



CHAPTER xxxvi.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Abingdon and Beverley, the Local Government District of Briton Ferry, the Borough of Burnley, the Local Government District of Buxton, the Borough of Cardigan, the Town of Hove, the City of Manchester, the Improvement Act District of Middleton and Tonge, the Boroughs of Newbury and Southport, the Improvement Act District of West Hartlepool, and the Local Government District of Wirks-
worth. A.D. 1880.

[9th July 1880.]

WHEREAS the Local Government Board have, as regards the boroughs, town, city, and districts herein mentioned, 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 :

1. The Orders as set out in the schedule hereto shall be and the same are hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, have full validity and force. The Orders in schedule confirmed.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Act, 1880. Short title.

A.D. 1880.

SCHEDULE.

*Abingdon
Order.*

BOROUGH OF ABINGDON.

Provisional Order for altering and amending a Local Act.

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

And to all others whom it may concern.

WHEREAS the Borough of Abingdon, in the County of Berks, is an Urban Sanitary District, of which the Mayor, Aldermen, and Burgesses, acting by the Council (herein-after referred to as “the Corporation”), are the Urban Sanitary Authority, and a Local Act passed in the sixth year of the reign of His late Majesty King George the Fourth, intituled “An Act for better paving, lighting, watching, and otherwise improving the Town of Abingdon, in the County of Berks, for removing nuisances, annoyances, and encroachments therein, and for preventing the same in future” (herein-after called “the Local Act”), is in force in the District;

And whereas by the Local Act certain Commissioners were appointed for carrying the Act into execution, and a certain debt, amounting to the sum of two thousand pounds, borrowed on mortgage of the rates and duties granted and authorised by a Local Act passed in the thirty-fourth year of the reign of His late Majesty King George the Third, intituled “An Act for paving the footways in the Town of Abingdon, in the County of Berks; for better cleansing, lighting, and watching the streets, lanes, passages, and places in the said Town; for removing and preventing incroachments, obstructions, nuisances, and annoyances therein, and for otherwise improving the said Town,” was transferred to the said Commissioners;

And whereas under the provisions of the Local Act the said Commissioners were empowered to borrow the sum of four thousand pounds upon the credit of the rates or assessments granted or made payable by virtue of that Act, in addition to the said sum of two thousand pounds so transferred as aforesaid, and they accordingly borrowed the sum of one thousand six hundred and seventy-five pounds;

And whereas on the passing of the Public Health Act, 1872, the said sums of two thousand pounds and one thousand six hundred and seventy-five pounds, making together the sum of three thousand six hundred and seventy-five pounds, became transferred to the Corporation;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially, to repeal,

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alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875 ;

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*Abingdon
Order.*

And whereas the Local Act is a Local Act within the meaning of the above-recited section of the Public Health Act, 1875, and the Corporation, as such Urban Sanitary Authority as aforesaid, have applied to the Local Government Board to issue a Provisional Order to alter and amend the Local Act as herein-after mentioned ;

And whereas the Local Government Board, upon receipt of the said application, directed Local Inquiry to be held on the subject, which Inquiry was held, after due public notice, and report has been made to them thereon :

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by the 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 Local Act shall be altered and amended so as to provide that the Corporation may from time to time, with the sanction of the Local Government Board, borrow on security of the district fund and general district rate a sum or sums not exceeding three thousand six hundred and seventy-five pounds, for the purpose of repaying the said sums of two thousand pounds and one thousand six hundred and seventy-five pounds.

Art. II. Any money so borrowed shall be repaid by the Corporation within a period not exceeding fifty years from the commencement of this Order, and all the provisions of the Public Health Act, 1875, with respect to moneys borrowed or re-borrowed under that Act, shall apply to any sum borrowed under this Order for the purpose of repaying the said sums of two thousand pounds and one thousand six hundred and seventy-five pounds, in like manner as if such sum had been borrowed under the Public Health Act, 1875, and not under the Local Act.

Art. III. The Local Act shall be further altered and amended, and shall provide as follows ; viz.—

(a.) The Treasurer of the Corporation shall, within twenty-one days after the expiration of each year during which any sum is required to be paid as an instalment, or to be set apart for a sinking fund, in respect of any money borrowed under this Order, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amounts which have been paid as instalments, and the amounts which have been invested or applied for the purposes of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment, or of the sums accumulated by way of interest, has been applied

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*Abingdon
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during the same period, and the total amounts (if any) remaining invested at the end of the year.

(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 money set apart for any sinking fund, or of the sums accumulated by way of interest, to any purposes other than those authorised, they may, by Order, direct that a sum not exceeding double the amount in respect of which default has been made shall be 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 First day of May, in the year One thousand eight hundred
and eighty.

(L.S.)

G. SCLATER-BOOTH, President.
JOHN LAMBERT, Secretary.

*Beverley
Order.*

BOROUGH OF BEVERLEY.

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

To the Mayor, Aldermen, and Burgesses of the Borough of Beverley, in
the East Riding of the County of York, being the Urban Sanitary
Authority for that Borough; —

And to all others whom it may concern.

WHEREAS by Sections 4 and 7 of a Local Act of Parliament passed in
the sixth year of His late Majesty King George the Fourth, intituled "An Act
" to amend and enlarge the powers of an Act passed in the forty-eighth year of
" the reign of His late Majesty King George the Third, for lighting, watching,
" and regulating the streets, lanes, and other public passages and places within
" the Town of Beverley, in the County of York," (herein-after referred to as
" the Local Act,") certain Commissioners (herein-after referred to as "the
Commissioners") were authorised to make, erect, or purchase retorts, gasometers,
receivers, and other buildings, cisterns, engines, and other apparatus, and after
sufficiently lighting the streets, lanes, and public places in the said Town of
Beverley, were empowered to let out or grant to any person or persons whom-
soever who should be willing to take the same, any light or lights, or argand,
cockspur, batwing, or other kind of burner or burners, and to supply the same
with gas, upon such terms and conditions, and at such annual rents for the same,

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sional Orders Confirmation (Abingdon, &c.) Act, 1880.

and in such manner as the Commissioners should from time to time think proper :
Provided nevertheless, that all moneys to proceed therefrom or arise thereby
were in the first instance to be applied to defray the expenses of the gas apparatus
and other things connected therewith, and that if there should be any overplus,
then the same should be applied generally for the purposes of the Local Act and
the therein recited Act, being the said Act passed in the forty-eighth year of
the reign of His late Majesty King George the Third, and herein-after referred
to as "the Act of 1808" ;

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And whereas by Section 35 of the Local Act the Commissioners were
empowered from time to time, when and so often as they should think fit and
expedient, to borrow and take up at interest any sum of money not exceeding
in the whole the sum of fourteen thousand pounds, upon the credit of the said
buildings, gas apparatus, and other materials which might be vested in
the Commissioners for the time being, and upon the rates and assessments
authorised to be made, levied, and collected by virtue of the Act of 1808,
and by any writing or writings under the hands and seals of the Com-
missioners, or any five or more of them, to mortgage, grant, or assign the
said buildings, gas apparatus, and other materials, rents, profits, rates, and
assessments, or any part or parts thereof, to the person or persons who should
advance or lend such money, or to his, her, or their trustee or trustees, as a
security or securities for the money so to be borrowed, together with such
interest as the Commissioners and the parties lending such money should agree
upon ;

And whereas by a Provisional Order of the General Board of Health dated
the Twenty-second day of May, One thousand eight hundred and fifty-one,
and confirmed by the Public Health Supplemental Act, 1851 (No. 2.), which
Order and Act are respectively herein-after referred to as "the Provisional
Order" and "the Confirming Act," the Mayor, Aldermen, and Burgesses of
the Borough of Beverley (herein-after referred to as "the Corporation") were
declared to be the Local Board of Health under the Public Health Act, 1848,
for the Borough of Beverley (herein-after referred to as "the Borough"), and
such of the powers, authorities, and duties of the Commissioners as were
granted or imposed by so much of the Act of 1808 and the Local Act as were
not repealed by the Provisional Order, and so far as the same were not repugnant
to or inconsistent with the Public Health Act, 1848, or the Provisional Order,
or any byelaw which should be lawfully made under the Public Health Act, 1848,
were transferred to the said Local Board of Health, to be had and to be
exercised in the same manner as nearly as might be as if such powers,
authorities, and duties had been granted or imposed by the Public Health
Act, 1848 ;

And whereas by the Provisional Order it was provided that the said Local
Board of Health should be the Commissioners for executing such parts of the
Act of 1808, and the Local Act as should not be repealed according to the pro-
visions of the Provisional Order, and that all lands, buildings, works, rates,
tolls, duties, and hereditaments, utensils, materials, books, plans, maps, deeds,
effects, contracts, papers, moneys and securities for money, and all other property

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*Beverley
Order.*

and estate whatsoever belonging to or vested in the Commissioners acting in the execution of the Act of 1808 and the Local Act, should be transferred to, vested in, belong to, and be recovered by, the said Local Board of Health ;

And whereas by the Provisional Order it was also provided that all bonds, mortgages, annuities, contracts, debts, moneys and securities for money, made, given, contracted, or payable by the Commissioners, should be paid and satisfied by the said Local Board out of such parts of the said transferred property and estate as would or ought to have been charged or chargeable in respect of the same if the Provisional Order had not been made, and should, as near as circumstances would permit, have the same priority and be paid and satisfied within the same times, and be recovered from the said Local Board as the same might have been recovered from the Commissioners: Provided always, that if such property and estate were insufficient for that purpose, the deficiency should be charged upon, and paid and satisfied by the said Local Board of Health out of the general district rates levied under the said Public Health Act, 1848, in the parts and places which would or ought to have been chargeable with such deficiency if the Provisional Order had not been made ;

And whereas the Commissioners under the authority of Section 35 of the Local Act borrowed sums amounting to nine thousand five hundred pounds, and granted and assigned the said buildings, gas apparatus, materials, rents, profits, rates, and assessments in that section mentioned to the persons who advanced the same, as securities for the money so borrowed ;

And whereas the mortgages for the money so borrowed are payable by the Corporation in the manner and out of the property, estate, and rates mentioned in the Provisional Order, and such mortgages have not yet been paid off ;

And whereas the Borough is an Urban Sanitary District, of which the Corporation are the Urban Sanitary Authority ;

And whereas by Section 297 of the Public Health Act, 1875, it is enacted that any Act confirming any Provisional Order made in pursuance of any of the Sanitary Acts or of the Public Health Act, 1875, may be repealed, altered, or amended by any Provisional Order made by the Local Government Board and confirmed by Parliament ;

And whereas it has been proposed that the Confirming Act, so far as it relates to the Provisional Order, should be altered and amended in manner herein-after mentioned ;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially, to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875 ;

And whereas the Local Act is a Local Act within the meaning of the above-recited section of the Public Health Act, 1875, and the Corporation, as such

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Urban Sanitary Authority as aforesaid, have applied to the Local Government Board to alter and amend the same as herein-after mentioned ;

—
Beverley
Order.
—

And whereas the Local Government Board, on receipt of such application, directed Local Inquiry to be held on the subject, and also of the proposed amendment of the Confirming Act, which Inquiry was held, after due public notice, and report has been made to them thereon :

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by the 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 and the Confirming Act, so far as it relates to the Provisional Order, shall be altered and amended so as to provide that, subject to the provisions of this Order, the Corporation may re-borrow money, by the issue of securities under the provisions of the Local Loans Act, 1875, for the purpose of discharging the whole or any part of the said sum of nine thousand five hundred pounds, so owing on mortgage as aforesaid.

