



CHAPTER ccii.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the City of Coventry and the Borough of Great Yarmouth. A.D. 1890.
[14th August 1890.]

WHEREAS the Local Government Board have made the Provisional Orders set forth in the schedule hereto, under the provisions of the Local Government Act, 1888 :

51 & 52 Vict.
c. 41.

And whereas it is requisite that the said Orders should be confirmed by Parliament, and that the provision herein contained should be enacted with reference to one of such orders :

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

1. The Orders set out in the schedule hereto shall be and the same are hereby confirmed, and all the provisions thereof shall have full validity and force. Orders in schedule confirmed.

2. Nothing contained in the Order relating to the borough of Great Yarmouth or in this Act shall authorise the Corporation of Great Yarmouth to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in the said Order or in this Act contained extend to, take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her heirs or successors. Saving rights of the Crown in the foreshore at Great Yarmouth.

3. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 13) Act, 1890. Short title.

A.D. 1890.
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SCHEDULE.
=====

*Coventry
Order.*
—

CITY OF COVENTRY.

*Provisional Order made in pursuance of Sections 54 and 59 of the
Local Government Act, 1888.*

To the Mayor, Aldermen, and Citizens of the City of Coventry ; —

To the Justices of the Peace for the said City ; —

To the School Board for the said City ; —

To the Justices of the Peace for the County of Warwick, in Quarter Sessions assembled ; —

To the County Council of Warwick ; —

To the Guardians of the Poor of the Coventry Union, in the County Borough of Coventry and the County of Warwick, being the Sanitary Authority for the Rural District of that Union ; —

To the Surveyors of Highways of the several Highway Parishes of Holy Trinity and Saint Michael (Coventry) ; —

To the School Board for the extra-municipal portion of the Parish of Saint Michael (Coventry) ; —

To the Lighting Inspectors for the part of the Parish of Saint Michael known as the Earlsdon Lighting District ; —

And to all others whom it may concern.

51 & 52 Vict.
c. 41.

WHEREAS by Section 54 of the Local Government Act, 1888 (which Act is herein-after referred to as "the Act"), the Local Government Board are empowered to make a Provisional Order for altering the boundary of any Borough ;

And whereas the City of Coventry is a Borough within the meaning of the Act, and the inhabitants of the City are a body corporate, by the name of the Mayor, Aldermen, and Citizens of the City of Coventry, and act by the Council of the City, which now consists of the Mayor (who is also an Alderman) nine other Aldermen, and thirty Councillors ;

And whereas the area of the City of Coventry (herein-after referred to as "the existing City") is coloured pink on the two maps (herein-after referred to as "the City maps"), each marked "Map of the City of Coventry, as extended, 1890," and sealed with the official seal of the Local Government Board ;

[53 & 54 VICT.] *Local Government Board's* [Ch. ccii.]
Provisional Orders Confirmation (No. 13) Act, 1890.

And whereas the existing City is an Urban District, of which the Mayor, Aldermen, and Citizens, acting by the Council, are the Urban Authority;

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And whereas the existing City is a County Borough, and has a separate commission of the peace and police force, and is, for the purposes of the election of town councillors, divided into five wards;

And whereas the unrepealed provisions of the following Local Acts are in force in the existing City; viz,—

An Act passed in the thirtieth year of the reign of His late Majesty King George the Third, chapter seventy-seven;	30 Geo. III. c. lxxvii.
An Act passed in the fifth and sixth years of the reign of Her present Majesty Queen Victoria, chapter one hundred and ten;	5 & 6 Vict. c. cx.
An Act passed in the seventh and eighth years of the reign of Her present Majesty Queen Victoria, chapter fifty-six;	7 & 8 Vict. c. lvi.
An Act passed in the seventh and eighth years of the reign of Her present Majesty Queen Victoria, chapter seventy-six;	7 & 8 Vict. c. lxxvi.
An Act passed in the seventeenth and eighteenth years of the reign of Her present Majesty Queen Victoria, chapter thirty-five;	17 & 18 Vict. c. xxxv.
The Coventry Gas Act, 1856;	19 & 20 Vict. c. xxxviii.
The Coventry Market House Act, 1863;	26 & 27 Vict. c. xcii.
The Coventry Corporation (Gas Purchase) Act, 1884; and	47 & 48 Vict. c. cxxxii.
The Coventry Water Act, 1889;	52 & 53 Vict. c. xli.

each of which Acts is herein-after referred to as the Act of the year in which it was passed, with the addition, in the case of the two Acts of 1844, of the chapter, and all of which Acts are herein-after referred to as "the Local Acts";

And whereas by a Provisional Order of the General Board of Health dated the Twenty-third day of July, One thousand eight hundred and forty-nine, and confirmed by the Public Health Supplemental Act, 1849 (herein-after referred to as "the Order" and "the Confirming Act"), certain sections of the Act of 1790 were repealed, and the powers, authorities, and duties granted or imposed by the unrepealed provisions of the Act of 1790 are now exerciseable by or imposed upon the Corporation of the existing City;

And whereas so much of each of the Parishes of Holy Trinity and Saint Michael as is not comprised in the existing City is a contributory place in the Rural District of the Coventry Union (herein-after referred to as "the Rural District"), and the Guardians of the Poor of that Union, as the Rural Authority for the Rural District (herein-after referred to as "the Rural Authority"), have borrowed money for the construction of permanent works in the parts of the contributory places of Holy Trinity and Saint Michael which will by virtue of this Order become part of the Borough, of which the sums of one thousand seven hundred and eighty-six pounds fifteen shillings and fourpence and one thousand three hundred and ninety-eight pounds eighteen shillings and one penny now remain unpaid;

And whereas the said contributory places are separate highway parishes;

And whereas the Act passed in the third and fourth years of the reign of His late Majesty King William the Fourth, chapter ninety (herein-after referred to as "the Lighting and Watching Act, 1833"); or some part thereof, has been adopted

8 & 4 Will. IV.
c. 90.

