



CHAPTER clxxviii.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Improvement Act District of Bethesda, the Borough of Birmingham, the Local Government District of Haworth, the Lower Thames Valley Main Sewerage District, the Borough of Rochdale, the Rochester and Chatham Joint Hospital District, the Boroughs of Rotherham, Stockton, and Middlesbrough, and the City of York (two). [26th August 1880.] A.D. 1880.

WHEREAS the Local Government Board have, as regards the districts, boroughs, and city 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 Order should be confirmed by Parliament, and that the provisions herein contained should be enacted with reference to one of such Orders :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Orders 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. Section 298 of the Public Health Act, 1875, shall be deemed to apply and to have applied to the Lower Thames Valley Main Sewerage Board as if such board were a local authority under that Act, and the costs of the said board and of any local authority within the Lower Thames Valley Main Sewerage District incidental to any application by the board for a Provisional Order, and to any Application of sect. 298 of 38 & 39 Vict. c. 55. to the Lower Thames Valley Main Sewerage Board.

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A.D. 1880. inquiry relating thereto, together with any costs of such inquiry
38 & 39 Vict. ordered to be paid by them under section 294 of the said Act,
c. 55. shall be deemed to be costs within the first-mentioned section.

38 & 39 Vict. Section 244 of the Public Health Act, 1875, shall apply to any
c. 55. loan raised for the purposes of this section.

Short title. **3.** This Act may be cited as the Local Government Board's
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SCHEDULE.

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IMPROVEMENT ACT DISTRICT OF BETHESDA.

*Bethesda
Order.*

Provisional Order for altering the Bethesda Improvement Act, 1854.

To the Bethesda Improvement Commissioners, being the Sanitary Authority for the Urban Sanitary District of Bethesda, in the County of Carnarvon ;—

And to all others whom it may concern.

WHEREAS under the provisions of a Local Act of Parliament, intituled "The Bethesda Improvement Act, 1854" (herein-after called "the Local Act"), certain Commissioners and their successors were incorporated under the name of the Bethesda Improvement Commissioners, to execute that Act within the District therein defined ;

And whereas the said District is an Urban Sanitary District, of which the said Commissioners (herein-after called "the Commissioners") are the Urban Sanitary Authority ;

And whereas by Section 54 of the Local Act the Commissioners were empowered to borrow on mortgage of the water rate, water rents, and waterworks, and of the land, apparatus, mains, pipes, machinery, and other things belonging thereto, provided or purchased by the Commissioners in pursuance of the Local Act, any sum not exceeding three thousand pounds ;

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 Commissioners 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 :

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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Art. I. Section 54 of the Local Act shall be altered and amended so as to empower the Commissioners, subject to the sanction of the Local Government Board, to borrow on mortgage of the water rate, water rents, and waterworks, and of the land, apparatus, mains, pipes, machinery, and other things belonging thereto which have been or which may be provided or purchased by the Commissioners in pursuance of the Local Act, a sum not exceeding seven thousand pounds, in addition to the sum of three thousand pounds, which the Local Act authorised to be borrowed on the like security.

Art. II. Sections 56 and 57 of the Local Act shall not apply to any sums which may be borrowed under the powers of borrowing conferred by this Order, but the provisions of Sub-sections (4) and (5) of Section 234 of the Public Health Act, 1875, shall apply to the borrowing and repayment of such sums, as if they were borrowed under the provisions of that Act and not of the Local Act, and all moneys so borrowed shall be applied—

- (1.) In purchasing, providing, or establishing waterworks, mains, pipes, and other machinery for the supply of water under the powers of the Local Act, and in purchasing for such supply any rivers, brooks, or streams, or any parts of any rivers, brooks, or streams, or the waters thereof, or any rights, powers, privileges, or liberties in relation thereto.
- (2.) In improving, altering, and extending the mains and other works for the supply of water.

Art. III. The Local Act shall be further altered and amended so as to enable the Commissioners from time to time, with the sanction of the Local Government Board, to re-borrow any amount borrowed by them before or after the commencement of this Order, under Section 54 of the Local Act or under that Section as hereby altered and amended, on mortgage of the water rate, water rents, and waterworks, and of the land, apparatus, mains, pipes, machinery, and other things belonging thereto provided or purchased by the Commissioners, if such amount has been paid off otherwise than by instalments, or by means of a sinking fund.

Provided also, that any moneys so re-borrowed shall be repaid within the period within which the moneys in respect of which the re-borrowing is made would have been required to be repaid if such moneys had not been re-borrowed; and further, that no such re-borrowing shall affect the obligation of the Commissioners 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 the Local Act as hereby altered and amended.

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

- (a.) The Clerk to 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, in respect of moneys borrowed before or after the commencement of this Order under the Local Act as hereby altered and amended, 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

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prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amounts which have been paid as instalments or 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 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.

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

(L.S.)

BOROUGH OF BIRMINGHAM.

Birmingham
Order.

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

To the Mayor, Aldermen, and Burgesses of the Borough of Birmingham,
in the County of Warwick, being the Sanitary Authority for the
Urban Sanitary District of that Borough;—

And to all others whom it may concern.

WHEREAS the Borough of Birmingham, in the County of Warwick (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 several Acts mentioned in Part I. of the First Schedule hereto (herein-after referred to as "the Local Acts") are in force in the Borough, except so far as some of them have been partially repealed or amended by some of the Provisional Orders herein-after referred to;

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And whereas by the several Acts mentioned in Parts II. and III. of the said First Schedule (herein-after referred to as "the Confirming Acts") Provisional Orders relating to the Borough have been confirmed;

And whereas the Corporation, acting in the execution of the said Local Acts and Provisional Orders and of the General Acts in force in the Borough, have from time to time borrowed various moneys, which are respectively charged upon different securities, with different priorities, at different rates of interest, subject to different conditions, and repayable at different times, and some of which have been raised by the issue of perpetual annuities;

And whereas by Sections 36 and 37 of the Birmingham Corporation Water Act, 1875 (herein-after referred to as "the Water Act of 1875"), which is one of the Local Acts mentioned in Part I. of the said First Schedule, provision is made for enabling the Corporation to substitute a continuing stock for renewable mortgages in the ordinary form, and the Corporation are empowered to raise any money which they are by that Act or by any other Act for the time being in force authorised to raise by the creation and issue of stock in manner provided by the said sections, but doubts have arisen whether such continuing stock can be created in respect of any loans not raised for the purposes of the water undertaking of the Corporation;

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 Confirming Acts mentioned in Part II. of the said First Schedule are Acts confirming Provisional Orders made in pursuance of the Public Health Act, 1875;

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 Acts are Local Acts 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 partially repeal, alter, and amend the same, and also the Confirming Acts mentioned in Part II. of the said First Schedule, so far as they relate to the Borough of Birmingham, in manner herein-after appearing;

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 several Statutes in that behalf, do hereby Order

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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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Art. I. Sections 36 and 37 of the Water Act of 1875 shall be repealed.

Art. II. The Local Acts and the Confirming Acts mentioned in Part II. of the said First Schedule, so far as they relate to the Borough, shall be altered and amended in such a manner that it shall be lawful for the Corporation from time to time, subject to the provisions of this Order, to determine by resolution that any perpetual annuities payable by them, or that the whole or any portion of their debt then subsisting on security of outstanding mortgages or bonds of the Corporation, whether such annuities, mortgages, and bonds have been issued and created before or after the commencement of this Order, and under the provisions of any of the Local Acts and Provisional Orders confirmed by the Confirming Acts mentioned in the said First Schedule, or under the provisions of any other Act of Parliament, general or special, passed or to be passed, or any other Provisional Order made or to be made and for the time being in force, may be converted into stock, not exceeding an amount to be specified in such resolution, to be called "the Birmingham Corporation Stock" (herein-after referred to as "stock"), either by agreement with the holders of such annuities, mortgages, or bonds, or by paying off such mortgages or bonds when due, and issuing stock of a corresponding amount, regard being had to such extent as the Corporation shall think fit to any difference in the rates of interest instead of re-borrowing the sums so paid off; and also from time to time, subject to the provisions of this Order, to determine by resolution that the whole or any part to be defined in and by such resolution of any moneys which the Corporation shall have authority to raise by borrowing under the powers of any of the said Acts or Orders, and which shall not then have been raised, may be raised by the creation and issue of stock of a corresponding amount instead of borrowing the same; and with respect to the stock so created and issued the following provisions shall have effect:

- (1.) The stock shall be issued by the Corporation in such amounts, in such manner, at such price and times, and subject to such conditions, as the Corporation before the creation thereof may from time to time determine: Provided always, that the Corporation shall reserve to themselves the right to redeem such stock upon terms to be determined and stated by them previous to the issue thereof.
- (2.) The stock shall be a charge upon the borough fund and the borough rate of the borough, the improvement rate, and the street improvement rate, leviable by the Corporation, the waterworks and gasworks undertakings of the Corporation, and the revenues of all landed and other property vested in or belonging to the Corporation, and any other revenue which may be acquired by the Corporation, or upon such of the above securities as may be declared by the Corporation prior to the creation of such stock.
- (3.) The stock shall be distributable, transmissible, and transferable as, and shall in other respects have the incidents of, personal estate.

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- (4.) The dividends from time to time payable on the stock, and the principal from time to time due in respect of the stock, shall be paid by and recoverable from the Corporation as if it were interest or principal due on securities issued by the Corporation under and subject to the provisions of the Local Loans Act, 1875; and the holders from time to time of the stock shall have the like rights and remedies by Mandamus, the appointment of a receiver, and otherwise, for the recovery of such dividends and principal, as if they were the holders of securities issued by the Corporation under and subject to the provisions of the Local Loans Act, 1875, and charged on the like securities as those on which the stock is charged.
- (5.) Nothing in this Order contained shall affect any power or duty of the Corporation to sell, lease, or otherwise dispose of any land, waterworks, gasworks, or property belonging to them, although the same, or the revenues thereof, may be charged as security for the stock, or shall affect any power or duty of the Corporation to apply the moneys arising from any such sale, lease, or disposition in discharge of such liabilities and securities as are a charge on the same in priority to the stock.
- (6.) Subject as herein-before provided, all moneys received by the Corporation on the sale, or by way of fine or premium on the lease, of any land, waterworks, gasworks, or property on which, or on the revenues of which, the stock is charged, shall be applied in redemption of such stock, or shall be carried to the credit of the loans fund herein-after referred to, in addition to the other moneys required by this Order to be carried to such fund.
- (7.) When any land, waterworks, gasworks, or other property is or are sold or otherwise disposed of by the Corporation, the same shall, in the hands of any person or body corporate to whom the same shall have been sold, or disposed, and his or their heirs, executors, administrators, successors, and assigns, be absolutely freed from all claims, charges, or obligations in respect of any stock granted or issued under this Order; and such person or body corporate shall not be bound to see to or inquire into the application by the Corporation of the money arising from such sale or disposition, or be in any way responsible for the non-application or misapplication thereof.
- (8.) The Corporation may from time to time apply all or any of the moneys standing to the credit of any sinking fund which they are required to set aside under any of the Local Acts or Confirming Acts, or the Provisional Orders thereby confirmed, or any other Act of Parliament or Provisional Order for the time being in force, in the purchase and redemption of stock, provided that all stock so purchased and redeemed shall be ipso facto cancelled, and that the

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Corporation shall in every such case, so soon as conveniently may be thereafter, carry an equivalent amount of the loans fund to the credit of such sinking fund, and also pay into such sinking fund in each year, and accumulate until the whole of the moneys for the repayment of which the sinking fund has been established are discharged, a sum equivalent to the interest which would have been produced by the sinking fund, or part of the sinking fund, so applied.

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- (9.) Nothing in this Order contained shall in anywise prejudice or affect the rights, remedies, and priorities of the holders of annuities, or mortgages, or bonds of the Corporation created or issued before the first creation or issue of stock under this Order, nor be deemed to give to the Corporation the right to convert any annuities existing at the commencement of this Order into stock, or otherwise to disturb or interfere with the same, without the previous consent in writing of the respective owners of such annuities; nor shall anything in this Order contained be deemed to authorise the Corporation to pass any resolution for the conversion of any such annuities into stock, unless the consent in writing of the respective owners of such annuities has previously been obtained, or unless it be declared in such resolution that such consent shall be obtained prior to such conversion.
- (10.) After the conversion of any annuities or mortgages or bonds into stock, or after any money shall have been raised by the Corporation by the issue of stock, it shall not be lawful for the Corporation to issue annuities or mortgages or bonds, or any other securities for the amount so converted or raised, or again to borrow the same, but the powers of borrowing by the Corporation shall to that extent be extinguished.
- (11.) No holder of any portion of stock shall have any priority or preference by reason of the creation or issue of such portion of stock before the creation or issue of any other portion of stock.
- (12.) The Corporation shall cause entries of the stock from time to time created, and of all transfers thereof, to be made in a register to be kept for that purpose, wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to the stock, with the respective amounts of the stock to which they are respectively entitled.
- (13.) The Corporation shall deliver on demand to every holder of stock a certificate stating the amount of such stock held by him, and such certificate shall have the common seal of the Corporation attached thereto, and the same may be according to the form in the second schedule hereto, or to the like effect, and for every such certificate the Corporation may demand any sum not exceeding two shillings and sixpence.
- (14.) Every such certificate may be admitted in all courts as *primâ facie* evidence of the title of such stockholder, his executors, administrators successors, or assigns, to the sum therein specified.