Art. II. The prescribed period for the discharge of any loan raised by the issue of securities under the Local Loans Act, 1875, for the said purpose shall be sixty years, and the property and local rates on which every such loan shall be charged shall be the gasworks of the Corporation, the gas rents and other revenue from time to time received by the Corporation in respect of such gasworks, and the district fund and general district rate leviable by the Corporation under the Public Health Act, 1875.

Provided that the Corporation shall not have recourse to the district fund or general district rate for the purpose of paying any interest or principal in respect of any such loan, unless the revenue of the Corporation for the time being from the said gasworks is insufficient to pay such interest or principal; but this provision shall not affect the right of any lender whose principal or interest is in arrear to obtain the appointment of a receiver of the said district fund or general district rate.

Art. III. The discharge of every loan raised in accordance with the provisions of this Order by the issue of securities under the Local Loans Act, 1875, shall be secured by one of the methods, including a sinking fund, specified in Section 13 of that Act: Provided that the discharge of such loan shall not be secured by the annual appropriation, as in that Act mentioned, of a fixed sum to the discharge of a certain portion of such loan.

Given under the Seal of Office of the Local Government Board, this
Twelfth day of May, in the year One thousand eight hundred
and eighty.

(L.S.)

J. G. DODSON, President.
JOHN LAMBERT, Secretary.

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A.D. 1880.

*Briton Ferry
Order.*

LOCAL GOVERNMENT DISTRICT OF BRITON FERRY.

Provisional Order for altering the Briton Ferry Local Board Act, 1873.

To the Briton Ferry Local Board, being the Sanitary Authority for the Urban Sanitary District of Briton Ferry, in the County of Glamorgan; —

And to all others whom it may concern.

WHEREAS the Local Government District of Briton Ferry is an Urban Sanitary District, of which the Briton Ferry Local Board (herein-after referred to as "the Local Board") are the Urban Sanitary Authority, and the Briton Ferry Local Board Act, 1873 (herein-after referred to as "the Local Act"), is in force in the said District;

And whereas by Section 36 of the Local Act it is enacted that the Local Board may, with the sanction of the Local Government Board, from time to time, under the authority of that Act, in addition to any moneys they have borrowed or are authorised to borrow under any other Act, borrow at interest on mortgage of the gasworks of the Local Board, and of the gas rents and other revenue of the Local Board arising from their gas undertaking, and of the general district rate under the Public Health Acts, or of any of such securities, either together or separately, all such sums as they may from time to time think requisite, for all or any of the purposes of that Act, not exceeding in the whole the sum of ten thousand pounds;

And whereas by Section 28 of the Local Act it is enacted that the sum to be yearly set apart by the Local Board for a gas sinking fund shall be a sum equal to the fiftieth part of the amount at any time raised under the powers of that Act, but the Local Board shall not be bound to commence the formation of the sinking fund, by setting apart any portion of their revenue for the purpose, until the expiration of two years after they shall have completed the purchase of the undertaking of the Company;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially, to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875;

And whereas by a Provisional Order of the Local Government Board dated the Nineteenth day of April, One thousand eight hundred and seventy-six, which was duly confirmed by the Local Government Board's Provisional Orders Confirmation (Briton Ferry, &c.) Act, 1876, Section 36 of the Local Act was altered so as to enable the Briton Ferry Local Board, subject to the sanction of the Local Government Board, to borrow the sum of twenty thousand pounds,

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in lieu of the sum of ten thousand pounds in the said section mentioned, such sum of twenty thousand pounds to be applied in the manner directed by the Local Act with respect to the said sum of ten thousand pounds ;

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—
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Order.
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And whereas the Local Board have borrowed, under the authority of the Local Act as amended by the said Provisional Order, sums amounting in the whole to fourteen thousand and thirty-five pounds, and have agreed to repay the same, with the interest thereon, by half-yearly instalments of principal and interest combined ;

And whereas the Local Act is a Local Act within the meaning of the above-recited section of the Public Health Act, 1875, and the Local Board have applied to the Local Government Board to further alter and amend the same, and the Local Government Board, on receipt of such application, directed Local Inquiry to be held on the subject, which Inquiry was held, after due public notice, and report has been made to them thereon :

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

Art. I. Section 28 of the Local Act shall be altered and amended so as to enable the Local Board to repay moneys borrowed before or after the commencement of this Order, either by equal annual instalments of principal or of principal and interest combined, within the period of fifty years from the time of borrowing the same, or by means of a sinking fund as mentioned in that section.

Provided that "The Public Health Act, 1875," shall be deemed to be substituted for "the Public Health Acts" and "the Sanitary Acts" throughout the Local Act, and that any money re-borrowed under the provisions of Section 41 of the Local Act shall be repaid within the period within which the original loan in respect of which such money is re-borrowed would have been required to be repaid, and that no such re-borrowing shall affect the obligation of the Local Board with respect to any sinking fund to be set aside, nor unless the re-borrowing be effected at a different rate of interest, the amount of any instalment to be paid under the provisions of this Order.

Art. II. The Local Act shall be further altered, and shall provide that—

(a.) The Clerk to the Local Board shall, within twenty-one days after the expiration of each year during which any sum is required to be paid as an instalment, or to be set apart for a sinking fund, in respect of moneys borrowed before or after the commencement of this Order under the provisions of the Local Act as altered and amended by the said Provisional Order and this Order, or in respect of moneys re-borrowed for the repayment of moneys so borrowed, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amounts which have been paid as instalments, and the amounts which have been invested or applied for the purposes of such sinking fund during the year next preceding the making of such

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return, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment, or of the sums accumulated by way of interest, has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and in the event of any wilful default in making such return, such Clerk shall be liable to a penalty not exceeding twenty pounds.

- (b.) 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 money set apart for any sinking fund, or of the sums accumulated by way of interest, to any purposes other than those authorised, they may, by Order, direct that a sum not exceeding double the amount in respect of which default has been made shall be 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 Twenty-seventh day of April, in the year One thousand
eight hundred and eighty.

G. SCLATER-BOOTH, President.

JOHN LAMBERT, Secretary.

(L.S.)

*Burnley
Order.*

BOROUGH OF BURNLEY.

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

To the Mayor, Aldermen, and Burgesses of the Borough of Burnley, 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 Burnley, 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 the Burnley Borough Improvement Act, 1871 (herein-after referred to as "the Local Act"), as amended by the Provisional Orders herein-after referred to, is in force in the said District, so far as it has not been repealed by such Orders;

And whereas by Section 468 of the Local Act the Corporation are empowered from time to time, in addition to any existing mortgage debt, to borrow at interest, on the security of the estates and property of the Corporation and the Borough Fund and Borough Rates, any sums not exceeding in

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the whole one hundred and twelve thousand pounds, and to mortgage their estates and property and the Borough Fund and Borough Rates to secure the repayment thereof, with interest, accordingly;

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—
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Order.
—

And whereas by Section 469 of the Local Act it is enacted that the Corporation shall not, out of the money borrowed by them under that Act, expend more than thirty thousand pounds in connexion with the supply of water;

And whereas by a Provisional Order of the Local Government Board dated the First day of May, One thousand eight hundred and seventy-eight, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Belper Union, &c.) Act, 1878 (which Order and Act are herein-after respectively referred to as "the Provisional Order of 1878" and "the Confirming Act of 1878"), Section 468 of the Local Act was altered and amended so as to enable the Corporation to borrow under the provisions thereof a sum not exceeding thirty-five thousand pounds, in addition to the sum of one hundred and twelve thousand pounds therein mentioned; and by the Provisional Order of 1878, Section 469 of the Local Act was also altered and amended so as to provide that such further sum as might be borrowed by the Corporation under the Local Act as thereby altered and amended should be applied in connexion with the supply of gas;

And whereas by the Provisional Order of 1878 it was provided that Section 479 of the Local Act should not be applicable to the said sum of thirty-five thousand pounds, or to any part thereof, but that the provisions of Section 234 of the Public Health Act, 1875, should apply to the borrowing, re-borrowing, and repayment of the said sum of thirty-five thousand pounds, and any part thereof, as if the same were borrowed under the provisions of that Act and not of the Local Act;

And whereas by a Provisional Order of the Local Government Board dated the Second day of May, One thousand eight hundred and seventy-nine, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Aspull, &c.) Act, 1879 (which Order and Act are herein-after respectively referred to as "the Provisional Order of 1879" and "the Confirming Act of 1879"), Section 468 of the Local Act and the Confirming Act of 1878, so far as it related to the Provisional Order of 1878, were altered and amended so as to enable the Corporation, subject to the sanction of the Local Government Board, to borrow, in manner mentioned in Section 468 of the Local Act, any sums of money not exceeding in the whole the sum of twenty-one thousand pounds, in addition to the sum of one hundred and twelve thousand pounds authorised to be borrowed by Section 468 of the Local Act, and the sum of thirty-five thousand pounds authorised to be borrowed by the Provisional Order of 1878;

