



## CHAPTER clxii.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Blackpool Newcastle-upon-Tyne Tynemouth and Wigan. A.D. 1904.

[15th August 1904.]

**W**HEREAS 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 provisions herein contained should be enacted with reference to certain of those Orders :

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

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

2. The following provisions shall apply to the county borough of Blackpool Order 1904 (in this section referred to as "the Blackpool Order") viz. :— As to forma-  
tion of joint  
hospital  
board.

(1) In this section the expression "the hospital committee" means the Fylde Preston and Garstang Hospital Committee "the Hospital District" means the Fylde Preston and Garstang Joint Hospital District and "the Corporation" means the mayor aldermen and burgesses of the borough of Blackpool :

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(2) With a view to the forming of a united district under the provisions of section two hundred and seventy-nine of the Public Health Act 1875 in lieu of the hospital district which was constituted under the Isolation Hospitals Acts 1893 and 1901 Articles VI. and VII. of the Blackpool Order shall not come into operation until the first day of October one thousand nine hundred and seven and the hospital committee are hereby empowered to apply and shall forthwith after the passing of this Act apply to the Local Government Board for and use their best endeavours to obtain a Provisional Order for forming the districts included in the hospital district into a united district under the provisions of the Public Health Act 1875 for the purpose of the provision maintenance and management for the use of the inhabitants of the united district of a hospital or hospitals for the reception of cases of small-pox and the Corporation shall not nor shall any constituent authority of the hospital committee oppose the said application except in matters of detail Provided that if the hospital committee shall not within two years from the first day of October one thousand nine hundred and four apply for and obtain such Provisional Order the Corporation shall be at liberty to apply for the same and in that case the hospital committee shall not nor shall any constituent authority oppose the said application except in matters of detail :

(3) The Provisional Order shall provide for the transfer to and the vesting in the joint board to be constituted by the Order as the governing body of the united district of all lands property assets debts and liabilities of the hospital committee and for the dissolution of the hospital committee and shall contain (as near as may be) the same provisions in regard to the representation of the constituent authorities upon the joint board and the mode of defraying the expenses of the joint board as are now applicable to the hospital committee :

(4) The Provisional Order shall further provide for the payment within a time to be fixed by the Order by the joint board to the Lancashire County Council of the balance outstanding of any loans advanced by the county council to the hospital committee :

(5) The Provisional Order constituting the united district may provide that on the application of any of the constituent

authorities of the joint board the Local Government Board may after enquiry and prior notice thereof to the said constituent authorities by order alter the number and proportion of members representing the said constituent authorities and may make any provisions incidental to or consequential on such alteration including an alteration in the total number of members of the joint board and of the number forming a quorum but so that representation shall be based on the population of the several constituent districts according to the last preceding census :

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(6) Until the constitution of the joint board or until the first day of October one thousand nine hundred and seven (whichever event shall first happen) the Corporation notwithstanding anything to the contrary contained in the Isolation Hospitals Act 1893 or in any other Act shall continue a constituent authority of the hospital committee as if the borough of Blackpool had not been constituted a county borough :

(7) The Provisional Order constituting the joint board shall also contain all such provisions as are necessary or proper for giving effect to the foregoing provisions of this section and subject to the last-mentioned provisions the provisions of the Public Health Act 1875 shall apply to and in respect of the Provisional Order and the application therefor and the confirmation thereof :

(8) The costs charges and expenses incurred by the hospital committee in or about the Blackpool Order or the confirmation thereof by this Act and any application for a Provisional Order made in pursuance of the provisions of this section shall unless by the said Provisional Order otherwise provided be deemed to be establishment expenses within the meaning of the Orders constituting the hospital committee :

(9) Any capital sum which has been or shall be expended by the Lancashire County Council in pursuance of sanctions already granted by the Local Government Board or which may be granted by the Local Government Board on an application pending before them on the first day of July one thousand nine hundred and four in respect of the main roads in the administrative county of Lancaster known as the Blackpool to Garstang main road and the Preston to Blackpool main road respectively and in respect of Savick Bridge shall be deemed

Provision  
for protec-  
tion of  
Lancashire  
County  
Council.

[Ch. clxii.] *Local Government Board's* [4 EDW. 7.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

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a liability connected with the financial relations of the said administrative county and the borough of Blackpool and shall be deemed to be a liability to which regard shall be had as a subject for adjustment together with all other circumstances of the case.

Special provisions relating to Newcastle Order.

3. The following provisions shall apply to the Newcastle-upon-Tyne (Extension) Order 1904 (in this section referred to as "the Newcastle Order") viz. :—

Special provision as to the Moot Hall.

(1) Nothing in the Newcastle Order or in the city maps shall be deemed to affect the Moot Hall or to include the Moot Hall within the boundary of the city but the Moot Hall shall for all purposes remain and be part of the county of Northumberland :

For protection of trustees of Andrew Montagu deceased.

(2) For the protection of George Denison Faber Edmund Beckett Faber and Francis Charles Greenfield the Trustees of the Will of Andrew Montagu deceased or other the owner or owners for the time being of the added part of Kenton (in this subsection called "the Trustees") the following provisions shall unless otherwise agreed in writing between the Trustees and the Corporation apply and have effect that is to say :—

(A) Within six months after receiving notice in writing from the Trustees the Corporation shall at their own expense construct and complete an outfall sewer of not less than eighteen inches in diameter so as to drain the added part of Kenton such sewer to be laid to a point in Kenton Lane opposite the north-west corner of the Old Grand Stand and at a depth at that point of twelve feet below the surface of the roadway or such other diameter or depth as may be required for efficiently draining the added part of Kenton ;

(B) As from the date of the completion of such sewer the Trustees shall in each year until the moneys borrowed by the Corporation for the construction of such sewer shall have been repaid or until the aggregate amount of all rates (other than poor rates) levied in respect of the added part of Kenton shall in any year have reached the sum of one hundred and fifty pounds (whichever shall be the earlier date) pay to the Corporation the difference between the amount of

such rates and the said sum of one hundred and fifty pounds. Provided that in calculating the amount to be paid in any year by the Trustees to the Corporation the Corporation shall give credit for and the Trustees shall be entitled to take into account the amount of the general rate received by the Corporation in respect of any premises in the city using such sewer which are not situate within the added part of Kenton and also interest at the rate of three per cent. per annum on any contribution received by the Corporation in respect of the use of such sewer by any premises which are not situate within the added part of Kenton;

- (c) The Corporation shall afford to the Trustees all reasonable facilities for ascertaining the annual sums payable to or to be allowed by the Corporation;
- (d) If any difference shall arise as to the amount payable in any year by the Trustees or as to the diameter of the said sewer or depth at which the same shall be laid the same shall be determined by an arbitrator to be appointed failing agreement by the Local Government Board:

(3) Whereas by an Order of the Local Government Board dated the twenty-ninth day of March one thousand eight hundred and ninety-seven made under the Public Health (Ships &c.) Act 1885 (in this subsection referred to as "the Port Order") the River Tyne Port Sanitary Authority (in this subsection referred to as "the port authority") was formed:

For protection of River Tyne Port Sanitary Authority.

And whereas by reason of the extension of the city of Newcastle-upon-Tyne as provided by the Newcastle Order it is expedient that the Port Order should be amended as in this subsection provided. Now therefore the following provisions shall have effect:—

- (A) Nothing in the Newcastle Order shall affect or prejudice the jurisdiction rights or privileges of the port authority existing at the commencement of the Newcastle Order;
- (B) From and after the commencement of the Newcastle Order—
- (i) the urban district councils of Benwell and Fenham and Walker respectively shall cease to be

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riparian authorities for the purposes of the Port Order ;

(ii) Article XII. of the Port Order shall be construed as if the reference to the urban districts of Benwell and Fenham and Walker were omitted therefrom but for the purposes of that Article the rateable value of the city of Newcastle-upon-Tyne shall be the rateable value of the said city as extended by the Newcastle Order subject to a deduction of one-third of the rateable value of such part of the said city as before the commencement of the Newcastle Order constituted the urban district of Benwell and Fenham ;

(iii) subject to the provisions of paragraph (ii) of this subdivision the Port Order shall have effect as if the city of Newcastle-upon-Tyne therein referred to were the city and not the existing city ;

(c) The member of the port authority who shall immediately before the commencement of the Newcastle Order represent the urban district councils of Benwell and Fenham Blaydon Newburn and Whickham shall at and after the commencement of the Newcastle Order represent the urban district councils of Blaydon Newburn and Whickham only and in like manner the member who immediately before the commencement of the Newcastle Order shall represent the urban district council of Walker the corporation of Wallsend and the urban district council of Willington Quay shall at and after the commencement of the Newcastle Order represent the corporation of Wallsend and the urban district council of Willington Quay only ;

(d) From and after the commencement of the Newcastle Order references in the Port Order to a joint committee of the urban district councils of Benwell and Fenham Blaydon Newburn and Whickham shall be construed as references to a joint committee of the urban district councils of Blaydon Newburn and Whickham and such joint committee shall consist of nine members three of whom shall be chosen by each

of the urban district councils of Blaydon Newburn and Whickham and in like manner references to a joint committee of the urban district councils of Walker Wallsend and Willington Quay shall be construed as references to a joint committee of the corporation of Wallsend and the urban district council of Willington Quay and such committee shall consist of five members of whom three shall be chosen by the corporation of Wallsend and two by the urban district council of Willington Quay ;

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(E) Nothing in this subsection contained shall affect the powers of the Local Government Board by an Order to be made under the Public Health (Ships &c.) Act 1885 to deal with any of the matters in this subsection mentioned :

(F) The provisions of this subsection shall have effect only until a new Order relating to the constitution of the port authority shall come into operation :

(4) The Corporation shall within three months after the date of the Act of Parliament confirming the Newcastle Order commute or compound for the tolls authorised to be taken by the Scotswood Bridge Company on the portion of the Scotswood Road situate in the added area of Benwell and Fenham in accordance with the terms of the provisional agreement made between the Corporation and the said company dated the twenty-seventh day of July one thousand nine hundred and four and shall continue to commute or compound for such tolls until the tolls upon the said portion of the said road shall be abolished and the Corporation and the said company shall have power to enter into and to carry into effect agreements for that purpose and the Corporation may pay out of the city fund or city rate any moneys payable under any such agreement but this subsection shall not affect or limit the right of the said company to collect tolls at a point on the Scotswood Road westward of the Scotswood Bridge until the Corporation shall have been able to introduce and prosecute in Parliament a Bill for the purchase either alone or in conjunction with the county councils of Northumberland and Durham or either of them of the said company's undertaking and the decision of Parliament shall have been given thereon :

As to commutation of Scotswood Road toll.

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For protec-  
tion of New-  
castle-upon-  
Tyne Elec-  
tric Supply  
Company  
Limited.

(5) Nothing in the Newcastle Order shall take away restrict alter or affect any of the rights powers or privileges of the Newcastle-upon-Tyne Electric Supply Company Limited (in this subsection called "the Company") as the same existed at the date of the Newcastle Order and nothing in the Newcastle Order shall authorise the Corporation to supply transmit or use electrical energy for any purpose within the Walker District otherwise than subject to the agreement dated the fourteenth day of July one thousand nine hundred made between the Company and the Walker Council the agreement dated the tenth day of March one thousand nine hundred and two made between the Corporation and the Walker Council and scheduled to and confirmed by the Newcastle-upon-Tyne Corporation Tramways Extensions Act 1902 and the agreement dated the twenty-seventh day of March one thousand nine hundred and three (in this subsection referred to as "the Agreement of 1903") made between the Walker Council and the Company and scheduled to and confirmed by the Newcastle-upon-Tyne Electric Supply Company's Act 1903 and the Corporation shall not so long as the Company continue to pay the amount of interest and sinking fund payments or instalments of capital provided for by the Agreement of 1903 reduce the total annual payments at present made to the Company by the Walker Council in respect of public lighting.

Special  
provisions  
relating to  
Wigan  
Order.

4. The following provisions shall apply to the Wigan (Extension) Order 1904 (in this section referred to as "the Wigan Order") viz. :—

(1) On the death of any member of the Lancashire county police force transferred to the Wigan county borough police force under the provisions of Article XXV. of the Wigan Order or on the death of the wife of any such member the Wigan Corporation shall pay to such member his widow or his children such sum as he or she or they would have received from the County Police Pension Fund and the County Police Mutual Assurance Society combined if the death of such member or his widow had taken place prior to the transfer provided such constable shall during his service in the police force of the Borough pay into such funds as the watch committee of the Borough may decide an annual sum equal to the average annual sum paid into



the County Police Mutual Assurance Society by officers of the same rank as such officer during the five years preceding the date of his transfer : A.D. 1904.

(2) For the purpose of the financial adjustment provided for by Article XXVI. of the Wigan Order the liability of the Lancashire County Council to contribute three hundred pounds per annum towards the interest and repayment of a capital sum spent by the said County Council on the main road in Pemberton shall be considered as extending only for the remainder of the period for which the money was originally borrowed.

5. This Act may be cited as the Local Government Board's *Short title.*  
*Provisional Orders Confirmation (No. 13) Act 1904.*

A.D. 1904.

SCHEDULE.

BOROUGH OF BLACKPOOL.

*Blackpool  
Order.*

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

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

To the County Council of the County Palatine of Lancaster : —

To the Fylde Preston and Garstang Hospital Committee ; —

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 constituting any Borough having a population of not less than fifty thousand into a County Borough ;

And whereas the Borough of Blackpool (herein-after referred to as "the Borough ") in the County Palatine of Lancaster is a Borough within the meaning of the Act and has a population exceeding fifty thousand and is subject to the jurisdiction of the Mayor Aldermen and Burgesses of the Borough of Blackpool acting by the council (herein-after referred to as "the Corporation ");

And whereas by virtue of an Order of the Local Government Board dated the Fourteenth day of August One thousand eight hundred and eighty-eight as altered by divers Orders made by the Local Government Board and by divers Provisional Orders made by the Local Government Board and confirmed by Parliament the number of County Councillors for the Administrative County of Lancaster (herein-after referred to as "the Administrative County ") is one hundred and five of which number two are apportioned to the Borough and the Borough accordingly comprises two electoral divisions of that County ;

56 & 57 Vict.  
c. 68.  
1 Edw. 7. c. 8.

