



CHAPTER clix.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Bolton Congleton Keighley Newton in Mackerfield Oswestry and Wisbech. A.D. 1904.
[15th August 1904.]

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

And whereas it is requisite that the said Orders should be confirmed by Parliament and that the provisions herein contained should be enacted as regards the Bolton Order 1904 :

Be it therefore enacted by the King'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 altered and set out in the schedule hereto shall be and the same are hereby confirmed and all the provisions thereof shall have full validity and force. Orders
in schedule
confirmed.

2. The rates and terms at and upon which the Bolton Corporation supply water for domestic sanitary farming or public purposes respectively shall from the first day of October one thousand nine hundred and four be uniform throughout the entire area of the existing water limits of the Corporation. Provided that from the same date all supplies of water to farmhouses and for farming purposes within those limits shall be taken and charged for by meter only and the charge for such supplies shall not exceed eightpence per one thousand gallons subject nevertheless to the terms in other respects upon which the Bolton Corporation are authorised by statute to supply water by meter and that each

[Ch. clix.] *Local Government Board's* [4 EDW. 7.]
Provisional Orders Confirmation (No. 9) Act, 1904.

A.D. 1904. consumer taking such last-mentioned supply shall take or pay for a
minimum quantity of ten thousand gallons per quarter :

Provided also that until the Bolton Corporation shall have applied to Parliament for and obtained powers to construct further works in connexion with their water undertaking they shall not anywhere within their limits of supply make any higher charge for any such supply of water than the charges made within the borough of Bolton upon the first day of July one thousand nine hundred and four.

Short title.

3. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 9) Act 1904.

SCHEDULE.

A.D. 1904.

BOROUGH OF BOLTON.

*Provisional Order for altering certain Local Acts and
a Confirming Act.**Bolton Order.*

To the Mayor Aldermen and Burgesses of the Borough of Bolton;—

And to all others whom it may concern.

WHEREAS the Borough of Bolton (herein-after referred to as "the Borough") is an Urban Sanitary District of which the Mayor Aldermen and Burgesses acting by the council (herein-after referred to as "the Corporation") are the Urban Sanitary Authority;

And whereas the unrepealed provisions of the Bolton Improvement Act 1882 and the Bolton Tramways and Improvement Act 1897 (both which Acts are herein-after together referred to as "the Local Acts" and each of which Acts is herein-after separately referred to as the Act of the year in which it was passed) as altered by the Provisional Orders herein-after mentioned and by certain other Local Acts and Provisional Orders duly confirmed by Parliament which do not affect the subject-matter of this Order are in force in the Borough;

45 & 46 Vict.
c. ccxlv.
60 & 61 Vict.
c. cxxxiv.

And whereas by Section 83 of the Act of 1882 as altered by a Provisional Order of the Local Government Board dated the Thirty-first day of May One thousand eight hundred and eighty-eight (herein-after referred to as "the Order of 1888") and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act 1888 the Corporation were empowered to borrow for the purposes of their water undertaking sums amounting to the sum of one hundred and eighty thousand pounds;

51 & 52 Vict.
c. cxxxii.

And whereas by Article V. of the Bolton Order (No. 2) 1894 (herein-after referred to as "the Order of 1894") which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 15) Act 1894 (herein-after referred to as "the Confirming Act") Section 83 of the Act of 1882 was further altered so as to provide that the Corporation might with the sanction of the Local Government Board and subject to the provisions of that Order borrow on the security of the revenue arising from the water undertaking authorised by the several Local Acts mentioned in that Order and of the borough fund and borough rate or upon either of such securities any sum or sums not exceeding in the whole the sum of one hundred thousand

57 & 58 Vict.
c. cxviii.

A.D. 1904.
Bolton Order.

pounds for the purposes of their water undertaking in addition to the sums which they were already authorised to borrow under the said Local Acts as altered by the Order of 1888 ;

And whereas by Section 65 of the Act of 1897 the Corporation were empowered to borrow on the securities therein mentioned the sum of fourteen thousand six hundred pounds for the purposes of a fire-engine station ;

And whereas it is expedient that the borrowing powers of the Corporation for the purposes of their water undertaking should be extended and that the Act of 1897 should be altered so as to empower the Corporation to borrow further moneys for the purposes of their fire-engine station :

38 & 39 Vict.
c. 55.

Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 297 and 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Acts and the Confirming Act so far as it relates to the Order of 1894 shall be further altered so that the following provisions shall take effect that is to say :—

Additional borrowing powers for water undertaking.

Art. I. Article V. of the Order of 1894 shall have effect as if there were substituted for the words "one hundred thousand pounds" the words "two hundred and twenty-five thousand pounds."

Additional borrowing powers for fire-engine station.

Art. II. Section 65 of the Act of 1897 shall be altered so as to provide that in addition to the sum thereby authorised to be borrowed for the purposes of their fire-engine station the Corporation may with the sanction of the Local Government Board and subject to the provisions of this Order borrow upon the security of the borough fund and borough rate any sum not exceeding three thousand pounds for those purposes.

Period for and mode of repayment of moneys borrowed under Article II.

Art. III.—(1) The moneys borrowed in pursuance of Article II. of this Order shall be repaid within such period not exceeding fifty years from the date of borrowing as the Corporation with the sanction of the Local Government Board in each case determine and the period so determined and sanctioned shall with reference to the moneys to be repaid be the prescribed period for the purposes of the Act of 1897.

(2) Sub-sections (1) (2) (3) and (5) of Section 67 and Sections 68 to 72 of the Act of 1897 shall with the necessary modifications apply to moneys borrowed under Article II. of this Order.

Inquiries and expenses.

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

incurred and any sum so certified and directed by the Board to be paid by the Corporation shall be a debt due to the Crown from the Corporation.

A.D. 1904.
Bolton Order.

Art. V. The Order of 1888 may be cited as the Bolton Order 1888 and this Order may be cited as the Bolton Order 1904. Short titles.

Given under the Seal of Office of the Local Government Board this
Thirtieth day of April One thousand nine hundred and four.

(L.S.)

WALTER H. LONG President.

S. B. PROVIS Secretary.

BOROUGH OF CONGLETON.

Provisional Order for altering the Congleton Gas and Improvement Act 1866.

Congleton
Order.

To the Mayor Aldermen and Burgesses of the Borough of Congleton ;—
And to all others whom it may concern.

WHEREAS the Borough of Congleton (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the council (herein-after referred to as "the Corporation") are the Urban District Council and as such council are the local authority within the meaning of the Public Health Act 1875 ;

And whereas the unrepealed provisions of the Congleton Gas and Improvement Act 1866 (herein-after referred to as "the Local Act") are in force in the Borough ; 29 & 30 Vict.
c. lii.

And whereas under and by virtue of the Local Act the Corporation now manufacture and supply gas and carry on a gas undertaking and it is expedient to authorise the Corporation to borrow further moneys for the purposes of their gas undertaking and to supply apparatus and fittings in connexion with that undertaking and to make such other provisions as are herein contained :

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act shall be partially repealed and altered so that the following provisions shall have effect that is to say :— 38 & 39 Vict.
c. 55.

Art. I.—(1) The Local Act shall be repealed to the extent of the provisions herein-after described except so far as those provisions may have been acted upon namely :— Partial repeal
of Local Act.

(a) The provisions which relate to the levying by the Corporation of lighting rates :

A.D. 1904.

—
Compton
Order.

(b) So much of Sections 26 and 35 as relates to the manufacture sale or letting of or dealing in gas-fittings meters pipes and other articles and things connected with gasworks or with the supply of gas:

(c) Paragraphs "Fourthly" and "Fifthly" of Section 68 which relate to the application of money received by the Corporation in respect of the gasworks other than money borrowed.

Approval of
Local Govern-
ment Board to
sale &c. of cor-
porate lands.

(2) Section 71 of the Local Act shall be altered and have effect as if the approval of the Local Government Board instead of the approbation of the Lords Commissioners of His Majesty's Treasury were required to the sale alienation encumbrance or demise of any lands to which that section applies.

Power to sup-
ply gas appa-
ratus &c. for
lighting heat-
ing or other
purposes.