[Ch. ccii.] *Local Government Board's* [53 & 54 VICT.]
Provisional Orders Confirmation (No. 13) Act, 1890.

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 —

in part of the contributory place of Saint Michael known as the Earlsdon Lighting District, and Lighting Inspectors have been appointed thereunder;

And whereas by virtue of the Elementary Education Acts, 1870 to 1880, the existing City and the contributory place of Saint Michael are school districts, for which School Boards have been formed;

And whereas the School Board for the extra-municipal portion of the Parish of Saint Michael (Coventry) (herein-after referred to as "the Saint Michael School Board") have borrowed, for the purchase of a school site and the erection of school buildings in the added area, and to supply school accommodation in such area, the sum of two thousand four hundred and twelve pounds, the whole of which remains unpaid:

51 & 52 Vict.
 c. 41.

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Sections 54 and 59 of the Act, and by any other enactments 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:—

Commence-
 ment of Order.

Art. I. This Order shall, except so far as is otherwise herein expressly provided, and so far as there may be anything in the subject-matter or context inconsistent therewith, come into operation on the Ninth day of November, One thousand eight hundred and ninety:

Date of opera-
 tion of Order
 for parish
 burgess lists,
 &c.
 51 Vict. c. 10.

Provided that for the purposes of the parish burgess lists, and burgess roll, and other lists to be made under the Municipal Corporations Act, 1882, and the Acts amending the same, and of the lists of county electors and the county register of the County of Warwick to be made in pursuance of the County Electors Act, 1888, and of all proceedings preliminary or relating to the municipal elections, this Order shall operate from the date of the Act of Parliament confirming the same:

Date of
 operation for
 grants from
 local taxation
 account.
 Definitions.

Provided also, that for the purposes of Sections 20, 22, 23, 24, and 26 of the Act, the City shall be deemed not to have been extended until after the Thirty-first day of March, One thousand eight hundred and ninety-one.

Art. II. In this Order—

- (1.) The expression "the City" means the City as extended by this Order;
- (2.) The expression "the added area" means the portion of the Rural District added to the existing City by this Order.

Extension
 of City.

Art. III. The boundary of the existing City shall be altered and extended so as to include, in addition to the area of the existing City, the portion of the Rural District which is coloured yellow on the City maps, and the altered boundary shall be that shown by the red line on those maps, and the whole of the area included within such altered boundary shall for the purposes of the Municipal Corporations Act, 1882, and for all other purposes, be the City, and shall be the County Borough for the purposes of the Act.

45 & 46 Vict.
 c. 50.

Deposit of
 maps.

Art. IV.—(1.) One of the City maps shall be deposited in the office of the Local Government Board, and the other shall be deposited by the town clerk of the City at his office within ten days after the date of this Order. Copies of the said map deposited with the town clerk, certified by him, shall be sent within one month after the date of the Act of Parliament confirming this Order to the clerk

of the County Council of Warwick, to the clerk to the Rural Authority, and to the Director-General of Her Majesty's Ordnance Survey at Southampton.

(2.) Copies of or extracts from the City map deposited with the town clerk, certified by him to be true, shall be received in all courts of justice and elsewhere as *prima facie* evidence of the contents of such map so far as relates to the boundaries of the City; and such map shall at all reasonable times be open to inspection by any person liable to any rate leviable within the City and any such person shall be entitled to a copy of or extract from such map, certified by the town clerk, on payment of a reasonable fee for every such copy or extract. All sums received under this Article shall be carried to the credit of the city fund.

Art. V. An equitable adjustment respecting the distribution of the proceeds of the local taxation licenses and probate duty grant, and all other financial relations between the County of Warwick and the City which may be affected by the extension of the existing City by this Order, shall be made by agreement within six months from the Ninth day of November, One thousand eight hundred and ninety, between the County Council and the Corporation, and in default of such agreement by the Commissioners appointed under the Act, and for the purpose of such adjustment, Section 32 of the Act shall apply with the necessary modifications.

Adjustment
between
County of
Warwick and
City.

Art. VI.—(1.) The powers and duties of the justices of the peace appointed for the existing City, of the clerk to such justices, and of the police constables and other peace officers of the existing City, shall extend to and apply throughout the City.

Jurisdiction of
justices, &c.
extended.

(2.) Every person committing an offence in any part of the added area prior to the Ninth day of November, One thousand eight hundred and ninety, shall be tried, adjudicated on, and dealt with as if this Order had not been made.

(3.) On the Ninth day of November, One thousand eight hundred and ninety, such of the members of the police force of the County of Warwick as shall be selected by agreement, to be made as soon as practicable after the date of the Act of Parliament confirming this Order, between the Standing Joint Committee for that County and the Watch Committee of the existing City, or, in default of such agreement, as shall be determined by a Secretary of State, shall be transferred to and become part of the police force of the City, and any member of the County police force so transferred to the police force of the City shall hold his office upon the same tenure and upon the same terms and conditions as if this Order had not been made, and while performing the same duties shall receive not less remuneration, and be entitled to not less pension (if any) than if this Order had not been made.

Transfer of
county police.

Art. VII. For the purposes of the parish burgess lists and burgess roll, and other lists to be made under the Municipal Corporations Act, 1882, and the Acts amending the same, and all matters in relation thereto, the added area shall be deemed to have always been part of the City, and the town clerk of the existing City shall be the town clerk of the City, and anything required to be done in connexion with the purposes aforesaid before the date of the Act of Parliament confirming this Order may, in so far as the same relates to the added area, be done as soon as practicable after such date, and if so done shall have full force

Parish burgess
lists, &c.

[Ch. ccii.] *Local Government Board's* [53 & 54 VICT.]
Provisional Orders Confirmation (No. 13) Act, 1890.