And whereas by virtue of certain Orders made by the County Council of the Administrative County under the Isolation Hospitals Acts 1893 and 1901 and termed the Fylde Preston and Garstang Small-pox Hospital (County of Lancaster) Order 1895 the Fylde Preston and Garstang Small-pox Hospital (County of Lancaster) Order 1895 Amendment Order 1899 the Fylde Preston and Garstang Small-pox Hospital (County of Lancaster) Order 1895 Amendment Order 1900 and the Fylde Preston and Garstang Small-pox Hospital (County of Lancaster) Order 1895 Amendment Order 1903 all which Orders are herein-after referred to as "the Hospital Orders " certain Urban Districts (including the Borough) and Rural Districts constitute a United District

called the Fylde Preston and Garstang Joint Hospital District (herein-after referred to as "the Hospital District") for the purposes of the provision maintenance and management for the use of the inhabitants of the Constituent Districts of a hospital or hospitals for the reception of cases of small-pox of which the governing body is the Fylde Preston and Garstang Hospital Committee (herein-after referred to as "the Hospital Committee");

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*Blackpool  
Order.*

And whereas by virtue of the Hospital Orders the Hospital Committee consists of twenty-seven members of which five are elected by the Corporation :

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 :—

51 & 52 Vict.  
c. 41.

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 First day of October One thousand nine hundred and four (which date is herein-after referred to as "the commencement of this Order") :

Commence-  
ment of Order.

Provided that for the purposes of Sections 20 22 23 24 and 26 of the Act and for the purposes of the Local Taxation (Customs and Excise) Act 1890 the Borough shall be deemed not to have been constituted a County Borough until after the Thirty-first day of March One thousand nine hundred and five.

Art. II. The Borough shall be constituted a County Borough and all the provisions of the Act respecting County Boroughs shall apply to the Borough as if the Borough had been named in the Third Schedule to the Act and as if Lancaster had been specified in that schedule as the county in which the Borough should be deemed for the purposes of the Act to be situate :

Constitution  
of County  
Borough.

Provided that for the purposes of such provisions and subject to the provisions of Article I. of this Order "the appointed day" shall be deemed to mean the First day of October One thousand nine hundred and four.

Art. III.—(1) An equitable adjustment shall be made respecting the distribution of the proceeds of the local taxation licences of the Estate duty and of the Local Taxation (Customs and Excise) duties and respecting all other financial relations or questions between the Administrative County and the Borough and in any case where the constitution of the County Borough by this Order affects the distribution of the said proceeds between the Administrative County on the one hand and any other County Borough on the other hand or any financial relations or questions between those areas or any adjustment which has been made in regard to such distribution and financial relations or questions equitable adjustments may be made between the areas interested.

Adjustment  
between new  
County Bor-  
ough and the  
County or the  
County and  
other County  
Boroughs.

(2) Any such adjustment between the Administrative County and the Borough shall be made by agreement between the Council of the Adminis-

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Blackpool  
Order.

trative County and the Council of the Borough within twelve months from the commencement of this Order and any such adjustment which may be necessary between the Administrative County on the one hand and any County Borough other than the Borough on the other hand may be made by agreement between the Council of the Administrative County and the Council of such other Borough within the same period. In default of agreement between the parties concerned in the case of any such adjustment as aforesaid the adjustment may be made by the Local Government Board or if that Board think fit by an arbitrator appointed by them.

(3) For the purpose of any such adjustment as aforesaid the provisions of the Act relating to adjustments between Administrative Counties and County Boroughs shall apply with the necessary modifications and the Local Government Board or an arbitrator appointed by them as the case may be shall be substituted in such provisions for the Commissioners appointed under the Act and notwithstanding anything in the provisions of this Order or of the Act any such adjustment and the determination of any matter incidental or in relation thereto or consequent thereon shall when made by the Local Government Board be deemed to be made by them otherwise than as arbitrators and any arbitrator appointed by them shall be deemed to be an arbitrator within the meaning of the Act and the provisions of the Act shall apply accordingly :

Provided—

(a) that in lieu of sub-section (6) of Section 61 of the Act sub-sections (1) and (5) of Section 87 of the Act shall apply to any inquiries which may be directed by the Local Government Board under this Article and to the costs of such inquiries; and

(b) that sub-section (6) of Section 32 of the Act shall apply to any agreement or any award made under this Article.

Alteration  
in County  
Councillors.

Art. IV.—(1) The two County Councillors representing the electoral divisions of the Borough who are in office at the commencement of this Order shall go out of office on that date and their places shall not be filled up.

(2) Subject to Section 54 of the Act and to any Provisional Order which is confirmed during the present Session of Parliament and which contains provisions relating to County Councillors or Aldermen for the Administrative County the number of County Councillors for the Administrative County shall be reduced from one hundred and five to one hundred and three and the said Order dated the Fourteenth day of August One thousand eight hundred and eighty-eight as altered as aforesaid shall be further altered and shall have effect accordingly and any casual vacancy occurring in the office of County Councillor for either of the electoral divisions of the Borough between the date of the Act of Parliament confirming this Order and the commencement of this Order shall not be filled up.

(3) Save as aforesaid no other County Councillor shall be deemed to lose his qualification or to vacate his office by reason of the constitution of the County Borough.

[4 EDW. 7.]                      *Local Government Board's*                      [Ch. clxii.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

Art. V. 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 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.

A.D. 1904.

*Blackpool  
Order.*

Compensation  
to existing  
officers.

Art. VI. The Borough shall cease to form part of the Hospital District the persons who at the commencement of this Order are the representatives of the Corporation on the Hospital Committee shall at that date go out of office the number of the members of the Hospital Committee shall be reduced from twenty-seven to twenty-two and the Hospital Orders shall be altered and have effect accordingly.

Separation of  
Borough from  
Hospital  
District.

Art. VII.—(a) The Hospital Committee the Corporation the Constituent Authorities other than the Corporation referred to in the Hospital Orders and any other authorities affected by Article VI. of this Order may make agreements for the purpose of adjusting any property debts and liabilities affected by that Article and in default of an agreement as to any matter requiring adjustment for the purpose of that Article the matter shall be referred to arbitration and the provisions of sub-sections (1) (2) (3) (4) (5) and (7) of Section 62 of the Act shall with the necessary modifications apply to and for the purposes of any adjustment under this Article.

Adjustment o.  
property debts  
and liabilities  
of Hospital  
Committee.

51 & 52 Vict.  
c. 41.

(b) The payment of any capital sum required to be made by the Hospital Committee for the purpose of any adjustment under this Article and under the provisions made applicable to adjustments by this Article shall be a purpose for which the County Council of the Administrative County may borrow under the provisions of the Isolation Hospitals Act 1893 and the last-mentioned provisions shall apply and have effect as if the said purpose related to the carrying into effect of the provisions of that Act.

56 & 57 Vict.  
c. 68.

Art. VIII. This Order may be cited as the County Borough of Blackpool Order 1904. Short title.

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

(L.S.)

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

A.D. 1904.

CITY OF NEWCASTLE-UPON-TYNE.

*Newcastle-  
upon-Tyne  
Order.*

*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 and County of  
Newcastle-upon-Tyne ; —
- To the Court of Quarter Sessions for the said City ; —
- To the Justices of the Peace for the said City ; —
- To the Justices of the Peace for the County of Northumberland in  
Quarter Sessions assembled ; —
- To the County Council of Northumberland ; —
- To the Urban District Council of Benwell-and-Fenham ; —
- To the Urban District Council of Walker ; —
- To the Rural District Council of Castle Ward ; —
- To the Guardians of the Poor of the Castle Ward Newcastle-upon-Tyne  
and Tynemouth Unions ; —
- To the Gosforth Newburn and Castle Ward Joint Hospital Committee ; —
- To the Parish Council of Kenton ; —
- To the Overseers of the Poor of the Parish of Walker and of each of  
the Townships of Benwell Fenham Kenton and Saint Andrew's ; —
- And to all others whom it may concern.

51 & 52 Vict.  
c. 41.

WHEREAS by Section 54 of the Local Government Act 1888 the Local Government Board are empowered to make a Provisional Order for altering the boundary of any Borough and by such Order to divide or alter any electoral division ;

And whereas the City of Newcastle-upon-Tyne is a County of itself and is a County Borough within the meaning of the Local Government Act 1888 and the inhabitants are a body corporate by the name of the Mayor Aldermen and Citizens of the City and County of Newcastle-upon-Tyne and act by the Council of the said City which now consists of the Mayor (who is also an Alderman) fifteen other Aldermen and forty-eight Councillors ;

And whereas the said City is for the purpose of the election of Councillors divided into sixteen wards one of which is termed the Saint Andrew's North Ward ;

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

And whereas in pursuance of the Education Act 1902 the Council of the said City are the local education authority ;

And whereas the said City has a separate court of quarter sessions commission of the peace police force recorder sheriff and coroner ;

And whereas the unrepealed provisions of the Local Acts mentioned in Part I. of the schedule to this Order and of the Confirmation Acts mentioned in Part II. of the said schedule so far as the said Confirmation Acts relate to the Provisional Orders mentioned in that schedule are in force in the said City;

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*Newcastle-upon-Tyne Order.*

And whereas by virtue of the Newcastle-upon-Tyne Improvement Act 1837 as altered by the Newcastle-upon-Tyne Improvement Act 1841 the Mayor Aldermen and Citizens of the said City are entitled to a toll known as the Thorough Toll otherwise the Great Toll in respect of all goods wares merchandises cattle articles and things brought by land within or carried by land out of such parts of the said City as are circumscribed within a line fixed by the said Corporation as the line on which the said toll shall be taken and received instead of on the lines of the ancient walls of the said City and also at the time of fairs in respect of all goods wares merchandises cattle articles and things brought to or carried from the place within the said City where such fairs shall be holden;

1 Vict. c. lxxii.  
4 & 5 Vict.  
c. lxxi.

And whereas the Urban Sanitary Authority have adopted the provisions of—

(a) Section 4 of the Infectious Disease (Prevention) Act 1890;

53 & 54 Vict.  
c. 34.

(b) Parts III. IV. and V. of the Public Health Acts Amendment Act 1890; and

53 & 54 Vict.  
c. 59.

(c) Part III. of the Housing of the Working Classes Act 1890;

53 & 54 Vict.  
c. 70.

and those provisions are accordingly in force in the said City;

9 & 10 Vict. c. 74.  
10 & 11 Vict. c. 61.  
41 & 42 Vict. c. 14.  
45 & 46 Vict. c. 30.  
59 & 60 Vict. c. 59.  
62 & 63 Vict. c. 29.  
55 & 56 Vict. c. 53.  
56 Vict. c. 11.  
1 Edw. 7. c. 19.

And whereas the Baths and Washhouses Acts 1846 to 1899 and the Public Libraries Acts 1892 to 1901 are in force in the said City;

And whereas the Urban Districts of Benwell-and-Fenham and Walker and the Township of Kenton all in the County of Northumberland immediately adjoin the said City;

And whereas the Urban District of Benwell-and-Fenham comprises the Townships of Benwell and Fenham and is subject to the jurisdiction of the Urban District Council of Benwell-and-Fenham;

And whereas the said Urban District Council have adopted the provisions of the Public Health Acts Amendment Act 1890 and the Public Libraries Acts 1892 to 1901 have also been adopted and the said provisions and Acts are accordingly in force in the Urban District of Benwell-and-Fenham;

And whereas the Urban District of Walker is co-extensive with the Parish of Walker and is subject to the jurisdiction of the Urban District Council of Walker;

And whereas the last-mentioned Urban District Council have adopted the provisions of—

(a) The Infectious Disease (Prevention) Act 1890; and

(b) The Public Health Acts Amendment Act 1890;

and those provisions are accordingly in force in the said Urban District;

[Ch. clxii.] *Local Government Board's* [4 EDW. 7.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

A.D. 1904.

*Newcastle-  
upon-Tyne  
Order.*

And whereas the Township of Kenton is a contributory place in the Rural District of Castle Ward and is subject to the jurisdiction of the Rural District Council of Castle Ward ;

And whereas the said Rural District Council have adopted the provisions of the Infectious Disease (Prevention) Act 1890 and the provisions of Part III. of the Public Health Acts Amendment Act 1890 which are applicable to Rural Districts and those provisions are accordingly in force in the said Rural District ;

And whereas the Township of Saint Andrew's which is comprised in the said City is included in the Newcastle-upon-Tyne Union and the Township of Kenton is included in the Castle Ward Union and six Guardians are elected for the said Township of Saint Andrew's and two Rural District Councillors and Guardians are elected for the said Township of Kenton ;

And whereas the said Township of Kenton is a Rural Parish within the meaning of the Local Government Act 1894 for which a Parish Council has been established ;

And whereas in pursuance of the Education Act 1902 the said Parish of Walker and each of the said Townships of Benwell Fenham and Kenton form part of the area of the County Council of Northumberland as the local education authority ;

And whereas by virtue of certain Orders of the Local Government Board dated the Fourteenth day of August One thousand eight hundred and eighty-eight and the Thirtieth day of January One thousand nine hundred and four the number of County Councillors for the Administrative County of Northumberland is sixty-three of which number forty-six are apportioned to the County exclusive of the Boroughs of Berwick upon Tweed Morpeth Tynemouth and Wallsend but by virtue of a Provisional Order made by the Local Government Board dated the Thirtieth day of April One thousand nine hundred and four and constituting the Borough of Tynemouth a County Borough the number of County Councillors for the said County will prior to the commencement of this Order be reduced to fifty-four ;

And whereas the Urban District of Benwell-and-Fenham forms the Benwell and Fenham Electoral Division of the County of Northumberland the Urban District of Walker comprises the Walker North and Walker South Electoral Divisions of the said County and the Township of Kenton is included in the Gosforth Electoral Division of the said County ;

And whereas by virtue of the Northumberland (Gosforth Newburn and Castle Ward Joint Hospital) Order 1903 the said Township of Kenton forms part of the Gosforth Newburn and Castle Ward Joint Hospital District constituted by that Order under the Isolation Hospitals Acts 1893 and 1901 :

Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 54 and 59 of the Local Government Act 1888 and by any other enactments in that behalf do hereby order that from and

51 & 52 Vict.  
c. 41.



after the date of the Act of Parliament confirming this Order the following provisions shall take effect:—

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Definitions.