Art. II.—(1) The Corporation may purchase or hire and sell or let on hire supply and otherwise deal in and fix set up alter remove and re-fix but shall not manufacture meters engines ovens stoves ranges pipes burners and other apparatus appliances articles and things used or intended or adapted to be used in or in connexion with the supply or consumption of gas for the purposes of lighting motive power heating and cooking and for all other purposes for which gas can or may be used and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting supply fixing setting up altering removing or refixing of such meters engines ovens stoves ranges pipes burners and other apparatus appliances articles and things as aforesaid and for securing their safety and (if the circumstances so require) their return to the Corporation as may be agreed upon between the Corporation and the person to or for whom the same are sold let supplied fixed set up altered removed or refixed.

Fittings for
the gas.

(2) The Gasworks Clauses Act 1847 as incorporated with the Local Act shall apply and have effect with respect to the apparatus appliances articles and things described or referred to in subdivision (1) of this Article as if the same were fittings for the gas within the meaning of the first-mentioned Act.

Supply of gas
for other than
lighting pur-
poses.

Art. III. The Corporation may in addition to any purpose for which they supply gas under and subject to the provisions of the Local Act supply gas for heating purposes and for all other purposes for which gas can or may be used.

Expenses of
public lighting.

Art. IV. The expenses of and in connexion with the lighting of the streets and of such of the public buildings within the Borough as the Corporation undertake to light shall be defrayed out of the district fund and general district rate of the Borough.

Borrowing
powers.

Art. V. The Corporation may with the sanction of the Local Government Board and subject to the provisions of this Order borrow in addition to the sums authorised to be borrowed by the Local Act and upon the security of the revenue arising from their gas undertaking and of the Borough fund and Borough rate or upon either of such securities such sums as may be

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necessary for the purposes of their gas undertaking including the purposes of this Order.

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Congleton
Order.

Art. VI. For the purpose of raising money in the exercise of the powers of borrowing or re-borrowing conferred by this Order the provisions of the Local Loans Act 1875 shall be available to the Corporation and Sections 236 to 238 of the Public Health Act 1875 shall apply to all moneys borrowed or re-borrowed on mortgage under this Order.

Local Loans
Act and certain
provisions of
Public Health
Act made
applicable.

Art. VII. The moneys borrowed by the Council under this Order shall be repaid within such period not exceeding sixty years from the date of borrowing as the Corporation with the sanction of the Local Government Board in each case determine and the period so determined and sanctioned is herein-after referred to as "the prescribed period" and shall with reference to the moneys to be repaid be the prescribed period for the purposes of this Order and of the Local Loans Act 1875.

Period for
repayment of
borrowed
moneys.

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

Mode of
repayment.

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

Formation
maintenance
and applica-
tion of sinking
fund.

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

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

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

A.D. 1904.

*Congleton
Order.*

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

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

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

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

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

Increase
reduction or
discontinuance
of payments to
sinking fund.

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

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

(3) If in the opinion of the Local Government Board the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made

to the sinking fund either temporarily or permanently to such an extent as the Board approve. A.D. 1904.

Congleton
Order.

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

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

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

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

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

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

Art. XII.—(1) Subject to the provisions of this Article any mortgagee of the Corporation in respect of a mortgage under this Order may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. Receiver.

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

Provided that no such application shall be entertained unless the amount of arrears due to the applicant or in the case of a joint application by two or

A.D. 1904.

—
 Congleton
 Order.

Return as to
 provision for
 repayment
 of debt.

more mortgagees to such applicants collectively be not less than five hundred pounds in the whole.

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

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

Application of
 gas revenue.

Art. XIV. All moneys from time to time received by the Corporation by way of revenue in respect of their gas undertaking shall after the purposes specified in paragraphs "First" "Secondly" and "Thirdly" of Section 68 of the Local Act be applied for the following purposes that is to say:—

In payment of the gas establishment charges (that is to say) of the expenses properly chargeable to revenue of continuing conducting

Provisional Orders Confirmation (No. 9) Act, 1904.

managing and maintaining the gasworks and the gas undertaking of the Corporation :

A.D. 1904.

Congleton
Order.