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 Order.*

and effect; and if any difficulty arise in making out, revising, or otherwise dealing with such lists and roll, or the lists of county electors and the county register, the Local Government Board may make such Order as shall appear to them to be necessary to give effect to the provisions of this Order, and may vary, so far as shall be necessary, the provisions in force with regard to such lists, roll, and register.

Art. VIII. Subject, as regards any future alteration of the wards hereby constituted, to the provisions of the Municipal Corporations Act, 1882, as to the alteration of wards, the following provisions shall have effect :—

Division into
 wards.

(1.) For the purposes of the election of Councillors the City shall be divided into five wards, to be termed respectively the Bishop Street Ward, the Gosford Street Ward, the Whitefriars Ward, the Spon Street Ward, and the Earl Street Ward.

Boundaries of
 wards.

(2.) Each of the said wards shall comprise the portion of the City indicated by a separate colour and distinguished by the name of the ward on the maps, each marked "Map of the Wards of the City of Coventry as extended, 1890," and sealed with the official seal of the Local Government Board, one of which shall be deposited in the office of the said Board, and the other shall be deposited by the town clerk of the City at his office within ten days after the date of this Order.

(3.) Six Councillors shall be assigned to each of the said wards.

Special pro-
 visions for first
 election in
 1890, and for
 retirement of
 Councillors
 and Aldermen.

Art. IX. For the purposes of the election of a Town Council for the City in pursuance of the Municipal Corporations Act, 1882, in the month of November, One thousand eight hundred and ninety, the following provisions shall apply :—

(1.) The town clerk and the Mayor of the existing City, or such other persons as the Local Government Board shall appoint, shall perform the duties devolving upon the town clerk and Mayor respectively under the Municipal Corporations Act, 1882, and the Mayor of the existing City, or such other person as he shall appoint, shall be the returning officer at the election for each ward.

(2.) Thirty Councillors of the City shall be elected on the First day of November, One thousand eight hundred and ninety; and ten Aldermen of the City shall be elected on the Tenth day of November, One thousand eight hundred and ninety.

(3.) The dates specified in the Schedule to this Order shall be the dates for the retirement of the Aldermen and Councillors of the City elected in the year One thousand eight hundred and ninety in pursuance of this Order.

(4.) Notwithstanding anything in the Municipal Corporations Act, 1882, to the contrary, all the Councillors of the existing City who shall be in office up to the First day of November, One thousand eight hundred and ninety, shall go out of office on that date, and all the Aldermen of the existing City who shall be in office up to the Eighth day of November, One thousand eight hundred and ninety, shall go out of office on that date; and all such Councillors and Aldermen shall be eligible for election as

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Councillors on the First day of November, One thousand eight hundred and ninety.

Coventry Order.

Art. X. All byelaws and regulations which have been made by the Corporation as an Urban Authority or as a Municipal Authority, or otherwise, and which, on the Ninth day of November, One thousand eight hundred and ninety, are in force in the existing City, shall thenceforth apply to the City until or except in so far as any of such byelaws or regulations may be altered or repealed.

Byelaws.

Art. XI.—(1.) The town clerk and all other officers and servants of the Corporation of the existing City who hold office on the Ninth day of November, One thousand eight hundred and ninety, shall continue to be the town clerk and officers and servants of the Corporation of the City, and shall hold their offices by the same tenure as at that date.

Town clerk and other officers continued.

(2.) The auditors who shall be in office on the Ninth day of November, One thousand eight hundred and ninety, shall continue in office, and shall be the Borough Auditors, until the ordinary day of election of Borough Auditors.

Borough auditors.

Art. XII. The provisions of Section 120 of the Act shall apply to every officer who by virtue of this Order, or of anything done in pursuance or in consequence thereof, shall suffer any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary with the substitution, in the case of any such officer whose office or employment relates wholly or partly to sanitary purposes as defined by the Public Health Act, 1875, of "district fund and general district rate," and in the case of any other officer of "city fund and city rate," in sub-section (8) for "county fund as a payment for general county purposes," and with such other modifications as are necessary to make those provisions applicable to such officer and to the Corporation.

Compensation to existing officers.
51 & 52 Vict. c. 41.

Art. XIII.—(1.) If on the Ninth day of November, One thousand eight hundred and ninety, any action or proceeding, or any cause of action or proceeding, is pending or existing by or against any Sanitary or Highway Authority or the Lighting Inspectors in relation exclusively to the added area or any part thereof, the same shall not be in anywise prejudicially affected by reason of the making of this Order, but may be continued, prosecuted, and enforced by or against the Corporation of the City.

Actions, &c. not to abate.

(2.) Anything duly done or suffered, and all contracts, deeds, bonds, agreements, and other instruments (subsisting on the Ninth day of November, One thousand eight hundred and ninety) entered into or made, by any Sanitary or Highway Authority or the Lighting Inspectors, in relation exclusively to the added area, or any part thereof, shall be of as full force and effect against or in favour of the Corporation of the City, and may be continued and enforced as fully and effectually as if, instead of the Sanitary or the Highway Authority, or the Lighting Inspectors, as the case may be, the Corporation had done or suffered the same or been a party thereto.

Saving for contracts, &c.

Art. XIV.—(1.) All property vested in the Corporation on the Ninth day of November, One thousand eight hundred and ninety, for the benefit of the existing City shall be held by the Corporation for the benefit of the City, and the Corporation shall hold, enjoy, and exercise, for the benefit of the City, all the powers which, at the date aforesaid, are exerciseable by or vested in the Corporation for the benefit of the existing City.

Corporation property.

A.D. 1890.

[Ch. ccii.]

Local Government Board's

[53 & 54 VICT.]

Provisional Orders Confirmation (No. 13) Act, 1890.

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Corporation
liabilities.

Property, &c.
of Rural
Authority and
Highway
Authority.