Art. I. In this Order—

- (1) The expression "the commencement of this Order" means the Ninth day of November One thousand nine hundred and four;
- (2) The expression "the existing City" means the City and County of Newcastle-upon-Tyne as the said City and County existed immediately prior to the commencement of this Order;
- (3) The expression "the City" means the existing City as extended by this Order;
- (4) The expression "the Corporation" means the Mayor Aldermen and Citizens of the existing City or of the City (as the context may require) acting by the council;
- (5) The expressions "the Benwell-and-Fenham District" and "the Benwell-and-Fenham Council" mean respectively the Urban District of Benwell-and-Fenham and the Urban District Council of that district the expressions "the Walker District" and "the Walker Council" mean respectively the Urban District of Walker and the Urban District Council of that district and the expression "the Urban Councils" means the Benwell - and - Fenham Council and the Walker Council collectively;
- (6) The expressions "the Rural District" and "the Rural Council" mean respectively the Rural District of Castle Ward and the Rural District Council of that district;
- (7) The expressions "the County" and "the County Council" mean respectively the Administrative County of Northumberland and the County Council of that County;
- (8) The expression "the City maps" means the two maps each marked "Map of the City of Newcastle-upon-Tyne as extended 1904" and sealed with the official seal of the Local Government Board;
- (9) The expression "the added areas" means the Benwell-and-Fenham District the area whereof is coloured yellow and green on the City maps the Walker District the area whereof is coloured brown on the City maps and the part of the Township of Kenton which is added to the existing City by this Order;
- (10) The expression "the added part of Kenton" means the part of the Township of Kenton which is coloured blue on the City maps;
- (11) The expressions "the Act of 1888" and "the Act of 1894" mean respectively the Local Government Act 1888 and the Local Government Act 1894;
- (12) The expression "the Municipal Corporations Acts" means the Municipal Corporations Act 1882 and the Acts amending and extending the same and the expression "the Public Health

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Acts" means the Public Health Act 1875 and the Acts amending and extending the same;

- (13) The expression "the Local Acts" means the Local Acts mentioned in Part I. of the schedule to this Order and the expressions "the Act of 1837" "the Act of 1841" "the Act of 1846" "the Act of 1853" "the Act of 1865" "the Act of 1870" "the Act of 1871" and "the Act of 1892" mean respectively the Newcastle-upon-Tyne Improvement Act 1837 the Newcastle-upon-Tyne Improvement Act 1841 the Newcastle-upon-Tyne Improvement Act 1846 the Newcastle-upon-Tyne Improvement Act 1853 the Newcastle-upon-Tyne Improvement Act 1865 the Newcastle-upon-Tyne Improvement Act 1870 the Newcastle-upon-Tyne Improvement Act 1871 and the Newcastle-upon-Tyne Improvement Act 1892;
- (14) The expressions "the Confirmation Acts" and "the Provisional Orders" mean respectively the Confirmation Acts and the Provisional Orders mentioned in Part II. of the schedule to this Order; and
- (15) The expressions "the general rate" and "the improvement rate" mean respectively the general rate and the improvement rate authorised to be levied by the Corporation under the Act of 1865.

Commencement of Order.

Art. II. 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 nine hundred and four:

Date of operation 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 for the City under the Municipal Corporations Acts of the lists of county electors and the county register to be made for the County in pursuance of the County Electors Act 1888 or any Act amending that Act of the lists and registers of parochial electors and any other lists or registers to be made in pursuance of the Act of 1894 of all proceedings preliminary or relating to any municipal election to be held on the ordinary day of election in the year one thousand nine hundred and four and of the revision of the basis or standard of county rate this Order shall operate from the date of the Act of Parliament confirming this Order:

Date of operation of Order for grants from Local Taxation Account.  
 53 & 54 Vict. c. 60.

Provided also that for the purposes of Sections 20 22 23 24 and 26 of the Act of 1888 and for the purposes of the Local Taxation (Customs and Excise) Act 1890 the City shall be deemed not to have been altered until after the Thirty-first day of March One thousand nine hundred and five.

Extension of City.

Art. III.—(1) The boundary of the existing City the area whereof is coloured pink on the City maps shall be altered so as to include in addition to that area the Benwell-and-Fenham District the Walker District and so much of the Rural District as comprises the added part of Kenton.

(2) The boundary of the City shall be that shown by the red line on the City maps and the whole of the area within such boundary shall for the purposes of the Municipal Corporations Acts and (subject to the provisions of this Order) for all other purposes be the City and shall be the County Borough for the purposes of the Act of 1888.

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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 existing City at his office within fourteen days after the date of this Order. Copies of the City map deposited with the town clerk certified by him to be true shall be sent within one month after the date of the Act of Parliament confirming this Order to the clerk of the County Council to the clerk to the Rural Council to the Board of Inland Revenue and to the Board of Agriculture and Fisheries.

Deposit of maps.

(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 boundary 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 to be true on payment of a reasonable fee to be determined by the Corporation. All fees so received shall be carried to the credit of the city fund.

Copies of map to be evidence.

Art. V.—(1) The powers and duties of the quarter sessions recorder clerk of the peace sheriff and coroner of the existing City 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:

Powers and duties of justices &amp;c. extended.

Provided that every person committing an offence in any part of the added areas prior to the commencement of this Order shall be tried adjudicated on and dealt with as if this Order had not been made:

Provided also that every proceeding which prior to the commencement of this Order has been begun by or before any justice or justices in relation to any matter arising in or concerning any part of the added areas may be carried on continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this Order had not been made.

(2) 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 at the commencement of this Order and appertaining to the added areas 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 City were as respects the added areas the new sheriff in succession to the sheriff of the County.

Transfer of lists of prisoners &amp;c.

Art. VI.—(1) For the purposes of the parish burgess lists and burgess roll and other lists to be made under the Municipal Corporations Acts and all matters in relation thereto the added areas shall be deemed to have always

Parish burgess lists &amp;c.

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been part of the City and the town clerk of the existing City shall be the town clerk of the City.

(2) In making out revising or otherwise dealing with the said lists and roll or the lists of county electors and the county register to be made for the County in pursuance of the County Electors Act 1888 or any Act amending that Act or the lists and registers of parochial electors effect shall be given so far as the circumstances require or allow to the provisions of this Order.

(3) Where any difficulty in giving effect to the provisions of this Order can be obviated or removed by any alteration in or re-arrangement of or any other action affecting the said lists roll and registers such alteration re-arrangement or action so far as the same may be necessary for giving effect to the said provisions shall be made or taken by the town clerk or the clerk of the County Council as the case may require and the Overseers of the Poor shall render such assistance as may be requisite for the purpose of such alteration re-arrangement or action by the town clerk or clerk of the County Council as the case may be and such alteration re-arrangement or action shall be deemed to be authorised by the provisions in force with respect to such lists roll and registers.

(4) Where in the opinion of the Local Government Board the circumstances so require the Local Government Board may make such order as appears to them to be necessary to give effect to the provisions of this Order and may vary so far as is requisite the provisions in force with regard to such lists roll and registers.

Number of  
Councillors  
and Aldermen.

Art. VII. The number of Councillors of the City shall be increased from forty-eight to fifty-seven and the number of Aldermen of the City shall be increased from sixteen to nineteen.

Division into  
wards.

Art. VIII. Subject to the provisions of the Municipal Corporations Acts with respect to the alteration of wards the following provisions shall have effect:—

(1) For the purposes of the election of Councillors the City shall be divided into nineteen wards:

(2)—(a) The sixteen existing wards and the number of Councillors apportioned thereto shall remain unaltered except that the existing Saint Andrew's North Ward shall be altered so as to include the added part of Kenton:

(b) The Councillors representing the said Saint Andrew's North Ward who will not go out of office on the First day of November One thousand nine hundred and four shall be deemed from and after the commencement of this Order to represent that ward as altered:

(3) Three new wards to be termed respectively the Benwell Ward the Fenham Ward and the Walker Ward shall be constituted as follows:—

(a) The Benwell Ward shall comprise the part of the Benwell-and-Fenham District which is coloured yellow on the City maps;

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(b) The Fenham Ward shall comprise the part of the Benwell-and-Fenham District which is coloured green on the City maps;

(c) The Walker Ward shall comprise the Walker District :

(4) Three Councillors shall be assigned to each of the new wards constituted by subdivision (3) of this Article.

Art. IX.—(1) The first election of Councillors for the three new wards constituted by this Order shall be held on the First day of November One thousand nine hundred and four and the Mayor of the existing City shall be the returning officer at the election for those wards Provided that the Mayor of the existing City may appoint some other person to act as returning officer at the election for any of the wards.

(2) The first election of the three additional Aldermen of the City shall take place on the Ninth day of November One thousand nine hundred and four and of the three additional Aldermen then to be elected one shall be chosen from among the Councillors elected for the said Benwell and Fenham Wards or from among the persons qualified to be Councillors whose qualifying property is situate in those wards and one from among the Councillors elected for the said Walker Ward or from among the persons qualified to be Councillors whose qualifying property is situate in that ward.

Art. X.—(1) The Councillors elected in the year one thousand nine hundred and four for the three new wards constituted by this Order shall retire as follows :—

- (a) The Councillor for each ward who is elected by the smallest number of votes on the First day of November One thousand nine hundred and five :
- (b) The Councillor for each ward who is elected by the largest number of votes on the First day of November One thousand nine hundred and seven :
- (c) The other Councillor for each ward on the First day of November One thousand nine hundred and six.

(2) The three additional Aldermen elected for the City in the year one thousand nine hundred and four shall retire as follows :—

- (a) The two Aldermen elected by the largest number of votes on the Ninth day of November One thousand nine hundred and ten :
- (b) The other Alderman on the Ninth day of November One thousand nine hundred and seven.

Provided that if for any reason it is doubtful which of the Councillors or Aldermen as the case may be ought to retire on the dates above specified the Council of the City shall on the Ninth day of November One thousand nine hundred and four 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 shall go out of office on the dates above specified respectively.

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First election of Councillors and Aldermen.

Retirement of Councillors and Aldermen elected in 1904.

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City Acts and  
Orders.

Art. XI.—(1) Notwithstanding the provisions of the Local Acts which are specified or described in subdivision (2) of this Article the Corporation may forthwith make byelaws with respect to any of the matters to which those provisions relate and as to which byelaws may be made under and in accordance with the provisions of the Public Health Acts and the last-mentioned provisions shall accordingly apply to the byelaws so made.

(2) On the expiration of the authorised period or from and after the date of the confirmation of any byelaws made in pursuance of this Order the following provisions of the Local Acts shall be repealed except so far as the same may have been acted upon and except so far as it may be necessary to continue the same for the purpose of enabling the Corporation to recover all rates penalties and other moneys due thereunder that is to say :—

Of the Act of 1837 :—

Section 22 and

So much of Section 26 as relates to any new house or roofed building to be erected in and adjoining any street market place or other public way or place in the City the footway whereof is flagged or paved.

Of the Act of 1846 :—

Sections 93 98 to 103 and 106.

Of the Act of 1853 :—

Sections 5 to 8 and 24.

Of the Act of 1865 :—

Sub-sections (1) and (4) of Section 57 and so much of sub-section (3) of that section as relates to the deposit of plans of intended new buildings and as renders it unlawful for any person to proceed with an intended new building if it be contrary to the building regulations of the Corporation.

So much of Section 61 as empowers the Corporation to make byelaws for all or any of the following purposes that is to say :—

For laying down regulations with respect to the level width and construction of new streets and courts and the provision to be made for the sewerage thereof :

For laying down regulations with respect to the structure of walls and floors of buildings for securing stability and the prevention of fires :

For laying down regulations with respect to the sufficiency of the space about buildings to secure a free circulation of air and with respect to the ventilation of buildings :

For laying down regulations with respect to the drainage of buildings and to waterclosets privies ashpits and cesspools in connexion with buildings.

So much of Section 187 as incorporates with the Act of 1865 Section 33 (so far as it relates to private drains) of the Towns Improvement Clauses Act 1847.

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Of the Act of 1870 :—

Sections 33 60 70 to 72 74 75 79 80 to 85 87 89 and 91.

Section 53 except so much thereof as relates to the materials to be employed in the construction of a street.

Section 58 except so much thereof—

(a) as enables the Corporation to require a new street to be of a width greater than the least width which in pursuance of any byelaw made under and in accordance with the provisions of the Public Health Acts and for the time being in force is required in relation to the new street ;

(b) as enables the Corporation to determine what proportion of the width of a new street shall be laid out as carriageway and footway respectively ; and

(c) as prescribes the mode of measurement of the width of a new street for the purposes of the unrepealed provisions of the said section.

Section 68 except so much thereof as relates to a drawing of the front back or side elevation of a building and to the enlarging or altering of an existing building.

So much of Section 86 as relates to the situation and manner of construction and to the provision of means of ventilation of any cesspool or of any drain communicating with any cesspool to which any byelaw made under and in accordance with the provisions of the Public Health Acts may apply.