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- (15.) If any such certificate be worn out or damaged, then the same may, upon the production thereof, be cancelled, and another similar certificate may be given to the holder of the stock therein specified, or if such certificate be lost or destroyed, then upon proof, to the satisfaction of the Corporation, of such loss or destruction a similar certificate may be given to the holder of the stock specified in the certificate so lost or destroyed, and in either case a due entry of the substituted certificate shall be made in the said register; and for every such substituted certificate the Corporation may demand any sum not exceeding two shillings and sixpence.
- (16.) Stock shall, subject to the provisions of this Article relative to stock in respect of which stock certificates to bearer are issued, be transferred by deed, which may be in the form contained in the Third Schedule hereto, but such deed shall exclusively relate to such transfer, and shall not contain any recital, trust, power, or proviso whatsoever, and such deed shall be effectual in law to pass to the transferee all the interest of the transferor in the stock expressed to be transferred, and the dividends thereon.
- (17.) A person becoming entitled to any stock in consequence of the death bankruptcy or marriage of the owner, or by any lawful means other than by such deed as aforesaid, shall produce such evidence of his title as may reasonably be required by the Corporation, and the same shall be entered in the said register as a transfer.
- (18.) The Corporation shall not be bound to register any transfer except upon production of the certificate relating to the stock to be transferred.
- (19.) Upon any subdivision of stock by transfer, the Corporation may, upon the delivery up to them of the original certificate, grant to the transferees new certificates for the sums of stock so transferred.
- (20.) The register kept under the provisions of this Order shall be evidence of all matters therein entered under the provisions of this Order, and of the title of persons or bodies corporate entered therein as owners of any stock who are mentioned therein as such owners.
- (21.) The Corporation may issue to a stockholder a stock certificate to bearer, that is to say, a certificate of title to his stock or any part thereof, with coupons annexed entitling the bearer of the coupons to the dividends of the stock.
- (22.) Where a stock certificate to bearer is outstanding the stock represented thereby shall cease to be transferable by deed.
- (23.) A stock certificate to bearer shall entitle the bearer to the stock therein described, and shall be transferable by delivery.
- (24.) The bearer of a stock certificate to bearer may on delivery of his certificate and of all unpaid coupons belonging thereto to the Corporation, and on compliance with any regulations made under this Order, require the Corporation to enter him in the register as a holder of the stock described in such stock certificate, and thereupon that stock shall be re-entered in the register, and shall become transferable by

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- deed, and the dividends thereon shall be payable as if no stock certificate to bearer had been issued in respect of that stock.
- (25.) The coupons annexed to a stock certificate to bearer shall comprise the dividends to be payable in respect of the stock therein described for not less than five years from the date of the certificate.
- (26.) On the expiration of that period fresh coupons shall be issued for a further period not less than five years each during the continuance in force of the stock certificate, but the Corporation may, if they think fit, in lieu of issuing fresh coupons in respect of a stock certificate to bearer, give in exchange a fresh stock certificate to bearer with coupons annexed.
- (27.) The payment to the bearer of a coupon of the amount expressed therein shall be a full discharge to the Corporation from all liability in respect of that coupon and the dividend represented thereby.
- (28.) A trustee shall not apply for or hold a stock certificate to bearer or coupon unless authorised to do so by the terms of his trust, and any contravention of this provision by a trustee shall be deemed a breach of trust, but this provision shall not impose on the Corporation any obligation to inquire whether a person applying for a stock certificate to bearer or coupon is or is not a trustee, or subject the Corporation to any liability in the event of their issuing a stock certificate to bearer or coupon to a trustee or invalidate any stock certificate to bearer or coupon so issued.
- (29.) If a stock certificate to bearer or a coupon is lost or destroyed the Corporation shall issue a new certificate or coupon on receiving an indemnity to their satisfaction.
- (30.) Stock described in a stock certificate to bearer shall be deemed to be charged on the same securities and to be subject to the same powers of redemption, and, save in so far as such stock certificate is a negotiable security, and save as relates to the mode of transfer and payment of dividends thereon, shall be subject to the same incidents in all respects as if it had continued entered in the register as stock transferable by deed.
- (31.) On the issue of a stock certificate to bearer the Corporation may demand any sum not exceeding two shillings and sixpence on every one hundred pounds of stock included in the certificate, and a proportionate amount for any less sum of stock.
- (32.) No fee shall be charged on the issue of a stock certificate to bearer in exchange for a like certificate.
- (33.) On the re-entry by the Corporation of the stock included in a stock certificate to bearer a fee not exceeding five shillings shall be payable to the Corporation.
- (34.) The Corporation may from time to time issue any forms required for carrying into effect the provisions of this Article, and may from time to time make any regulations not inconsistent with this Order, and when made may alter, vary, or repeal any such regulations relating to the following matters:—

(a.) The time for which coupons are to be given ;

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- (b.) The mode in which the Corporation are to act in issuing stock certificates to bearer, or entering in the register the holders of stock certificates to bearer, or their nominees ;
- (c.) The mode of proving the title of, or identifying, any person applying for a stock certificate to bearer ;
- (d.) The mode of proof of the loss or destruction of a stock certificate to bearer or coupon ;
- (e.) Any other matter necessary to carry this Article into effect.
- (35.) No notice of any trust expressed, implied, or constructive shall be received by the Corporation or by any registrar or officer of the Corporation in relation to any stock, whether issued to bearer or otherwise.
- (36.) The dividends on all stock shall become payable upon the first day of July and first day of January, excepting when such days shall fall on a Saturday, Sunday, or day observed as a public holiday at the Bank of England, and then upon the day next following such excepted day or days.
- (37.) When any stock has been created and issued under this Order, in order to raise any loan or any portion of any loan authorised by any Act of Parliament or Provisional Order, the money raised thereby shall be deemed to have been borrowed under and for the purposes of such Act or Order, and shall be applied accordingly ; but no holder of such stock shall be bound to inquire into the application of the money advanced or be in any way responsible for the non-application or misapplication thereof.
- (38.) Any person who holds any security or annuity granted by the Corporation whether before or after the commencement of this Order, and who is one of the persons enabled by the Lands Clauses Consolidation Act, 1845, section seven, to sell land under that Act, may, in the manner and to the extent in the said section provided, consent to any arrangement authorised by this Order for the conversion of such security or annuity into stock, and to the payment of such security before the time limited for the payment thereof.
- (39.) The expenses from time to time incurred by the Corporation in payment of composition for stamp duty in respect of stock shall be deemed to be expenses incurred by the Corporation for the several purposes for which the stock, or, as the case may be, the annuities, mortgages, or bonds converted into stock, is or have been issued ; and such expenses may be charged as capital expenses.

Art. III.—The Local Acts and the Confirming Acts mentioned in Part II. of the said First Schedule, so far as they relate to the Borough, shall be further altered and amended, so as to provide that the Corporation shall cause to be kept proper accounts, showing the several purposes for which from time to time stock has been created, and the amounts of the stock so created for such purposes respectively, and all moneys required from time to time to pay the dividends on stock, whether such stock has been created for

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the purpose of raising moneys under any Act of Parliament or Provisional Order, or for converting into stock moneys secured by means of annuities, mortgages, or bonds, shall from time to time be payable out of the same funds, accounts, revenues, and rates as would respectively be charged or chargeable with the payment of the interest on such moneys if the same were secured by means of annuities, mortgages, or bonds, but only to the same extent, during the same periods, and with the same priorities as such interest, and where under any Act of Parliament or Provisional Order any annual or other sum would from time to time, and for any period of time, have been required to be set apart out of any such fund, account, revenue, or rate, for the purpose of forming any sinking fund or other fund for the repayment of such moneys if secured by annuities, mortgages, or bonds, a like sum shall from time to time, during the same period, be payable out of such fund, account, revenue, or rate towards the redemption of the stock as though the same had been secured by means of annuities, mortgages, or bonds.

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Provided nevertheless, that nothing in this Order contained shall discharge, exonerate, or relieve any of the securities upon which stock is charged, from any liability in respect of such stock, or of the moneys required for the payment of the dividends thereon and the redemption thereof.

Art. IV.—The Local Acts and the Confirming Acts mentioned in Part II. of the said First Schedule, so far as they relate to the Borough, shall be further altered and amended, so as to provide that for the purpose of paying the dividends on and redeeming the stock there shall be established a fund to be called “The Birmingham Corporation Loans Fund” (herein-after referred to as “the Loans Fund”) which shall be formed in manner following, that is to say:—

- (1.) Where any annuity, mortgage, or bond is paid off by means of money raised by the creation of stock under this Order, or is converted into such stock, and there is any sinking fund or other fund which has been formed for the payment of the moneys secured by such annuity, mortgage, or bond, either alone or jointly with other annuities, mortgages, or bonds, the Corporation shall carry to the Loans Fund such sinking fund or other fund, or such proportion thereof as may be the proportion which the moneys secured by such annuity, mortgage, or bond, bears to the total of the moneys secured by all the annuities, mortgages, or bonds for the payment of which such fund has been formed :
- (2.) When any stock is issued at a premium, such premium shall be carried to the credit of the Loans Fund :
- (3.) The Corporation shall carry to the Loans Fund such half-yearly sum as may from time to time be necessary to pay the dividends on all the stock ; and such annual sum as may from time to time be equal to the amount of all the moneys from time to time payable as by this Order provided for the redemption of stock :
- (4.) The Corporation shall provide such half-yearly and annual sums respectively by means of contributions (herein-after referred to as

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“ contributory payments ”) from the several funds, and out of the several accounts, revenues, and rates out of which the same are respectively payable under this Order :

Provided always, that where in any case any such fund, account, revenue, or rate is by reason of any deficiency therein wholly or partially insufficient to yield the amount required for any contributory payment, the Corporation shall provide the amount required to make up such insufficiency from the borough fund, or by means of the borough rate :

- (5.) The amounts of the several contributory payments to such half-yearly sums as aforesaid on account of moneys necessary for the payment of the dividends on stock shall be the several sums from time to time payable in respect thereof from the several funds, accounts, revenues, and rates out of which the same are respectively payable under this Order by the apportionment of such half-yearly sums amongst the said several funds, accounts, revenues, and rates respectively, having regard to the amounts of stock in respect of which dividends are payable out of such funds, accounts, revenues, and rates respectively; and the amounts of the several contributory payments to such annual sums as aforesaid on account of moneys for the redemption of stock shall be the several sums from time to time payable (as by this Order provided) out of any fund, account, revenue, or rate for the redemption of stock :
- (6.) The Corporation shall from time to time raise the amounts of the several contributory payments out of the funds, accounts, and revenues, and by means of the rates out of which the same are respectively payable under this Order, in every respect as though the several contributory payments were on account of interest upon and for the repayment of moneys raised for the same purposes respectively, and charged upon such funds, accounts, revenues, and rates respectively, by annuities, mortgages, or bonds, and the Corporation shall for the raising of such contributory payments respectively perform all such acts and exercise all such powers, and, when necessary, collect the same rents, and levy the same rates and assessments respectively, as they would have been required to do for the benefit and security of the holders of such annuities, mortgages, or bonds, as aforesaid :

Provided always, that where in any case such fund, account, revenue, or rate is wholly or partly insufficient to yield the amount required for any contributory payment to be provided thereout, or by means thereof, and the amount required, to make up such insufficiency is provided, as by this Order prescribed, out of the borough fund, or by means of the borough rate, the amount so provided shall be deemed to be a debt due from such fund, account, revenue, or rate to the borough fund in respect of which interest shall be payable, at the rate of three pounds and ten shillings per centum per

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annum, until the repayment of the same, and the amount of such debt, together with the interest thereon, until repayment thereof at the rate aforesaid, shall, as soon as may be, and when the Corporation are of opinion that such fund, account, revenue, or rate will be sufficient for such purpose, be raised and levied as part of and together with the then next contributory payment out of such fund, account, revenue, or rate, and when so raised the same shall be carried to the credit of the borough fund.

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Art. V.—The Local Acts and the Confirming Acts mentioned in Part II. of the said First Schedule, so far as they relate to the borough, shall be further altered and amended so as to provide that the Corporation shall from time to time apply the Loans Fund in the payment of dividends on stock and in purchasing stock for redemption.

The Corporation shall in the meantime invest so much of such fund as shall remain unapplied and uninvested on the Thirty-first day of December in any year, and as shall not have been paid into the fund for the purpose of paying dividends on the stock, in the securities of the Birmingham, Tame, and Rea District Drainage Board, or the securities of the Birmingham School Board, or in debentures, debenture stock, or annuity certificates issued under the Local Loans Act, 1875, or in any securities in which trustees are for the time being authorised to invest trust funds, the interest of which and the resulting income whereof shall form part of the Loans Fund, and shall be applied and may be invested in the same manner.