2.) All liabilities which on the Ninth day of November, One thousand eight hundred and ninety, attached to the Corporation in respect of the existing City shall, from and after that date, attach to them in respect of the City.

Art. XV. All property and liabilities which immediately before the Ninth day of November, One thousand eight hundred and ninety, are vested in or attached to any Sanitary or Highway Authority or the Lighting Inspectors, in relation exclusively to the added area or any part thereof, shall be transferred to, vested in, and attached to the Corporation as Urban Authority, and on that date such Sanitary and Highway Authority shall cease to exercise any powers or duties within any part of the added area, and the Lighting Inspectors shall be abolished :

Provided that any arrears of rates made by the Overseers before the Ninth day of November, One thousand eight hundred and ninety, in respect of contributions for general or special expenses under the Public Health Act, 1875, or of any rate made by the Overseers for the purposes of the Lighting and Watching Act, 1833, and any arrears of highway rates made by the Surveyors of Highways for the said highway parishes before that date, and which remain due in respect of hereditaments in the added area, may be recovered by such Overseers or Surveyors, as the case may be, after that date.

Mortgage debts
of Rural
Authority and
Corporation.

Art. XVI. The liability for repayment of the said sums of one thousand seven hundred and eighty-six pounds fifteen shillings and fourpence and one thousand three hundred and ninety-eight pounds eighteen shillings and one penny, or so much thereof as shall be owing on the Ninth day of November, One thousand eight hundred and ninety, and for the payment of the interest thereon, shall be transferred from the Rural Authority and attach to the Corporation, and the said sums, together with so much of any sums borrowed by the Corporation before the Ninth day of November, One thousand eight hundred and ninety, and charged on the district fund and general district rate of the existing City as will remain unpaid at that date, shall be charged upon the district fund and general district rate of the City, and so much of any sums borrowed by the Corporation before the said date, and charged on the city fund and city rate of the existing City as will remain unpaid at that date, shall be charged on the city fund and city rate of the City, and all such sums shall, together with the interest to accrue due thereon, be repaid by the Corporation within the respective periods, if any, for which the loans in respect of which the said sums are owing were originally sanctioned, or within which the same are otherwise required to be repaid or are made repayable.

Audit of
accounts.

Art. XVII. The accounts of the Rural Authority and of their officers, of the said School Boards and of their officers, and of the said Surveyors of Highways, up to the Ninth day of November, One thousand eight hundred and ninety, so far as the same relate to the added area or any part thereof, shall be audited by the proper officer of the Local Government Board in like manner and subject to the like incidents and consequences as if this Order had not been made.

Local and
Confirming
Acts.

Art. XVIII.—(1.) Sections 16, 24, 26 to 28, 47 to 51, 53, and 56 (all inclusive) of the Act of 1790 shall be wholly repealed except so far as the same may have been acted upon.

(2.) Such of the provisions of the Local Acts as shall be in force on the Ninth day of November, One thousand eight hundred and ninety, shall apply to and operate throughout the City.

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(3.) So much of the Confirming Act of 1849 as relates to the Order of 1849 shall be wholly repealed except so far as it may have been acted upon.

Art. XIX.—(1.) For the purposes of the Elementary Education Acts, 1870 to 1880,---

Alteration of
school districts,
&c.

(a.) The City shall be a school district, and the members of the School Board for the existing City who shall be in office on the Ninth day of November, One thousand eight hundred and ninety, shall be deemed to have been elected as and shall be the School Board for the City ;

(b.) Any byelaws in force in the existing City on the Ninth day of November, One thousand eight hundred and ninety, shall thenceforth apply to the City until revoked or altered ;

(c.) From and after the Ninth day of November, One thousand eight hundred and ninety, the Saint Michael School Board shall cease to have jurisdiction in any part of the added area ; and any byelaws made by that School Board or by the School Attendance Committee of the Coventry Union shall cease to operate in the added area.

(2.) From and after the Ninth day of November, One thousand eight hundred and ninety, all buildings with their fittings belonging to the Saint Michael School Board, and situate within the added area, shall be transferred to and vest in the School Board for the City for all the estate and interest of the Saint Michael School Board, and all contracts, debts, liabilities, and engagements which at that date are existing, or are owing by or attach to the last mentioned School Board in respect of any such buildings or fittings within the added area, or with respect to the officers of the schools within that area, shall enure to and be discharged and satisfied by the School Board for the City (herein-after referred to as "the City School Board").

Any doubt or difference arising under this subdivision of this Article shall, on the application of either of the School Boards interested, stand referred to, and be determined by, the Education Department.

(3.) The liability for repayment of the said sum of two thousand four hundred and twelve pounds, or so much thereof as shall be owing on the Ninth day of November, One thousand eight hundred and ninety, and for the payment of the interest thereon, shall be transferred from the Saint Michael School Board to and attach to the City School Board, and the said sum, or so much thereof as will remain unpaid at that date, together with so much of any sums borrowed by the School Board for the existing City before the Ninth day of November, One thousand eight hundred and ninety, as will remain unpaid at that date, shall be charged on the school fund and the local rate for the time being chargeable with the expenses of the City School Board, and all such sums shall, together with the interest to accrue due thereon, be repaid by the City School Board within the respective periods, if any, for which the loans in respect of which the said sums are owing were originally sanctioned, or within which the same are otherwise required to be repaid or are made repayable.

[Ch. ccii.] *Local Government Board's* [53 & 54 VICT.]
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Order.

(4.) If on the Ninth day of November, One thousand eight hundred and ninety, any action or proceeding, or any cause of action or proceeding, is pending or existing by or against the Saint Michael's School Board in relation to anything done or suffered in the added area or any part thereof, or relating to the added area or any part thereof, the same shall not be in anywise prejudicially affected by reason of the making of this Order, but shall and may be continued prosecuted, and enforced by or against the City School Board.