So much of Sections 61 62 76 77 92 93 and 95 as relates to any street building or matter to which any byelaw made under and in accordance with the Public Health Acts may apply.

Of the Act of 1871 :—

Sections 11 and 28.

Of the Act of 1892 :—

Sections 40 and 57.

Section 43 except so much thereof as enacts that no house shall be built on newly made ground until the same is fully consolidated.

So much of Section 49 as relates to any building or matter to which any byelaw made under and in accordance with the provisions of the Public Health Acts may apply and

So much of Section 59 as relates to the provision of means of ventilation.

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

(4) The provisions of the Local Acts which are specified or described in subdivision (2) of this Article shall not be in force within or apply to any part of the added areas.

(5) Subject to the provisions of this Order the unrepealed provisions of the Local Acts and of the Confirmation Acts so far as the last-mentioned Acts

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respectively relate to the Provisional Orders and of any other Local Act or Provisional Order duly confirmed by Parliament affecting the existing City or the Corporation as the same respectively are in force within the existing City at the commencement of this Order shall extend and apply to the City and any reference therein to the existing City and the Corporation shall be deemed to refer to the City and the Corporation thereof:

Provido as to  
Thorough Toll.

Provided that nothing in the unrepealed provisions of the Local Acts or in this Order shall apply or have effect so as to extend or alter or to empower the Corporation to extend or alter the line now fixed as the line on which the toll known as the Thorough Toll or Great Toll shall be taken and received or to include within that line any part of the added areas or to empower the Corporation to take or receive the Thorough Toll or Great Toll in respect of any goods wares merchandises cattle articles or things brought from the added areas into the existing City or brought from the existing City to a place of destination in the added areas or passing between the added areas and any area situate without the boundary of the existing City:

Provided also that Section 27 of the Act of 1871 shall not apply or have effect with regard to any new street or building plans of which have been approved of by the Benwell-and-Fenham Council before the commencement of this Order and the construction of which shall be begun before the expiration of ten years from such commencement.

Electric light  
undertaking of  
Benwell and  
Fenham-Coun-  
cil transferred  
to Corporation.  
1 Edw. 7.  
c. xxxix.

(6) All the property powers duties and liabilities vested in or attaching to the Benwell-and-Fenham Council under the Benwell and Fenham Electric Lighting Order 1901 which was confirmed by the Electric Lighting Orders Confirmation (No. 4) Act 1901 shall by virtue of and from and after the commencement of this Order be transferred to and vest in the Corporation.

Electric light  
undertaking of  
Walker Coun-  
cil.  
62 & 63 Vict.  
c. cxxi.  
3 Edw. 7.  
c. clxxiv.

(7) All the property powers duties and liabilities vested in or attaching to the Walker Council under the Walker Electric Lighting Order 1899 (which was confirmed by the Electric Lighting Orders Confirmation (No. 7) Act 1899) or under Section 18 of the Newcastle-upon-Tyne Electric Supply Company's Act 1903 and the Indenture thereby confirmed shall by virtue of and from and after the commencement of this Order be transferred to and vest in the Corporation.

Byelaws &amp;c.

Art. XII.—(1) All byelaws other than byelaws with respect to new streets and buildings and all regulations and every list of tolls and table of fees and payments and scale of charges made by the Corporation which at the commencement of this Order are in force in the existing City shall thenceforth apply to the City until or except in so far as any such byelaws or regulations or list of tolls or table of fees and payments or scale of charges may be altered or repealed.

(2) All byelaws other than byelaws with respect to new streets and buildings and all regulations made by the County Council or by the Urban Councils or by the Rural Council or their predecessors and in force immediately before the commencement of this Order in any part of the added areas shall on that date cease to be in force Provided that any proceedings which might have been taken by the County Council by either of the Urban



Councils or by the Rural Council against any person for any offence committed before the commencement of this Order against any byelaws and regulations made by the County Council by either of the Urban Councils or by the Rural Council or their predecessors and in force on that date in any part of the added areas may be taken by the Corporation as if those byelaws and regulations had remained in force and the Corporation had been substituted therein for the County Council the Urban Council or the Rural Council as the case may be.

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(3) Any byelaws made by the Corporation or by the Urban Councils or by the Rural Council or their predecessors with respect to new streets and buildings and in force immediately before the commencement of this Order shall remain in force in and apply to the existing City or the portion of the added areas to which they then applied until repealed by other byelaws duly made and confirmed in pursuance of subdivision (1) of Article XI. of this Order:

Provided that as regards any such byelaws made by the Urban Councils or by the Rural Council or their predecessors the byelaws shall have effect as if they had been made by the Corporation and as if the Corporation were referred to therein instead of the Urban Council or the Rural Council as the case may be.

Art. XIII.—(1) The town clerk and all other officers and servants of the Corporation of the existing City who hold office at the commencement of this Order 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 for the existing City who are in office at the commencement of this Order shall continue in office and shall for the purposes of the Municipal Corporations Acts be the city auditors until the next ordinary day of election of city auditors for the said purposes.

City auditors.

Art. XIV.—(1) The provisions of sub-section (13) of Section 118 and of Section 119 of the Act of 1888 shall apply to all persons who at the commencement of this Order hold office as officers or servants of either of the Urban Councils with such modifications as are necessary to make those provisions applicable to the said officers and servants and to the Corporation.

Compensation  
to existing  
officers.

(2) Every officer and servant for whose case this Order does not otherwise specifically provide and who by virtue of this Order or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary and for whose compensation no other provision is made by any enactment for the time being in force and applicable to his case shall be entitled to have compensation paid to him by the Corporation for such pecuniary loss and in determining such compensation and the compensation payable to any person who becomes entitled to compensation in pursuance of subdivision (1) of this Article regard shall be had to the conditions and other circumstances

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required by sub-section (1) of Section 120 of the Act of 1888 to be had in regard in cases of compensation under that section and the compensation shall not exceed the limit therein mentioned and subject to the provisions of this Order shall be paid in the case of any such officer or servant whose office or employment relates wholly or partly to sanitary purposes as defined by the Public Health Act 1875 out of the district fund and general district rate of the City and in the case of any other such officer or servant out of the city fund and city rate of the City and the provisions of sub-sections (2) to (7) of the said Section 120 shall apply with such modifications (if any) as may be required. Provided that the non-acceptance of any office shall not be a bar to the right of any officer to compensation.

(3) For the purposes of subdivision (2) of this Article any officer or servant whose services are dispensed with by the Corporation because his services are not required and not on account of misconduct or whose salary is reduced on the ground that his duties have been diminished in consequence hereof in either case within five years from the commencement of this Order shall be deemed to have suffered a direct pecuniary loss in consequence of this Order.

*Actions &c.  
not to abate.*

Art. XV.—(1) If at the commencement of this Order any action or proceeding or any cause of action or proceeding is pending or existing by or against either of the Urban Councils or the Rural Council in relation exclusively to any part of the added areas 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.

*Saving for  
contracts &c.*

(2) Anything duly done or suffered and all contracts deeds bonds agreements and other instruments (subsisting at the commencement of this Order) entered into or made by either of the Urban Councils or the Rural Council or their predecessors in relation exclusively to any part of the added areas 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 Urban Council or the Rural Council or their predecessors the Corporation had done or suffered the same or been a party thereto. Provided that no such contract deed bond agreement or other instrument entered into or made by either of the Urban Councils or the Rural Council after the Nineteenth day of July One thousand nine hundred and four which involves or may involve the payment by the Corporation of any sum or sums exceeding five hundred pounds shall be binding upon the Corporation unless the same shall have been or shall be approved by them in writing or in case of difference by the Local Government Board or by some person appointed by them whose decision shall be final and binding on all parties.

*Corporation  
property &c.*

Art. XVI. Subject to the provisions of this Order all property vested in the Corporation at the commencement of this Order for the benefit of the existing City shall by virtue of this Order 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 and all liabilities which on the date aforesaid attached to the Corporation in respect of the existing City shall from and after that date attach to them in respect of the City.

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Art. XVII. The Urban Councils shall liquidate so far as practicable before the commencement of this Order all current debts and liabilities incurred by them respectively.

Liquidation of  
current debts  
and liabilities.

Art. XVIII. Subject to the provisions of this Order—

Property &c.  
of District  
Councils.

(1) All property and liabilities which immediately before the commencement of this Order are vested in or attach to either of the Urban Councils or the Rural Council in relation exclusively to any part of the added areas shall by virtue of this Order vest in and be transferred and attach to the Corporation as Urban Sanitary Authority and any property and liabilities vested in or attached to any of the said councils in relation to any part of the added areas conjointly with any other area shall be a matter for adjustment under Section 62 of the Act of 1888:

(2) The Urban Councils shall at the commencement of this Order be abolished and cease to exist and the Rural Council shall cease to exercise any powers or have any duties within the added part of Kenton:

Abolition of  
Urban Councils and  
cesser of jurisdiction  
of Rural Council.

(3)—(a) All arrears of rates made by either of the Urban Councils and all other payments which at the commencement of this Order are due or owing to either of the Urban Councils may be collected and recovered by the Corporation:

Arrears of  
rates &c.

(b) All arrears of rates made by any Overseers of the Poor for the purposes of the Public Health Acts or for highway expenses which at the commencement of this Order are due or owing in respect of hereditaments in the added part of Kenton may be collected and recovered as if this Order had not been made and when collected and recovered shall be applied towards the discharge of any precept of the Rural Council which at that date shall be in force and not satisfied and the balances if any shall be paid to the Corporation:

(4) Any balance in the hands of the Overseers of the Township of Kenton at the commencement of this Order shall be a matter for adjustment under Section 62 of the Act of 1888:

Adjustment of  
balances.

(5) For the purposes of the application of Section 62 of the Act of 1888 to any adjustment which may become necessary in consequence of this Order that section shall have effect as if in sub-sections (5) (6) and (7) thereof the expression "Council" included any authority affected by this Order or by anything

Adaptation of  
provisions as to  
adjustment.

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done in pursuance of this Order and as if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in the said sub-section (6) that sub-section empowered the authority to borrow under any Act relating to and conferring on the authority a power to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act but without the consent of any other authority and subject to the requirement that all money so borrowed shall be repaid within such period as the Local Government Board may sanction :

Provided that where the authority affected by this Order or by anything done in pursuance of this Order are the Board of Guardians of a Poor Law Union Section 62 of the Act of 1888 shall apply with respect to any necessary adjustment with the modifications specified in the First Schedule to the Poor Law (Dissolution of School Districts and Adjustments) Act 1903.

3 Edw. 7.  
c. 19.

Mortgage debts  
of Urban  
Councils and  
Corporation.

Art. XIX.—(1) The liability for repayment of any sums borrowed by either of the Urban Councils or of so much of any of such sums as shall be owing at the commencement of this Order and for the payment of the interest thereon shall by virtue of this Order be transferred and attach to the Corporation and so much as will at the commencement of this Order be outstanding in respect of any sum borrowed as aforesaid together with so much of any sums borrowed by the Corporation as will at the commencement of this Order be owing and charged on the district fund and general district rate of the existing City shall by virtue of this Order be charged upon the district fund and general district rate of the City ;

(2) So much of any sums borrowed by the Corporation as will at the commencement of this Order be owing and charged upon the city fund and city rate of the existing City shall by virtue of this Order be charged upon the city fund and city rate of the City ;

(3) So much of any sums borrowed by the Corporation as will at the commencement of this Order be owing and charged on the improvement rate or the general rate in the existing City shall by virtue of this Order be charged as the case may be upon the improvement rate or the general rate levied in the City ; and

(4) All such sums shall together with the interest to accrue due thereon be repaid by the Corporation within the respective periods 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.

Adoptive Acts.

Art. XX.—(1) The provisions of the Baths and Washhouses Acts 1846 to 1899 Section 4 of the Infectious Disease (Prevention) Act 1890 Parts III.

[4 EDW. 7.] *Local Government Board's* [Ch. clxii.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

IV. and V. of the Public Health Acts Amendment Act 1890 Part III. of the Housing of the Working Classes Act 1890 and the Public Libraries Acts 1892 to 1901 shall be in force in and apply to the City as if the same had been adopted therein.

A.D. 1904.  
 —  
*Newcastle-upon-Tyne*  
*Order.*

(2) The provisions of the Infectious Disease (Prevention) Act 1890 except Section 4 thereof and of Part II. of the Public Health Acts Amendment Act 1890 shall cease to be in force in any part of the added areas Provided that nothing in this subdivision contained shall—

- (a) affect the operation prior to the commencement of this Order of any such provisions or anything duly done or suffered thereunder; or
- (b) affect any right privilege obligation or liability acquired accrued or incurred under any such provisions; or
- (c) affect any penalty forfeiture or punishment incurred in respect of any offence committed against any such provisions; or
- (d) affect any investigation legal proceeding or remedy in respect of any such right privilege obligation liability penalty forfeiture or punishment as aforesaid.

Art. XXI. Subject to the provisions of any Order which the Local Government Board may hereafter make any powers duties or liabilities vested in the Walker Council by any Order made by the Local Government Board in pursuance of Section 33 of the Act of 1894 shall by virtue of this Order vest in and attach to the Corporation in respect of the Parish of Walker as if the Corporation had been referred to in the Order instead of the Walker Council.

Powers of  
 Walker Coun-  
 cil under Sec-  
 tion 33 of Act  
 of 1894.

Art. XXII.—(1) At the commencement of this Order such members if any of the police force of the County as shall be determined 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 of the 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 shall hold office upon the same tenure and upon the same terms and conditions as if this Order had not been made and while he performs the same or similar duties his remuneration emoluments and allowances and the pension (if any) to which he is entitled shall not be less than they would have been if this Order had not been made.

County police.

(2) The provisions of Section 15 (2) of the Police Act 1890 shall extend and apply to and in relation to any member of the police force transferred under the powers of this Article as if such member had removed with the written sanction of the Chief Constable of the County.