All stock purchased for redemption by means of the Loans Fund shall be cancelled, and thereupon all dividends and interest in respect thereof, except so far as the same are represented by outstanding coupons, shall be extinguished.

Art. VI.—The Local Acts and the Confirming Acts mentioned in Part II. of the said First Schedule, so far as they relate to the borough, shall be further altered and amended so as to provide as follows:—

(1.) The treasurer of the borough shall, within forty-two days after the thirty-first day of December in each year during which any payment is required to be made into the Loans Fund under the provisions of 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—

(a.) the amounts which have been paid into the Loans Fund during the year in accordance with the provisions of subdivision (3.) of Art. IV. of this Order for the purpose of paying the dividends on the stock and for redeeming such stock respectively;

(b.) the amounts which have been so paid in accordance with subdivision (4.) of Art. IV. of this Order from the several funds and out of the several accounts, revenues, and rates out of which the same are respectively payable under this Order;

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- (c.) the amounts which have been so paid in accordance with the provisions of sub-division (6.) of Art. II. of this Order in respect of the sale or by way of fine or premium on the lease of any land, waterworks, gasworks, or other property on which or on the revenue of which the stock is charged;
 - (d.) the amounts which have been carried to the credit of the Loans Fund during the year in accordance with the provisions of sub-divisions (1.) and (2.) of Art. IV. of this Order in respect of any such sinking or other fund or premium as therein mentioned;
 - (e.) the amounts which have accumulated during the year on the investments of the Loans Fund;
 - (f.) the amounts which have been applied during the year for the purpose of paying the dividends on the stock and for redeeming such stock respectively;
 - (g.) the amounts which have been invested during the year, and the description of the securities upon which any investment has been made;
 - (h.) the total amount, if any, remaining invested at the end of the year; and
 - (i.) the total amount of the stock then remaining unredeemed;
- and in the event of any wilful default in making such return the said treasurer shall be liable to a penalty not exceeding twenty pounds.
- (2.) If it appears to the Local Government Board by that return, or otherwise, that the Corporation have made default in complying with any of the provisions of this Order relating to the payments to be made into the Loans Fund, or the application and investment of the same, they may, after hearing the Corporation, if desirous of being heard, by order require such default to be made good within a period to be limited by such order; and any such order may contain such directions as in the opinion of the Local Government Board may be necessary for giving effect thereto, and shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

Art. VII. Subject to the provisions of this Order as to stock certificates to bearer and coupons, trustees or other persons for the time being having power to invest any moneys in nominal debentures or nominal debenture stock issued under the Local Loans Act, 1875, shall have power to invest such moneys in stock issued under this Order; provided that in cases where two or more persons are successively interested in the trust funds no such investment shall be made at a price exceeding the redemption value of the stock.

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The SCHEDULES above referred to.

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THE FIRST SCHEDULE.

PART I.

The Local Acts.

- The Birmingham Improvement Act, 1851.
- The Birmingham Parks Act, 1854.
- The Birmingham Improvement Act, 1861.
- The Birmingham (Corporation) Gas Act, 1875.
- The Birmingham (Corporation) Water Act, 1875.
- The Birmingham Closed Burial Grounds Act, 1878.
- The Birmingham (Corporation) Water Act, 1879.

PART II.

Acts confirming Provisional Orders made in pursuance of the Public Health Act, 1875.

- The Local Government Board's Provisional Orders Confirmation (Birmingham, &c.) Act, 1876.
- The Local Government Board's Provisional Orders Confirmation (Aspull, &c.) Act, 1879.

PART III.

Other Confirming Acts.

- The Tramways Orders Confirmation Act, 1872, No. 3.
- The Tramways Orders Confirmation Act, 1874.
- The Local Government Board's Provisional Orders Confirmation (Artizans and Labourers' Dwellings) Act, 1876.

THE SECOND SCHEDULE.

FORM OF CERTIFICATE.

Borough of Birmingham.

No.

This is to certify that _____, of _____, is the proprietor of _____ pounds _____ shillings and _____ pence of the Birmingham Corporation Stock issued by the mayor, aldermen, and burgesses of the borough of Birmingham in the county of Warwick.

Given under the common seal of the said mayor, aldermen, and burgesses, this _____ day of _____ one thousand eight hundred and _____

L.S.

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THE THIRD SCHEDULE.

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FORM OF TRANSFER.

I (A.B.) , of , in consideration of the sum of
 pounds, paid to me by (C.D.) , of
 do hereby transfer to the said (C.D.) his executors, administrators, and
 assigns, the sum of Birmingham Corporation Stock standing in my
 name in the books kept of such stock, and all my property, right, and interest in and
 to the same, and the dividends thereon.

In witness whereof I have hereunto set my hand and seal this day of
 one thousand eight hundred and

Witness,

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

J. G. DODSON, President.

JOHN LAMBERT, Secretary.

(L.S.)

Haworth
Order.

LOCAL GOVERNMENT DISTRICT OF HAWORTH.

Provisional Order for partially repealing, altering, and amending the Haworth
Local Board of Health Act, 1872.

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

And to all others whom it may concern.

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

And whereas by Section 26 of the Local Act it is enacted that the Local
 Board shall keep a separate account of their receipts, credits, payments, and
 liabilities in respect of their gas undertaking, to be called the gas account,
 and that the money for the time being to the credit of that account (other than
 borrowed money) shall be called the gas fund, and that the ultimate net balance
 of that fund shall be carried to the credit of the district fund account ;

And whereas by Section 43 of the Local Act it is enacted that in addition
 to any money which under the Public Health Acts, in the Local Act defined as
 "the Public Health Act, 1848, the Local Government Act, 1858, and the
 "Acts amending them," the Local Board are authorised to borrow, they may

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from time to time borrow at interest (inter alia), for gas purposes, a sum not exceeding twelve thousand pounds on mortgage of the gas fund, with or without including the gasworks, and also with or without including the general district rate ;

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And whereas by Section 44 of the Local Act it is further enacted that as between the gasworks account and the slaughter-house account and the water account respectively on the one hand, and the general district rate on the other hand, the gasworks fund and the slaughter-house fund and the water fund respectively shall be primarily liable to be applied in satisfaction of all money borrowed for gas purposes, or for slaughter-house purposes, or for water purposes under that Act, and that the interest thereon, and all money from time to time paid out of the general district rate for gas purposes, or for slaughter-house purposes, or for water purposes, shall from time to time be reimbursed and repaid out of the balance from time to time of the gas fund or slaughter-house fund or water fund (as the case may be), after due provision for all purposes for which money carried to those funds respectively is under that Act directed to be applied, but that nothing in that section shall prejudice the security of any person lending under that Act any money to the Local Board, and that every such person may enforce all his rights and remedies as if that section had not been enacted ;

And whereas by Section 45 of the Local Act it is further enacted that the Local Board shall form a sinking fund in respect of their gasworks and gas undertaking, by setting aside and carrying to the credit of a sinking fund, on the First day of January One thousand eight hundred and seventy-five, out of money standing to the credit of the gas account, a sum equal to one-fiftieth part of the money borrowed under that Act for gas purposes, and on the First day of January in every succeeding year a sum larger by five per centum than in the then last preceding year, until the whole of the money borrowed under that Act for gas purposes is paid off ;

And whereas by Section 49 of the Local Act it is also enacted that all money carried to each sinking fund under that Act shall be applied from time to time in or towards the discharge of money borrowed by the Local Board under that Act, and until so applied shall be invested in any securities in which by law trust money may for the time being be invested ;

And whereas by Section 50 of the Local Act it is also enacted that the Local Board may from time to time re-borrow any amount borrowed by them under that Act and paid off otherwise than by means of a sinking fund ;

And whereas the Local Board have borrowed for gas purposes under the provisions of Section 43 of the Local Act, the sum of eleven thousand nine hundred and fifty pounds ;

And whereas the Local Board have expended for gas purposes the sum of nine hundred and eighty-one pounds in excess of the amount which they are enabled to borrow for those purposes under Section 43 of the Local Act, and they require to borrow such sum of nine hundred and eighty-one pounds, together with certain further sums, for the purpose of extending their gas undertaking ;

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And whereas the Local Board have not complied with the provisions of Section 45 of the Local Act, as regards the formation of a sinking fund, in respect of their gasworks and gas undertaking ;

And whereas the Local Board had prior to the Twenty-fifth day of March, One thousand eight hundred and eighty, incurred certain further liabilities in respect of losses arising from their gas undertaking, amounting to the sum of nine hundred and thirty-five pounds ;

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 Local Board have applied to the Local Government Board to alter and amend the same ;

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 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 so as to enable the Local Board, subject to the sanction of the Local Government Board, to borrow under the provisions of the Local Act and of this Order for gas purposes and for the purpose of paying the said sum of nine hundred and eighty-one pounds so expended by them as aforesaid, on mortgage of the gas fund, with or without including the gasworks, and also with or without including the general district rate, the sum of eight thousand pounds, in addition to the sum of twelve thousand pounds therein mentioned.

Art. II. Section 45 and Section 49 (so far as it relates to the sinking fund mentioned in Section 45) of the Local Act shall be repealed.

Art. III. The Local Act shall be altered and amended so as to provide that the Local Board shall, within such period, and by means of such instalments as may be determined by the Local Government Board, appropriate and set apart out of the gas fund referred to in Art. IX. of this Order, and so far as such fund shall at any time be insufficient, out of the district fund and general district rate, the amounts which would at the commencement of this Order have been standing to the credit of a sinking fund in respect of the moneys borrowed under the Local Act for gas purposes, if the Local Board had since the First day of January, One thousand eight hundred and seventy-five, from time to time, set

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aside and accumulated such amounts as would have been required to have been paid into a sinking fund and accumulated under the Local Loans Act, 1875, in order to repay the moneys so borrowed within forty years from the date of the original borrowing in each case.

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All moneys appropriated and set apart by the Local Board under this Article shall be applied as early as practicable in the repayment of moneys borrowed before the commencement of this Order for gas purposes, and pending such application, shall be invested in any of the securities in which sinking funds may be invested under this Order.

Art. IV. The Local Act shall also be altered and amended so as to provide that the Local Board shall repay all moneys borrowed by them for gas purposes before the commencement of this Order under the borrowing powers conferred by the Local Act except so much of such moneys as the sums required to be set apart and applied in accordance with Art. III. of this Order will be sufficient to repay, and all moneys borrowed for gas purposes after the commencement of this Order under the Local Act or the powers of borrowing conferred by this Order, by all or any of the following means, viz., by equal annual or half-yearly instalments of principal, or of principal and interest, or by setting apart in every year as a sinking fund, and accumulating in the way of compound interest by investment of the sums so set apart 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, such sums as will, with the accumulations, be sufficient, after payment of all expenses, to pay off all such moneys within a period not exceeding forty years from the date of the original borrowing as regards moneys borrowed before the commencement of this Order, and as regards moneys borrowed after the commencement of this Order, within such a period, not exceeding forty years from the date of borrowing, as the Local Board, with the sanction of the Local Government Board in each case, determine.

Provided that the Local Board may at any time apply the whole or any part of any sinking fund set apart under this Order in or towards the discharge of the moneys for the repayment of which the fund has been established, but in any such case they shall pay into the fund in each year and accumulate, until the whole of the moneys for the repayment of which the fund has been established are discharged, a sum equivalent to the interest which would have been produced by the fund or the part of the fund so applied: Provided also, that when the sinking fund is equivalent in value to so much of the moneys for the repayment of which it has been established as remain undischarged, all sums required by this Order to be paid into the fund may cease to be so paid, and the annual income of the fund may be applied in payment of the annual interest payable upon the borrowed moneys so remaining undischarged.

Provided also, that any interest which may from time to time be received by the Local Board after the commencement of this Order in respect of the sums required by Art. III. of this Order to be applied in or towards the repayment of the moneys borrowed by the Local Board for gas purposes before the commencement of this Order, shall be paid into the sinking fund set aside after the

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commencement of this Order for the repayment of such moneys, or be applied in the repayment by instalments of such moneys: and the sums required by this Order to be paid into such last-mentioned sinking fund, or to be repaid by way of instalment, shall be diminished to the extent of the payments so made.

Art. V. Section 50 of the Local Act shall be altered so as to provide that—

(a.) The Local Board shall not re-borrow any amount borrowed by them under the Local Act as hereby altered and amended which shall at any time have been discharged by means of instalments.

(b.) Any money re-borrowed under the provisions of that section 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 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. VI. The Local Board may raise any moneys which they are authorised to borrow under any powers of borrowing conferred by this Order, by the issue of debentures or annuity certificates, or, with the consent of the Local Government Board, by the issue of debenture stock under and subject to the provisions of the Local Loans Act, 1875, and the period sanctioned by the Local Government Board for the discharge of any moneys so borrowed, shall be deemed to be "the prescribed period" within the meaning of the last-mentioned Act.