(5.) The provisions of Section 120 of the Act shall apply to every officer or servant of the Saint Michael School Board who by virtue of this Order, or of anything done in pursuance or in consequence thereof, shall suffer any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary with the substitution of "school fund and local rate for the time being chargeable with the expenses of the City School Board" in sub-section (8) for "county fund as a payment for general county purposes," and with such other modifications as are necessary to make those provisions applicable to such officer or servant and to the City School Board.

Short title.

Art. XXI. This Order may be cited as the City of Coventry Order, 1890.

The SCHEDULE above referred to.

Persons to retire.	Dates of Retirement.
The two councillors for each ward who are elected by the smallest number of votes - -	1st November 1891.
The two councillors for each ward who are elected by the largest number of votes - -	1st November 1893.
The other councillors for each ward - -	1st November 1892.
The five aldermen who are elected by the smallest number of votes - - -	9th November 1893.
The other five aldermen - - -	9th November 1896.

If, for any reason, it is doubtful which councillors or aldermen, as the case may be, ought to retire on the dates above specified, the council of the City shall, on the Tenth day of November, One thousand eight hundred and ninety, or at the next following quarterly meeting, and not later, by a majority of votes, or in case of an equality of votes by the casting vote of the chairman, determine which of the councillors or aldermen, as the case may be, in respect of whose retirement such doubt arises, shall go out of office on the dates above specified respectively.

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

(L.S.)

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

BOROUGH OF GREAT YARMOUTH.

A.D. 1890.

*Provisional Order made in pursuance of Sections 54 and 59 of the
Local Government Act, 1888.*

—
*Great
Yarmouth
Order.*
—

- To the Mayor, Aldermen, and Burgesses of the Borough of Great Yarmouth ;—
To the Justices of the Peace for the said Borough ;—
To the School Board for the said Borough ;—
To the Justices of the Peace for the County of Norfolk, in Quarter Sessions assembled ;—
To the County Council of Norfolk ;—
To the Justices of the Peace in Quarter Sessions assembled for the Eastern Division of the County of Suffolk ;—
To the County Council for the Eastern Division of Suffolk ;—
To the Directors and Acting Guardians of the Poor within the Hundred of Mutford and Lothingland, being the Sanitary Authority for the Rural District of that Hundred ;—
To the Directors and Acting Guardians of the Poor within the Hundreds of East and West Flegg, being the Sanitary Authority for the Rural District of those Hundreds ;—
To the Surveyor of Highways for the Highway Parish of Runham ;—
To the School Board for the United District of Runham Vauxhall ;—
And to all others whom it may concern.

WHEREAS by Section 54 of the Local Government Act, 1888 (which Act is herein-after referred to as "the Act"), the Local Government Board are empowered to make a Provisional Order for altering the boundary of any County or Borough ;

51 & 52 Vict.
c. 41.

And whereas the Borough of Great Yarmouth is a Borough within the meaning of the Act, and the inhabitants of the Borough are a body corporate, by the name of the Mayor, Aldermen, and Burgesses of the Borough of Great Yarmouth, and act by the Council of the Borough, which now consists of the Mayor (who is also a Councillor), twelve Aldermen, and thirty-five other Councillors ;

And whereas the area of the Borough of Great Yarmouth (herein-after referred to as "the existing Borough") is coloured pink on the two maps (herein-after referred to as "the maps"), each marked "Map of the Borough of Great Yarmouth as extended, 1890," and sealed with the official seal of the Local Government Board ;

And whereas the existing Borough is an Urban District, of which the Mayor Aldermen, and Burgesses, acting by the Council, are the Urban Authority ;

And whereas the existing Borough is a County Borough, and is deemed for the purposes of the Act to be situate in the Counties of Norfolk and Suffolk, and has a separate court of quarter sessions, commission of the peace, police force, and coroner, and is, for the purposes of the election of town councillors, divided into six wards, one of which, termed the North Ward, adjoins the areas by this Order added to the Borough ;

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*Great
Yarmouth
Order.*50 Geo. II.
c. xxiii.11 & 12 Vict.
c. xxxi.
29 & 30 Vict.
c. cclxiii.24 & 25 Vict.
c. lxxx.

And whereas the unrepealed provisions of a Local Act passed in the fiftieth year of the reign of His late Majesty King George the Third, chapter twenty-three (herein-after referred to as "the Act of 1810"), as altered by the Provisional Order herein-after mentioned, and the provisions of an Act passed in the eleventh and twelfth years of the reign of Her present Majesty Queen Victoria, chapter thirty-one (herein-after referred to as "the Act of 1848"), and of the Great Yarmouth Fish Wharves Act, 1866 (herein-after referred to as "the Act of 1866"), are in force in the existing Borough;

And whereas by a Provisional Order of the General Board of Health dated the Fifteenth day of March, One thousand eight hundred and fifty-one, and confirmed by the Public Health Supplemental Act for Great Yarmouth, 1851 (which Order and Act are herein-after respectively referred to as "the Order of 1851" and "the Confirming Act of 1851"), certain sections of the Act of 1810 were repealed, and the powers, authorities, and duties granted or imposed by the unrepealed provisions of the Act of 1810 are now exerciseable by or imposed upon the Corporation;

And whereas the sum of twelve thousand six hundred and fifty pounds now remains unpaid in respect of moneys borrowed by the Corporation or their predecessors under the Act of 1810;

And whereas the Corporation act as a Burial Board for the Parish of Great Yarmouth and also for the Parish of Gorleston (within the existing Borough);

And whereas part of the Parish of Gorleston is a contributory place in the Rural District of the Hundred of Mutford and Lothingland, and is herein-after referred to as "the contributory place of Gorleston," and the Parish of Runham is a contributory place in the Rural District of the Hundreds of East and West Flegg;

And whereas the Parish of Runham is a separate Highway Parish;