In payment of the interest on the moneys borrowed or re-borrowed for the purposes of their gas undertaking under this Order :

In providing for the discharge of any moneys borrowed or re-borrowed for the purposes of their gas undertaking under this Order in accordance with the provisions of this Order or if such money was borrowed thereunder of the Local Loans Act 1875 :

In setting apart if the Corporation think fit a yearly sum not exceeding ten pounds per centum of such revenue for the purpose of forming a reserve fund to provide for the expenses attendant upon or occasioned by any sudden accident to the gasworks or any other extraordinary expenditure authorised by the Local Act or by this Order Provided that such reserve fund shall be accumulated by way of compound interest by investment in the manner specified in subdivision (3) of Article VIII. of this Order as to the sinking fund until it amounts according to the market price of such investments to the sum of five hundred pounds and that whenever the reserve fund amounts according to the market price of such investments to the sum of five hundred pounds the income therefrom shall be applied in the same manner as money received by the Corporation by way of revenue in respect of their gas undertaking :

In payment if the Corporation think fit of the expenses of executing any permanent works for the purposes of the Local Act or of this Order :

The residue (if any) of such revenue shall be carried to the credit of the Borough fund but no part of such revenue shall be carried to the credit of that fund when the price of gas supplied to private consumers otherwise than through prepayment meters exceeds three shillings and fourpence per one thousand cubic feet.

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

Inquiries and
expenses.

Art. XVI. This Order may be cited as the Congleton Order 1904.

Short title.

Given under the Seal of Office of the Local Government Board this
Third day of May One thousand nine hundred and four.

(L.S.)

WALTER H. LONG President.

S. B. PROVIS Secretary.

A.D. 1904.

BOROUGH OF KEIGHLEY.

*Keighley
Order.*

*Provisional Order for partially altering the Keighley Corporation
Act 1891.*

To the Mayor Aldermen and Burgesses of the Borough of Keighley; —
And to all others whom it may concern.

WHEREAS the Borough of Keighley (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the council (herein-after referred to as "the Corporation") are the Urban District Council and as such council are the local authority within the meaning of the Public Health Act 1875;

54 & 55 Vict.
c. cxcix.

And whereas the provisions of the Keighley Corporation Act 1891 (herein-after referred to as "the Local Act") are in force in the Borough;

And whereas it is enacted by Section 60 of the Local Act that the Corporation for the purpose of supplying a court or place with a watercloset earth-closet ashpit or other sanitary accommodation may purchase by agreement any land or building and remove such building and execute all necessary structural and other works and that the owner or owners of the houses in the court or place benefited thereby shall be liable to pay the cost of the purchase of such land or building and the other expenses incurred by the Corporation in the execution of the section and that the amount thereof shall be apportioned among those owners by the surveyor in proportion to the rateable value of the property held by them in such court or place;

And whereas it is expedient that further provision should be made as herein-after mentioned with regard to the apportionment of the expenses which may be recoverable by the Corporation as aforesaid from owners of houses in pursuance of the said Section 60:

38 & 39 Vict.
c. 55.

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act shall be altered in the manner and to the extent herein-after set forth that is to say:—

Apportionment
of expenses in-
curred in con-
nexion with
the supply of
waterclosets
&c. under Sec-
tion 60 of the
Local Act.

Art. I. Section 60 of the Local Act shall have effect—

- (1) as if for the words "in proportion to the rateable value of the property held by them in such court or place" there were substituted the words "in such proportion as the surveyor determines and the surveyor in the apportionment shall make due allowance for the nature extent and greater or less degree of benefit attributable to each house as the result of the works executed by the Corporation"; and
- (2) as if after the words "as the case may be" there were added the words "On any such appeal the court of summary jurisdiction shall have regard to all such considerations as in the opinion

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“ of the court affect the apportionment and the reasonableness
 “ of the expenses and the court may make such order in the
 “ matter of the appeal as appears to the court to be equitable
 “ and the order so made shall not be subject to appeal but shall
 “ be binding and conclusive on all parties Provided also that
 “ nothing in Section 268 of the Public Health Act 1875 shall
 “ apply or have effect with regard to any expenses incurred
 “ by the Corporation in the execution of this section.”

A.D. 1904.