Art. VII. All payments required to be made under this Order by instalments or to sinking funds shall, so far as they are not made in accordance with the provisions of this Order out of the gas fund referred to in Art. IX. of this Order, or out of the interest received by the Local Board in respect of the sums required to be appropriated and applied under Art. III. of this Order, be made by the Local Board out of the district fund or general district rate.

Art. VIII. For the purposes of the sinking funds referred to in Arts. III. and IV. of this Order, and any sinking fund set aside by the Local Board for the discharge of moneys raised by the issue of debentures or debenture stock under Art. VI. of this Order, the rate of accumulation shall be three pounds per centum per annum.

Art. IX. Section 26 and Section 44 of the Local Act so far as it relates to the gasworks account and the gasworks fund, and to moneys borrowed for gas purposes, shall be repealed, except so far as they may have been acted upon, and in lieu thereof it shall be provided that the Local Board shall carry all moneys from time to time received by them in respect of their gas undertaking, except borrowed money, to the credit of a fund to be called the gas fund, and shall apply such moneys as follows:

- (1.) In paying the working and establishment expenses, and the cost of the maintenance of their gasworks;
- (2.) In paying the interest on moneys borrowed or re-borrowed under the Local Act or this Order for gas purposes;
- (3.) In payment of the annuity certificates, if any issued for the purposes of their gasworks

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(4.) In providing for the instalments, appropriations, and sinking fund required to be provided under this Order.

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The balance, if any, on the Twenty-fifth day of March in every year remaining to the credit of the gas fund, after providing for the aforesaid purposes, shall be applied in the repayment of moneys borrowed for gas purposes under the Local Act or the powers of borrowing conferred by this Order, in addition to the other repayments required to be made by this Order, or shall be carried to the credit of a sinking fund for the repayment of such moneys, in addition to the other sums required to be paid into such fund in accordance with the requirements of this Order.

Art. X. The Local Board shall defray the liabilities which they have incurred as aforesaid in respect of losses from their gas undertaking, and any further liabilities incurred by them in respect of such losses, whether before or after the commencement of this Order, so far as the gas fund may from time to time be insufficient for that purpose, out of their district fund and general district rate; and, notwithstanding anything to the contrary contained in Section 210 of the Public Health Act, 1875, any such rates may at any time be made and levied for the purposes of this Article, and also of Articles III. and VII. of this Order, although the expenses which the Local Board are from time to time required to meet under this Article or Articles III. and VII. of this Order may have been incurred more than six months previously to the making of such rate.

Art. XI. The Local Act of 1872 shall be further altered, and shall provide that—

(a.) The Clerk of the Local Board shall, within twenty-one days after the expiration of each year during which any sum is required under this Order to be paid as an instalment, or appropriated to the discharge of moneys borrowed or re-borrowed, or to be set aside as a sinking fund in respect of such moneys, 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, or appropriated and applied to the discharge of such moneys, 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 amount appropriated, or 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 Local Board have failed to pay any instalment required to be paid, or to appropriate the amount required to be appropriated or to set apart any sum required for any sinking fund, or have applied any portion of the money so appropriated or set apart, 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

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double the amount in respect of which default has been made shall be paid by way of instalment, or be appropriated to the discharge of the moneys borrowed, or, as the case may 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 Twentieth day of May, in the year One thousand eight hundred and eighty.

J. G. DODSON, President.

JOHN LAMBERT, Secretary.

(L.S.)

*Lower
Thames
Valley
Order.*

LOWER THAMES VALLEY MAIN SEWERAGE
DISTRICT.

Provisional Order for altering certain Confirming Acts.

To the Lower Thames Valley Main Sewerage Board;—

And to all others whom it may concern.

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 by a Provisional Order of the Local Government Board dated the Fifth day of June, One thousand eight hundred and seventy-seven, (herein-after called "the Order of 1877,") and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Joint Boards) Act, 1877, (herein-after called "the Confirmation Act of 1877,") subject to the provisions of that Act, certain Urban Sanitary Districts and parts of Rural Sanitary Districts therein mentioned, and termed "the Constituent Districts," were formed into a United District, called the Lower Thames Valley Main Sewerage District, (herein-after called "the United District,") for the purpose of making a main sewer for the use of all the Constituent Districts;

And whereas by the Order of 1877, as confirmed by the Confirmation Act of 1877, it was (inter alia) ordered—

That the Order should come into operation on the Twenty-ninth day of September, One thousand eight hundred and seventy-seven:

That the Joint Board, which should be the governing body of the United District, should consist of certain ex-officio and elective members, and should be called the Lower Thames Valley Main Sewerage Board;

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And whereas by Article X. of the Order of 1877 the purposes for which the United District was formed were defined, and it was ordered that it should be the duty of the Joint Board to carry out and perform the purposes for which the United District was formed within a period of three years from the commencement of that Order, and that in default of their so doing they should be deemed to be a Local Authority which had made default in providing their District with sufficient sewers within the meaning of Section 299 of the Public Health Act, 1875.

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Order.*
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And whereas by Section 3 of the Confirmation Act of 1877 it is (inter alia) enacted as follows:—

“(m.) No proceeding shall, during the period of three years from the day
“ when the Order comes into operation, be commenced or continued
“ to enforce the payment of any penalties to be legally incurred by
“ any of the constituent authorities in respect of the breach or non-
“ observance of any of the provisions of the Thames Conservancy
“ Acts, 1857 and 1864, and the Thames Navigation Act, 1866, and
“ any Acts amending the same, after the passing of this Act, and the
“ expiration of a period of three years from the day when the said
“ Order comes into operation; provided, that if at the expiration of
“ the said period of three years the Joint Board shall, in the opinion
“ of the Local Government Board, have failed to sufficiently carry
“ out and perform the purposes for which the United District is
“ formed, as defined by the said Provisional Order, any such penalties
“ shall attach to and may be sued for and be enforceable against the
“ Joint Board in the same manner as the said penalties would but
“ for this Act have attached to and been enforceable against any
“ such constituent authority:”

And whereas the Lower Thames Valley Main Sewerage Board (herein-after called “the Joint Board”) was duly elected in accordance with the provisions of the Order of 1877, and the Confirmation Act of 1877;

And whereas by a further Provisional Order of the Local Government Board dated the 7th day of May 1878, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Bournemouth, &c.) Act, 1878 (herein-after called the Confirmation Act of 1878), the Order of 1877, and the Confirmation Act of 1877, were altered and amended so as to include in the United District the Local Government District of Heston and Isleworth, and the part of the Rural Sanitary District of the Kingston Union which comprised the Kingston Special Drainage District;

And whereas by Section 5 of the Confirmation Act of 1878 it is (inter alia) enacted as follows, viz.:—

“(i.) The provisions of Section 3, Sub-sections (d) to (m.), both inclusive, of
“ the Local Government Board's Provisional Orders Confirmation
“ (Joint Boards) Act, 1877, shall be read as forming part of this Act,
“ and shall apply to all matters, works, proceedings, and things done,
“ executed, taken, or performed under the Provisional Order relating
“ to the united district and hereby confirmed;”

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*Lower
Thames
Valley
Order.*

And whereas the Joint Board have applied to the Local Government Board to alter and amend the Confirmation Act of 1877, and the Order of 1877, so as to extend the time within which it shall be the duty of the Joint Board to carry out and perform the purposes for which the United District was formed, and to extend the period limited by sub-section (m.) of Section 3 of the Confirmation Act of 1877 for the suspension of proceedings for enforcing the payment of any penalties which may be legally incurred by any of the Constituent Authorities in respect of the breach or non-observance of any of the provisions of the Thames Conservancy Acts, 1857 and 1864, and the Thames Navigation Act, 1866, and any Acts amending the same;

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 several 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 Confirmation Act of 1877 and the Order of 1877 shall be altered so as to provide that the period within which it shall be the duty of the Joint Board to carry out and perform the purposes for which the United District was formed shall be six years from the commencement of the Order of 1877, instead of three years from the commencement of that Order as therein mentioned, and all the provisions of the Confirmation Act of 1877 and the Order of 1877 shall apply as if such period had been originally fixed at six years.

Art. II. Sub-section (m.) of Section 3 of the Confirmation Act of 1877 shall be altered by the substitution of the words "six years" for the words "three years" throughout the same.

Art. III: Subject as aforesaid all the provisions of the Order of 1877 as confirmed by the Confirmation Act of 1877, of the Order of 1878 as confirmed by the Confirmation Act of 1878, and of the Confirmation Act of 1877, and the Confirmation Act of 1878, shall apply to the United District and the Joint Board as fully and effectually as if this Order had not been made.

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

J. G. DODSON, President.

JOHN LAMBERT, Secretary.

(I.S.)

A.D. 1880.

*Rochdale
Order.*

BOROUGH OF ROCHDALE.

Provisional Order for altering certain Local Acts.

To the Mayor, Aldermen, and Burgesses of the Borough of Rochdale, 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 Rochdale, in the County of Lancaster (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 Rochdale Improvement Act, 1853 (herein-after referred to as "the Act of 1853"), as partially repealed and amended by the Provisional Order herein-after referred to, the Rochdale Waterworks Act, 1866 (herein-after referred to as "the Act of 1866"), the Rochdale Improvement Act, 1872 (herein-after referred to as "the Act of 1872"), and the Rochdale Improvement Act, 1875 (herein-after referred to as "the Act of 1875"), are in force in the said Urban Sanitary District;

And whereas by Section 85 of the Act of 1853, the Towns Improvement Clauses Act, 1847, except Sections 53, 61, 62, 103, 109, 113, and 114 thereof, is incorporated with the Act of 1853;

And whereas Sections 22 to 46, both inclusive, of the Towns Improvement Clauses Act, 1847, relate to making and maintaining public sewers and the drainage of houses;

And whereas by Section 88 of the Act of 1853, the Commissioners therein referred to were empowered from time to time to cause the sewage and refuse of the Town of Rochdale to be converted into manure, in such manner, and to provide on any lands vested in them such works and conveniences for that purpose, and to sell and dispose of the sewage and refuse, and the products of such conversion thereof, as they might think fit, and to contract with any persons for the conveyance of such sewage and refuse, or any part thereof, out of the Town, or to contract with any person for such conversion, sale, and disposition, on such terms and conditions as the said Commissioners might think fit;

And whereas the rights, powers, estates, property, and liabilities of the said Commissioners under the Act of 1853 were, on the Thirteenth day of January, One thousand eight hundred and fifty-eight, duly transferred to the Corporation;

And whereas the Corporation have given notice in manner provided by Section 32 of the Public Health Act, 1875, with reference to certain works for sewage purposes proposed to be constructed by them without their District;

And whereas by Section 61 of the Act of 1866, it is provided that the sum to be annually set apart for a sinking fund for redeeming the annuities therein

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mentioned, and for paying off the sums borrowed on mortgage by the Corporation under that Act, shall be such a sum as the Corporation shall from time to time determine, but shall not in any one year after the expiration of ten years from the passing of that Act be less than one per cent. on the amount for the time being owing by the Corporation on mortgage by virtue of the provisions of that Act;

And whereas by a Provisional Order dated the Ninth day of April, One thousand eight hundred and sixty-nine (herein-after referred to as "the Provisional Order"), and duly confirmed by the Local Government Supplemental Act, 1869, the Corporation were empowered, for the purposes of the Act of 1853, with the sanction of one of Her Majesty's Principal Secretaries of State, to borrow or re-borrow, on mortgage of the rates, rents, profits, and other moneys arising or accruing under or by virtue of the Act of 1853, such a sum or sums of moneys as, with the sums already borrowed under and for the purposes of the Act of 1853, and then due and owing by them, should not exceed in the whole two years' assessable value of the premises assessable under the Act of 1853;

And whereas by clause 5 of the Provisional Order it was provided that the moneys then owing on mortgage under the Act of 1853 should be repaid, with interest thereon, within a period of fifty years, and that the sum or sums to be borrowed under the powers of the Provisional Order should be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof;

And whereas by Section 211 of the Act of 1872 it is provided that clause 5 of the Provisional Order shall be construed as if the word "seventy-five" had been substituted for the word "fifty" throughout the said clause;

And whereas by Section 216 of the Act of 1872 it is provided (amongst other things) that all moneys borrowed under the authority of that Act for the purposes of the water undertaking therein referred to shall be repaid in one hundred years, and that all moneys borrowed under the authority of that Act for any of the other purposes of that Act shall be repaid in seventy-five years, and that, subject as aforesaid, the Corporation may either pay off the moneys so borrowed by equal annual instalments, or they may in every year set apart as a sinking fund, and accumulate by way of compound interest by investing in Exchequer Bills or other securities, such sums as will be sufficient to pay off the moneys borrowed, or any part thereof, at such times as the Corporation may determine;

And whereas by Section 252 of the Act of 1872 so much of the Act of 1853 as incorporates Sections 28, 30, and 38 to 43, both inclusive, of the Towns Improvement Clauses Act, 1847, was repealed;

And whereas by Section 6 of the Act of 1875 it is provided that the Corporation may, from time to time, borrow and re-borrow for the purposes of their water undertaking, under the powers of that Act, two hundred thousand pounds, and that all the provisions of the Act of 1872 with respect to the amount thereby authorised to be borrowed, and the interest thereon, and the modes of raising and charging the same, and all incidental matters, shall apply to any sums to be borrowed under the powers of the Act of 1875;

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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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And whereas the Act of 1853, the Act of 1866, the Act of 1872, and the Act of 1875, are Local Acts 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 same ;

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 thereof, 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 Act of 1853 shall be altered and amended in such a manner that the Corporation in the execution of the Act of 1853 may exercise all the powers conferred on Sanitary Authorities by Sections 15, 16, 27, and 131 of the Public Health Act, 1875, and so that the exercise of such powers by the Corporation, shall be deemed to be one of the purposes for which the Corporation were empowered to borrow money under and subject to the provisions of the Provisional Order.