And whereas by the Provisional Order of 1879 the Corporation were required to discharge all moneys borrowed under the borrowing powers conferred by such Order by equal annual instalments of principal, or of principal and interest, or by means of a sinking fund set apart, invested, accumulated, and applied in accordance with the provisions of Sub-sections (4) and (5) of Section 234 of the Public Health Act, 1875;

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*Burnley
Order.*

And whereas by Articles 3, 4, and 5 of the Provisional Order of 1879 the Corporation were also required to appropriate and set apart and apply in the repayment of borrowed moneys certain amounts which would have been appropriated and set apart as sinking funds, if the Corporation had complied with the requirements in that behalf contained in the Local Act ;

And whereas since the issue of the Provisional Order of 1879 it has been represented to the Local Government Board that the Corporation, out of current rates and revenues, have expended in the construction of new works, the cost of which might properly have been defrayed out of moneys borrowed under the Local Act, sums exceeding in the whole the amounts which would have been appropriated and set apart as such sinking funds as aforesaid, if the Corporation had complied with the provisions in that behalf contained in the Local Act ;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially, to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875 ;

And whereas by Section 297 of the Public Health Act, 1875, it is enacted that any Act confirming any Provisional Order made in pursuance of any of the Sanitary Acts, or of that Act, may be repealed, altered, or amended by any Provisional Order made by the Local Government Board, and confirmed by Parliament ;

And whereas the Local Act is a Local Act within the meaning of Section 303 of the Public Health Act, 1875, and the Corporation have applied to the Local Government Board to alter and amend the Local Act as herein-after mentioned ;

And whereas the Local Government Board, on receipt of such application, directed Local Inquiry to be held on the subject, and also on the subject of a proposal to partially repeal and amend the Confirming Acts of 1878 and 1879, which Inquiry was held, after due public notice, and report has been made to them thereon :

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

Art. I. Section 468 of the Local Act and the Confirming Acts of 1878 and 1879, so far as they relate to the Provisional Orders of 1878 and 1879, shall be altered and amended so as to enable the Corporation, subject to the sanction of the Local Government Board, to borrow, in manner mentioned by Section 468 of the Local Act, on the security of the estates and property of the Corporation and the Borough Fund and Borough Rates, any sums of money not exceeding in the whole the sum of eighty thousand pounds, in addition to the sum of one

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hundred and twelve thousand pounds authorised to be borrowed by Section 468 of the Local Act, and the sum of thirty-five thousand pounds authorised to be borrowed by the Provisional Order of 1878, and the sum of twenty-one thousand pounds authorised to be borrowed by the Provisional Order of 1879.

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—
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—

Art. II. Section 469 of the Local Act shall be further altered and amended in such a manner that the amount thereby authorised to be expended in connexion with the supply of water shall be deemed to be one hundred and ten thousand pounds.

Provided that no amounts in excess of thirty thousand pounds shall be so expended until the sanction of the Local Government Board has been first obtained to such expenditure.

Art. III. The Corporation shall discharge all moneys borrowed under the powers of borrowing conferred by this Order within such period, not exceeding sixty years, as the Corporation, with the sanction of the Local Government Board, determine in each case, by equal annual instalments of principal, or of principal and interest, or by means of a sinking fund set apart, invested, accumulated, and applied in accordance with the provisions of Sub-sections (4) and (5) of Section 234 of the Public Health Act, 1875.

Art. IV. Articles 3, 4, and 5 of the Provisional Order of 1879 shall be wholly repealed.

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

(a.) The Treasurer of the Borough shall, within twenty-one days after the expiration of each year during which any sum is required to be paid as an instalment, or to be set apart for a sinking fund in respect of moneys borrowed under the powers of borrowing conferred by this Order, or in respect of moneys re-borrowed for the repayment of moneys so borrowed, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amounts which have been paid as instalments, and the amounts which have been invested or applied for the purposes of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment, or of the sums accumulated by way of interest, has been applied during the same period, and the total amounts (if any) remaining invested at the end of the year.

(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 money set apart for any sinking fund, or of the sums accumulated by way of interest, to any purposes other than those authorised, they may, by Order, direct that a sum not exceeding double the amount in respect of which default has been made shall be paid by way of instalment, or be set apart and invested

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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
Twenty-eighth day of April, in the year One thousand eight
hundred and eighty.

(L.S.)

G. SCLATER-BOOTH, President.
JOHN LAMBERT, Secretary.

*Buxton
Order.*

LOCAL GOVERNMENT DISTRICT OF BUXTON.

Provisional Order for altering and amending certain Local Acts.

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

And to all others whom it may concern.

WHEREAS the Local Government District of Buxton, in the County of Derby, is an Urban Sanitary District, of which the Buxton Local Board (hereinafter called "the Local Board") are the Urban Sanitary Authority, and the Buxton Gas Act, 1870, and the Buxton Local Board Act, 1873 (hereinafter called "the Act of 1870," and "the Act of 1873," respectively), are in force in the said District ;

And whereas by Section 92 of the Act of 1870 it is enacted that the Local Board may from time to time, under the authority and for the purposes of that Act, in addition to any moneys they are authorised to borrow under the Public Health Acts, borrow at interest, on mortgage of the gasworks, lands, and property therein referred to, when vested in them, and of the gas rates and of the general district rates leviable by them under the Public Health Acts, or of any such securities, either together or separately, all such sums as they may from time to time think requisite for any of the purposes of that Act, not exceeding in the whole twenty thousand pounds, and after having paid off, otherwise than by the sinking fund, any moneys so borrowed, may re-borrow the amount so paid off, and so toties quoties ;

And whereas by Section 93 of the Act of 1870 it is further enacted that the provisions of the Local Government Act, 1858, with reference to mortgages by the Local Board, and to the payment off thereof by means of a sinking fund, shall apply to all money borrowed by the Local Board under that Act ;

And whereas by Section 34 of the Act of 1873 it is enacted that the Local Board may from time to time, under the authority of that Act, in addition to any moneys borrowed, or authorised to be borrowed under any other Act, borrow at interest, on mortgage of the waterworks or of the gasworks of the Local Board, and of the water rates or gas rates, and other revenue of the

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Local Board arising from their water or gas undertaking, and of the general district rates under the Local Government Acts, or of any of such securities, either together or separately, all such sums as they may from time to time think requisite for all or any of the purposes of that Act, not exceeding in the whole,—

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With respect to water, fifteen thousand pounds ;

With respect to gas, fifteen thousand pounds ;

With respect to other purposes, three thousand pounds ;

but that the Local Board shall not borrow more than seven thousand pounds of the said sum of fifteen thousand pounds with respect to water, nor more than ten thousand pounds of the said sum of fifteen thousand pounds with respect to gas, nor more than one thousand pounds of the said sum of three thousand pounds, without the sanction of the Local Government Board ; and that no person advancing money to the Local Board on mortgage under the powers of that Act shall be bound to see to the application thereof ;

And whereas by Section 40 of the Act of 1873 it is enacted that the Local Board may from time to time re-borrow any amount borrowed under the provisions of that Act, and from time to time paid off by them respectively, unless it be paid off by means of annual instalments or the sinking fund, in which case, and to the extent of the amount paid off by means of annual instalments or the sinking fund, their powers of borrowing and re-borrowing shall cease ;

And whereas by Section 41 of the Act of 1873 it is enacted that, subject to the provisions of that Act, the provisions of the Local Government Act, 1858, with respect to mortgages by the Local Board, and to the payment thereof by means of a sinking fund, shall apply to all money borrowed by the Local Board under the Act of 1873, but that the powers of borrowing money conferred by that Act shall not be restricted by any of the provisions of the Local Government Acts, and in calculating the amount which the Local Board may borrow under the Local Government Acts, any sums which they may borrow under the provisions of that Act shall not be reckoned ;

And whereas by Section 44 of the Act of 1873 it is further enacted that the Local Board shall pay off the moneys raised by mortgage of the waterworks of the Local Board by means of the sinking fund or by annual instalments, or partly by the sinking fund and partly by annual instalments, as they think fit ; and that the sum or sums to be yearly set apart for the sinking fund or instalment shall be of such an amount as will enable the Local Board to pay off the amount raised by such mortgages under the powers of that Act in the course of fifty years, but that the Local Board shall not be bound to commence the formation of the sinking fund or the payment by instalment, by setting apart or applying any portion of their revenue for the purpose, until the expiration of five years from the passing of that Act ;

And whereas by Section 47 of the Act of 1873 it is further enacted that the Local Board shall pay off the moneys raised by mortgage of the gasworks of the Local Board by means of the sinking fund or by annual instalments, or partly by the sinking fund and partly by annual instalments, as they think

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fit; and that the sum or sums to be yearly set apart for the sinking fund or instalment shall be of such an amount as will enable the Local Board to pay off the amount raised by such mortgages, under the powers of the Act of 1870 or the Act of 1873, in the course of fifty years; and such sinking fund shall be in lieu of the sinking fund under the Act of 1870;

And whereas by Section 48 of the Act of 1873 it is further enacted that the Local Board shall pay off the moneys raised by mortgage of the general district rates under the powers of that Act, and not by mortgage of the waterworks or gasworks, by means of the sinking fund or by annual instalments, or partly by the sinking fund and partly by annual instalments, as they think fit; and that the sum or sums to be yearly set apart out of the district fund for the sinking fund or instalments for the repayment of such mortgages shall be of such an amount as will enable the Local Board to pay off the amount raised by such mortgages under the powers of that Act in the course of thirty years;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially, to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875;

And whereas the Local Government Board by a Provisional Order dated the Twelfth day of March, One thousand eight hundred and seventy-eight, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Act, 1878, ordered that, from and after the date of the Act of Parliament confirming that Order, Section 34 of the Act of 1873 should be altered and amended so as to enable the Local Board, subject to the sanction of the Local Government Board, to borrow under the provisions of that section, and for the purposes of their gas undertaking, any sum or sums not exceeding in the whole the sum of fifteen thousand pounds, in addition to the sum of fifteen thousand pounds therein mentioned, and that Sections 38, 40, 45, 46, and 47 of the Act of 1873 should be altered, so as to apply to such further sum or sums as might be borrowed by the Local Board for the purposes of their gas undertaking, under the provisions of Section 34 as altered by that Order;