53 & 54 Vict.  
 c. 45.

(3) All the county police stations situate in any part of the added areas with the residences for constables and cells connected therewith and the fittings and furniture thereof respectively shall by virtue of this Order vest in and be transferred to the Corporation as from the commencement of this

County police  
 stations.

[Ch. clxii.] *Local Government Board's* [4 EDW. 7.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

A.D. 1904. Order for all the estate and interest therein of the County Council and there shall be paid by the Corporation to the County Council out of the general rate in consideration of such transfer such sum as shall be agreed upon or as in default of agreement shall be settled by arbitration in manner provided by the Act of 1888.

*Newcastle-upon-Tyne Order.*

Compensation to existing county officers.

(4) Every clerk to justices and county coroner and every officer or servant of or paid by the County Council or of or paid by the Standing Joint Committee of the County who by virtue of this Order or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary shall be entitled to have compensation paid to him by the Corporation for such pecuniary loss and in determining such compensation regard shall be had to the conditions and other circumstances required by sub-section (1) of Section 120 of the Act of 1888 to be had in regard in cases of compensation under that section and the compensation shall not exceed the limit therein mentioned and shall be paid out of the city fund and the provisions of sub-sections (2) to (7) of that section shall apply with the necessary modifications :

Any such officer or servant whose services are dispensed with or whose salary is reduced by the County Council or the Standing Joint Committee of the County within five years from the commencement of this Order because his services are not required or his duties are diminished in consequence hereof and not on the ground of misconduct shall be deemed to have suffered a direct pecuniary loss in consequence of this Order.

Adjustment of financial relations between County and County Boroughs.

Art. XXIII.—(1) In any case where the extension of the City by this Order shall affect the distribution of the proceeds of the local taxation licenses of the estate duty and of the Local Taxation (Customs and Excise) duties between the County and the City or between the County or the City on the one hand and any other County Borough on the other hand or any financial relations or questions between those areas or any adjustment which has been made in regard to such distribution and financial relations or questions equitable adjustments may be made between the areas interested.

(2) Any such adjustment may be made by agreement between the Council of the County and the Councils of the County Boroughs affected before the Thirtieth day of September One thousand nine hundred and five and in default of such agreement by the Local Government Board or if that Board think fit by an arbitrator appointed by them.

(3) For the purposes of such adjustments the provisions of the Act of 1888 relating to adjustments between Administrative Counties and County Boroughs shall apply with the necessary modifications and the Local Government Board or an arbitrator appointed by them as the case may be shall be substituted in such provisions for the Commissioners appointed under the Act of 1888 and notwithstanding anything in the provisions of this Order or of the Act of 1888 any such adjustment and the determination of

[4 EDW. 7.]                      *Local Government Board's*                      [Ch. clxii.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

any matter incidental or in relation thereto or consequent thereon shall when made by the Local Government Board be deemed to be made by them otherwise than as arbitrators and any arbitrator appointed by them shall be deemed to be an arbitrator within the meaning of Section 62 of the Act of 1888 and the provisions of the Act of 1888 shall apply accordingly :

A.D. 1904.  
Newcastle-  
upon-Tyne  
Order.

Provided—

- (a) that in lieu of sub-section (6) of Section 61 of the Act of 1888 sub-sections (1) and (5) of Section 87 of the Act of 1888 shall apply to any inquiries which may be directed by the Local Government Board under this Article and to the costs of such inquiries ; and
- (b) that sub-section (6) of Section 32 of the Act of 1888 shall apply to any agreement or award made under this Article.

Art. XXIV.—(1) The three County Councillors representing the Benwell-and-Fenham Walker North and Walker South Electoral Divisions of the County who are in office at the commencement of this Order shall go out of office and their places shall not be filled up.

County Coun-  
cillors County  
Aldermen and  
electoral  
divisions.

(2) Subject to the provisions of Section 54 of the Act of 1888—

- (a) The Gosforth Electoral Division as diminished by the inclusion in the City of the added part of Kenton shall continue to be an electoral division of the County and the person who immediately prior to the commencement of this Order is the County Councillor representing that division shall be deemed from and after that date to represent the division so diminished ;
- (b) The number of County Councillors for the County as reduced by the above-recited Provisional Order made by the Local Government Board for constituting the Borough of Tynemouth a County Borough shall be further reduced from fifty-four to fifty-one of which number forty-three shall be apportioned to the County exclusive of the Boroughs of Berwick upon Tweed Morpeth and Tynemouth and the Order of the Local Government Board dated the Fourteenth day of August One thousand eight hundred and eighty-eight as altered by the Order dated the Thirtieth day of January One thousand nine hundred and four and by the said Provisional Order shall be further altered and shall have effect accordingly and any casual vacancy occurring in the office of County Councillor for any of the said Benwell-and-Fenham Walker North and Walker South Electoral Divisions between the date of the Act of Parliament confirming this Order and the commencement of this Order shall not be filled up ; and
- (c) Notwithstanding anything in this Order or in the said Provisional Order the number of Aldermen for the County may remain unaltered until the ordinary day of election of Aldermen in the

[Ch. clxii.] *Local Government Board's* [4 EDW. 7.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

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Order.*

year one thousand nine hundred and seven but at that election eight Aldermen only shall be elected in place of those who then go out of office Provided that no election to fill a casual vacancy among the Aldermen who will go out of office in that year shall be held until their number has been reduced to less than eight.

(3) Save as aforesaid no County Councillor in office immediately before the commencement of this Order shall be deemed to lose his qualification by reason of the transfer of any part of the County to the City by this Order.

Art. XXV.—For the purposes and subject to the provisions of the Elementary Education Acts 1870 to 1902—

Transfer of  
schools &c. in  
added areas.

- (1) All public elementary schools (including the sites and schoolhouses) provided by the local education authority and situate within any part of the added areas with the furniture and fittings of the schoolhouses shall by virtue of this Order vest in and be transferred to the Corporation as the local education authority for all the estate and interest therein of the County Council as the local education authority and all contracts debts and liabilities which at the commencement of this Order are existing or are owing by or attach to the County Council in respect exclusively of the said public elementary schools furniture or fittings or with respect to the officers teachers and servants of the said public elementary schools shall by virtue of this Order enure to and be carried into effect by and be discharged and satisfied by the Corporation as the local education authority :

Provided that Section 68 of the Act of 1894 shall apply with respect to any adjustment required for the purposes of the foregoing provisions of this Article :

Loan liabilities  
in respect of  
transferred  
schools.

- (2) The liability for repayment of so much of any loan raised exclusively in respect of any such public elementary school (including the site and schoolhouse) and of any such furniture or fittings transferred to and vested in the Corporation by virtue of this Order as will be owing at the commencement of this Order and the liability for the payment of interest on that part of the said loan shall by virtue of this Order attach and be transferred to the Corporation as the local education authority and so much of any such loan as will be owing at the commencement of this Order shall be charged on the city fund and city rate of the City and shall be repaid by the Corporation within the period if any for which that part of the loan was originally sanctioned or within which the said part of the loan is otherwise required to be repaid or is made repayable :

Education  
byelaws.

- (3) Any byelaws in force in the existing City at the commencement of this Order shall thenceforth apply to the City until revoked or altered and from and after that date any byelaws then in force in any part of the added areas shall cease to be in force.



[4 EDW. 7.] *Local Government Board's* [Ch. clxii.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

Art. XXVI. The accounts of each of the Urban Councils and of their committees and officers up to the commencement of this Order shall be audited in like manner and subject to the like incidents and consequences as if this Order had not been made :

A.D. 1904.  


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*Newcastle-upon-Tyne*  
*Order.*

Provided that such audit may be held as soon as practicable after that date any statutory provision or regulation as to the time of holding the audit to the contrary notwithstanding :

Saving for  
audit of  
accounts up to  
commence-  
ment of Order.

Provided also that any sum certified by the district auditor to be due from any person shall be paid to the treasurer of the City.

Art. XXVII.—(1) The added part of Kenton shall be separated from the Township of Kenton and shall be amalgamated with the Township of Saint Andrew's.

Alteration of  
parishes.

(2) Any powers and duties transferred by the Act of 1894 to the Parish Council or Parish Meeting of the Township of Kenton shall so far as regards the added part of Kenton be vested in exerciseable by and imposed on the persons and authorities in whom they would be vested or by whom they would be exerciseable or on whom they would be imposed if the added part had been included in an Urban District on the appointed day within the meaning of the Act of 1894 and all property or liabilities held or incurred as far as regards the added part of Kenton for the purpose or by virtue of such powers and duties shall by virtue of this Order pass to and vest in or attach to the persons and authorities aforesaid Any property or liabilities of the said Parish Council held or incurred so far as regards the added part of Kenton otherwise than by virtue or for the purposes of such powers or duties shall by virtue of this Order vest in and be transferred and attach to the Corporation.

Transfer of  
powers duties  
liabilities &c. of  
Parish Council  
and Parish  
Meeting.

(3) The Parish Council of Kenton shall be deemed to have been elected and shall be the Parish Council for that township as altered by this Order and shall cease to exercise any powers or duties within the added part of Kenton.

Art. XXVIII.—(1) The persons who at the commencement of this Order represent the existing Township of Saint Andrew's on the Board of Guardians of the Newcastle-upon-Tyne Union shall continue to represent that township as altered by this Order as if they had been originally elected to represent the altered township.

Guardians and  
Rural District  
Councillors.

(2) The persons who at the commencement of this Order represent the existing Township of Kenton on the Castle Ward Rural District Council and the Board of Guardians of the Castle Ward Union shall continue to represent that township as altered by this Order as if they had been originally elected to represent the altered township.

Art. XXIX. Nothing in this Order shall affect the ecclesiastical divisions of any parish or township or shall prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment which now is applicable for the benefit of any existing parish or township affected by this Order.

Ecclesiastical  
divisions and  
charities.

[Ch. clxii.] *Local Government Board's* [4 EDW. 7.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

A.D. 1904.

*Newcastle-  
upon-Tyne  
Order.*

Valuation lists.

Art. XXX. Until new valuation lists are in force the portion of the valuation list of the existing Township of Kenton which relates to hereditaments in the added part of Kenton shall be deemed to form part of the valuation list of the Township of Saint Andrew's and the remaining portion of the valuation list of the existing Township of Kenton shall be deemed to be the valuation list of that township as altered by this Order.

County rate  
basis.

Art. XXXI. Subject to any future revision the basis or standard of county rate for the County shall be deemed to be altered as follows:—

- (1) By the omission therefrom of the amount appearing in such basis or standard as the total annual value of the property in the Parish of Walker and the Townships of Benwell and Fenham:
- (2) By the deduction from the amount appearing in such basis or standard as the total annual value of the property in the existing Township of Kenton of such a sum as will represent the annual value of the property in the added part of Kenton:
- (3) For the purposes of this Article the sum which will represent the annual value of the property in the added part of Kenton shall be the amount which in relation to the amount appearing in the basis or standard of county rate as the total annual value of the existing Township of Kenton is in the same proportion as the assessable value of the property in the added part of Kenton bears to the total assessable value of property in the existing Township of Kenton:
- (4) For the purposes of this Article assessable value means one-half of the rateable value according to the valuation list for the time being in force of the agricultural land together with the rateable value according to such list of the buildings and other hereditaments not being agricultural land in the existing township or in the added part of Kenton as the case may require.

Saving for  
existing lists of  
parliamentary  
voters &c.

Art. XXXII. For the purposes of the registers of persons entitled to vote at an election of Members of Parliament of the registers of parochial electors and of jury lists the parishes affected by this Order shall be deemed to continue unaltered until the new registers and lists come into operation:

Provided that for the purposes of any election under the Act of 1894 to be held for any area affected by this Order and of the holding of Parish Meetings in the Township of Kenton as altered by this Order the town clerk or the clerk of the County Council as the case may require shall if and when necessary cause the register of parochial electors to be altered in such manner as may be requisite to give effect to the provisions of this Order.

Settlement of  
paupers.

Art. XXXIII.—(1) Every person who has acquired or who on or before the commencement of this Order shall acquire a settlement in any existing parish affected by this Order shall be deemed to have acquired a settlement in the parish comprising the area in which the acts or circumstances conferring such settlement shall have been done or occurred or if such acts or circum-

stances shall have been done or occurred in more than one parish such settlement shall be in the parish comprising the place of residence of such person at the time of acquiring such settlement.

A.D. 1904.

Newcastle-  
upon-Tyne  
Order.

(2) Any person who shall have acquired a status of irremovability from any existing parish affected by this Order shall be deemed to have acquired a status of irremovability from the parish comprising the area in which he shall reside at the commencement of this Order or (if he shall then be in receipt of relief) from the parish comprising the area in which he was residing at the time of becoming chargeable.

Irremovability  
of paupers.

(3) For all purposes of settlement and removal residence prior to the commencement of this Order in the added part of Kenton shall be deemed to have been residence in the Township of Saint Andrew's.

Residence of  
paupers.

Art. XXXIV. Notwithstanding the alteration effected in the areas of townships by this Order all contribution orders made by the Guardians of the Poor of the Castle Ward and Newcastle-upon-Tyne Unions and all precepts made by the Rural Council before the commencement of this Order shall be as valid in law as if this Order had not been made.

Saving for  
contribution  
orders and  
precepts.

Art. XXXV. All arrears of rates made by the Overseers of the Poor and due or owing at the commencement of this Order in respect of hereditaments in the added part of Kenton shall be collected and recovered by the Overseers of the Poor of the Township of Kenton as if this Order had not been made.

Arrears of  
rates.

Art. XXXVI.—(1) The general rate to be levied in the area of the Benwell-and-Fenham District shall not in any one year during a period of ten years from the commencement of this Order exceed such an amount in the pound as when added to the city rate the general district rate the improvement rate and any other rate (not being a poor rate) made within the City in the same year will in respect of the assessment of any hereditament included in such rate make up a total rate of five shillings and sevenpence in each pound of the rateable value of such hereditament.