*Keighley
Order.*

Art. II. This Order may be cited as the Keighley Order 1904.

Short title.

Given under the Seal of Office of the Local Government Board this
 Third day of May One thousand nine hundred and four.

(L.S.)

WALTER H. LONG President.

S. B. PROVIS Secretary.

URBAN DISTRICT OF NEWTON IN MACKERFIELD.

*Provisional Order for altering the Newton District Improvement
 Act 1855 and certain Confirming Acts.*

*Newton in
Mackerfield
Order.*

To the Urban District Council of Newton in Mackerfield ;—

And to all others whom it may concern.

WHEREAS the Urban District Council of Newton in Mackerfield (herein-after referred to as “ the Council ”) are the local authority within the meaning of the Public Health Act 1875 for the Urban District of Newton in Mackerfield (herein-after referred to as “ the District ”);

And whereas there are in force in the District the unrepealed provisions of the Newton District Improvement Act 1855 (herein-after referred to as “ the Local Act ”) as altered by the Newton in Mackerfield Order 1900 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 2) Act 1900 by the Newton in Mackerfield Order 1901 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 2) Act 1901 (herein-after referred to as “ the Confirming Act ”) by the Newton in Mackerfield Order 1903 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 10) Act 1903 (each of which Provisional Orders is herein-after referred to as the Order of the year in which it was made) and by certain other Provisional Orders which were duly confirmed by Parliament but which do not affect the subject-matter of this Order ;

18 & 19 Vict.
c. c.63 & 64 Vict.
c. liii.

1 Edw. 7. c. xli.

3 Edw. 7.
c. lxxviii.

And whereas by Section 1 of the Local Act certain provisions including Section 63 of the Towns Improvement Clauses Act 1847 were incorporated with the Local Act ;

10 & 11 Vict.
c. 34.

And whereas by virtue of the Local Act the Council are empowered to manufacture and supply gas within the District ;

A.D. 1904.

*Newton in
Mackerfield
Order.*

And whereas by Article I. of the Order of 1900 the Council were empowered with the sanction of the Local Government Board to borrow for the purposes of their gas undertaking the sum of twenty thousand pounds in addition to the sum of twenty-four thousand pounds referred to in that Article ;

And whereas by Article I. of the Order of 1901 the Council were empowered with the sanction of the Local Government Board to borrow for the purposes of their water undertaking the sum of twenty-five thousand pounds in addition to the sum of six thousand pounds referred to in that Article ;

And whereas by Article II. of the Order of 1903 the general improvement rate under the Local Act was substituted for the district fund and general district rate as security for loans raised for the purposes of the water undertaking and it is expedient that the Council should be empowered to borrow further moneys for the purposes of that undertaking and that the other provisions herein-after appearing should be made :

38 & 39 Vict.
c. 55.

Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 297 and 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act and the Confirming Act so far as it relates to the Order of 1901 shall be altered so as to provide as follows that is to say :—

Alteration of
Section 1 of
Local Act.

Art. I.—(1) Notwithstanding anything in Section 1 of the Local Act the Council may forthwith make byelaws with respect to the width of new streets under and in accordance with the provisions of the Public Health Act 1875 and any Act amending or extending that Act and the said provisions shall accordingly apply to the byelaws made in pursuance of this Article.

39 & 11 Vict.
c. 34.

(2) On the expiration of the authorised period or from and after the date of confirmation of any byelaws made and confirmed in pursuance of subdivision (1) of this Article before the expiration of the authorised period Section 1 of the Local Act shall have effect as if Section 63 of the Towns Improvement Clauses Act 1847 (save so far as the last-mentioned enactment may have been acted upon) were excepted from incorporation with the Local Act.

(3) The expression "authorised" in this Article means authorised by Order of the Local Government Board.

Supply of gas
for other than
lighting pur-
poses.

Art. II. The Council may in addition to any purpose for which they supply gas under and subject to the provisions of the Local Act supply gas for heating purposes and for all other purposes for which gas can or may be used.

Power to sup-
ply gas appa-
ratus &c. for
lighting heat-
ing or other
purposes.