And whereas the Local Board have, under the provisions of Section 92 of the Act of 1870, borrowed the sums of six thousand pounds, one thousand pounds, and thirteen thousand pounds, making together the sum of twenty thousand pounds, and the said sum of six thousand pounds has been borrowed on terms of repayment by equal annual instalments of principal within a period of thirty years from the date of the borrowing thereof, and the said sum of one thousand pounds has been borrowed on terms of repayment by equal annual instalments of principal and interest combined within a period of thirty years from the date of the borrowing thereof, and the said sum of thirteen thousand pounds is not being repaid by annual instalments;

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And whereas the Local Board have, under the provisions of Section 34 of the Act of 1873, borrowed the sum of fifteen thousand pounds for the purposes of their water undertaking, of which the sum of eight thousand pounds has been borrowed on terms of repayment by equal annual instalments of principal within a period of thirty years from the date of the borrowing thereof, and the sum of seven thousand pounds is not being repaid by annual instalments ;

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And whereas no sinking funds have been set apart for the repayment of the said sums of thirteen thousand pounds and seven thousand pounds respectively ;

And whereas the Local Board have, under the provisions of the last-mentioned Section, as altered and amended by the said Provisional Order, borrowed the sum of thirty thousand pounds for the purposes of their gas undertaking, of which the sum of six hundred pounds has been borrowed on terms of repayment by equal annual instalments of principal and interest combined within a period of thirty years from the date of the borrowing thereof, and the sum of five thousand pounds has been borrowed on terms of repayment within a period of thirty years from the date of the borrowing thereof, and the sum of twenty-four thousand four hundred pounds is being repaid by means of a sinking fund in accordance with the provisions of the Act of 1873 ;

And whereas the Local Board have, under the provisions of Section 34 of the Act of 1873, borrowed the sum of one thousand pounds for purposes other than their water or gas undertakings, which sum is being repaid by means of a sinking fund in accordance with the provisions of the Act of 1873 ;

And whereas, notwithstanding the provisions of Section 44 of the Act of 1873, the Local Board had, prior to the expiration of the period of five years from the passing of that Act, repaid the sum of eight hundred pounds in respect of the said sum of eight thousand pounds borrowed by them for the purposes of their water undertaking ;

And whereas, in consequence of the said sums of six thousand pounds and one thousand pounds, borrowed under the Act of 1870, and the sums of eight thousand pounds and six hundred pounds, borrowed under the Act of 1873, having been borrowed on terms of repayment by equal annual instalments as aforesaid, the amounts to be annually raised by the Local Board to meet such instalments have been and will, during the several periods of thirty years for which those several sums have been borrowed, be larger than would have been and would be required if the said loans had been borrowed on terms of repayment within fifty years from the date of the borrowing thereof by means of a sinking fund, and the Local Board have accordingly applied to the Local Government Board to alter and amend the Act of 1870 and the Act of 1873 in the manner herein-after mentioned ;

And whereas the Act of 1870 and the Act of 1873 are Local Acts within the meaning of Section 303 of the Public Health Act, 1875, and the Local Government Board, upon receipt of such application, directed Local Inquiry to be held on the subject, which Inquiry was held, after due public notice, and report has been made to them thereon :

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Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by the 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 Act of 1873 shall be altered and amended so as to provide that any repayments of principal which the Local Board may have made before or may make after the commencement of this Order in respect of moneys borrowed by them under the Act of 1873 for the purposes of their water undertaking shall, except as herein-after provided, be deemed to have been payments made into a sinking fund set aside by the Local Board for the repayment of all moneys borrowed by them under the Act of 1873 for the purposes of their water undertaking.

Provided that if at any time the total amount of the repayments so made as aforesaid shall be in excess of the total amount which should have been standing to the credit of such sinking fund, the amount for the time being so in excess may be re-borrowed by the Local Board, under and subject to the provisions of the Act of 1873 as amended by this Order.

Art. II. The provisions of Art. I. of this Order shall apply, mutatis mutandis, to any repayments of principal which the Local Board may have made before or may make after the commencement of this Order in respect of moneys borrowed by them under the Act of 1870 and the Act of 1873 as amended by the said Provisional Order for the purposes of their gasworks undertaking, and shall also apply, mutatis mutandis, to any repayments of principal which the Local Board may make after the commencement of this Order in respect of moneys borrowed by them under the Act of 1873 for purposes other than purposes of their waterworks and gasworks undertakings.

Art. III. Any moneys which may be re-borrowed under the powers of re-borrowing conferred by this Order shall be repaid within the period within which the original loan in respect of which such moneys are re-borrowed would have been required by the Act of 1873 or the said Provisional Order to be repaid, and no such re-borrowing shall affect the obligation of the Local Board with respect to the sinking funds herein-after referred to.

Art. IV. For the purposes of this Order the amounts which should from time to time be standing to the credit of the respective sinking funds for the repayment of the moneys borrowed before or after the commencement of this Order by the Local Board under the Act of 1870 and the Act of 1873 as amended by the said Provisional Order, for water, gas, or other purposes, shall be taken to be such amounts as would from time to time have been standing to the credit of such funds respectively if such funds had been set aside and invested, in accordance with the provisions of Sub-sections (1) and (3) of Section 15 of the Local Loans Act, 1875, and the first payment into the fund for the repayment of the moneys borrowed for water purposes had been made at the expiration of five years from the passing of the Act of 1873, and the first payment into each of the other of such funds had been made at the expiration of one year from the date of the borrowing of the moneys in respect of which such fund had been set aside.

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Art. V. Subject as herein-before provided, the provisions of Sub-sections (1), (2), (3), (4), and (7) of Section 15 of the Local Loans Act, 1875, shall apply, in lieu of the provisions with respect to sinking funds contained in the Act of 1873, to the sinking funds set aside and deemed to be set aside by the Local Board for the repayment of moneys borrowed by them as aforesaid for water, gas, and other purposes, and the prescribed period for the repayment of moneys borrowed for water and gas purposes shall be fifty years from the date of the original borrowing in each case, and the prescribed period for the repayment of moneys borrowed for other purposes shall be thirty years from the date of the original borrowing in each case.

Provided that the prescribed rate of accumulation for each sinking fund shall be deemed to be three pounds per centum per annum, except that in the cases of the sinking funds set aside for the repayment of the twenty thousand pounds borrowed as aforesaid under the Act of 1870, the fifteen thousand pounds borrowed as aforesaid under the Act of 1873 for water purposes, and the five thousand pounds borrowed as aforesaid under that Act for gas purposes, on terms of repayment within a period of thirty years from the date of the borrowing thereof, the prescribed rate of accumulation shall be deemed to be four pounds per centum per annum.

Given under the Seal of Office of the Local Government Board, this
Twelfth day of May, in the year One thousand eight hundred
and eighty.

(L.S.)

J. G. DODSON, President.
JOHN LAMBERT, Secretary.

BOROUGH OF CARDIGAN.

Provisional Order for partially repealing and altering the Cardigan Markets and Improvement Act, 1857.

To the Mayor, Aldermen, and Burgesses of the Borough of Cardigan, in the Counties of Cardigan and Pembroke, being the Urban Sanitary Authority for that Borough ; —

And to all others whom it may concern.

WHEREAS the Borough of Cardigan, in the Counties of Cardigan and Pembroke, 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 Cardigan Markets and Improvement Act, 1857 (herein-after referred to as "the Local Act"), is in force in the said District ;

And whereas Sections 47 to 64, both inclusive, of the Local Act contain provisions with respect to various matters concerning which provisions are contained in the Public Health Act, 1875 ;

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Order.*

And whereas Sections 68 to 75, both inclusive, and Sections 78 and 79 of the Local Act relate to the levying of an improvement rate and highway rate, the borrowing of moneys for the purposes of the Local Act, the amount of the sinking fund to be set aside for the repayment of moneys so borrowed, the appointment of a receiver to enforce the payment of arrears of principal and interest due in respect of such moneys, the application of such moneys, and the application of highway rates ;

And whereas by Section 77 of the Local Act it is enacted that all moneys which shall come to the hands of the Corporation from the improvement rates, the market and fair tolls, stallages and rents, slaughter-house tolls, and water rates therein mentioned, shall be applied and disposed of as follows ; that is to say :

First. In defraying the charges and expenses incurred in or incident to the obtaining and passing of the Local Act ;

Secondly. In paying the interest of all moneys borrowed, and from time to time due and owing, on the credit of the said improvement rates, market and fair tolls, stallages and rents, slaughter-house tolls, and water rates, or any of them ;

Thirdly. In setting apart and appropriating the sum by the Local Act directed to be set apart and appropriated as a sinking fund for paying off the principal moneys borrowed or secured on the improvement rates, market and fair tolls, stallages and rents, slaughter-house tolls, and water rates, or any of them ;

Fourthly. In carrying all the purposes of the Local Act into execution, except the building and repairing sewers, within the limits of the Local Act, and any other purposes for which any rate for sewers, drains, and private improvements is by the Local Act or any Act incorporated therewith made applicable, and except purposes directed to be paid or provided for out of the highway rates ;

Fifthly. For the public benefit of the inhabitants and the general and sanitary improvement of the Borough ;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially, to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875 ;

And whereas the Local Act is a Local Act within the meaning of Section 303 of the Public Health Act, 1875, and the Corporation, as such Urban Sanitary Authority as aforesaid, have applied to the Local Government Board to alter and amend the Local Act as herein-after mentioned ;

And whereas the Local Government Board, on receipt of such application, directed Local Inquiry to be held on the subject, which Inquiry was held, after due public notice, and report has been made to them thereon

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Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by the 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.:

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*Cardigan
Order.*

Art. I. Sections 47 to 64, both inclusive, Sections 68 to 75, both inclusive, and Sections 78 and 79 of the Local Act shall be repealed, except so far as the same shall have been acted upon.

Art. II. The Local Act shall be altered and amended, so as to provide that all the expenses of the Corporation as an Urban Sanitary Authority under the Public Health Act, 1875, including the expenses of the repairs of the highways of the Borough, and so much of the expenses of the Corporation under the Local Act as would but for this Order have been payable out of the improvement rates and highway rates leviable under the Local Act, shall be paid out of a district fund and general district rate to be established, continued, and levied as provided in the Public Health Act, 1875.