Provided that the construction of any works without the Borough by the Corporation, under Sections 15, 16, and 27 of the Public Health Act, 1875, shall be subject to the provisions contained in Sections 32 to 34, both inclusive, of the Public Health Act, 1875, but that the notices already given by the Corporation, as herein-before recited, with reference to the said works for sewage purposes proposed to be constructed without the Borough shall be deemed to have been duly given in accordance with the provisions of this Article, and the three months mentioned in Sections 32 and 33 of the Public Health Act, 1875, shall be deemed to have run from the time when the said notices were given.

Art. II. Section 61 of the Act of 1866 shall be repealed.

Art. III. So much of Section 216 of the Act of 1872 as provides that the Corporation may either pay off the moneys borrowed under the authority of that Act by equal annual instalments, or may in every year set apart as a sinking fund, and accumulate by way of compound interest by investing in Exchequer Bills or other securities, such sums as will be sufficient to pay off the moneys borrowed, or any part thereof, at such times as the Corporation may determine, shall not apply to moneys borrowed for Waterworks purposes under that Act or the Act of 1875, and in lieu thereof it shall be provided

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that the Corporation shall, from and after the date prescribed by Section 10 of the Act of 1875 for the commencement of a sinking fund for the repayment of moneys borrowed under that Act, either pay off all moneys borrowed for Waterworks purposes (whether such moneys have been borrowed under the Act of 1866, or the Act of 1872, or the Act of 1875, and whether before or after the commencement of this Order) by equal annual or half-yearly instalments of principal, or of principal and interest, or they shall in every year, from and after the date prescribed by Section 10 of the Act of 1875 for the commencement of a sinking fund for the repayment of moneys borrowed under that Act, set apart as a sinking fund, and accumulate in the way of compound interest by investing the same in the purchase of Exchequer Bills or other Government securities, or any other securities in which trustees for the time being are authorised to invest, such a sum as, with accumulations in the way of compound interest, will be sufficient, after payment of all expenses, to pay off the moneys so borrowed as aforesaid under the Act of 1866, the Act of 1872, or the Act of 1875, within the period prescribed by the Act of 1872 for the repayment of moneys borrowed under the authority of that Act for Waterworks purposes.

The Corporation may at any time apply the whole or any part of a sinking fund set apart under the foregoing provisions in or towards the discharge of the moneys for the repayment of which the fund has been established, provided that they pay into the fund in each year, and accumulate until the whole of such moneys are discharged, a sum equal to the interest which would have been produced by the sinking fund or part of the sinking fund so applied.

Art. IV. Section 6 of the Act of 1875 shall be altered and amended by the substitution of the words "two hundred and eighty thousand pounds" for the words "two hundred thousand pounds."

Provided that of the said sum of two hundred and eighty thousand pounds, no more than two hundred thousand pounds may be borrowed without the sanction of the Local Government Board, and that the provisions contained in Art. III. of this Order shall apply to all moneys which may be borrowed by the Corporation subject to such sanction as aforesaid.

Art. V. The Act of 1875 shall be further altered and amended so as to provide as follows :

(a.) The Treasurer of the Borough, within twenty-one days after the Twenty-fifth day of March in every 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 for Waterworks purposes under the Act of 1866, the Act of 1872, the Act of 1875, or this Order, whether before or after the commencement of this Order, or in respect of moneys re-borrowed for the repayment of moneys so borrowed, shall 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

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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.

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Order.*

- (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 such sinking fund, or have applied any portion of the money set apart for such 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 such 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 Twentieth day of May, in the year One thousand eight hundred and eighty.

J. G. DODSON, President.

JOHN LAMBERT, Secretary.

(L.S.)

ROCHESTER AND CHATHAM JOINT HOSPITAL
DISTRICT.

*Rochester
and Chatham
Order.*

*Provisional Order for forming a United District under Sect. 279 of the
Public Health Act, 1875.*

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

To the Local Board of Health for the District of Chatham Extra, in the County of Kent, being the Sanitary Authority for the Urban Sanitary District of Chatham Extra;—

And to all others whom it may concern.

WHEREAS by Section 131 of the Public Health Act, 1875, it is enacted that two or more Local Authorities may combine in providing a common hospital for the use of the inhabitants of their Districts;

And whereas by Section 279 of the Public Health Act, 1875, it is enacted that where, on the application of the Local Authorities of any Urban or Rural Sanitary Districts, or of any of such Authorities, it appears to the Local Government Board that it would be for the advantage of such Districts, or any

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of them, or any parts thereof, or of any contributory places in any Rural Sanitary District or Districts, to be formed into a United District for all or any of the purposes following; that is to say,—

- (1.) The procuring a common supply of water; or
- (2.) The making a main sewer or carrying into effect a system of sewerage for the use of all such Districts or contributory places; or
- (3.) For any other purposes of that Act;

the Local Government Board may by Provisional Order form such Districts or contributory places into a United District; and that all costs, charges, and expenses of and incidental to the formation of a United District shall, in the event of the United District being formed, be a first charge on the rates leviable in the United District in pursuance of that Act;

And whereas by Section 280 of the same Act it is further enacted that the governing body of a United District shall be a Joint Board, consisting of such ex-officio members and of such number of elective members as the Local Government Board may by the Provisional Order forming the District determine, and that a Joint Board shall be a body corporate by such name as may be determined by the Provisional Order, having a perpetual succession and a common seal, with power to hold lands for the purposes of its constitution, without any license in mortmain;

And whereas by Section 281 of the same Act, it is also enacted that the Provisional Order forming a United District under that Act, shall define the purposes for which such United District is formed, and the powers, rights, duties, capacities, liabilities, and obligations under that Act which the Joint Board is authorised to exercise or perform, or is made subject to, and shall contain regulations as to the qualification and mode of election of elective members of the Joint Board, as to their continuance in office, as to casual vacancies in the Joint Board, as to their meetings and officers, and any other matter or thing, including the adjustment of present and future liabilities and property with respect to which the Local Government Board may think fit to make any regulations for the better carrying into effect the provisions of that Act with respect to United Districts; that upon the constitution of a Joint Board the Local Authorities having jurisdiction in the component Districts or contributory places shall cease to exercise therein any powers, or to perform any duties, or to be subject to any liabilities or obligations, which the Joint Board is authorised to exercise or perform or is made subject to; and that nevertheless, the Joint Board may delegate to the Local Authority of any component District the exercise of any of its powers or the performance of any of its duties;

And whereas by Section 282 of the same Act it is also enacted that meetings of any Joint Board shall be held and the proceedings thereat shall be conducted (so far as such meetings and proceedings are not regulated by the Order forming the Joint Board) in accordance with the rules as to meetings and proceedings contained in Schedule I. to that Act;

And whereas by Section 283 of the same Act it is also enacted that any expenses incurred by a Joint Board in pursuance of that Act, unless otherwise

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determined by the Provisional Order, shall be defrayed out of a common fund, to be contributed by the component Districts or contributory places in proportion to the rateable value of the property in each District or contributory place, such value to be ascertained according to the valuation list in force for the time being ;

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And whereas by Section 284 of the same Act it is also enacted that for the purpose of obtaining payment from the component Districts of the sums to be contributed by them, the Joint Board shall issue their precept to the Local Authority of each component District, stating the sum to be contributed by such Authority, and requiring such Authority, within a time limited by the precept, to pay the sums therein mentioned to the Joint Board, or to such person as the Joint Board may direct ; that any sum mentioned in a precept addressed by a Joint Board to a Local Authority as aforesaid shall be a debt due from that Authority, and may be recovered accordingly, such contribution in the case of a Rural Authority being deemed to be general expenses ; that if any Local Authority makes default in complying with the precept addressed to it, the Joint Board may, instead of instituting proceedings for the recovery of a debt, or in addition to such proceedings as to any part of a debt which may for the time being be unpaid, proceed in a summary manner as in that Act mentioned to raise within the District of the defaulting Authority such sum as may be sufficient to pay the sum due ; and that for the purpose of obtaining payment from contributory places of the sums to be contributed by them, the Joint Board shall have the same powers of issuing precepts and of recovering the amounts named therein as if such contributory places formed a Rural District, and the Joint Board were the Authority thereof ;

And whereas by Section 275 of the same Act it is also enacted that every Order made by the Local Government Board under Part VIII. of that Act, which includes the above-recited sections, shall specify the day on which such Order shall come into operation, in that Act referred to as "the commencement of the Order" ;

And whereas the Mayor, Aldermen, and Citizens of the City of Rochester, in the County of Kent, acting by the Council, as the Urban Sanitary Authority for that City, and the Local Board of Health for the District of Chatham Extra, in the County of Kent, as the Sanitary Authority for the Urban Sanitary District of Chatham Extra, and being "the Local Authorities" for the said Urban Sanitary Districts respectively within the meaning of the above-mentioned Act (which Urban Sanitary Authorities are herein-after referred to as "the Constituent Authorities"), have applied to the Local Government Board to form the said Urban Sanitary Districts into a United District for the purposes of the provision, maintenance, and management of a hospital for the use of the inhabitants of such Districts ;

And whereas upon receipt of such application the Local Government Board 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 several Statutes in that behalf, do hereby Order

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that the Urban Sanitary Districts of Rochester and Chatham Extra (which Urban Sanitary Districts are herein-after referred to as "the Constituent Districts"), shall be formed into a United District, to be called the Rochester and Chatham Joint Hospital District, for the purposes of the provision, maintenance, and management of a hospital or hospitals for the use of the inhabitants of such Districts.

And We do further Order as follows; viz.:

Art. I. This Order shall come into operation on the Twenty-ninth day of September, One thousand eight hundred and eighty.

Art. II. The Joint Board, which shall be the governing body of the said United District, shall consist of two ex-officio and ten elective members, and shall be called the Rochester and Chatham Joint Hospital Board.

Provided that if at the time of the first or any subsequent election (other than an election to fill a casual vacancy) of members or a member of the Joint Board by a Constituent Authority, the rateable value of the District of such Constituent Authority (such rateable value to be ascertained from the Valuation List in force for the time being) shall amount to a sum exceeding by the sum of seventeen thousand pounds, or any multiple of that sum, its present rateable value, (which for the purpose of this proviso shall be taken to be fifty-two thousand pounds in the case of the said City of Rochester, and eighty-five thousand pounds in the case of the said District of Chatham Extra,) such Constituent Authority shall have power to elect one or more members of the Joint Board in addition to the number of members set opposite to the name of such Constituent Authority in column four of the Schedule hereto: Provided always, that the number of additional members shall not at any time exceed one in respect of every complete sum of seventeen thousand pounds in excess of the amount of the present rateable value of the Constituent District.

Art. III. The ex-officio members shall be the persons described in column 3 of the Schedule hereto, and the elective members shall be elected by the several Sanitary Authorities mentioned in column 2 of the said Schedule.

Art. IV. Subject to the proviso to Art. II. of this Order, the number of members of the Joint Board to be elected by each of the Constituent Authorities shall be that set opposite to the name of each of such Authorities in column 4 of the said Schedule, and the said members shall be chosen by the members of each Constituent Authority from among the members of its own body.

Art. V. The provisions of Rules 5 and 64 of Schedule II. to the Public Health Act, 1875, shall, mutatis mutandis, apply to members of the Joint Board.

Art. VI. The first election of members of the Joint Board shall take place at a meeting of each of the Constituent Authorities, to be held within six weeks from the date when this Order comes into operation, or within such further time as the Local Government Board may, by Order, allow, and fourteen days' previous notice in writing of such meeting shall be given or sent to each member of the Constituent Authorities by the Clerks of such Authorities respectively.

Art. VII. An elective member of the Joint Board shall continue in office until he dies or resigns or becomes disqualified, or ceases to be a member of the

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Constituent Authority by which he was elected; and an elective member who ceases to hold office by reason of resignation, or disqualification, or ceasing to be a member of the Constituent Authority by which he was elected, shall, subject to the provisions of Art. V. of this Order, be re-eligible, provided that at the time of re-election he is a member of one of the Constituent Authorities.

Art. VIII. The Clerk of each of the Constituent Authorities shall notify in writing to the Local Government Board, within seven days after such first and every subsequent election shall have taken place, the names and addresses of the persons elected by such Authority as members of the Joint Board.