Art. III. The Council may purchase or hire and sell or let on hire supply and otherwise deal in and fix set up alter remove and re-fix but shall not manufacture meters engines ovens stoves ranges pipes burners and other apparatus appliances articles and things used or intended or adapted

to be used in or in connexion with the supply or consumption of gas for the purposes of lighting motive power heating or cooking or for any other purpose for which gas can or may be used within the district and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting supply fixing setting up altering removing or re-fixing of such meters engines ovens stoves ranges pipes burners and other apparatus appliances articles and things as aforesaid and for securing their safety and (if the circumstances so require) their return to the Council as may be agreed upon between the Council and the person to or for whom the same are sold let supplied fixed set up altered removed or re-fixed.

A.D. 1904.

*Newton in
Mackerfield
Order.*

Art. IV. The purchase of meters engines ovens stoves ranges pipes burners and other apparatus appliances articles and things used or intended or adapted to be used in or in connexion with the supply or consumption of gas for the purposes of lighting motive power heating or cooking or for any other purpose for which gas can or may be used shall be deemed to be a purpose of the gas undertaking of the Council for which the Council may borrow money under the provisions of the Local Act as altered by the Order of 1900.

Purposes of
Art. III. to be
purposes of gas
undertaking.

Art. V. The following shall be substituted for Article I. of the Order of 1901 as altered by Article II. of the Order of 1903 :—

Additional bor-
rowing powers
for water
undertaking.

“ Art. I. The District Council may with the sanction of the Local Government Board and subject to the provisions of this Order borrow for the purposes of their water undertaking and on the security of the revenue of their water undertaking and of the general improvement rate under the Local Act or upon either of such securities such sum or sums as may from time to time be necessary for the purposes of their water undertaking.”

Art. VI. Article III. of the Order of 1901 shall have effect as if sixty years from the date of borrowing were substituted therein for thirty years from the date of borrowing as the period within which moneys borrowed under Article I. of that Order as altered by this Order shall be repaid.

Period for
repayment of
moneys bor-
rowed.

Art. VII. This Order may be cited as the Newton in Mackerfield Order 1904.

Short title.

Given under the Seal of Office of the Local Government Board this
Third day of May One thousand nine hundred and four.

(L.S.)

WALTER H. LONG President.

S. B. PROVIS Secretary.

A.D. 1904.

BOROUGH OF OSWESTRY.

*Oswestry
Order.*

*Provisional Order for partially repealing and altering the
Oswestry (Corporation) Water and Markets Act 1885.*

To the Mayor Aldermen and Burgesses of the Borough of Oswestry ;—
And to all others whom it may concern.

WHEREAS the Borough of Oswestry (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the council (herein-after referred to as "the Corporation") are the Urban District Council and as such council are the local authority within the meaning of the Public Health Act 1875 ;

48 & 49 Vict.
c. xliii.

And whereas the provisions of the Oswestry (Corporation) Water and Markets Act 1885 (herein-after referred to as "the Local Act") are in force in the Borough ;

And whereas by Section 10 of the Local Act the Corporation were empowered to purchase by agreement for any of the purposes of their waterworks undertaking any lands not exceeding twenty acres in addition to the lands which they were authorised to take by compulsion ;

And whereas by Section 15 of the Local Act the Corporation were empowered to borrow the sum therein mentioned and with the sanction of the Local Government Board such further moneys as might be necessary for carrying into effect the purposes of that Act or otherwise for the purposes of their waterworks undertaking and by Sections 19 and 21 of the Local Act provision was made with regard to the application and repayment of moneys borrowed under the Local Act ;

And whereas the Corporation have purchased the lands described in the schedule hereto for the purposes of their waterworks undertaking ;

2 Edw. 7.
c. cxliii.

And whereas by the Oswestry Order 1902 (herein-after referred to as "the Order") which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 10) Act 1902 the Corporation were empowered to borrow moneys for the purposes referred to in the Order and by Articles IV. to IX. of the Order provision was made with regard to moneys so borrowed :

38 & 39 Vict.
c. 55.

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order (herein-after referred to as "the commencement of this Order") the Local Act shall be partially repealed and altered so that the following provisions shall take effect that is to say :—

Repeal of part
of Local Act.