And whereas by virtue of the Elementary Education Acts, 1870 to 1880, the existing Borough is a school district, for which a School Board has been formed, and the contributory place of Gorleston and a detached part of the Parish of Runham, known as Runham Vauxhall, together constitute the United School District of Runham Vauxhall, for which District a School Board has also been formed:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Sections 54 and 59 of the Act, and by any other enactments in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the following provisions shall take effect:—

Art. I. This Order shall, except so far as is otherwise herein expressly provided, and so far as there may be anything in the subject-matter or context inconsistent therewith, come into operation on the Ninth day of November, One thousand eight hundred and ninety:

Provided that for the purposes of the parish burgess lists, and burgess roll, and other lists to be made under the Municipal Corporations Act, 1882, and the Acts amending the same, and of the lists of county electors and the county register of the County of Norfolk to be made in pursuance of the County Electors Act,

51 & 52 Vict.
c. 41.Commence-
ment of Order.Date of
operation of
Order for
parish burgess
lists, &c.
51 Vict. c. 10.

[53 & 54 VICT.] *Local Government Board's* [Ch. ccii.]
Provisional Orders Confirmation (No. 13) Act, 1890.

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1888, and of all proceedings preliminary or relating to the municipal elections, this Order shall operate from the date of the Act of Parliament confirming the same:

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Provided also, that for the purposes of Sections 20, 22, 23, 24, and 26 of the Act, the Borough shall be deemed not to have been extended, and the alteration of the boundary between the Counties of Norfolk and Suffolk shall be deemed not to have been made until after the Thirty-first day of March, One thousand eight hundred and ninety-one.

Date of
operation of
Order for
certain sections
of the Act.

Art. II. In this Order—

Definitions.

(1.) The expression "the Borough" means the Borough as extended by this Order;

(2.) The expression "the added areas" means the portions of the Rural Districts of the Hundreds of Mutford and Lothingland and East and West Flegg added to the existing Borough by this Order.

Art. III. The boundary of the existing Borough shall be altered and extended so as to include, in addition to the area of the existing Borough, the portions of the Rural Districts of the Hundred of Mutford and Lothingland and of the Hundreds of East and West Flegg which are coloured yellow on the maps, and the altered boundary shall be that shown by the red line on the maps, and the whole of the area included within such altered boundary shall for the purposes of the Municipal Corporations Act, 1882, and for all other purposes, be the Borough, and shall be the County Borough for the purposes of the Act.

Extension of
Borough.

45 & 46 Vict.,
c. 50.

Art. IV.—(1.) One of the maps shall be deposited in the office of the Local Government Board, and the other shall be deposited by the town clerk of the Borough at his office within ten days after the date of this Order. Copies of the map deposited with the town clerk, certified by him, shall be sent within one month after the date of the Act of Parliament confirming this Order to the clerks of the County Councils of Norfolk and the Eastern Division of Suffolk, to the clerks to the Rural Authorities of the Hundreds of Mutford and Lothingland and East and West Flegg respectively, and to the Director-General of Her Majesty's Ordnance Survey at Southampton.

Deposit of
maps.

(2.) Copies of or extracts from the map deposited with the town clerk, certified by him to be true, shall be received in all courts of justice and elsewhere as *primâ facie* evidence of the contents of such map so far as relates to the boundaries of the Borough; and such map shall at all reasonable times be open to inspection by any person liable to any rate leviable within the Borough, and any such person shall be entitled to a copy of or extract from such map, certified by the town clerk, on payment of a reasonable fee for every such copy or extract. All sums received under this Article shall be carried to the credit of the Borough Fund.

Copies of map
to be evidence.

Art. V. The boundary between the Counties of Norfolk and Suffolk shall be altered so that the whole of the Borough shall form part of the County of Norfolk, and, notwithstanding anything contained in the Third Schedule to the Act, the County Borough of Yarmouth shall, for the purposes of the Act, be wholly within the County of Norfolk.

Alteration of
county
boundary.

[Ch. ccii.] *Local Government Board's* [53 & 54 VICT.]
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Transfer of
lists of
prisoners, &c

Art. VI. Lists of prisoners, writs, process, and particulars, and all records and documents relating to, or to be executed in connexion with, any action or proceeding pending or existing on the Ninth day of November, One thousand eight hundred and ninety, and appertaining to the parts of the County of Suffolk which are hereby added to the County of Norfolk, shall be delivered, turned over, or transferred, and signed in like manner in all respects, so nearly as circumstances admit, as is required to be done upon a new sheriff coming into office, in like manner as if the sheriff of the County of Norfolk were, as respects the added areas, the new sheriff in succession to the sheriff of the County of Suffolk.

Adjustment
between
Borough and
Counties of
Norfolk and
Suffolk.

Art. VII.—(1.) Nothing in Article V. of this Order contained shall affect any equitable adjustment which may have been made before the Ninth day of November, One thousand eight hundred and ninety, under the provisions of Section 32 of the Act, between the County of Suffolk and the existing Borough and if such adjustment shall not then have been made, the provisions of that section, as to adjustment between that County and the Borough, shall continue to apply with respect to so much of the Borough as would for the purposes of the Act have continued in the County of Suffolk if this Order had not been made.

(2.) An equitable adjustment respecting the distribution of the proceeds of the local taxation licenses and probate duty grant, and all other financial relations between the County of Norfolk and the Borough which may be affected by the extension of the existing Borough by this Order, shall be made by agreement within six months from the Ninth day of November, One thousand eight hundred and ninety, between the County Council and the Corporation, and in default of such agreement by the Commissioners appointed under the Act, and for the purpose of such adjustment, Section 32 of the Act shall apply with the necessary modifications.

Jurisdiction of
justices, &c.
extended.

Art. VIII.—(1.) The powers and duties of the recorder, clerk of the peace, and coroner, of the justices of the peace appointed for the existing Borough, and the clerk to such justices, and of the police constables, and other peace officers of the existing Borough, shall extend to and apply throughout the Borough.