Art. IX. Any vacancy occurring in the Joint Board by death, resignation, disqualification, or otherwise, shall be filled up by the Constituent Authority in whose representation the vacancy occurs at a meeting to be held within six weeks of such vacancy occurring, or within such further period as the Local Government Board may by Order determine, and fourteen days' previous notice in writing of such meeting shall be given or sent to each member of the Constituent Authority by the Clerk of such Authority.

Art. X. The time and place of holding the first meeting of the Joint Board shall be fixed by the Local Government Board, and the subsequent ordinary meetings of the Joint Board shall be held at such times and places as the Joint Board may appoint; and at all meetings of the Joint Board three members shall constitute a quorum.

Provided that an extraordinary meeting shall be summoned by the Clerk to the Joint Board when a requisition for that purpose is addressed to him by the Chairman or any three members of the Joint Board.

Such requisition shall be in writing, and no business other than that specified in the requisition shall be transacted at such extraordinary meeting.

Notices of all meetings of the Joint Board shall be delivered or sent by post so as to reach the last known place of abode or business in England of each member of the Joint Board three clear days before the day of meeting, or at such earlier time as the Joint Board may from time to time direct.

Art. XI. The Joint Board shall at their first meeting, or at an adjournment thereof, and from time to time thereafter as occasion shall require, appoint a chairman, a treasurer, and a clerk, and they may from time to time appoint one or more medical officers and such other officers and servants as they think requisite. They may pay their treasurer, clerk, medical officers, and other officers and servants such reasonable remuneration as they shall deem expedient; and every such clerk, treasurer, medical officer, and other officer and servant shall be removable by the Joint Board at their pleasure.

Art. XII. The purposes for which the United District is formed are the provision, maintenance, and management of a hospital or hospitals for the use of the inhabitants of the Constituent Districts.

Art. XIII. Persons shall be admitted into a hospital provided by the Joint Board in any of the following modes, and not otherwise, except with the consent of the Constituent Authorities; viz. :—

- a. By an order of the Joint Board or of either of the Constituent Authorities,
- b. By an order of a Medical Officer of Health of either of the Constituent Authorities.

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c. By an order of a medical officer appointed by the Joint Board.

d. By an order of justices made under the provisions of the Public Health Act, 1875.

Provided, that if the Guardians of the Poor of the Medway Union, in the County of Kent, or the Guardians of the Poor of the North Aylesford Union, in the same County, and the Joint Board agree for the reception into the hospital of persons in the receipt of relief from the said Guardians respectively, any such person may be admitted into the hospital in pursuance of such agreement by an Order of the said Guardians respectively, or their respective officers, under which such person might be admitted into the Workhouse of the Medway Union or the North Aylesford Union, as the case may be.

Art. XIV. For the purposes of this Order the following sections of the Public Health Act, 1875, shall apply, and the Joint Board shall have, exercise, perform, and be subject to all the powers, rights, duties, capacities, liabilities, and obligations of a Local or Urban Sanitary Authority under the same sections, so far as the same are applicable, viz. :—

Sections 122 and 123, 131 and 132, relating to Infectious Diseases and Hospitals.

Section 141, relating to the provision and fitting up of a mortuary, to the making of byelaws with respect to the same, and to the provision for the decent and economical interment of any dead body received into such mortuary.

Sections 173 and 174 (except Sub-section 3), relating to Contracts.

Sections 175, 176, and 177, relating to Purchase of Lands.

Sections 179 to 181, both inclusive, relating to Arbitration.

Sections 192 to 197, Section 200, and Sections 203 to 206, all inclusive, relating to Officers and Conduct of Business.

Sections 245, 247, 249, and 250, relating to Audit.

Sections 251 to 254, and Sections 258 to 267, all inclusive, and Section 269, relating to Legal Proceedings.

Sections 306 to 309, both inclusive, "Miscellaneous Provisions."

Art. XV. A copy of Section 132 of the Public Health Act, 1875, shall be hung up in a conspicuous place at the principal entrance of the hospital, and in each of the wards of the hospital.

Art. XVI. Until a hospital provided by the Joint Board is ready for the reception of patients, nothing in this Order shall take away, abridge, or prejudicially affect any power vested in any Constituent Authority with regard to the provision of a hospital or hospitals for the use of the inhabitants of their District.

Art. XVII. The expenses incurred by the Joint Board of and incidental to the providing, erecting, furnishing, and fitting up a hospital or hospitals, all establishment charges, including the remuneration of the clerk, treasurer, medical officer or medical officers, and other officers and servants, and all other expenses other than expenses of the care and maintenance of patients, shall be defrayed out of a Common Fund, to be contributed by the Constituent Districts in manner following; that is to say,

One third by the Urban Sanitary Authority for the City of Rochester, and the remaining two-thirds by the Constituent Authorities, in manner provided

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by Section 283 of the Public Health Act, 1875; and for the purposes of this Order any person appointed by the Joint Board may inspect, take, copies of, or make extracts from, any Valuation List, or Rate for the relief of the Poor within the United District, or any part thereof, or any book relating to the same.

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 —
*Rochester
 and Chatham
 Order.*
 —

Art. XVIII. The expenses of the maintenance and care of patients in a hospital provided by the Joint Board, so far as such expenses are not recovered from or repaid by or for such patients, shall be paid by the Constituent Authority from whose District such patients shall be received into the hospital, and shall be included in the precepts which the Joint Board issue to the Constituent Authorities respectively under Section 284 of the Public Health Act, 1875, stating the sums to be contributed by the Constituent Authorities towards the Common Fund of the District; and, in case of default, shall be recovered in like manner as the sums to be contributed towards such Common Fund.

Art. XIX. The accounts of the Joint Board shall at all reasonable times be open to inspection and transcription by any member of either of the Constituent Authorities, or by any officer of such Authority authorised by them for that purpose, without payment.

Art. XX. A copy of the Auditor's Report and of the abstract of the accounts of the Joint Board, when duly audited, shall be sent by the Joint Board to each of the Constituent Authorities.

Art. XXI. If at any time any difference arises between the Joint Board on the one hand and either of the Constituent Authorities, or any persons or person, on the other hand, or between the Constituent Authorities or any persons or person, respecting any matter arising out of the provisions of this Order, the same shall be referred to and be settled by arbitration, in the manner provided by the Public Health Act, 1875, except in any case otherwise herein provided for.

The SCHEDULE above referred to.

| 1. | 2. | 3. | | 4. |
|---|---|---------------------|--|-------------------|
| Names of Urban Sanitary Districts. | Names of Sanitary or Local Authorities. | Ex-officio Members. | | Elective Members. |
| | | Number. | Description. | Number. |
| City of Rochester - - | The Mayor, Aldermen, and Citizens, acting by the Council. | 1 | The Mayor - | 6 |
| Urban Sanitary District of Chatham Extra. | Local Board of Health for the District of Chatham Extra. | 1 | The Chairman of the Local Board of Health. | 4 |
| | Total - - | 2 | Total - | 10 |

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

(L.S.)

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

A.D. 1880.

Rotherham
Order.

BOROUGH OF ROTHERHAM.

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

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

And to all others whom it may concern.

WHEREAS the Borough of Rotherham, in the West Riding of the County of York (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 following Local Acts of Parliament are in force in the said District; viz., the Rotherham and Kimberworth Local Board of Health Act, 1863 (herein-after referred to as "the Act of 1863"), the Rotherham and Kimberworth Local Board of Health Act, 1870 (herein-after referred to as "the Act of 1870"), the Rotherham Corporation Act, 1875 (herein-after referred to as "the Act of 1875"), and the Rotherham Borough Extension and Sewerage Act, 1879 (herein-after referred to as "the Act of 1879");

And whereas by Section 73 of the Act of 1863 the Local Board of Health for the District of Rotherham and Kimberworth (herein-after referred to as "the Local Board"), were required, after the expiration of seven years from the passing of that Act, out of moneys carried to the credit of the waterworks account therein mentioned, either to pay off the sums borrowed by them under that Act for waterworks purposes by annual or other instalments within forty years after the expiration of the said term of seven years, or else to appropriate and set apart every year a sum equal to one-fortieth part of the sums so borrowed as a sinking fund, to be applied in paying off the principal moneys so borrowed; and by the same section it was enacted that any such sinking fund should be laid out, invested, accumulated, and applied according to the provisions of the Commissioners Clauses Act, 1847, section eighty-four;

And whereas by Section 94 of the Act of 1863 the Local Board were required to set apart and appropriate every year out of the stallages, rents, and tolls taken by them in respect of their markets and fairs, a sum equal to one-thirty-fifth part of the sums to be borrowed under the powers of that Act, upon the security of the said stallages, rents, and tolls, as a sinking fund, to be applied in paying off the principal moneys so borrowed, in the same manner as was therein-before provided with respect to other moneys to be borrowed under the powers of that Act;

And whereas by Section 66 of the Act of 1870, the Local Board were required, after the expiration of five years from the passing of that Act, out of moneys carried to the credit of the water account therein mentioned, either to

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pay off the sums raised by mortgage or by the grant of water annuities under the provisions of that Act by annual or other instalments within forty years after the expiration of the said term of five years, or else to appropriate and set apart every year a fund to be applied as a sinking fund in paying off the moneys so raised, and in or towards purchasing any water annuities which might have been so granted; and by the same section it was enacted that any such sinking fund should be laid out, invested, accumulated, and applied according to the provisions of "the Commissioners Clauses, Act, 1847," section eighty-four;

And whereas by a Charter of Incorporation dated the twenty-ninth day of August, one thousand eight hundred and seventy-one, the District of the Local Board was constituted a municipal borough by the name of the Borough of Rotherham, and the powers, rights, and duties of the Local Board were transferred to and vested in the Corporation;

And whereas by Section 28 of the Act of 1875 the Corporation were required, out of moneys carried to the credit of the bridge account therein mentioned, either to pay off the sums borrowed for the purposes of the bridge and road therein mentioned by annual or other instalments within thirty years, or else to appropriate and set apart every year a sum equal to one-thirtieth part of the sums so borrowed as a sinking fund, to be applied in paying off the principal moneys so borrowed; and by the same section it was enacted that any such sinking fund should be laid out, invested, and applied according to the provisions of the Commissioners Clauses Act, 1847, section eighty-four;

And whereas by Section 31 of the Act of 1875 it was (amongst other things) enacted that the provisions of the Act of 1870, with respect to the paying off mortgages on the waterworks undertaking by means of a sinking fund or by annual instalments, should be applicable in the case of mortgages on the waterworks undertaking granted under the Act of 1875, as if the mortgages granted under that Act had been granted under the Act of 1870;

And whereas by Section 98 of the Act of 1879, the Corporation were empowered, at any time after the passing of that Act, to borrow on mortgage of the water undertaking of the Corporation and of the district fund and general district rate, the sum of five thousand eight hundred pounds, and were required to repay the sum so borrowed by annual instalments within forty years from the expiration of the period of seven years from the passing of the Act of 1863:

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 1863, the Act of 1870, the Act of 1875, and the Act of 1879, are Local Acts within the meaning of Section 303 of the Public Health Act, 1875, and the Corporation have applied to the Local Government

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A.D. 1880. Board to issue a Provisional Order to alter and amend the same as herein-after mentioned ;

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Order.*

And whereas the Local Government Board, upon receipt of the said application, directed Local Inquiry to be held on the subject thereof, 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. Sections 73 and 94 of the Act of 1863, Section 66 of the Act of 1870, and Section 28 of the Act of 1875, shall be repealed, except so far as the same may have been acted upon.

Art. II. So much of Section 31 of the Act of 1875 as enacts that the provisions of the Act of 1870, with respect to paying off mortgages on the waterworks undertaking by means of the sinking fund or by annual instalments, shall be applicable in the case of mortgages on the waterworks undertaking granted under the powers of the Act of 1875, as if the mortgages granted under that Act had been granted under the Act of 1870, shall be repealed, except so far as the same may have been acted upon.

Art. III. So much of Section 98 of the Act of 1879 as requires the said sum of five thousand eight hundred pounds to be repaid by the Corporation by annual instalments within forty years from the expiration of the said period of seven years from the passing of the Act of 1863 shall be repealed, except so far as the same may have been acted upon.

Art. IV. The Act of 1863, the Act of 1870, the Act of 1875, and the Act of 1879, shall be altered and amended so as to provide that all sums which at the commencement of this Order have been set aside by the Local Board or the Corporation, or which should have been so set aside, as sinking funds under the provisions contained in the sections of those Acts wholly or partially repealed by this Order, together with the sums which have or should have accumulated in respect thereof, shall, so far as the same have not been applied in the repayment of the moneys for the repayment of which they have been respectively set aside and accumulated, be forthwith applied after the commencement of this Order in or towards the repayment of such moneys, or pending such application, be invested in any of the securities in which sinking funds may be invested under the provisions of this Order.

Provided that, for the purposes of this Article, the Act of 1863, the Act of 1870, the Act of 1875, and the Act of 1879 shall be deemed to have been amended as from the passing of those Acts respectively, in manner provided by Articles V. and VI. of this Order.