Art. III. Section 77 of the Local Act shall be altered and amended by the omission of the words "improvement rates" in the second line of that section in the copies of the Act printed by Her Majesty's Printers, and by the substitution of the following provisions in lieu of the fourth and fifth sub-sections of that section; viz.:

"One moiety of the balance remaining in respect of the said tolls, stallages, rents, and water rates, after providing for the purposes herein-before mentioned, shall be carried to the credit of the district fund; and the remaining moiety thereof shall be carried to the credit of the borough fund."

Given under the Seal of Office of the Local Government Board, this
Tenth day of May, in the year One thousand eight hundred and eighty.

J. G. DODSON, President.

JOHN LAMBERT, Secretary.

(L.S.)

TOWN OF HOVE.

*Hove
Order.*

Provisional Order for altering the Hove Commissioners Act, 1873.

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

And to all others whom it may concern.

WHEREAS the Town of Hove, in the County of Sussex, is an Urban Sanitary District, of which the Hove Commissioners (herein-after referred to as "the Commissioners") are the Urban Sanitary Authority, and the Hove Commissioners Act, 1873 (herein-after referred to as "the Local Act"), is in force in the said District;

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Order.*

And whereas by Section 36 of the Local Act it is enacted that the Commissioners shall be the Burial Board for the execution of the Act passed in the twentieth and twenty-first years of the reign of Her present Majesty, entitled "An Act to amend the Burial Acts," and the Act passed in the twenty-third and twenty-fourth years of the same reign, entitled "An Act to make further provision for the expenses of Local Boards of Health and Improvement Commissioners acting as Burial Boards," and the Acts to be read as one with those Acts, or either of them, and shall have all the powers, duties, and obligations of a Burial Board under the said Acts; and that all expenses which may be incurred by the Commissioners in carrying the said Acts into execution shall be chargeable upon and paid out of the general district rate; and that all sums which may be received by the Commissioners under the said Acts shall be carried to the credit of the district fund account;

And whereas by Section 64 of the Local Act it is enacted that the expenses of carrying that Act into execution shall, except where otherwise expressly provided for, be chargeable upon, and paid out of, the general district rate; and that the Commissioners may exercise the borrowing powers conferred by the Sanitary Acts, or any of them, for the purpose of defraying any costs, charges, and expenses incurred or to be incurred by the Commissioners in the execution of that Act, in the same manner, and as fully and effectually, as if such costs, charges, and expenses were incurred under the Sanitary Acts, or any of them;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially, to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875;

And whereas the Local Act is a Local Act within the meaning of the above-recited section of the Public Health Act, 1875, and doubts have arisen as to whether the Commissioners may, under the provisions of Section 64 of the Local Act above recited, exercise powers of borrowing for the purpose of defraying the expenses incurred by them in carrying the Burial Acts mentioned in Section 36 above recited into execution, and the Commissioners have applied to the Local Government Board to issue a Provisional Order to alter or amend the Local Act;

And whereas the Local Government Board, upon receipt of the said application, directed Local Inquiry to be held on the subject, which Inquiry was held, after due public notice, and report has been made to them thereon:

Now, therefore, We, the Local Government Board, in pursuance of the powers given to Us by the Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the Local Act shall be altered and amended so as to provide that the expenses incurred by the Commissioners in carrying the Burial Acts mentioned in

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Section 36 of the Local Act into execution shall be deemed to be costs, charges, and expenses incurred in the execution of the Local Act, which may be defrayed by the exercise of the powers of borrowing mentioned in Section 64 of the Local Act.

A.D. 1880.

*Hove
Order.*

Provided that the words "the Public Health Act, 1875," shall be deemed to be substituted in Section 64 of the Local Act for the words "the Sanitary Acts or any of them" in that section.

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

G. SOLATER-BOOTH, President.

JOHN LAMBERT, Secretary.

(L.S.)

CITY OF MANCHESTER.

*Manchester
Order.*

*Provisional Order for altering the Manchester Corporation Waterworks and
Improvement Act, 1875.*

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

And to all others whom it may concern.

WHEREAS the City of Manchester 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 Manchester Corporation Waterworks and Improvement Act, 1875 (herein-after referred to as "the Local Act"), is in force in the said City;

And whereas by Section 57 of the Local Act it is enacted that in addition to the other sums which the Corporation are by any Act relating to the Corporation or the Local Act authorised to borrow, the Corporation from time to time may borrow at interest, for purposes connected with their gasworks, any sums not exceeding the sum of two hundred and fifty thousand pounds on the credit of the city rate of the said city, and that the Sections 16 to 30, both inclusive, of the Act (Local and Personal) 7 and 8 Victoria, chapter 40, and the several provisions contained in the Sections 34 to 50, both inclusive, of the Manchester Corporation Waterworks and Improvement Act, 1872, shall be extended to the Local Act, with reference to the moneys to be so borrowed, as if the same had been expressly repeated and re-enacted therein with reference thereto; and it is provided that the Corporation shall, from and after the first day of January, one thousand eight hundred and seventy-nine, and during the succeeding twenty years, annually set apart as a sinking fund a sum being not less than one pound ten shillings per centum, and from and after the expiration of such twenty years

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a sum being not less than two pounds per centum, on so much of the said sum of two hundred and fifty thousand pounds as from time to time has been borrowed, and that such sinking fund shall from time to time be applicable to the redemption of mortgages granted under that section, and to no other purpose whatever ;

And whereas by Section 59 of the Local Act it is enacted that in addition to the other sums which the Corporation are by any Act relating to the Corporation or the Local Act authorised to borrow, the Corporation from time to time may borrow at interest, for purposes connected with the Manchester Town Hall and Improvement Act, 1866, any sums not exceeding the sum of one hundred thousand pounds, and that Section 23 of such last-mentioned Act, and Sections 34 to 50, both inclusive, of the Manchester Corporation Waterworks and Improvement Act, 1872, shall be extended to the Local Act, with reference to the moneys to be so borrowed, as if the same had been expressly repeated and re-enacted therein with reference thereto ; and it is provided that the Corporation shall, from and after the first day of January, one thousand eight hundred and seventy-nine, and during the succeeding twenty years, annually set apart as a sinking fund a sum being not less than one pound ten shillings per centum, and from and after the expiration of such twenty years a sum being not less than two pounds per centum, on so much of the said sum of one hundred thousand pounds as from time to time has been borrowed, and that such sinking fund shall from time to time be applicable to the redemption of mortgages granted under that section, and to no other purpose whatever ;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially, to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875 ;

And whereas the Local Act is a Local Act within the meaning of the above-recited section of the Public Health Act, 1875, and the Corporation have applied to the Local Government Board to alter and amend Section 57 of the Local Act, so as to enable the Corporation to borrow, in addition to the amount therein mentioned, the sum of two hundred and fifty thousand pounds, for purposes connected with their gasworks, and to alter and amend Section 59 of the Local Act, so as to enable the Corporation to borrow, in addition to the amount therein mentioned, the sum of two hundred thousand pounds, for the purpose of completing their Town Hall, and for other expenses incidental thereto ;

And whereas the Local Government Board, upon receipt of such application, directed Local Inquiry to be held on the subject, which Inquiry was held after due public notice, and report has been made to them thereon :

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by the Statutes in that behalf, do hereby Order that from and

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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.:—

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Art. I. Section 57 of the Local Act shall be altered and amended, so as to enable the Corporation to borrow under the provisions thereof, and for purposes connected with their gasworks, any sum or sums not exceeding in the whole the sum of two hundred and fifty thousand pounds, in addition to the sum of two hundred and fifty thousand pounds therein mentioned :

Provided that the Corporation shall, in the twenty years immediately following the borrowing of the said sum of two hundred and fifty thousand pounds, or any part thereof, annually set apart as the sinking fund a sum not less than one pound ten shillings per centum on the sum so borrowed, and after the expiration of such twenty years shall annually set apart as such sinking fund a sum not less than two pounds per centum on the sum so borrowed :

Art. II. Section 59 of the Local Act shall be altered and amended so as to enable the Corporation to borrow, for the purpose of completing the Manchester Town Hall, and providing the necessary fixtures and fittings for the same, any sum or sums not exceeding in the whole the sum of two hundred thousand pounds, in addition to the sum of one hundred thousand pounds therein mentioned :

Provided that the Corporation shall, in the twenty years immediately succeeding the borrowing of the said sum of two hundred thousand pounds, or any part thereof, annually set apart as the sinking fund a sum not less than one pound ten shillings per centum on the sum so borrowed, and after the expiration of such twenty years shall annually set apart as such sinking fund a sum not less than two pounds per centum on the sum so borrowed.

Art. III. Sections 60, 62, and 63 of the Local Act shall apply to all sums borrowed by the Corporation under Sections 57 and 59 of the Local Act as hereby altered and amended.

Given under the Seal of Office of the Local Government Board, this
Twelfth day of May, in the year One thousand eight hundred
and eighty.

(L.S.)

J. G. DODSON, President.

JOHN LAMBERT, Secretary.

A.D. 1880.

*Middleton
and Tonge
Order.*

IMPROVEMENT ACT DISTRICT OF
MIDDLETON AND TONGE.

*Provisional Order for partially repealing, altering, and amending the provisions
of a Local Act.*

To the Middleton and Tonge Improvement Commissioners, being the
Sanitary Authority for the Urban Sanitary District of Middleton and
Tonge, in the County of Lancaster; —

And to all others whom it may concern.