(2.) Every person committing an offence in the added areas prior to the Ninth day of November, One thousand eight hundred and ninety, shall be tried, adjudicated on, and dealt with as if this Order had not been made.

Parish burgess
lists, &c.

Art. IX. For the purposes of the parish burgess lists and burgess roll, and other lists to be made under the Municipal Corporations Act, 1882, and the Acts amending the same, and of all matters in relation thereto, the added areas shall be deemed to have always been part of the Borough, and the town clerk of the existing Borough shall be the town clerk of the Borough, and anything required to be done in connexion with the purposes aforesaid before the date of the Act of Parliament confirming this Order may, in so far as the same relates to the added areas, be done as soon as practicable after such date, and if so done shall have full force and effect; and if any difficulty arise in making out, revising, or otherwise dealing with such lists and roll, or the lists of county electors and the county register of the County of Norfolk, the Local Government Board may make such order as shall appear to them to be necessary to give effect to the

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provisions of this Order, and may vary, so far as shall be necessary, the provisions in force with regard to such lists, roll, and register.

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Art. X. Subject to the provisions of the Municipal Corporations Act, 1882, as to the alteration of wards, the Borough shall, for the purposes of the election of Councillors, continue divided into six wards, and the added areas shall be included in the North Ward.

Alteration of
wards.

Art. XI. All byelaws and regulations made by the Corporation, whether as a Sanitary Authority, Municipal Authority, or otherwise, which, on the Ninth day of November, One thousand eight hundred and ninety, are in force in the existing Borough shall thenceforth be in force within and apply to the added areas until altered or repealed.

Byelaws, &c.
extended.

Art. XII.—(1.) The town clerk and all other officers and servants of the Corporation of the existing Borough who hold office on the Ninth day of November, One thousand eight hundred and ninety, shall continue to be the town clerk and officers and servants of the Corporation of the Borough, and shall hold their offices by the same tenure as at that date.

Town clerk
and other
officers
continued.

(2.) The auditors who shall be in office on the Ninth day of November, One thousand eight hundred and ninety, shall continue in office, and shall be the Borough Auditors, until the ordinary day of election of Borough Auditors.

Borough
auditors.

Art. XIII. Subject to the provisions of this Order, the provisions of Section 120 of the Act shall apply to every officer who by virtue of this Order, or of anything done in pursuance or in consequence thereof, shall suffer any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary with the substitution, in the case of any such officer whose office or employment relates wholly or partly to sanitary purposes, as defined by the Public Health Act, 1875, of "district fund and general district rate," and, in the case of any other such officer, of "borough fund and borough rate," in sub-section (8) for "county fund as a payment for general county purposes," and with such other modifications as are necessary to make those provisions applicable to such officer and to the Corporation.

Compensation
to existing
officers.
51 & 52 Vict.
c. 41.

Art. XIV.—(1.) If on the Ninth day of November, One thousand eight hundred and ninety, any action or proceeding, or any cause of action or proceeding, is pending or existing by or against any Sanitary Authority or Surveyor of Highways in relation exclusively to the added areas or any part thereof, the same shall not be in anywise prejudicially affected by reason of the making of this Order, but may be continued, prosecuted, and enforced by or against the Corporation of the Borough.

Actions, &c.
not to abate.

(2.) Anything duly done or suffered, and all contracts, deeds, bonds, agreements, and other instruments (subsisting on the Ninth day of November, One thousand eight hundred and ninety,) entered into or made, by any Sanitary Authority or Surveyor of Highways in relation exclusively to the added areas or any part thereof, shall be of as full force and effect against or in favour of the Corporation of the Borough, and may be continued and enforced as fully and effectually as if, instead of the Sanitary or Highway Authority, as the case may be, the Corporation had done or suffered the same or been a party thereto.

Saving for
contracts, &c.

Art. XV. All property vested in the Corporation on the Ninth day of November, One thousand eight hundred and ninety, for the benefit of the existing

Corporation
property.

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A.D. 1890. Borough shall be held by the Corporation for the benefit of the Borough, and the Corporation shall hold, enjoy, and exercise, for the benefit of the Borough, all the powers which at the date aforesaid are exercisable by or vested in the Corporation for the benefit of the existing Borough, and all liabilities which on the Ninth day of November, One thousand eight hundred and ninety, attached to the Corporation in respect of the existing Borough shall from and after that date attach to them in respect of the Borough.

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Property, &c.
 of Rural
 Authority and
 Highway
 Board.

Art. XVI. All property and liabilities which immediately before the Ninth day of November, One thousand eight hundred and ninety, are vested in or attached to any Sanitary Authority or Surveyor of Highways in relation exclusively to the added areas or any part thereof shall be transferred to, vested in, and attach to the Corporation as Urban Authority, and the Sanitary Authority and Surveyor of Highways shall cease to exercise any powers or duties within any part of the added areas :

Provided that any arrears of rates made by the Overseers before the Ninth day of November, One thousand eight hundred and ninety, in respect of contributions for general or special expenses under the Public Health Act, 1875, and any arrears of highway rates made by the Surveyor of Highways before that date, and which remain due in respect of hereditaments in the added areas, may be recovered by the Overseers or the Surveyor, as the case may be, after that date.

Audit of
 accounts.

Art. XVII. The accounts of the Rural Authorities of the Hundreds of Mutford and Lothingland and East and West Flegg and their officers, and of the Surveyor of Highways, and of the Runham Vauxhall School Board and their officers, up to the Ninth day of November, One thousand eight hundred and ninety, so far as the same relate to the added areas, shall be audited by the proper officer of the Local Government Board in like manner and with the like incidents and consequences as if this Order had not been made.

Town Council
 as Burial
 Board.