Differential  
rating in Ben-  
well-and-Fen-  
ham District.

(2) The general rate and the improvement rate to be levied in the added part of Kenton shall not in any one year during a period of ten years from the commencement of this Order together exceed such an amount in the pound as when added to the city rate the general district rate and any other rate (not being a poor rate) made within the city in the same year will in respect of the assessment of any hereditament included in such rates make up a total rate of two shillings and fourpence in each pound of the rateable value of such hereditament and in any one year during the five years next following the expiration of the said period of ten years will in respect of such assessment make up a rate of two shillings and fourpence in the pound with the addition of one-third of the difference between the said amount of two shillings and fourpence in the pound and the amount in the pound of the rates (exclusive of poor rate) made for the city at the commencement of the said period of five years and in any one year during the five years next following the expiration of the said first-mentioned period of five years

Differential  
rating in added  
part of Kenton.

[Ch. clxii.] *Local Government Board's* [4 EDW. 7.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

A.D. 1904.

*Newcastle-  
upon-Tyne  
Order.*

will in respect of such assessment make up a rate of two shillings and fourpence in the pound with the addition of two-thirds of the difference between the said amount of two shillings and fourpence in the pound and the amount in the pound of the rates (exclusive of poor rate) made for the city at the commencement of the said second period of five years :

Provided that this subdivision shall not apply to any new houses or other buildings with the appurtenances thereto which are erected in the added part of Kenton after the First day of July One thousand nine hundred and four and upon such erection such new houses or other buildings and appurtenances shall become liable to the full rates levied in the city.

Differential  
rating in  
Walker Dis-  
trict.

(3) The general rate to be levied in the area of the Walker District shall not in any one year during a period of five years from the commencement of this Order exceed such an amount in the pound as when added to the city rate the general district rate the improvement rate and any other rate (not being a poor rate) made within the City in the same year will in respect of the assessment of any hereditament included in such rate make up a total rate of five shillings in each pound of the rateable value of such hereditament and in any one year during the five years next following the expiration of the said first mentioned period of five years will in respect of such assessment make up a rate of five shillings and sevenpence in the pound.

Alteration of  
Hospital Dis-  
trict.

Art. XXXVII. The added part of Kenton shall cease to form part of the Gosforth Newburn and Castle Ward Joint Hospital District and the Northumberland (Gosforth Newburn and Castle Ward Joint Hospital) Order 1903 shall have effect as if the contributory place of Kenton mentioned in the schedule to that Order were the Township of Kenton as altered by this Order.

Saving of rights  
of Tyne Improve-  
ment Com-  
missioners.

Art. XXXVIII. Nothing in this Order shall prejudice or affect the jurisdiction rights or privileges of the Tyne Improvement Commissioners.

Borrowing  
powers for  
purposes of  
Order.

Art. XXXIX. For the purpose of defraying any expenses under this Order which in the opinion of the Local Government Board are properly chargeable to capital (which expenses may include such reasonable costs of the Benwell-and-Fenham Council or of the Walker Council as may be sanctioned by the Local Government Board in respect of this Order and of the inquiry preliminary thereto whether in promoting or opposing this Order) the Corporation may borrow according and subject to the provisions and restrictions of the Public Health Act 1875 and may mortgage such of the following funds and rates namely the general rate the improvement rate the district fund and general district rate and the city fund and city rate as the Corporation with the sanction of the Local Government Board determine for the purpose of securing the repayment of any moneys so borrowed and the interest thereon Provided that all such moneys shall be repaid within such period not exceeding thirty years from the date of borrowing the same as the Corporation with the sanction of the Local Government Board may determine.

Art. XL. This Order may be cited as the Newcastle-upon-Tyne (Extension) Order 1904.

Newcastle-upon-Tyne Order.

Short title.

The SCHEDULE above referred to.

PART I.—LOCAL ACTS.

Session and Chapter.	Short Title.
14 Geo. III. c. ccxiv.	- The Newcastle-upon-Tyne Town Moor Act 1774.
1 Vict. c. lxxii.	- The Newcastle-upon-Tyne Improvement Act 1837.
4 & 5 Vict. c. lxxi.	- The Newcastle-upon-Tyne Improvement Act 1841.
9 & 10 Vict. c. cxxi.	- The Newcastle-upon-Tyne Improvement Act 1846.
13 & 14 Vict. c. lxxvii.	- The Newcastle-upon-Tyne Improvement Act 1850.
16 & 17 Vict. c. clxxxii.	- The Newcastle-upon-Tyne Improvement Act 1853.
18 & 19 Vict. c. xcix.	- The Newcastle-upon-Tyne Improvement Act 1855.
28 & 29 Vict. c. ccl.	- The Newcastle-upon-Tyne Improvement Act 1865.
33 & 34 Vict. c. cxx.	- The Newcastle-upon-Tyne Improvement Act 1870.
34 & 35 Vict. c. cxxxv.	- The Newcastle-upon-Tyne Improvement Act 1871.
40 & 41 Vict. c. cli.	- The Newcastle-upon-Tyne Tramways and Improvement Act 1877.
45 & 46 Vict. c. clii.	- The Newcastle-upon-Tyne Improvement Act 1882.
45 & 46 Vict. c. ccxxxv.	- The Newcastle-upon-Tyne Corporation Loans Act 1882.
55 & 56 Vict. c. ccxxxvi.	- The Newcastle-upon-Tyne Improvement Act 1892.
57 & 58 Vict. c. cxl.	- The Newcastle-upon-Tyne Corporation (Byker Bridge) Act 1894.
61 & 62 Vict. c. ccxxvii.	- The Newcastle-upon-Tyne Corporation (New Infirmary Site) Act 1898.
62 & 63 Vict. c. cclxv.	- The Newcastle-upon-Tyne Tramways and Improvement Act 1899.
2 Edw. 7. c. cxxi.	- The Newcastle-upon-Tyne Corporation Tramways Extensions Act 1902.

PART II.—CONFIRMATION ACTS.

Session and Chapter.	Short Title.	Order thereby confirmed.
41 & 42 Vict. c. cv.	The Local Government Board's Provisional Orders Confirmation (Artizans and Labourers Dwellings) Act 1878.	Provisional Order for confirming an Improvement Scheme under the Artizans and Labourers Dwellings Improvement Act 1875.

[Ch. clxii.] *Local Government Board's* [4 EDW. 7.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

A.D. 1904.

PART II.—CONFIRMATION ACTS—*continued.*

*Newcastle-upon-Tyne Order.*

Session and Chapter.	Short Title.	Order thereby confirmed.
42 & 43 Vict. c. cxiii.	The Tramways Orders Confirmation Act 1879 -	The Newcastle - upon - Tyne Tramways Order 1879.
50 & 51 Vict. c. cxl.	The Local Government Board's Provisional Orders Confirmation (No. 6) Act 1887.	The Newcastle - upon - Tyne Order dated 4th June 1887.
58 & 59 Vict. c. ci.	The Tramways Orders Confirmation (No. 2) Act 1895.	The Newcastle - upon - Tyne Tramways Order 1895.
3 Edw. 7. c. cxlv.	The Tramways Orders Confirmation (No. 1) Act 1903.	The Newcastle - upon - Tyne Corporation Tramways Order 1903.

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

(L.S.)

WALTER H. LONG President.

S. B. PROVIS Secretary.

**BOROUGH OF TYNEMOUTH.**

*Tynemouth Order.*

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

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

To the County Council of Northumberland ; —

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

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 constituting any Borough having a population of not less than fifty thousand into a County Borough ;

And whereas the Borough of Tynemouth (herein-after referred to as "the Borough") in the County of Northumberland is a Borough within the meaning of the Act and has a population exceeding fifty thousand and is subject to the jurisdiction of the Mayor Aldermen and Burgesses of the Borough of Tynemouth acting by the council (herein-after referred to as "the Corporation")

And whereas by virtue of certain Orders of the Local Government Board dated the Fourteenth day of August One thousand eight hundred and eighty-eight and the Thirtieth day of January One thousand nine hundred and four the number of County Councillors for the Administrative County of Northumberland (herein-after referred to as "the Administrative County") is sixty-three of which number nine are apportioned to the Borough and the Borough accordingly comprises nine electoral divisions of the Administrative County:

A.D. 1904.  


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*Tynemouth*  
*Order.*

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:—

51 & 52 Vict.  
c. 41.

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 First day of October One thousand nine hundred and four (which date is herein-after referred to as "the commencement of this Order"):

Commence-  
ment of Order.

Provided that for the purposes of Sections 20 22 23 24 and 26 of the Act and for the purposes of the Local Taxation (Customs and Excise) Act 1890 the Borough shall be deemed not to have been constituted a County Borough until after the Thirty-first day of March One thousand nine hundred and five.

53 & 54 Vict.  
c. 60.

Art. II. The Borough shall be constituted a County Borough and all the provisions of the Act respecting County Boroughs shall apply to the Borough as if the Borough had been named in the Third Schedule to the Act and as if Northumberland had been specified in that schedule as the County in which the Borough should be deemed for the purposes of the Act to be situate:

Constitution  
of County  
Borough.

Provided that for the purposes of such provisions and subject to the provisions of Article I. of this Order "the appointed day" shall be deemed to mean the First day of October One thousand nine hundred and four.

Art. III.—(1) An equitable adjustment shall be made respecting the distribution of the proceeds of the local taxation licences of the Estate duty and of the Local Taxation (Customs and Excise) duties and respecting all other financial relations or questions between the Administrative County and the Borough and in any case where the constitution of the County Borough by this Order affects the distribution of the said proceeds between the Administrative County on the one hand and any other County Borough on the other hand or any financial relations or questions between those areas or any adjustment which has been made in regard to such distribution and financial relations or questions equitable adjustments may be made between the areas interested.

Adjustment  
between  
new County  
Borough and  
the County or  
the County and  
other County  
Boroughs.

(2) Any such adjustment between the Administrative County and the Borough shall be made by agreement between the Council of the Administrative County and the Council of the Borough within twelve months from

[Ch. clxii.] *Local Government Board's* [4 EDW. 7.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

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the commencement of this Order and any such adjustment which may be necessary between the Administrative County on the one hand and any County Borough other than the Borough on the other hand may be made by agreement between the Council of the Administrative County and the Council of such other County Borough within the same period. In default of agreement between the parties concerned in the case of any such adjustment as aforesaid the adjustment may be made by the Local Government Board or if that Board think fit by an arbitrator appointed by them.

(3) For the purpose of any such adjustment as aforesaid the provisions of the Act relating to adjustments between Administrative Counties and County Boroughs shall apply with the necessary modifications and the Local Government Board or an arbitrator appointed by them as the case may be shall be substituted in such provisions for the Commissioners appointed under the Act and notwithstanding anything in the provisions of this Order or of the Act any such adjustment and the determination of any matter incidental or in relation thereto or consequent thereon shall when made by the Local Government Board be deemed to be made by them otherwise than as arbitrators and any arbitrator appointed by them shall be deemed to be an arbitrator within the meaning of Section 62 of the Act and the provisions of the Act shall apply accordingly :

Provided—

- (a) that in lieu of sub-section (6) of Section 61 of the Act sub-sections (1) and (5) of Section 87 of the Act shall apply to any inquiries which may be directed by the Local Government Board under this Article and to the costs of such inquiries; and
- (b) that sub-section (6) of Section 32 of the Act shall apply to any agreement or any award made under this Article.

*Lunacy Act.  
 53 & 54 Vict.  
 c. 5.*

Art. IV. Section 244 of the Lunacy Act 1890 shall apply and have effect with respect to the Borough as if in relation to any purposes of the said section and to the several councils mentioned in that section any liability which immediately before the commencement of this Order attached to the area of the Borough in respect of contribution to the cost of building and furnishing a lunatic asylum provided for the Administrative County were an existing liability and the Council and the Borough were the Borough Council and a County Borough within the meaning of the section.

*Alteration  
 in County  
 Councillors  
 and County  
 Aldermen.*

Art. V.—(1) The nine County Councillors representing the electoral divisions of the Borough who are in office at the commencement of this Order shall go out of office on that date and their places shall not be filled up.

(2) Subject to the provisions of Section 54 of the Act and to any Provisional Order which is confirmed during the present Session of Parliament and which contains provisions relating to County Councillors or Aldermen for the Administrative County—

- (a) the number of County Councillors for the Administrative County shall be reduced from sixty-three to fifty-four and the said Order



dated the Fourteenth day of August One thousand eight hundred and eighty-eight as altered by the said Order dated the Thirtieth day of January One thousand nine hundred and four shall be further altered and shall have effect accordingly and any casual vacancy occurring in the office of County Councillor for any of the electoral divisions of the Borough between the date of the Act of Parliament confirming this Order and the commencement of this Order shall not be filled up; and

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Order.*

- (b) the number of Aldermen for the Administrative County may remain unaltered until the ordinary day of election of Aldermen in the year one thousand nine hundred and seven but at that election and at the election on the ordinary day of election in the year one thousand nine hundred and ten nine Aldermen only shall be elected in place of those who then go out of office Provided that no election to fill a casual vacancy among the Aldermen who will go out of office in the year one thousand nine hundred and seven and one thousand nine hundred and ten respectively shall be held until their number has in each case been reduced to less than nine.

(3) Save as aforesaid no other County Alderman or County Councillor shall be deemed to lose his qualification or to vacate his office by reason of the constitution of the County Borough.

Art. VI. 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 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.

Art. VII. This Order may be cited as the County Borough of Tynemouth Order 1904.

Short title.

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

(L.S.)

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

A.D. 1904.

BOROUGH OF WIGAN.