Art. I. Nothing in Sections 19 21 and 22 of the Local Act shall apply or have effect with regard to any moneys borrowed under the Local Act after the commencement of this Order.

A.D. 1904.

*Oswestry
Order.*Authorisation
of purchase of
land.

Art. II. The lands described in the schedule to this Order together with the fishing and sporting rights over Penygwely Reservoir shall be deemed to have been purchased and acquired by the Corporation under the powers of the Local Act for the purposes of their waterworks undertaking and the Local Act and any enactments incorporated therewith or applied thereby shall apply and have effect accordingly.

Authorising
purchase of ad-
ditional lands
by agreement.
Application of
provisions of
Public Health
Act 1875.

Art. III. The Corporation may purchase by agreement but not otherwise such additional lands as the Local Government Board approve and as are required for the purposes of the waterworks undertaking of the Corporation and Sections 308 327 to 329 and 332 of the Public Health Act 1875 shall apply and have effect in relation to the acquisition and use of the said lands for the purposes aforesaid as if the said sections were herein re-enacted and in terms made applicable with the necessary modifications to the said acquisition and use.

Authorising
Corporation to
sell or otherwise
dispose of lands
not required for
purposes of
waterworks
undertaking.

Art. IV. The Corporation may with the consent of the Local Government Board sell or otherwise dispose of to such person in such manner and for such consideration and on such terms and conditions as they think fit any lands or any rights or interests in any lands to which this Order applies and which are not required for the purposes of the waterworks undertaking or the Corporation may without that consent let lease or exchange any of those lands or any rights or interests therein and the Corporation may make do and execute any deed act or thing proper for effectuating any such sale letting lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Application of
moneys from
sale &c. of
lands not re-
quired for pur-
poses of water-
works under-
taking.

Art. V. The Corporation shall apply all moneys in the nature of capital received by them in pursuance of Article IV. of this Order in or towards paying off moneys borrowed by them for the purposes of their waterworks undertaking and for the time being owing or if there be no moneys so owing in or towards paying off any other moneys for the time being owing by the Corporation Provided that the moneys so received shall not be applied to the payment of instalments appropriations or annual repayments or to payments into any sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Borrowing
powers.

Art. VI. The purposes of this Order shall be deemed to be purposes of the Local Act for which the Corporation may with the sanction of the Local Government Board borrow money under the provisions of Section 15 of that Act.

Period for
repayment of
borrowed
money.

Art. VII. The moneys borrowed under the Local Act after the commencement of this Order shall be repaid within such period not exceeding sixty years from the date of borrowing as the Corporation with the sanction of the Local Government Board in each case determine and the period so determined and sanctioned shall with reference to the moneys to be repaid be the prescribed period for the purposes of the Local Loans Act 1875 and of the provisions of the Order as applied by Article VIII. of this Order.

A D. 1904.

[Ch. clix.]

Local Government Board's

[4 EDW. 7.]

Provisional Orders Confirmation (No. 9) Act, 1904.

Oswestry
Order.

Application of
provisions of
Oswestry Order
1902 to moneys
borrowed under
Local Act.

Inquiries and
expenses.

Art. VIII. Articles IV. to IX. of the Order shall apply as if the said Articles were herein re-enacted and in terms made applicable to moneys borrowed under the Local Act after the commencement of this Order.

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

Short title.

Art. X. This Order may be cited as the Oswestry Order 1904 and the Oswestry Orders 1879 to 1902 and this Order may be cited together as the Oswestry Orders 1879 to 1904.

The SCHEDULE above referred to.

All that messuage farm and lands known as "Ty Ucha" containing 241 acres and 11 perches or thereabouts situate in the Parish of Llansilin in the County of Denbigh.

Given under the Seal of Office of the Local Government Board this
Third day of May One thousand nine hundred and four.

(L.S.)

WALTER H. LONG President.

S. B. PROVIS Secretary.

BOROUGH OF WISBECH.

Wisbech
Order.

*Provisional Order for partially repealing and altering
the Wisbech Improvement Act 1810.*

To the Mayor Aldermen and Burgesses of the Borough of Wisbech;—
And to all others whom it may concern.