Art. XVIII. From and after the Ninth day of November, One thousand eight hundred and ninety, the Council of the Borough shall within the Borough hold, exercise, enjoy, and be subject to the powers, duties, and liabilities of a Burial Board as if they had become a Burial Board in pursuance of Section 2 of the Burial Act, 1854, and the separate jurisdiction of the Council of the Borough as Burial Board for the Parish of Great Yarmouth and as Burial Board for the Parish of Gorleston (within the existing Borough) shall cease and determine, and all property and liabilities of the Council of the Borough as the Burial Board for each of those Parishes shall attach to the Council of the Borough as the Burial Board for the Borough.

Local Acts.

Art. XIX.—(1.) The unrepealed provisions of the Act of 1810, so much of the Confirming Act of 1851 as relates to Articles 12 and 13 of the Order of 1851 and Section 18 of the Act of 1866, shall be repealed, except so far as the same may have been acted upon.

(2.) The Confirming Act shall be further altered so as to provide as follows:—

Repayment
 of old paving
 debt.

(a.) The Corporation shall repay out of the district fund and general district rate of the Borough, and within the period of thirty years commencing

from the Ninth day of November, One thousand eight hundred and ninety, the said sum of twelve thousand six hundred and fifty pounds, or so much thereof as shall be outstanding on the Ninth day of November, One thousand eight hundred and ninety, either by thirty equal annual instalments of principal, or of principal and interest, or by setting apart in every year as a sinking fund such a sum or sums as will, according to a reasonable calculation for the time being, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the said sum within the said period of years, and shall invest such sinking fund and the income thereof in the purchase of Exchequer bills or other Government securities, or in securities in which trustees are by law for the time being authorised to invest, or in mortgages, debentures, debenture stock, or other securities issued by any Local Authority as defined by Section 34 of the Local Loans Act, 1875, other than the Corporation, the Corporation being at liberty from time to time to vary and transpose such investments.

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- (b.) The Corporation may at any time apply the whole or any part of such sinking fund in or towards the discharge of the money for the repayment of which the fund is established: Provided that the Corporation pay into the fund each year, and accumulate until the whole of the said sum is discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied.
- (c.) The town clerk shall, within twenty-one days after the expiration of each year ending on the Twenty-fifth day of March in which any sum is required to be paid as an instalment or to be set apart for a sinking fund, 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, for the year next preceding the making of such return, the amounts which have been paid as instalments, and the amounts which have been invested or applied for the purpose of such sinking fund, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment, or of the sums accumulated by way of interest, has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and, in the event of any wilful default in making such return, such town clerk shall be liable to a penalty not exceeding twenty pounds, which shall be paid to the Local Government Board, and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act, 1875, in a summary manner may be recovered by parties aggrieved within the meaning of that Act.
- (d.) If it appears to the Local Government Board by that return, or otherwise, that the Corporation have failed to pay any instalment required to be paid, or to set apart any sum required for any sinking fund, or have applied any portion of the moneys set apart for any sinking fund or of the sums accumulated by way of interest to any purposes other than those authorised, the Local Government Board may, by Order, direct that the sum in such

[Ch. ccii.] *Local Government Board's* [53 & 54 VICT.]
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Order mentioned, not exceeding double the amount in respect of which default has been made, shall be paid by way of instalment or be set apart and invested or applied as part of the sinking fund; and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

(3.) The Act of 1848, and the unrepealed provisions of the Act of 1866, shall be altered so as to operate as if the Borough were referred to therein instead of the existing Borough.

Alteration of
school districts,
&c.

Art. XX.—(1.) For the purposes of the Elementary Education Acts, 1870 to 1880,—

(a.) The Borough shall be a school district, and the members of the School Board for the existing Borough who shall be in office on the Ninth day of November, One thousand eight hundred and ninety, shall be deemed to have been elected, and shall be the School Board for the Borough;

(b.) Any byelaws in force in the existing Borough on the Ninth day of November, One thousand eight hundred and ninety, shall thenceforth apply to the Borough until revoked or altered.

(c.) From and after the Ninth day of November, One thousand eight hundred and ninety, the School Board for the United District of Runham Vauxhall shall cease to have jurisdiction in any part of the added areas; and any byelaws made by that School Board shall cease to operate in those areas.

(d.) The provisions of Section 120 of the Act shall apply to every officer or servant of the School Board for the said United District who by virtue of this Order or of anything done in pursuance or in consequence thereof shall suffer any direct pecuniary loss by abolition of office, or by diminution or loss of fees or salary, with the substitution of "school fund and local rate for the time being chargeable with the expenses of the School Board for the Borough" in sub-section (8) of Section 120 for "county fund as a payment for general county purposes," and with such other modifications as are necessary to make those provisions applicable to the said officers and servants and to the School Board for the Borough.

(2.) From and after the Ninth day of November, One thousand eight hundred and ninety, all buildings with their fittings belonging to the School Board for the United District of Runham Vauxhall, and situate within the added areas, shall be transferred to and vest in the School Board for the Borough, for all the estate and interest of the School Board for the said United District, and all contracts, debts, liabilities, and engagements which at that date are existing or owing by or attach to the last-mentioned School Board in respect of any such buildings or fittings within the added areas, or with respect to the officers of the schools within those areas, shall enure to and be discharged and satisfied by the School Board for the Borough.

Any doubt or difference arising under this subdivision of this Article shall, on the application of either of the School Boards interested, or of their mortgagees, stand referred to, and be determined by, the Education Department.

[53 & 54 VICT.] *Local Government Board's* [Ch. ccii.]
Provisional Orders Confirmation (No. 13) Act, 1890.

Art. XXI. This Order may be cited as the Borough of Great Yarmouth Order, 1890. A.D. 1890.

Given under the Seal of Office of the Local Government Board, this Sixth day of June, One thousand eight hundred and ninety. *Great Yarmouth Order.*

(L.S.)

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

Short title.

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