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

To the Mayor Aldermen and Burgesses of the Borough of Wigan;—  
To the Justices of the Peace for the said Borough;—  
To the Court of Quarter Sessions for the said Borough;—  
To the Justices of the Peace for the County Palatine of Lancaster in  
Quarter Sessions assembled;—  
To the County Council of the County Palatine of Lancaster;—  
To the Urban District Council of Pemberton;—  
To the Wigan Burial Board;—  
To the Guardians of the Poor of the Wigan Union;—  
To the Overseers of the Poor of the Townships of Wigan and  
Pemberton;—  
To the Wigan and District Hospital Committee;—  
And to all others whom it may concern.

51 & 52 Vict.  
c. 41.

WHEREAS by Section 54 of the Local Government Act 1888 the Local Government Board are empowered to make a Provisional Order for altering the boundary of any Borough and by such Order to divide or alter any electoral division;

And whereas the Borough of Wigan is a County Borough within the meaning of the Local Government Act 1888 and the inhabitants are a body corporate by the name of the Mayor Aldermen and Burgesses of the Borough of Wigan and act by the Council of the said Borough which now consists of the Mayor (who is also an Alderman) nine other Aldermen and thirty Councillors and the said Borough is for the purpose of the election of Councillors divided into ten wards;

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

2 Edw. 7. c. 42.

And whereas in pursuance of the Education Act 1902 the Council of the said County Borough are the local education authority;

And whereas the said Borough has a separate Court of Quarter Sessions commission of the peace police force recorder and coroner;

And whereas the unrepealed provisions of the Local Acts mentioned in Part I. of the schedule to this Order and the Confirmation Acts mentioned in Part II. of the said schedule so far as the last-mentioned Acts relate to the Provisional Orders mentioned in the latter Part are in force in the said Borough;

[4 EDW. 7.] *Local Government Board's* [Ch. clxii.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

And whereas the Urban Sanitary Authority have adopted the provisions of—

- (a) The Infectious Disease (Prevention) Act 1890 ;
- (b) Part III. of the Public Health Acts Amendment Act 1890 ; and
- (c) The Museums and Gymnasiums Act 1891 so far as it relates to gymnasiums only ;

and those provisions are accordingly in force in the said Borough ;

And whereas the Baths and Washhouses Acts 1846 to 1899 and the Public Libraries Acts 1892 to 1901 are in force in the said Borough ;

And whereas the Urban District of Pemberton in the County Palatine of Lancaster immediately adjoins the said Borough and is co-extensive with the Township of Pemberton and is subject to the jurisdiction of the Urban District Council of Pemberton and the said Urban District is for the purpose of the election of Urban District Councillors divided into five wards termed respectively the West Ward the North Ward the Central Ward the South Ward and the East Ward ;

And whereas the said Urban District Council have adopted the provisions of—

- (a) Parts II. and III. of the Public Health Acts Amendment Act 1890 ; and
- (b) The Private Street Works Act 1892 ;

and those provisions are accordingly in force in the said Urban District ;

And whereas by an Order made by the County Council of the County Palatine of Lancaster in pursuance of the Isolation Hospitals Acts 1893 and 1901 and termed the Wigan and District Small-pox Hospital (County of Lancaster) Order 1903 a hospital district which consists of a Rural District and certain Urban Districts (including the said Urban District of Pemberton) and is called the Wigan and District Joint Hospital District has been constituted for the purposes of the provision maintenance and management of a hospital or hospitals for the reception of cases of small-pox and the Wigan and District Hospital Committee consists of twenty-five members including three elected by the said Urban District Council of Pemberton ;

And whereas the unrepealed provisions of the Pemberton Local Board Water Act 1875 and the Pemberton Local Board Water Act 1879 as altered by two Provisional Orders of the Local Government Board respectively dated the Seventh day of May One thousand eight hundred and seventy-eight and the Thirteenth day of May One thousand eight hundred and eighty-two which were respectively confirmed by the Local Government Board's Provisional Orders Confirmation (Bournemouth &c.) Act 1878 and the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1882 are in force in the said Urban District ;

And whereas by virtue of an Order of the Local Government Board dated the Fourteenth day of August One thousand eight hundred and eighty-eight

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53 & 54 Vict.  
c. 34.  
53 & 54 Vict.  
c. 59.  
54 & 55 Vict.  
c. 22.

9 & 10 Vict. c. 74.  
10 & 11 Vict. c. 61.  
41 & 42 Vict. c. 14.  
45 & 46 Vict. c. 30.  
59 & 60 Vict. c. 59.  
62 & 63 Vict. c. 29.  
55 & 56 Vict. c. 53.  
56 Vict. c. 11.  
1 Edw. 7. c. 19.

55 & 56 Vict.  
c. 57.

56 & 57 Vict.  
c. 68.  
1 Edw. 7. c. 8.

38 Vict. c. xlii.  
42 Vict. c. xxvi.

41 & 42 Vict.  
c. clxii.  
45 & 46 Vict.  
c. lxxiii.

[Ch. clxii.] *Local Government Board's* [4 EDW. 7.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

A.D. 1904. as altered by divers Orders made by the Local Government Board and by  
*Wigan Order.* divers Provisional Orders made by the Local Government Board and confirmed  
by Parliament the number of County Councillors for the Administrative  
County of Lancaster is one hundred and five of which number thirty-two are  
apportioned to the several Boroughs in the said County and seventy-three to  
the rest of the County but by virtue of a Provisional Order made by the Local  
Government Board dated the Second day of May One thousand nine hundred  
and four and constituting the Borough of Blackpool a County Borough the  
number of County Councillors for the said County will from the commence-  
ment of this Order be reduced to one hundred and three of which number  
thirty instead of thirty-two will be apportioned to the several Boroughs in  
the said County ;

And whereas part of the said Urban District forms the Pemberton  
Electoral Division of the County Palatine of Lancaster and the remainder of  
the said Urban District is included in the Orrell Electoral Division of the  
said County ;

And whereas in pursuance of the Education Act 1902 the said Urban  
District Council are the local education authority for the purposes of Part III.  
of that Act and the County Council of the County Palatine of Lancaster are  
the local education authority for all other purposes of that Act ;

And whereas the Wigan Burial Board is the Burial Board for the  
Township of Wigan which is co-extensive with the said Borough :

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 Local Government Act 1888  
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 :—

Definitions.

Art. I. In this Order—

- (1) The expression "the commencement of this Order" means the  
Ninth day of November One thousand nine hundred and four ;
- (2) The expression "the existing Borough" means the Borough of  
Wigan as it existed immediately prior to the commencement of  
this Order ;
- (3) The expression "the Borough" means the existing Borough as  
extended by this Order ;
- (4) The expression "the Corporation" means the Mayor Aldermen  
and Burgesses of the existing Borough or of the Borough (as  
the context may require) acting by the Council ;
- (5) The expressions "the County" and "the County Council" mean  
respectively the County Palatine of Lancaster and the County  
Council of that County Palatine ;
- (6) The expressions "the Pemberton District" and "the Pemberton  
Council" mean respectively the Urban District of Pemberton  
and the Urban District Council of that district ;

[4 EDW. 7.] *Local Government Board's* [Ch. clxii.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

(7) The expression "the Borough maps" means the two maps each marked "Map of the Borough of Wigan as extended 1904" and sealed with the official seal of the Local Government Board;

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 —  
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(8) The expression "the added area" means the Pemberton District the area whereof is coloured blue on the Borough maps;

(9) The expressions "the Act of 1888" and "the Act of 1894" mean respectively the Local Government Act 1888 and the Local Government Act 1894;

(10) The expression "the Municipal Corporations Acts" means the Municipal Corporations Act 1882 and the Acts amending and extending the same and the expression "the Public Health Acts" means the Public Health Act 1875 and the Acts amending and extending the same.

Art. II. 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 nine hundred and four:

Commence-  
 ment of Order.

Provided that for the purposes of the parish burgess lists and burgess roll and other lists to be made for the Borough under the Municipal Corporations Acts of the lists of county electors and the county register to be made for the County in pursuance of the County Electors Act 1888 or any Act amending that Act of the lists and registers of parochial electors and any other lists or registers to be made in pursuance of the Act of 1894 of all proceedings preliminary or relating to any municipal election to be held on the ordinary day of election in the year one thousand nine hundred and four and of the revision of the basis or standard of county rate this Order shall operate from the date of the Act of Parliament confirming this Order:

Date of operation of Order for parish burgess lists &c. 51 Vict. c. 10.

Provided also that for the purposes of Sections 20 22 23 24 and 26 of the Act of 1888 and for the purposes of the Local Taxation (Customs and Excise) Act 1890 the Borough shall be deemed not to have been altered until after the Thirty-first day of March One thousand nine hundred and five.

Date of operation for grants from Local Taxation Account. 53 & 54 Vict. c. 60.

Art. III.—(1) The boundary of the existing Borough the area whereof is coloured pink on the Borough maps shall be altered so as to include in addition to that area the Pemberton District.

Extension of Borough.

(2) The boundary of the Borough shall be that shown by the red line on the Borough maps and the whole of the area within such boundary shall for the purposes of the Municipal Corporations Acts and for all other purposes be the Borough and shall be the County Borough for the purposes of the Act of 1888.

Art. IV.—(1) One of the Borough maps shall be deposited in the office of the Local Government Board and the other shall be deposited by the town clerk of the existing Borough at his office within fourteen days after the

Deposit of maps.

[Ch. clxii.] *Local Government Board's* [4 EDW. 7.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

A.D. 1904. date of this Order Copies of the Borough map deposited with the town clerk certified by him to be true shall be sent within one month after the date of the Act of Parliament confirming this Order to the clerk of the County Council to the Board of Inland Revenue and to the Board of Agriculture and Fisheries.

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Copies of map to be evidence.

(2) Copies of or extracts from the Borough 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 boundary 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 to be true on payment of a reasonable fee to be demanded by the Corporation. All fees so received shall be carried to the credit of the borough fund.

Powers and duties of justices &c. extended.

Art. V. The powers and duties of the quarter sessions recorder clerk of the peace and the coroner of the existing Borough of the justices of the peace appointed for the existing Borough of 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:

Provided that every person committing an offence in any part of the added area prior to the commencement of this Order shall be tried adjudicated on and dealt with as if this Order had not been made:

Provided also that every proceeding which prior to the commencement of this Order has been begun by or before any justice or justices in relation to any matter arising in or concerning any part of the added area may be carried on continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this Order had not been made.

Parish burgess lists &c.

Art. VI.—(1) For the purposes of the parish burgess lists and burgess roll and other lists to be made under the Municipal Corporations Acts and all matters in relation thereto the added area 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.

(2) In making out revising or otherwise dealing with the said lists and roll or the lists of county electors and the county register to be made for the County in pursuance of the County Electors Act 1888 or any Act amending that Act or the lists and registers of parochial electors effect shall be given so far as the circumstances require or allow to the provisions of this Order.

(3) Where any difficulty in giving effect to the provisions of this Order can be obviated or removed by any alteration in or re-arrangement of or any other action affecting the said lists roll and registers such alteration re-arrangement or action so far as the same may be necessary for giving effect to the said provisions shall be made or taken by the town clerk or the clerk of the County Council as the case may require and the Overseers of the Poor shall render such assistance as may be requisite for the purpose of such

alteration re-arrangement or action by the town clerk or clerk of the County Council as the case may be and such alteration re-arrangement or action shall be deemed to be authorised by the provisions in force with respect to such lists roll and registers.

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—  
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(4) Where in the opinion of the Local Government Board the circumstances so require the Local Government Board may make such order as appears to them to be necessary to give effect to the provisions of this Order and may vary so far as is requisite the provisions in force with regard to such lists roll and registers.

Art. VII. The number of Councillors of the Borough shall be increased from thirty to forty-two and the number of Aldermen of the Borough shall be increased from ten to fourteen.

Number of  
Councillors  
and Aldermen.

Art. VIII. Subject to the provisions of the Municipal Corporations Acts with respect to the alteration of wards the following provisions shall have effect:—

Division into  
wards.

(1) For the purposes of the election of Councillors the Borough shall be divided into fourteen wards:

(2) The ten existing wards and the number of Councillors respectively apportioned thereto shall remain unaltered:

(3) Four wards shall be constituted as follows:—

(a) The West Pemberton Ward shall consist of the existing West Ward of the Pemberton District;

(b) The North Pemberton Ward shall consist of the existing North Ward of the Pemberton District;

(c) The Central Pemberton Ward shall consist of the existing Central Ward of the Pemberton District;

(d) The South Pemberton Ward shall consist of the existing South and East Wards of the Pemberton District:

(4) Three Councillors shall be assigned to each of the new wards constituted by subdivision (3) of this Article.

Art. IX. --(1) The first election of Councillors for the four new wards constituted by this Order shall be held on the First day of November One thousand nine hundred and four and the Mayor of the existing Borough shall be the returning officer at the election for those wards Provided that the Mayor of the existing Borough may appoint some other person to act as returning officer at the election for any of the wards.

First election  
of Councillors  
for new wards.

(2) The first election of the four additional Aldermen of the Borough shall take place on the Ninth day of November One thousand nine hundred and four and the four additional Aldermen so elected shall be chosen one from among the Councillors elected for the North Pemberton Ward or from among the persons qualified to be Councillors whose qualifying property is situate in that ward one from among the Councillors elected for the West Pemberton Ward or from among the persons qualified to be Councillors whose qualifying

First election  
of Aldermen.

[Ch. clxii.] *Local Government Board's* [4 EDW. 7.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

A.D. 1904. property is situate in that ward one from among the Councillors elected for  
*Wigan Order.* the Central Pemberton Ward or from among the persons qualified to be  
 Councillors whose qualifying property is situate in that ward and one from  
 among the Councillors elected for the South Pemberton Ward or from among  
 the persons qualified to be Councillors whose qualifying property is situate in  
 that ward.

Retirement of  
 Councillors for  
 new wards and  
 additional  
 Aldermen  
 elected in 1904.