WHEREAS the Borough of Wisbech (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the council are the Urban District Council and as such council are the local authority within the meaning of the Public Health Act 1875;

And whereas there are in force in the Borough the unrepealed provisions of an Act (herein-after referred to as "the Local Act") passed in the fiftieth year of the reign of His late Majesty King George III. and intituled "An Act for establishing a Cattle Market within the Town of Wisbech in the

50 Geo. III.
c. ccvi.

“ Isle of Ely ; for taking down and removing the Shambles therein ; for
 “ paving cleansing lighting and watching the said Town and removing
 “ Nuisances therein ; for preserving and improving the Port and Harbour
 “ of Wisbech and for regulating the Pilots belonging thereto ” ;

A.D. 1904.

—
 Wisbech
 Order.

And whereas it is expedient that certain provisions of the Local Act with respect to buildings within the Borough should be repealed and altered to the extent and in the manner herein-after set forth :

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act shall be partially repealed and altered so that the following provisions shall have effect that is to say :—

38 & 39 Vict.
 c. 55.

Art. I.—(1) Section 31 of the Local Act shall be repealed.

Repeal of
 Section 31 and
 Amendment of
 Section 27 of
 Local Act.

(2) The Local Act shall be altered and shall apply and have effect as if for Section 27 of the Local Act there were substituted the following enactment (herein-after referred to as “ the substituted enactment ”) that is to say :—

“ And be it further enacted that if any Sign Sign Iron Sign Post
 “ or other Iron or Post Shed Penthouse Porch Bulk Balcony Door
 “ Window Window Shutter Rail Pale Palisado Stair Step Show
 “ Glass Show Board Cesspool or Cistern or any other Projection or
 “ Encroachment whatsoever shall at any time after the passing of
 “ this Act be erected built made affixed or placed against or in
 “ front or on the outside of any Dwelling House Shop Warehouse
 “ or other Building within or adjoining to any Market Place Street
 “ Lane Public Passage or Place within the said Town of Wisbech
 “ so as to abridge or obstruct a free and commodious passage along
 “ any of the Carriageways or Footways of the same then and in
 “ every such case it shall be lawful for the Mayor Aldermen and
 “ Burgesses of the Borough acting by the council to direct and cause
 “ every such Sign Sign Iron Sign Post or other Iron or Post Shed
 “ Penthouse Porch Bulk Balcony Door Window Window Shutter Rail
 “ Pale Palisado Stair Step Show Glass Show Board Cesspool or Cistern
 “ or other Projection or Encroachment which shall be so erected built
 “ made affixed or placed as aforesaid to be taken down taken up
 “ removed and taken away and the Ground and Pavement whereon
 “ and wherein the same shall have been placed to be filled up and
 “ levelled and that the Costs and Charges thereof shall be borne and
 “ paid by the Person or Persons by whom or under whose direction
 “ the same shall have been so erected built made altered affixed or
 “ placed as aforesaid and in case of nonpayment thereof on demand to
 “ be made by or on behalf of the Mayor Aldermen and Burgesses of the
 “ Borough acting by the council shall and may be levied and recovered

[Ch. clix.] *Local Government Board's* [4 Edw. 7.]
Provisional Orders Confirmation (No. 9) Act, 1904.

A.D. 1904.

*Wisbech
Order.*

“ in such and the same manner as any Penalty is by this Act directed
“ or authorised to be levied and recovered and that every such Person
“ or Persons shall forfeit and pay besides the said Costs and Charges
“ such Sum of Money not exceeding Five Pounds as any Justice or
“ Justices of the Peace shall in that Behalf direct.”

(3) Nothing in the substituted enactment shall prevent or interfere with or otherwise affect the making or confirmation of any byelaws or the operation of any byelaws duly made and confirmed under and in accordance with and in relation to any of the subject-matters of the provisions of the Public Health Act 1875 and any Act amending or extending that Act.

Short titles.

Art. II. The Local Act may be cited as the Wisbech Improvement Act 1810 and this Order may be cited as the Wisbech Order 1904.

Given under the Seal of Office of the Local Government Board this
Third day of May One thousand nine hundred and four.

(L.S.)

WALTER H. LONG President.
S. B. PROVIS Secretary.

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