relates to Article IX. of the Order of 1880, and Section 62 of the Act of 1885, shall be altered so as to provide that all moneys received on the sale or disposition of lands, and all premiums on leases and other moneys received on capital account, shall be applicable only in repayment of debt, in addition to and not in substitution for any other mode of repayment, save to such extent as may be from time to time approved by the Local Government Board.

The SCHEDULE above referred to.

1. Local Act.	2. Amounts authorised to be raised and expended.	3. Amounts borrowed to 25th March 1887.	4. Amounts outstanding on the 25th March 1887.	5. Amounts standing to credit of Sinking Funds and available for Redemption of Debt on the 25th March 1887.
Act of 1865 - - -	£ 8,000	} 180,822	£ 120,873	£ s. d. 1,662 17 5
Act of 1871 - - -	60,000			
Act of 1875 - - -	80,000	} 120,000	104,348	592 19 5
Act of 1875 as altered by the Order of 1878.	40,000			
Act of 1876 - - -	372,775	199,235	166,942	1,017 11 10
Act of 1876 as altered by the Order of 1880.	30,000	24,340	18,598	665 14 1
Act of 1885 - - -	56,140	36,140	36,140	1,139 8 1

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

(L.S.)

CHAS. T. RITCHIE, President.
 HUGH OWEN, Secretary.

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