Art. V. The Act of 1863, the Act of 1870, the Act of 1875, and the Act of 1879, shall be further altered and amended, so as to provide that the Corporation shall repay the moneys borrowed by the Local Board or Corporation before the commencement of this Order, or by the Corporation after the commencement

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of the Order, under those Acts as herein-after mentioned, within the periods herein-after prescribed, that is to say :—

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- (1.) As regards all moneys borrowed under the Act of 1863 for waterworks purposes, on or before the expiration of forty-seven years from the passing of that Act.
- (2.) As regards all moneys borrowed under the Act of 1863 on the security of the stallages, rents, and tolls taken by the Corporation in respect of their markets and fairs, on or before the expiration of thirty-five years from the date of the borrowing in each case :
- (3.) As regards all moneys borrowed under the Act of 1870 for waterworks purposes by mortgage or by the grant of water annuities, on or before the expiration of forty-five years from the passing of that Act ;
- (4.) As regards all moneys borrowed under the Act of 1875 for the purposes of the said bridge or road, on or before the expiration of thirty years from the date of the borrowing in each case ;
- (5.) As regards all moneys borrowed on mortgage of the water undertaking under the Act of 1875, within forty-five years from the date of the borrowing in each case ;
- (6.) As regards the said sum of five thousand eight hundred pounds authorised to be borrowed under the Act of 1879, within forty-seven years from the passing of the Act of 1863.

Art. VI. The several moneys so borrowed and to be borrowed as aforesaid under the Act of 1863, the Act of 1870, the Act of 1875, and the Act of 1879, except so much of the moneys so borrowed as shall have been repaid before the commencement of this Order, and except so much of the moneys so borrowed as the sums required by Art. IV. of this Order to be applied in or towards the repayment of such moneys shall at the commencement of this Order be sufficient to repay, shall be respectively repaid by the Corporation within so much of the periods respectively prescribed by Art. V. of this Order as shall remain unexpired at the commencement of this Order ; and such repayment shall be made by equal annual or half yearly instalments of principal or of principal and interest combined, or by means of sinking funds set apart, accumulated, and applied, subject to the provisions of this Order, in accordance with the provisions contained in Sub-sections (4.) and (5.) of Section 234 of the Public Health Act, 1875.

Provided that such sinking funds may be invested not only in the purchase of Exchequer Bills or other Government securities, but also in the mortgages, debentures, stock, or other securities duly created or issued by any Local Authority, as defined by the Local Loans Act, 1875, other than the Corporation, and in any other securities in which trustees are by law for the time being authorised to invest.

Provided also, that any interest which may from time to time be received by the Corporation after the commencement of this Order in respect of the sums directed by Art. IV. of this Order to be applied in or towards the repayment of the moneys for the repayment of which they have been respectively set aside and accumulated before the commencement of this Order, shall be

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paid into the corresponding sinking funds set aside after the commencement of this Order for the repayment of such moneys respectively, or be applied in the repayment by instalments of such moneys respectively; and the sums required by this Order to be paid into such last-mentioned sinking funds respectively, or to be repaid by way of instalments shall be diminished to the extent of the payments so made.

Art. VII. All payments required to be made under this Order by instalments or to sinking funds, so far as they are not made in accordance with the provisions of this Order, out of the sums directed to be applied under Art. IV. of this Order, or out of the interest received by the Corporation in respect of such sums after the commencement of this Order, shall be made from the same sources respectively, out of which the corresponding payments were required to be made to sinking funds under the provisions contained in the sections of the Act of 1863, the Act of 1870, the Act of 1875, and the Act of 1879, wholly or partially repealed by this Order.

Art. VIII. The Act of 1863, the Act of 1870, the Act of 1875, and the Act of 1879, shall be further altered and amended so as to provide that all mortgages made by the Corporation under those Acts respectively after the commencement of this Order for the purpose of re-borrowing moneys to be applied in the repayment of other moneys from time to time owing on mortgage, shall have the same priority as regards the other mortgages and debts of the Corporation as the mortgages had which are paid off by means of such re-borrowings.

Art. IX. The Act of 1870 and the Act of 1879 shall be altered and amended so as to provide that any sinking fund set aside by the Corporation under either of those Acts may be invested in any of the securities in which sinking funds may be invested under the provisions of this Order.

Art X. The Act of 1863, the Act of 1870, the Act of 1875, and the Act of 1879, shall be further altered and amended so as to provide as follows:

(a.) The Town Clerk of the Borough shall, within twenty-one days from the expiration of one year from the commencement of this Order, and within twenty-one days from the expiration of every succeeding year during which any sum is required to be paid as an instalment or to be set aside as a sinking fund under the provisions of 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 s required by them, showing the amounts which have been paid as instalments, or applied to the discharge of borrowed moneys, and the amounts which have been invested or applied for the purposes of any 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 any 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 comply with the require-

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ments of Art. IV, of this Order, or 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, 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 applied to the discharge of the moneys borrowed, or, as the case may 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 Twentieth day of May, in the year One thousand eight hundred and eighty.

J. G. DODSON, President.

JOHN LAMBERT, Secretary.

(L.S.)

A.D. 1880.

Rotherham
Order.

BOROUGHS OF STOCKTON-ON-TEES AND
MIDDLESBROUGH.

Provisional Order for altering the Stockton and Middlesbrough Corporations
Waterworks Act, 1876.

Stockton and
Middles-
brough
Order.

To the Mayor, Aldermen, and Burgesses of the Borough of Stockton-on-Tees, in the County of Durham, being the Urban Sanitary Authority for that Borough;—

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

And to all others whom it may concern.

WHEREAS the Borough of Stockton-on-Tees, in the County of Durham, and the Borough of Middlesbrough, in the North Riding of the County of York, are Urban Sanitary Districts, and the Stockton and Middlesbrough Corporations Waterworks Act, 1876 (herein-after referred to as "the Local Act"), is in force in the said Districts;

And whereas in each of the said Districts the Mayor, Aldermen, and Burgesses, acting by the Council, (herein-after jointly referred to as "the Corporations," and severally referred to as "the Corporation of Stockton" and "the Corporation of Middlesbrough," as the case may be,) are the Urban Sanitary Authority;

And whereas by Section 5 of the Local Act it is enacted that the Local Act shall, subject to the express provisions thereof, be executed by a Joint Board

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A.D. 1880. (herein-after referred to as "the Joint Board"), consisting of members chosen by each of the Corporations out of members of their own Council;

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brough
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And whereas by a Provisional Order of the Local Government Board dated the Thirtieth day of April, One thousand eight hundred and seventy-nine, and confirmed by the Local Government Board's Provisional Orders Confirmation (Aysgarth Union, &c.) Act, 1879, Section 40 of the Local Act was altered and amended so as to confer on the Corporation of Middlesbrough the same powers of borrowing as are given by this Order to the Corporation of Stockton in relation to the borrowing of money for the purpose of paying the costs, charges, and expenses herein-after referred to, other than expenses incurred in connection with the extension of water mains;

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 Corporations, as the Urban Sanitary Authorities of the said Districts, have applied to the Local Government Board to issue a Provisional Order to alter and amend the same;

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. Section 2 of the Local Act shall be altered and amended so as to provide that, notwithstanding anything to the contrary contained in Section 70 of the Waterworks Clauses Act, 1847, the water rates to be paid under the Local Act shall be paid in advance by equal quarterly payments on the Fourteenth day of February, the Thirteenth day of May, the Thirteenth day of August, and the Twenty-third day of November in every year.

Art. II. Section 8 of the Local Act shall be altered and amended by the substitution of the word "ninth" for the word "first."

Art. III. Section 12 of the Local Act shall be altered and amended so as to provide that any member of the Joint Board may resign his office by notice in writing addressed to the Town Clerk of the Corporation by which he has been elected, and that the casual vacancy caused by such resignation shall be deemed to have occurred on the day when such notice shall have been received by such Town Clerk.

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Art. IV. Section 40 of the Local Act shall be altered and amended so as to enable—

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(1.) The Corporations to borrow, with the sanction of the Local Government Board, on the security of their respective borough funds and borough rates, and of the revenue of their waterworks undertaking, under and subject to the provisions of the Local Act as amended by this Order, for the purpose of extending their water mains, any sum or sums of money not exceeding in the whole the sum of two hundred thousand pounds, in addition to the sums which they are already authorised to borrow under that section: Provided that of the said sum of two hundred thousand pounds no more than one hundred thousand pounds shall be borrowed by the Corporation of Stockton or by the Corporation of Middlesbrough respectively:

(2.) The Corporation of Stockton, with the sanction of the Local Government Board, to borrow, under and subject to the provisions of the Local Act as amended by this Order, on the security of their borough fund and borough rate, and of the revenue of their waterworks undertaking, in addition to the other sums which they are authorised to borrow under that section, such sum or sums of money as may be necessary for the purpose of defraying such proportion as may be properly payable by the Corporation of the costs, charges, and expenses preliminary to, and of and incidental to the preparing of and applying for and the obtaining and passing of the Local Act, and the opposing of the Stockton and Middlesbrough Waterworks Bill, 1876, and also such sum or sums of money as may be necessary for the purpose of defraying expenses incurred or to be incurred by the Corporation in relation to the raising of moneys borrowed by them under the Local Act:

Provided that the Corporations shall pay off all moneys borrowed for the purposes aforesaid within such period, not exceeding the period authorised for the repayment of moneys borrowed under the Local Act, as the Corporations, with the sanction of the Local Government Board in each case, determine, and that the Corporations may from time to time re-borrow any amount borrowed by them under the Local Act as amended by this Order, and paid off otherwise than by instalments, or by means of a sinking fund, or by moneys received from the sale of surplus lands:

Provided also, that any moneys so re-borrowed shall be repaid within the period within which the moneys in respect of which such re-borrowing is made would have been required to be repaid under the Local Act as amended by this Order, if such moneys had not been re-borrowed.

Art. V. Section 48 of the Local Act shall be altered and amended so as to enable the Corporations, if they think fit, to borrow, by the issue of debentures, debenture stock, or annuity certificates, under and subject to the provisions of the Local Loans Act, 1875, or partly in any one of such ways and partly in any other of such

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ways, the whole or any part of the moneys which they are authorised to borrow under the Local Act or this Order, and so as to enable the Corporations, if they think fit, for the purpose of paying off any moneys raised by them under the Local Act or this Order, by the issue of debentures or debenture stock, under the powers and subject to the provisions of the Local Loans Act, 1875, or by the issue of mortgages under the Local Act, to re-borrow, from time to time during the period prescribed for the repayment of such moneys, the whole or any part of such sums as they may require, by the issue of fresh debentures or debenture stock, under the powers and subject to the provisions of the Local Loans Act, 1875, or partly in either of such ways.

Provided that all sums so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in respect of which such re-borrowing has been made, and that the moneys originally borrowed, and any sums from time to time re-borrowed under the foregoing provisions for the repayment of such moneys, shall, for the purposes of Sections 14 and 15 of the Local Loans Act, 1875, be deemed to form the same loan, and the obligations of the Corporation with respect to the sinking fund to be set aside in respect of such moneys, and (save as herein-after provided) with respect to the appropriation and application of a fixed annual sum for the repayment of such moneys, shall not in any way be affected by reason of such re-borrowing.

Art. VI. The Local Act shall be further altered and amended so as to provide that—

(a.) The treasurers of the respective Corporations 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 appropriated in respect of moneys borrowed under the Local Act or this Order, or to be set aside for a sinking fund in respect of such moneys, 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 amount which has been paid off by instalment or appropriated and applied to the discharge of such moneys, and the amount which has been invested or applied for the purpose 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 amount appropriated, or 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 either of the Corporations have failed to pay any instalment or to appropriate the amount required to be appropriated, or to set apart the sum required for the sinking fund, or have applied any portion of the money so appropriated or set apart, or of the sums accumulated by way of interest, to any purposes other than those

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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 appropriated to the discharge of the moneys borrowed, or, as the case may 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.

A.D. 1880.
—
*Stockton and
Middles-
brough
Order.*
—

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.

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

(L.S.)

CITY OF YORK.

York Order
(1.)
—

Provisional Order to enable the Urban Sanitary Authority for the City of York to put in force the Compulsory Clauses of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869.

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

And to all others whom it may concern.

WHEREAS the Mayor, Aldermen, and Citizens of the City of York, acting by the Council, as the Urban Sanitary Authority for that City, require to purchase and take the lands described in the Schedule hereto, for improving certain existing streets and for completing a new street in the said City;

And whereas the said Council, as such Urban Sanitary Authority as aforesaid, have made due publication in the newspaper and served the several notices, as required by the Public Health Act, 1875, and have presented a petition to the Local Government Board, stating as required by that Act, and praying, with reference to the said lands, to be allowed to put in force the powers of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, with respect to the purchase and taking of lands otherwise than by agreement;

And whereas the Local Government Board, upon receipt of such petition, directed Local Inquiry to be held as to the propriety of assenting to the prayer thereof, 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 empower the said Council, as such Urban Sanitary Authority as aforesaid, from and after the date of the Act of Parliament confirming this Order, to put in force, with reference to the lands described in the Schedule hereto, the powers of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, with respect to the purchase and taking of lands otherwise than by agreement, or any of them.