WHEREAS under the provisions of a Local Act of Parliament, intituled
“The Middleton and Tonge Improvement Act, 1861” (herein-after referred to
as “the Local Act”), certain Commissioners (herein-after referred to as “the
Commissioners”) were appointed and incorporated, under the name of the
Middleton and Tonge Improvement Commissioners, to execute the purposes of
the Local Act connected with the making and supply of gas within the
Townships of Middleton, Tonge, Alkrington, Great Heaton, Little Heaton, and
Thornham, in the County of Lancaster, and the other purposes of the Local
Act within the said Townships of Middleton and Tonge, as defined upon a map
or plan deposited at the office of the Clerk to the Commissioners;

And whereas by a Provisional Order of the Local Government Board
dated the Seventh day of May, One thousand eight hundred and seventy-eight,
and duly confirmed by the Local Government Board's Provisional Orders
Confirmation (Bournemouth, &c.) Act, 1878 (which Order is herein-after
referred to as “the Order of 1878”), the Local Act was partially repealed,
altered, and amended;

And whereas by a Provisional Order of the Local Government Board dated
the Sixth day of May, One thousand eight hundred and seventy-nine, and duly
confirmed by the Local Government Board's Provisional Orders Confirmation
(Castleton-by-Rochdale, &c.) Act, 1879 (which Order is herein-after referred
to as “the Order of 1879”), the Local Act was further altered, so as to include
within the limits of that Act, as partially repealed, altered, and amended by the
Order of 1878, for purposes connected with the making and supply of gas, a
portion of the Township of Hopwood, in the said County, and for all other
purposes the said portion of the Township of Hopwood, a portion of the said
Township of Thornham, and the whole of the said Township of Alkrington;
and by the Order of 1879 the number of the Commissioners was increased;

And whereas by the Local Act provision was made for the transfer to the
Commissioners of the undertaking of the Middleton Gas Company, and by
Section 56 of the Local Act it was provided that in consideration of such
transfer the lighting rates, and gas rates, and gas rents, and also the gasworks
of the Commissioners, should be charged with payment to the shareholders of
the said Company of annuities, making in the aggregate a perpetual yearly sum
of two thousand six hundred pounds;

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And whereas by Section 104 of the Local Act, the Commissioners were enabled for any of the purposes of the Local Act relative to the making and supply of gas, to borrow at interest, on the securities therein mentioned, such sums as they might think necessary, not exceeding thirty-six thousand pounds, and to secure the repayment of the same, with interest, by mortgage accordingly ;

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And whereas by Section 106 of the Local Act it is provided that the amount of the lighting rate under that Act, and of the estimate to be prepared of the money required for the purpose of that rate, shall include all sums required for payment of any moneys from time to time due and accruing due upon or in respect of such annuities and mortgages, and the sinking fund to be set apart in accordance with the provisions of the Local Act and the Acts incorporated therewith ;

And whereas by Section 1 of the Local Act the Commissioners Clauses Act, 1847, is incorporated with the Local Act ;

And whereas by Section 110 of the Local Act it is enacted that the clauses and provisions of the Commissioners Clauses Act, 1847, relative to mortgages and the rights of mortgagees, to borrowing money to pay off existing mortgages, to registers and registration of mortgages and transfers, to payment of interest, to the appropriation, investment, and application of the sinking fund, and the appointment of a receiver, shall (except so far as those clauses and provisions limit the purposes for which money is to be borrowed, and the amount to be borrowed, or are otherwise inconsistent with the Local Act,) extend and apply to mortgages under the Local Act, and to moneys borrowed and mortgages and transfers made under the powers of the Local Act : Provided always, that in every year thereafter the Commissioners shall (in addition to the sums to be applied or set apart in accordance with the Local Government Act, 1858, for the discharge of any mortgages granted under the powers of the Local Act) apply in or towards the redemption of any such annuity, or set apart as a sinking fund for that purpose, a sum equal to one-thirtieth part of the annual amount of the annuity, if only one, or of all such annuities if more than one, for the time being unredeemed ;

And whereas by Section 111 of the Local Act provision is made for the application of the gas rents, lighting rates, and other moneys received by the Commissioners under such of the powers of the Local Act as relate to the making and supply of gas, other than sums raised by the Commissioners by mortgage ;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially, to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or any part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875 ;

And whereas the Local Act is a Local Act within the meaning of Section 303 of the Public Health Act 1875, and the Commissioners, as such Sanitary

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—
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—

Authority as aforesaid, have applied to the Local Government Board to issue a Provisional Order to partially repeal, alter, and amend the Local Act, as herein-after mentioned ;

And whereas the Local Government Board, on receipt of such application, directed Local Inquiry to be held on the subject, which Inquiry was held, after due public notice, and report has been made to them thereon :

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by the 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. Notwithstanding anything to the contrary contained in Sections 1 and 110 of the Local Act, the provisions of Section 84 of the Commissioners Clauses Act, 1847, with respect to the appropriation and setting apart, investment, and application of a sinking fund, shall not extend to moneys borrowed for any of the purposes of the Local Act relative to the making and supply of gas.

Art. II. So much of Section 110 of the Local Act as relates to the amounts to be applied in or towards the redemption of the annuities therein mentioned, or to be set apart as a sinking fund for that purpose, shall be repealed.

Art. III. Section 111 of the Local Act shall be wholly repealed.

Art. IV. The Local Act shall be further altered and amended, so as to provide that all gas rents, lighting rates, and other moneys which shall be received by the Commissioners in any year under such of the powers of the Local Act as relate to the making and supply of gas (other than borrowed moneys), shall be applied as follows :

First. In payment of such of the said annuities as shall from time to time remain unredeemed ;

Secondly. In payment of the sums required to be paid into a sinking fund for the redemption of the said annuities under Art. VI. of this Order ;

Thirdly. In payment of the working and establishment expenses, and the cost of the maintenance of the gasworks of the Commissioners ;

Fourthly. In payment of the interest from time to time due upon the moneys borrowed by the Commissioners under such of the powers of the Local Act as relate to the making and supply of gas ;

Fifthly. In payment of the sums required to be paid into a sinking fund for the repayment of the moneys so borrowed under Art. VII. of this Order.

Art. V. The Commissioners, after applying in the manner provided by Art. IV. the moneys received by them under such of the powers of the Local Act as relate to the making and supply of gas, shall carry one moiety of the balance of the moneys so received remaining in any year to the credit of the sinking fund for the redemption of the said annuities, in addition to the other payments required to be made into such fund under Art. VI. of this Order, and shall apply the remaining moiety of such balance in enlarging, extending, and improving the gasworks, and in the reduction of the said gas rents and lighting rates.

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Art. VI. The Commissioners shall set aside as a sinking fund for the redemption of the said annuities, on or before the twenty-ninth day of September next ensuing after the commencement of this Order, the sum of two hundred and sixty pounds, and in every subsequent year, until the whole of the said annuities are redeemed, the sum of eighty-six pounds thirteen shillings and fourpence ; and every sum so set aside, and all payments carried to the credit of the sinking fund in accordance with the provisions of Art. V. of this Order, and all accumulations of the sinking fund, when invested, shall be forthwith applied towards the redemption of the said annuities, or invested 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 nominal debentures or debenture stock issued under the Local Loans Act, 1875, by any local authority other than the Commissioners. Any moneys so invested may be applied in or towards the redemption of the said annuities ; but whenever the whole or any part of the sinking fund or of the investments thereof is applied in the redemption of the annuities, the Commissioners shall thereafter in every year, until the whole of the annuities are redeemed, pay in to the sinking fund, in addition to the other sums herein-before required to be paid into the fund, a sum equal to four per cent. upon the principal money so applied.

Provided always, that if the interest on the investments of the sinking fund is less in any year than four per cent., the difference between such interest and four per cent. shall at the expiration of such year be paid into the fund, in addition to the other sums herein-before required to be paid into the fund.

Art. VII. The Commissioners shall repay all moneys borrowed before or after the commencement of this Order for any of the purposes of the Local Act relative to the making and supply of gas within sixty years from the date of the original borrowing of such moneys in each case, and shall repay all moneys so borrowed after the commencement of this Order by equal annual instalments of principal or of principal and interest, or by means of a sinking fund set apart, invested, accumulated, and applied in accordance with the provisions of Section 234 (4) (5) of the Public Health Act, 1875 ; and with respect to moneys so borrowed before the commencement of this Order, the following provisions shall have effect :

- (1.) The Commissioners shall, on or before the twenty-ninth day of September next ensuing after the commencement of this Order, pay into a sinking fund for the repayment of such moneys, and invest as herein-after provided, such a sum as would then be standing to the credit of such a fund if the provisions contained in sub-division 2 of this Article had been complied with, as from the twenty-ninth day of September One thousand eight hundred and seventy-seven.
- (2.) The Commissioners shall in every year set aside as a sinking fund for the repayment of such moneys, and accumulate in the way of compound interest, by investing the same in the purchase of any of the securities mentioned in Art. VI. of this Order, such a sum as will, with accumulations in the way of compound interest at the rate of four per cent.

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—
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—

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*Middleton
and Tonge
Order.*

per annum, be sufficient, after payment of all expenses, to pay off such moneys within sixty years from the date of borrowing in each case.

- (3.) The whole or any part of the sinking fund, or of the investments of the same, may be applied in the repayment of moneys for the repayment of which the fund has been established: Provided that the Commissioners thereafter in every year pay into the fund, and accumulate, until the whole of the moneys borrowed are discharged, a sum equal to four per cent. upon the principal money so applied:

Provided also, that if the interest on the investments of the sinking fund is less in any year than four per cent., the difference between such interest and four per cent. shall at the expiration of such year be paid into the fund, in addition to the other sums herein-before required to be paid into the fund.

Art. VIII. Notwithstanding anything to the contrary contained in Section 108 of the Local Act, it shall not be lawful for the Commissioners to re-borrow any amounts from time to time paid off by them by means of instalments, or out of the proceeds of sale of surplus lands, and all moneys re-borrowed under that section shall be repaid within the respective periods within which the moneys in respect of which the re-borrowings are made would have been required to be repaid, if such re-borrowings had not been made.

Art. IX. The Local Act shall be further altered and amended, and shall provide that—

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

- (b.) If it appears to the Local Government Board, by that return or otherwise, that the Commissioners have failed to pay any instalment required to be paid, or to set apart any sum required for any sinking fund, or have applied any portion of the money set apart for any sinking fund, or of the sums accumulated by way of interest, to any purposes other than those authorised, they may, by Order, direct that a sum not exceeding double the amount in respect of which default has been made shall be paid by way of instalment, or be set apart and invested or applied as part of the sinking fund; and any such Order shall

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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 Tenth day of May, in the year One thousand eight hundred and eighty.

(L.S.)

J. G. DODSON, President.

JOHN LAMBERT, Secretary.

A.D. 1880.

*Middleton
and Tonge
Order.*

BOROUGH OF NEWBURY.

Provisional Order for altering the Newbury Borough Extension Act, 1878.

*Newbury
Order.*

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

And to all others whom it may concern.

WHEREAS the Borough of Newbury, in the County of Berks, is an Urban Sanitary District, of which the Mayor, Aldermen, and Burgesses, acting by the Council (herein-after called "the Corporation"), are the Urban Sanitary Authority, and the Newbury Borough Extension Act, 1878 (herein called "the Local Act"), is in force in the said District ;

And whereas by Section 50 of the Local Act it is enacted that the Corporation may, for the purposes of that Act, purchase, take, and hold, (by agreement, but not otherwise,) in addition to the lands described in the Third Schedule to that Act, any lands and hereditaments, not exceeding in the whole ten acres, which the Corporation may from time to time require for the purposes of their gas undertaking, but that no lands shall be used by the Corporation for the purpose of manufacturing gas or residual products, or for storing gas, except the lands described in the Third Schedule to that Act ;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially, to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875 ;

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A.D. 1880.

*Newbury
Order.*

And whereas the Local Act is a Local Act within the meaning of the above-recited section of the Public Health Act, 1875, and the Corporation have applied to the Local Government Board to alter and amend the same as hereinafter mentioned ;

And whereas the Local Government Board, on receipt of such application, directed Local Inquiry to be held on the subject, and the same was held, after due public notice, and report has been made to them thereon :

Now therefore, We, the Local Government Board, in pursuance of the powers given by the Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, Section 50 of the Local Act shall be altered, and shall provide that the Corporation may, on the land described in the Schedule hereto, erect, construct, and from time to time maintain, alter, remove, or enlarge, retorts, gasholders, receivers, meters, apparatus, and works for the purposes of their gas undertaking, and all proper roads and approaches and conveniences connected therewith, and may make, manufacture, and store in and on the same land, gas, coke, coal-tar, pitch, asphaltum, ammoniacal liquor, oil, and all other refuse or residual products arising, remaining, produced by, or obtained from, the manufacture of gas, or the materials used therein, anything in the said Section or in the Local Act to the contrary notwithstanding.

The SCHEDULE above referred to.

All that piece of land belonging to the Corporation situate in the Parish of Greenham, in the County of Berks, containing by admeasurement 1A. 3R. 18P. or thereabouts, and bounded on the north by the public road from Newbury to Ham Bridge, on the east by land belonging to David Rogers Jones, on the south by the Berks and Hants Railway, and on the west by land belonging to the Trustees of the late William Henry Cave.

Given under the Seal of Office of the Local Government Board, this
Twelfth day of March, in the year One thousand eight hundred
and eighty.

G. SCLATER-BOOTH, President.
JOHN LAMBERT, Secretary.

(L.S.)

BOROUGH OF SOUTHPORT.

A.D. 1880.

Provisional Order for partially repealing, altering, and amending certain Local Acts.

—
Southport
Order.
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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, 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 the Southport Improvement Act, 1871 (herein-after referred to as "the Act of 1871"), and the Southport Improvement Act, 1876 (herein-after referred to as "the Act of 1876"), are in force in the said District;

And whereas by Section 21 of the Act of 1871 powers were given to the Corporation for the purpose of extending the existing promenade at Southport, to construct a promenade (therein and herein-after referred to as the "north promenade"), and to purchase certain lands and foreshores, subject to a provision to the effect that such powers should not be exercised until the Corporation should have entered into a contract or contracts for the sale of the lands to be reclaimed by the construction of the promenade with a responsible person, to an amount which should repay to them all costs, charges, and expenses incurred by reason of the exercise of such powers;

And whereas by Section 113 of the Act of 1871 the Corporation are empowered to make, assess, and levy the several rates therein mentioned in every year computed from the thirtieth day of September, and it is provided that such rates are not in any year to exceed the sums in that section mentioned on the yearly rateable value of the property rateable thereto;

And whereas in Section 140 of the Act of 1871 reference is made to the Clerk to the Corporation;

And whereas by Section 141 of the Act of 1871 provision is made for the recovery of rates by the Corporation;

And whereas by Section 15 of the Act of 1876 fresh powers were given to the Corporation to extend the existing promenade by the construction of the said north promenade, and to purchase the said lands and foreshores;

And whereas by Section 42 of the Act of 1876 the Corporation were empowered, in addition to their existing mortgage debt, to borrow at interest, on the security of the rates authorised to be raised and levied for the purposes of the Act of 1871, the Southport Improvement Act, 1875 (herein-after referred to as "the Act of 1875"), or the Act of 1876, and the borough fund and borough rate, any sum not exceeding in the whole three hundred and seventy-six thousand pounds, and to mortgage such rates and the borough fund and borough rate to secure repayment thereof with interest accordingly;

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*Southport
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—

And whereas by Section 43 of the Act of 1876 it is provided that of the money so borrowed an amount not exceeding twenty-five thousand pounds may be applied for the completion of the promenade and the extension thereof by that Act authorised ;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially, to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875 ;

And whereas the Act of 1871 and the Act of 1876 are Local Acts within the meaning of Section 303 of the Public Health Act, 1875, and the Corporation have applied to the Local Government Board to issue a Provisional Order to alter and amend the same as herein-after mentioned ;

And whereas the Local Government Board, upon receipt of the said application, directed Local Inquiry to be held on the subject, which Inquiry was held, after due public notice, and report has been made to them thereon :

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

Art. I. So much of Section 21 of the Act of 1871 as prohibits the powers given by that section, with respect to the north promenade, from being exercised until the Corporation shall have entered into a contract or contracts as mentioned in that section for the sale of the lands to be reclaimed by the construction of that promenade, shall be repealed.

Art. II. Section 113 of the Act of 1871 shall be altered and amended in such a manner that, from and after the twenty-fifth day of March next ensuing after the commencement of this Order, the rates therein referred to shall be made, assessed, and levied by the Corporation in every year computed from the twenty-fifth day of March, and not in every year computed from the thirtieth day of September, as therein provided.

Art. III. Section 140 of the Act of 1871 shall be altered and amended by the substitution therein of the words "Town Clerk" for the words "Clerk to the Corporation."

Art. IV. Section 141 of the Act of 1871 shall be altered and amended in such a manner that, in addition to the provisions therein contained for the recovery of rates by the Corporation, the provisions of Section 256 of the Public Health Act, 1875, shall be applicable to the recovery of such rates.

Art. V. Section 15 of the Act of 1876 shall be altered and amended so as to provide that the Corporation may make and maintain streets and roads on the lands and foreshores purchased under the authority given by that section, and may lay out any part of such lands and foreshores in squares, or otherwise,

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sional Orders Confirmation (Abingdon, &c.) Act, 1880.

for building purposes, and may level, flag, pave, and sewer such streets and roads or squares or other places laid out for building purposes as aforesaid: Provided that nothing in this article shall avoid, alter, or prejudice any covenants entered into by the Corporation and contained in any deed conveying any of such lands or foreshore to them.

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—
Southport
Order.
—

Art. VI. Section 42 of the Act of 1876 shall be altered and amended so as to enable the Corporation to borrow in manner in that section mentioned, and subject to the provisions of that Act, except as is herein-after mentioned, on the security of the rates authorised to be raised and levied for the purposes of the Act of 1871, the Act of 1875, and the Act of 1876, and the borough fund and borough rate, any sums not exceeding in the whole the sum of thirty thousand pounds, in addition to the sum of three hundred and seventy-six thousand pounds authorised to be borrowed by that section.

Provided always, that, of the said sum of thirty thousand pounds, no more than fifteen thousand pounds shall be borrowed without the sanction of the Local Government Board.

Art. VII. Section 43 of the Act of 1876 shall be altered and amended in such a manner that the amounts thereby authorised to be expended for the completion of the promenade and the extensions thereof by that Act authorised, including any amounts which may be expended by the Corporation under Section 15 of that Act as amended by this Order, shall be deemed to be fifty-five thousand pounds.

Provided always, that, of the said sum of fifty-five thousand pounds, no more than forty thousand pounds shall be so expended without the sanction of the Local Government Board.

Art. VIII. The Act of 1876 shall be altered and amended so as to provide that, notwithstanding anything to the contrary contained in that Act, the Corporation shall discharge all moneys borrowed under the powers of borrowing conferred by this Order within thirty years from the time of borrowing, by equal annual instalments of principal or of principal and interest, or by means of a sinking fund set apart, invested, accumulated, and applied in accordance with the provisions of Sub-sections (4) and (5) of Section 234 of the Public Health Act, 1875.

Art. IX. The Act of 1876 shall be further altered and amended so as to provide as follows:

The Corporation shall keep separate accounts of all moneys expended and received by them in the execution of the powers given to them by Section 15 of the Act of 1876, as amended by this Order, and in respect of the sale, lease, or other disposition of the lands and foreshores acquired thereunder, and shall distinguish in such accounts, capital expenditure and receipts, from revenue expenditure and receipts, and shall apply all moneys received in respect of the sale of any of such lands and foreshores, and all premiums in respect of leases thereof, in the execution of works authorised by the said section as amended by this Order, or in the repayment by means of a sinking fund, or otherwise, of the principal moneys borrowed for the execution of such works, or for the purchase of the said lands and foreshores, and shall apply all rents received in respect of such lands and foreshores in the payment of interest on the moneys so borrowed.

[Ch. xxxvi.] *Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Act, 1880.* [43 & 44 VICT.]

A.D. 1880.

*Southport
Order.*

Provided always, that when all the said principal moneys, and all expenditure incurred by the Corporation in the execution of the powers given to them by Section 15 of the Act of 1876 as amended by this Order, have been fully paid and satisfied, the Corporation shall carry the proceeds of any such sales and any such premiums and rents as aforesaid to the improvement account mentioned in Section 113 of the Act of 1871.

Art. X. The Act of 1876 shall be further altered and amended so as to provide as follows:

- (a.) The Town Clerk shall, within twenty-one days after the expiration of each year during which any sum is required to be paid as an instalment, or to be set apart for a sinking fund, in respect of moneys borrowed under the powers of borrowing conferred by this Order, or in respect of moneys re-borrowed for the repayment of moneys so borrowed, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amounts which have been paid as instalments, and the amounts which have been invested or applied for the purposes of such sinking fund, during the year next preceding the making of such return, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment, or of the sums accumulated by way of interest, has been applied during the same period, and the total amount (if any) remaining invested at the end of the year.
- (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 money set apart for any sinking fund, or of the sums accumulated by way of interest, to any purposes other than those authorised, they may, by Order, direct that a sum not exceeding double the amount in respect of which default has been made shall be 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 Fourth day of May, in the year One thousand eight hundred
and eighty.

(L.S.)

J. G. DODSON, President.
JOHN LAMBERT, Secretary.

IMPROVEMENT ACT DISTRICT OF WEST
HARTLEPOOL.