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York Order.
 (1.)

The SCHEDULE above referred to.

CITY OF YORK.

| Nos. on deposited Plan. | Description of Lands. | Owners or reputed Owners. | Occupiers. |
|-------------------------|-----------------------|---------------------------|------------|
|-------------------------|-----------------------|---------------------------|------------|

Parish of SAINT MICHAEL, SPURRIERGATE.

| | | | |
|---|-------------------------------------|---|--|
| 2 | House, shop, offices, and premises. | Thomas Lazenby, senior, John Lazenby, Thomas Lazenby, junior. | Thomas Lazenby, senior, John Lazenby, Thomas Lazenby, junior, Rachel Millard, Harold Percy Ditmas, Jabez Nunn, William Oxlade. |
| 3 | Rooms - - - | ditto - - - | Thomas Lazenby, senior, John Lazenby, Thomas Lazenby, junior. |
| 4 | Yard and watercloset - | ditto - - - | Rachel Millard. |
| 5 | Occupation passage and staircase. | ditto - - - | Thomas Lazenby, senior, John Lazenby, Thomas Lazenby, junior, Rachel Millard, Harold Percy Ditmas, Jabez Nunn, William Oxlade. |
| 6 | House, office, and premises - | The devisees in trust under the will of the late John Shaftoe, viz. :— Ann Shaftoe, George Henry Shaftoe, Henry Shaftoe. | William McKay. |

Parish of SAINT MARY, CASTLEGATE.

| | | | |
|----|--|---|----------------|
| 2 | House, shop, yard, out-buildings, and premises. | Ann Hughes - - - | Ann Hughes. |
| 3 | House, shop, yard, warehouse, outbuildings, and premises. | Joseph Turner - - - | Joseph Turner. |
| 4 | House, yard, warehouses, workshops, outbuildings, and premises. | Richard Roe - - - | Richard Roe. |
| 5 | Shop, yard, warehouses, workshops, passage, out-buildings, and premises. | ditto - - - | ditto. |
| 6 | House, shop, yard, warehouse, outbuildings, and premises. | Francis Theakstone Nursaw | Mary Ann Hall. |
| 7 | Warehouse - - - | ditto - - - | Unoccupied. |
| 8 | Cottage and premises - | ditto - - - | ditto. |
| 9 | Cottage and premises - | The York Corn Exchange Company, Limited (Francis Hart Dyke, their Secretary). | Thomas Shaw. |
| 10 | ditto - - - | ditto - - - | John Humble. |

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 York Order.
 (1.)

| Nos. on deposited Plan. | Description of Lands. | Owners or reputed Owners. | Occupiers. |
|-------------------------|--|--|---|
| 12 | Sheds and premises - | John Wilson - - - | John Wilson. |
| 13 | House, yard, outbuildings, and premises. | ditto - - - | ditto. |
| 14 | Occupation passage - | Eliza Robinson, John Wilson, Andrew Robert Faussett. | John Wilson, Ann Shillito, William Sanderson. |
| 15 | House, yard, outbuildings, and premises. | Eliza Robinson - - - | Ann Shillito. |
| 16 | Open ground, outbuildings, and premises. | Andrew Robert Faussett - | William Sanderson. |

Parish of SAINT WILFRED.

| | | | |
|---|--|---|--|
| 2 | House, yard, outbuildings, and premises. | Richard Knowlson - - - | James Knowlson. |
| 3 | Occupation passage - | Richard Knowlson, the Urban Sanitary Authority of the City of York. | James Knowlson, John Ambrose Hodgson, Bannister Dent, Jonathan Swinbank, Sarah Reed. |

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

(L.S.)

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

CITY OF YORK.

York Order.
 (2.)

Provisional Order for altering the York (Skeldergate Bridge) Improvement Act, 1875.

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

And to all others whom it may concern.

WHEREAS the City of York 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 York (Skeldergate Bridge) Improvement Act, 1875 (herein-after referred to as "the Local Act"), is in force in the said District;

And whereas by the Local Act the Corporation are empowered to make and maintain a bridge, with approaches thereto, over the River Ouse, at York, and to take tolls for the use of such bridge;

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York Order.
(2.)

And whereas by Section 13 of the Local Act the Corporation are empowered, for all or any of the purposes of the Local Act, from time to time to borrow at interest by way of mortgage any sum of money, which together with any sum previously borrowed under the powers and for the purposes of the Local Act shall not exceed the sum of thirty-five thousand pounds, on the credit of the bridge tolls, rates, and duties by the Local Act authorised to be made or levied, or of all or any of the said tolls, rates, or duties, and in the event of all or any such moneys being repaid by the Corporation, (except moneys repaid out of the sinking fund, or by or out of subscriptions received by the Corporation in aid of the purposes of the Local Act,) to re-borrow the same, and so toties quoties, but so nevertheless that there shall not be owing on the security of the said tolls, rates, and duties, for the purposes of the Local Act, more than the sum of thirty-five thousand pounds in the whole at one time ;

And whereas by Section 24 of the Local Act it is enacted that the Corporation, for the purpose of providing a fund for paying off the principal moneys for the time being, by virtue of any mortgage granted in pursuance of the Local Act, charged upon and owing on the credit of the bridge tolls, rates, and duties, or any of them, shall, once in every year, out of the tolls, rates, and duties to be received and taken under the Local Act, set aside such sum as they shall think proper, not being less than one-thirtieth part of the sum borrowed by way of mortgage or annuity under the powers of the Local Act, and that the sum so from time to time set aside, and also all other moneys which shall be applied by the Corporation in augmentation of the said sinking fund, shall be applied in the manner directed by the Local Act in payment, so far as the same will extend, of the principal moneys charged upon and owing on the credit of the said bridge tolls, rates, and duties, or other security, or any of them, or that the same shall be invested in the public funds or on Government or real security in the name of the Corporation, and that the dividends and interest of the moneys so invested, when and as the same shall become due, shall from time to time be received and invested in like manner, in order that the said moneys so set aside and invested may accumulate at compound interest, and that when such accumulated fund shall amount to a sum which, in the opinion of the Corporation, can be conveniently applied for that purpose, the stocks, funds, or securities whereon the same shall be invested shall be sold or otherwise converted into money, and the moneys arising from any such sale and conversion shall be applied in the manner directed by the Local Act in payment, so far as the same will extend, of the principal moneys charged upon and owing on the credit of the said tolls, rates, and duties, or other securities, or any of them, and so from time to time until the whole of the said principal moneys shall be discharged ;

And whereas by Section 51 of the Local Act it is enacted that the said bridge and approaches thereto shall be completed within five years from the commencement of the Local Act and that on the expiration of such period the powers by the Local Act granted to the Corporation and their successors for constructing, making, and erecting the said bridge and approaches thereto, and raising, lowering, widening, altering, and improving the streets and thoroughfares therein mentioned, shall cease to be exercised ;

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And whereas by Section 89 of the Local Act, it is enacted that, for the purposes of defraying the costs and expenses of carrying the several powers by the Local Act vested in the Corporation into effect, including the costs and expenses of and incident to the applying for and obtaining the Local Act, it shall be lawful for the Corporation from time to time to make, assess, and levy such equal rate, to be called "Skeldergate Bridge Improvement Rate," as may be necessary for the purposes aforesaid, not exceeding in any one year fourpence in the pound of the full net annual value of the property included in such rate;

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(2.)

And whereas by Section 94 of the Local Act it is enacted that all principal sums borrowed by way of mortgage or raised by grant of annuities on credit of the bridge tolls and Skeldergate Bridge improvement rates, or any of them, and all moneys arising from any sale, under the powers of the Local Act, of lands belonging to the Corporation, and all sums of money which may have been or may be contributed and paid to the Corporation by any public body, corporation, company, or persons in aid of the purposes of the Local Act, and without any restriction or direction as to the application thereof, shall be applied and disposed of as follows; (that is to say,)

First, in paying all the costs, charges, and expenses of applying for, obtaining, and passing the Local Act, and incident thereto;

Secondly, in constructing, making, or erecting the said bridge over the River Ouse, and the approaches thereto, and in raising, lowering, widening, altering, and improving the several streets or thoroughfares, and in executing the other works by the Local Act authorised, and in purchasing lands for the same, and for all other purposes connected therewith, and in such order and manner as the Corporation shall from time to time direct;

Thirdly, in carrying into execution the general objects and purposes of the Local Act.

And whereas the Corporation have from time to time borrowed moneys under the Local Act on the credit of the said bridge tolls, rates, and duties by the Local Act authorised to be made and levied, but no moneys have yet been set aside by the Corporation for paying off the moneys so borrowed, as required by Section 24 of 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 any part of 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 the same;

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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A.D. 1880.

York Order.
(2.)

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 13 of the Local Act shall be altered and amended by the substitution therein of the words "fifty thousand pounds" for the words "thirty-five thousand pounds": Provided that the Corporation shall not borrow more than thirty-five thousand pounds of the said sum of fifty thousand pounds without the sanction of the Local Government Board.

The same section shall be further altered and amended so as to provide that the Corporation shall not re-borrow any moneys paid off by instalments as herein-after provided, and that all moneys re-borrowed under the Local Act, whether before or after the commencement of this Order, shall be repaid within the period within which the moneys in respect of which the re-borrowing is made would have been required to be repaid in accordance with the provisions of this Order if such re-borrowing had not taken place.

Art. II. The Corporation, within such period as may be determined by the Local Government Board, shall set aside out of the said Skeldergate Bridge improvement rate, or out of the bridge tolls and duties authorised to be levied by the Corporation under the Local Act, or out of any one or more of such sources as the Local Government Board shall determine, the amounts which would have been set aside prior to the commencement of this Order for paying off the moneys borrowed under the Local Act, if the Corporation in accordance with the requirements of Section 24 of the Local Act had annually set aside a sinking fund for the repayment of the moneys so borrowed; and, for the purposes of this Article, that section shall be deemed to have been amended in manner provided by Art. III. of this Order as from the date of the passing of the Local Act. All moneys set aside under this Article shall, as early as practicable, be applied in or towards the repayment of the moneys in respect of which they are set aside, and pending such application shall be invested in Exchequer Bills or other Government securities, or in any other securities in which trustees for the time being are authorised to invest.

Art. III. Section 24 of the Local Act shall be repealed, and in lieu thereof the following provisions shall have effect; viz.:

All moneys borrowed under the Local Act before the commencement of this Order, except so much of such moneys as the sums required by Art. II. of this Order to be set aside will at the commencement of this Order be sufficient to repay, and all moneys borrowed by way of mortgage after the commencement of this Order under the Local Act or under the powers of borrowing conferred by this Order, shall be repaid on or before the expiration of fifty years from the date of the original borrowing in each case; and such repayment shall be made by equal annual or half-yearly instalments of principal or of principal and interest combined, or by means of sinking funds set apart, accumulated, and applied, subject to the provisions of this Order, in accordance with the provisions

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contained in Sub-sections (4) and (5) of Section 234 of the Public Health Act, 1875.

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Provided that such sinking funds may be invested not only in the purchase of Exchequer Bills or other Government securities, but also in any other securities in which trustees are by law for the time being authorised to invest.

Provided also, that any interest which may from time to time be received by the Corporation after the commencement of this Order in respect of the sums directed by Art. II. of this Order to be applied in or towards the repayment of the moneys for the repayment of which they have been respectively set aside, shall be paid into the corresponding sinking funds set aside after the commencement of this Order for the repayment of such moneys respectively, or be applied in the repayment by instalments of such moneys respectively; and the sums required by this Order to be paid into such last-mentioned sinking funds respectively, or to be repaid by way of instalments, shall be diminished to the extent of the payments so made.

Art. IV. Section 51 of the Local Act shall be altered and amended by the substitution therein of the words "seven years" for the words "five years."

Art. V. Notwithstanding anything to the contrary contained in Section 94 of the Local Act, all moneys borrowed by the Corporation under the powers of borrowing conferred by this Order, shall be applied towards defraying the expenses incurred by the Corporation in constructing, making, or erecting the said bridge over the River Ouse, and the approaches thereto, and in carrying into effect such of the purposes of the Local Act, as in the opinion of the Local Government Board shall be purposes to which capital is properly applicable.

Art. VI. The Local Act shall be further altered and amended so as to provide as follows; viz. :—

- (a.) The Treasurer of the Corporation shall within one year from the commencement of this Order, and within twenty-one days after the expiration of every succeeding 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 in respect of moneys borrowed under the Local Act, or 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 set aside and applied in compliance with the requirements of Art. II. of this Order, and 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.

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(2.)

(b.) If it appears to the Local Government Board, by that return or otherwise, that the Corporation have failed to comply with the requirements of Art. II. of this Order, or 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
Twentieth day of May, in the year One thousand eight hundred
and eighty.

J. G. DOBSON, President.

JOHN LAMBERT, Secretary.

(L.S.)