A.D. 1880.

*West
Hartlepool
Order.*

*Provisional Order for altering the West Hartlepool Extension and Improvement
Act, 1870.*

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

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

And to all others whom it may concern.

WHEREAS under the provisions of a Local Act of Parliament, intituled “The West Hartlepool Extension and Improvement Act, 1870” (herein-after called “the Local Act”), certain Commissioners were appointed and incorporated under the name of the West Hartlepool Improvement Commissioners (herein-after called “the Commissioners”), to carry the Local Act into execution ;

And whereas by Section 7 of the Local Act it is enacted that the limits of that Act (therein and herein called “the Improvement District”) comprise the following Districts ; namely,—

First, the District particularly described in the Second Schedule to that Act, Part I., and therein and herein called “the original District” ; and
Secondly, the District described in the same Schedule, Part II., and therein called the “additional District” ;

And whereas the Improvement District is an Urban Sanitary District, of which the Commissioners are the Urban Sanitary Authority ;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially, to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875 ;

And whereas by the same section it is enacted that any such Provisional Order may provide for the extension of the provisions of the Local Act referred to therein beyond the District or Districts within the limits of such Act, or for the exclusion of the whole or a portion of any such District from the application of such Act ; and may provide what Sanitary Authority shall have jurisdiction for the purposes of the Public Health Act, 1875, in any area which is by such Order included in, or excluded from, such District ;

[Ch. xxxvi.] *Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Act, 1880.* [43 & 44 VICT.]

A.D. 1880.

*West
Hartlepool
Order.*

And whereas the Local Act is a Local Act within the meaning of the above-recited section of the Public Health Act, 1875, and the Commissioners have applied to the Local Government Board to alter or amend the same as herein-after mentioned;

And whereas the Local Government Board, upon receipt of such application, directed Local Inquiry to be held on the subject, which Inquiry was held, after due public notice, and report has been made to them thereon:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by the Statutes in that behalf, do hereby Order that, from and after the Twenty-ninth day of September, One thousand eight hundred and eighty, the following provisions shall take effect, viz.:—

Art. I. Section 7 of the Local Act and Part I. of the Second Schedule to that Act shall be altered so as to include within the Improvement District and the original District that portion of the Rural Sanitary District of the Hartlepool Union, in the County of Durham, comprising part of the Township of Stranton, which is coloured red on the Ordnance Map marked A. sealed with the official Seal of the Local Government Board, and deposited in their office, copies whereof, sealed in like manner, are deposited in the offices of the Commissioners and of the Rural Sanitary Authority of the Hartlepool Union; and wherever the words “the Improvement District” and “the original District” are used in the Local Act they shall include the said portion of the said Rural Sanitary District.

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

Given under the Seal of Office of the Local Government Board, this
Twenty-ninth day of April, in the year One thousand eight
hundred and eighty.

(L.S.)

G. SCLATER-BOOTH, President.
JOHN LAMBERT, Secretary.

*Wirksworth
Order.*

LOCAL GOVERNMENT DISTRICT OF WIRKSWORTH.

Provisional Order for partially repealing and altering a Local Act.

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

And to all others whom it may concern.

WHEREAS by Section 43 of a Local Act of Parliament passed in the forty-second year of the reign of King George the Third, intituled “An Act

[43 & 44 VICT.] *Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Act, 1880.* [Ch. xxxvi.]

A.D. 1880.

*Wirksworth
Order.*

“ for dividing, allotting, and inclosing the several commons and waste lands within the Manor and Township of Wirksworth, in the County of Derby; for protecting certain springs situate on the said commons and waste lands, and for the better securing a supply of water for the use of the inhabitants of the Town of Wirksworth, in the said County ” (herein-after referred to as “ the Local Act ”), the Commissioners appointed for setting out, dividing, allotting, and inclosing the said several commons and waste lands, and for putting the Local Act in execution, were authorised and required to set out, allot, and appoint a certain piece or parcel of Wirksworth Moor, not exceeding two acres, for the purpose of preserving the springs mentioned in that section, and making a reservoir for water for the use of the inhabitants of the Town of Wirksworth; and it was thereby enacted that the said piece or parcel of land should be for ever thereafter vested in the trustees therein mentioned, their heirs and assigns, in trust for the inhabitants of the said Town for the time being; and it was also enacted that it should be lawful for the inhabitants of the said Town of Wirksworth for the time being, or any five or more of them, being owners or occupiers of houses there rated to the poors rate after the rate of ten pounds per annum or upwards, or any person or persons to be authorised and appointed by them, or any five or more of them, from time to time, and at all times after the said intended division and inclosure, to enter into and upon any allotment or allotments which should be made in pursuance of the Local Act upon that part of the said commons or waste lands called Wirksworth Moor or upon any other part or parts of the said commons or waste lands wherein or upon which any other spring or springs then was or were, or thereafter should happen to be, or through which it might be useful to bring the water from any spring or springs to the said Town of Wirksworth, and to make soughs, lay pipes, and do all kinds of work in such allotment or allotments which might be necessary for bringing down and conveying water to any part of the said Town of Wirksworth for the use of the inhabitants thereof; and by the same section it was provided that it should be lawful for the inhabitants of the said Town of Wirksworth, or any five or more of them, being owners or occupiers of houses there rated to the poors rate after the rate aforesaid, from time to time, to enter into and upon any such allotment or allotments, to lay down, repair, or take away any such pipe or pipes, and to make, cut, cleanse, or repair any sough or soughs, or to make any reservoir or reservoirs for receiving water, and to do every necessary and needful work for the better supplying the said Town with water, the said inhabitants of the Town for the time being making such satisfaction as therein mentioned, to the respective owners and occupiers of such allotments for all damages to be done therein;

And whereas shortly after the passing of the Local Act the said Commissioners proceeded to set out, allot, and appoint a certain piece or parcel of Wirksworth Moor for the purpose of preserving the said springs and making a reservoir for water, for the use of the inhabitants of the Town of Wirksworth;

And whereas by Section 44 of the Local Act provision was made for the payment and collection of water rents;

And whereas by Section 45 of the Local Act it was enacted that in case the said pipes and soughs, or any of them, or any part thereof, should at any time

[Ch. xxxvi.] *Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Act, 1880.* [43 & 44 VICT.]

A.D. 1880.

Wirksworth
Order.

or times thereafter be out of repair, or any alterations therein should be deemed necessary for the better supplying the said Town of Wirksworth with water, each and every owner of a house in the said Town of Wirksworth for the time being rated to the poors rate after the rate aforesaid, should be and he was thereby appointed a Commissioner or Referee to settle and determine upon the propriety or expediency of such repairs or alterations, and also the expenses attending the same, and the application of the money to arise from the water rents as aforesaid; and that such Commissioners or Referees (herein-after referred to as "the Water Commissioners"), or a majority of them, assembled at a meeting or meetings, of which notice should be given as therein mentioned, should make such order or orders in the premises as they or the majority of them should think proper, which order or orders should be binding and conclusive upon all the inhabitants of the said Town;

And whereas by Sections 46, 47, and 49 of the Local Act further powers were given to the Water Commissioners;

And whereas by Section 48 of the Local Act it was enacted that in case any additional reservoir should be made, in pursuance of the power, authority, or direction therein-before contained, the water from such additional reservoir should be conducted by proper soughs, pipes, or other sufficient means into the then existing reservoir; and that nothing in the Local Act contained should extend or be construed to extend to prejudice the rights of any person or persons, bodies politic, corporate, or collegiate, his, her, or their heirs, successors, executors, or administrators, in or to or in respect of the waste or surplus water, over and above the water which might be wanted for the supply of the Town of Wirksworth as aforesaid then flowing, or which after such additional reservoir should have been made should flow from the said then existing reservoir;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially, to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875;

And whereas the Local Act is a Local Act within the meaning of Section 303 of the Public Health Act, 1875, and is in force in a portion of the District of the Wirksworth Local Board (herein-after referred to as "the Local Board");

And whereas the District of the Local Board is an Urban Sanitary District, and the Local Board, as the Sanitary Authority for such Urban Sanitary District, have applied to the Local Government Board to issue a Provisional Order to partially repeal, alter, and amend the Local Act as herein-after mentioned;

[43 & 44 VICT.] *Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Act, 1880.* [Ch. xxxvi.]

And whereas the Local Government Board, upon receipt of the said application, directed Local Inquiry to be held, which Inquiry was held, after due public notice, and report has been made to them thereon:

A.D. 1880.

Wirksworth
Order.

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

Art. I. Section 43 of the Local Act shall be altered and amended in such a manner as to provide that all lands, springs, reservoirs, and waterworks which by operation of that Act are at the commencement of this Order vested in or have been under the control of the trustees named in that section, or their successors, heirs, or assigns, or of the Water Commissioners, and all other public waterworks, if any, which, at the commencement of this Order, are used for the supply of water to the Town of Wirksworth, together with all rights appertaining thereto, (including the right to enter into any allotment made in pursuance of the Local Act, where any spring is, or through which it may be useful to bring the water from any spring to the Town of Wirksworth, and the right to make soughs, lay pipes, and do all kinds of work in such allotment, which may be necessary for bringing down and conveying water to any part of the Town of Wirksworth, and also including the powers conferred on the Water Commissioners by Section 47 of the Local Act,) shall vest in and belong to the Local Board for the benefit of the whole of the Urban Sanitary District of Wirksworth, in the same manner as if they had been acquired and constructed by the Local Board under the provisions of the Public Health Act, 1875.

Art. II. Sections 44, 45, and 46 of the Local Act shall be wholly repealed, and the powers given by such sections respectively shall not be exercised by the Local Board.

Art. III. Section 48 of the Local Act shall be repealed, and in lieu thereof it shall be provided that nothing in the Local Act or in this Order shall be construed to extend to prejudice the rights of any person or persons, bodies politic, corporate, or collegiate, his, her, or their heirs, successors, executors, or administrators, in, to, or in respect of, the waste or surplus water, over and above the water which may be wanted for the supply of the Urban Sanitary District of Wirksworth as aforesaid.

Given under the Seal of Office of the Local Government Board, this
Tenth day of May, in the year One thousand eight hundred
and eighty.

(L.S.)

J. G. DODSON, President.

JOHN LAMBERT, Secretary.

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