Art. X.—(1) The Councillors elected in the year one thousand nine  
 hundred and four for the four new wards constituted by this Order shall  
 retire as follows:—

- (a) The Councillor for each ward who is elected by the smallest number  
 of votes on the First day of November One thousand nine hundred  
 and five:
- (b) The Councillor for each ward who is elected by the largest number of  
 votes on the First day of November One thousand nine hundred  
 and seven:
- (c) The other Councillor for each ward on the First day of November  
 One thousand nine hundred and six.

(2) The four additional Aldermen elected for the Borough in the year  
 one thousand nine hundred and four shall retire as follows:—

- (a) The two Aldermen elected by the smaller number of votes on the  
 Ninth day of November One thousand nine hundred and seven:
- (b) The other two Aldermen on the Ninth day of November One thousand  
 nine hundred and ten.

Provided that if for any reason it is doubtful which of the Councillors  
 or Aldermen as the case may be ought to retire on the dates above speci-  
 fied the Council of the Borough shall on the Ninth day of November One  
 thousand nine hundred and four 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 shall go out of office on the dates above  
 specified respectively.

Local Acts  
 and Orders.

Art. XI.—(1) Section 32 of the Pemberton Local Board Water Act 1875  
 shall be repealed except so far as that section applies to the rates and charges  
 which in pursuance of the said Act the Council of the Urban District of  
 Orrell may demand and take for the supply of water for domestic purposes  
 within that urban district.

Section 24 of the Pemberton Local Board Water Act 1879 Sections 38  
 and 39 of the Wigan Waterworks Act 1853 Section 52 of the Wigan Water-  
 works Act 1860 and any provisions of the Wigan Waterworks Act 1853 or  
 the Wigan Waterworks Act 1860 or of any enactments incorporated with  
 either of those Acts which are inconsistent with the unrepealed provisions of  
 the Pemberton Local Board Water Act 1875 and the Pemberton Local Board  
 Water Act 1879 so far as the unrepealed provisions of the said Acts relate



[4 EDW. 7.] *Local Government Board's* [Ch. clxii.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

to charges for the supply of water for other than domestic purposes to the recovery of water rates and to the supply of water in bulk to other authorities or persons shall be repealed. A.D. 1904.  
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(2) Subject to the provisions of this Order the unrepealed provisions of the Pemberton Local Board Water Act 1875 and the Pemberton Local Board Water Act 1879 as altered by the Provisional Orders of the Local Government Board which were respectively confirmed by the Local Government Board's Provisional Orders Confirmation (Bournemouth &c.) Act 1878 and the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1882 shall extend and apply to the Borough as if references to the Borough were substituted for references to the added area in the unrepealed provisions of the said Acts as altered as aforesaid and all the powers duties property and liabilities which are vested in or attach to the Pemberton Council under those Acts as so altered shall by virtue of this Order vest in and be transferred and attach to the Borough Council for the benefit of the Borough. 38 Vict. c. xlii.  
42 Vict.  
c. xxvi.  
41 & 42 Vict.  
c. clxii.  
45 & 46 Vict.  
c. lxiii.

(3) Subject to the provisions of this Order the unrepealed provisions of the Local Acts and of the Confirmation Acts mentioned in the schedule to this Order so far as the last-mentioned Acts respectively relate to the Provisional Orders mentioned in that schedule and of any other Local Act or Provisional Order duly confirmed by Parliament affecting the existing Borough or the Corporation as the same respectively are in force within the existing Borough at the commencement of this Order shall extend and apply to the Borough and any reference therein to the existing Borough and the Corporation shall be deemed to refer to the Borough and the Corporation thereof.

(4) All the property and liabilities vested in or attaching to the Pemberton Council under the Pemberton Electric Supply Order 1899 which was confirmed by the Electric Lighting Orders Confirmation (No. 11) Act 1899 shall by virtue of this Order vest in and be transferred to the Corporation as if they were property and liabilities vested in or attaching to the Corporation in respect of the electric lighting undertaking authorised by the Wigan Electric Lighting Order 1890 as confirmed by the Electric Lighting Orders Confirmation (No. 6) Act 1890 and as extended to the Borough by subdivision (3) of this Article and the Pemberton Electric Supply Order 1899 shall be repealed except so far as the same may have been acted upon. 62 & 63 Vict  
c. cxxxvi.  
  
53 & 54 Vict.  
c. cxci.

Art. XII.—(1) All byelaws and regulations and every list of tolls and table of fees and payments and scale of charges made by the Corporation which at the commencement of this Order are in force in the existing Borough shall thenceforth apply to the Borough until or except in so far as any such byelaws or regulations or list of tolls or table of fees and payments or scale of charges may be altered or repealed. Byelaws &c.

(2) All byelaws and regulations made by the County Council or the Pemberton Council or their predecessors and in force immediately before the commencement of this Order in any part of the added area shall on that date

[Ch. clxii.] *Local Government Board's* [4 EDW. 7.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

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cease to be in force except as regards any work commenced before that date or any work for which plans shall either have been approved by the Pemberton Council before that date or shall have been sent to the surveyor or clerk to the Pemberton Council one month at least before that date and shall not have been disapproved by such council. As regards any such work as aforesaid the byelaws in force immediately before the commencement of this Order shall continue to apply until the completion of such work in like manner and with the like effect as if such byelaws had been made by the Corporation and as if the Corporation and the Borough were referred to therein instead of the Pemberton Council and the Pemberton District and nothing in the unrepealed provisions of the Local Acts and of the Confirmation Acts mentioned in the schedule to this Order shall apply or have effect with respect to any such work or plans or in any manner inconsistent with the foregoing provisions of this subdivision or with the operation of the Public Health Acts in relation to the said byelaws and regulations work or plans.

Education  
 byelaws.

(3) For the purposes of and subject to the provisions of the Education Acts 1870 to 1902 any byelaws in force in the existing Borough at the commencement of this Order shall thenceforth apply to the Borough until revoked or altered and from and after that date any byelaws then in force in the Pemberton District shall cease to be in force therein.

Art. XIII. Subject to the provisions of this Order—

Council to be  
 Burial Board.

(1) 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 :

17 & 18 Vict.  
 c. 87.

Transfer to  
 Corporation of  
 property and  
 liabilities of  
 Wigan Burial  
 Board.

(2) Any property and liabilities which immediately before the commencement of this Order are vested in or attach to the Wigan Burial Board shall by virtue of this Order vest in and be transferred and attach to the Corporation as the Burial Board for the Borough and the Wigan Burial Board shall be abolished and cease to exist :

Burial fees &c.  
 63 & 64 Vict.  
 c. 15.

(3) Subject to the provisions of the Burial Act 1900. all fees payments and sums fixed and settled and receivable by the Wigan Burial Board immediately before the commencement of this Order shall thenceforth be receivable by the Corporation acting as a Burial Board until or except in so far as any such fees payments or sums may be altered or varied in pursuance of the statutory provisions in that behalf.

Alteration of  
 Wigan and  
 District Joint  
 Hospital Dis-  
 trict.

Art. XIV. The Pemberton District shall cease to form part of the Wigan and District Joint Hospital District the persons who at the commencement of this Order are the representatives of the Pemberton District on the Wigan and District Hospital Committee shall on that date go out of office the number of members of that Committee shall be reduced from twenty-five to twenty-two and the Wigan and District Small-pox Hospital (County of

[4 EDW. 7.] *Local Government Board's* [Ch. clxii.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

Lancaster) Order 1903 shall be altered and shall apply and have effect accordingly. A.D. 1904.

—  
*Wigan Order.*

Art. XV.—(1) The town clerk and all other officers and servants of the Corporation of the existing Borough who hold office at the commencement of this Order 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 are in office at the commencement of this Order shall continue in office and shall for the purposes of the Municipal Corporations Acts be the borough auditors until the next ordinary day of election of borough auditors for the said purposes. Borough auditors.

Art. XVI.—(1) The provisions of sub-section (13) of Section 118 and of Section 119 of the Act of 1888 shall apply to all persons who at the commencement of this Order hold office as officers or servants of the Pemberton Council with such modifications as are necessary to make those provisions applicable to the said officers and servants and to the Corporation. Compensation to existing officers.

(2) Every officer and servant whether of the Pemberton Council or otherwise who by virtue of this Order or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary and for whose compensation no other provision is made by any enactment for the time being in force and applicable to his case shall be entitled to have compensation paid to him by the Corporation for such pecuniary loss and in determining such compensation and the compensation payable to any person who becomes entitled to compensation in pursuance of subdivision (1) of this Article regard shall be had to the conditions and other circumstances required by sub-section (1) of Section 120 of the Act of 1888 to be had in regard in cases of compensation under that section and the compensation shall not exceed the limit therein mentioned and shall be paid in the case of any such officer or servant whose office or employment relates wholly or partly to sanitary purposes as defined by the Public Health Act 1875 out of the district fund and general district rate of the Borough and in the case of any other such officer or servant out of the borough fund and borough rate of the Borough and the provisions of sub-sections (2) to (7) of the said Section 120 shall apply with such modifications (if any) as may be required. Provided that the non-acceptance of any office shall not be a bar to the right of any officer to compensation.

(3) Any officer or servant whose services are dispensed with by the Corporation because his services are not required and not on account of misconduct or whose salary is reduced on the ground that his duties have been diminished in consequence hereof in either case within five years from the commencement of this Order shall be deemed to have suffered a direct pecuniary loss in consequence of this Order.

Art. XVII.—(1) If at the commencement of this Order any action or proceeding or any cause of action or proceeding is pending or existing by Actions &c. not to abate.

[Ch. clxii.] *Local Government Board's* [4 Edw. 7.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

A.D. 1904. or against the Pemberton Council the same shall not be in anywise  
*Wigan Order.* 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.

Saving for  
contracts &c. (2) Anything duly done or suffered and all contracts deeds bonds  
agreements and other instruments (subsisting at the commencement of this  
Order) entered into or made by the Pemberton Council or their predecessors  
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 Pemberton Council or their predecessors the Corporation  
had done or suffered the same or been a party thereto.

Corporation  
property &c. Art. XVIII. Subject to the provisions of this Order all property vested  
in the Corporation at the commencement of this Order for the benefit of  
the existing 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 exerciseable  
by or vested in the Corporation for the benefit of the existing Borough and  
all liabilities which on the date aforesaid attached to the Corporation in  
respect of the existing Borough shall from and after that date attach to  
them in respect of the Borough.

Liquidation of  
current debts  
and liabilities. Art. XIX. The Pemberton Council shall liquidate so far as practicable  
before the commencement of this Order all current debts and liabilities  
incurred by them.

Art. XX. Subject to the provisions of this Order—

Property &c. of  
Pemberton  
Council. (1) All property and liabilities which immediately before the com-  
mencement of this Order are vested in or attach to the  
Pemberton Council shall by virtue of this Order vest in and  
be transferred and attach to the Corporation as the Urban  
Sanitary Authority or the local education authority as the  
case may require :

Abolition of  
Pemberton  
Council. (2) The Pemberton Council shall at the commencement of this Order  
be abolished and cease to exist :

Arrears of  
rates &c. (3) All arrears of rates made by the Pemberton Council and all other  
payments which at the commencement of this Order are due  
or owing to that council may be collected and recovered by  
the Corporation.

Mortgage debts  
of Pemberton  
Council Wigan  
Burial Board  
and Corpora-  
tion. Art. XXI.—(1) The liability for repayment of any sums borrowed by  
the Pemberton Council or of so much of any such sums as shall be owing  
at the commencement of this Order and for the payment of the interest  
thereon shall by virtue of this Order be transferred and attach to the  
Corporation and so much as will at the commencement of this Order be  
outstanding in respect of any sum borrowed as aforesaid together with so  
much of any sums borrowed by the Corporation as will at the commencement

of this Order be owing and charged on the district fund and general district rate of the existing Borough shall be charged upon the district fund and general district rate of the Borough.

A.D. 1904.

Wigan Order.

(2) The liability for repayment of any sums borrowed by the Wigan Burial Board or of so much of any such sums as will be owing at the commencement of this Order and for the payment of interest thereon shall by virtue of this Order be transferred and attach to the Corporation and so much as will at the commencement of this Order be outstanding in respect of any sums borrowed by the Wigan Burial Board as aforesaid together with so much of any sums borrowed by the Corporation as will at the commencement of this Order be owing and charged upon the borough fund of the existing Borough shall be charged upon the borough fund of the Borough.

(3) All sums to which subdivisions (1) and (2) of this Article apply shall together with the interest to accrue due thereon be repaid by the Corporation within the respective periods 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.

Art. XXII.—(1) The provisions of the Baths and Washhouses Acts 1846 to 1899 the Infectious Disease (Prevention) Act 1890 Part III. of the Public Health Acts Amendment Act 1890 the Museums and Gymnasiums Act 1891 so far as it relates to gymnasiums only and the Public Libraries Acts 1892 to 1901 shall be in force in and apply to the Borough as if the same had been adopted therein.

Adoptive Acts.

(2) The provisions of Part II. of the Public Health Acts Amendment Act 1890 and of the Private Street Works Act 1892 shall cease to be in force in any part of the added area :

Provided that nothing in this subdivision contained shall—

- (a) affect the operation prior to the commencement of this Order of any such provisions or anything duly done or suffered thereunder ; or
- (b) affect any right privilege obligation or liability acquired accrued or incurred under any such provisions ; or
- (c) affect any penalty forfeiture or punishment incurred in respect of any offence committed against any such provisions ; or
- (d) affect any investigation legal proceeding or remedy in respect of any such right privilege obligation liability penalty forfeiture or punishment as aforesaid.

Art. XXIII. Subject to the provisions of any Order which the Local Government Board may hereafter make any powers duties or liabilities vested in or attaching to the Pemberton Council by any Order made by the Local Government Board in pursuance of Section 33 of the Act of 1894 shall by virtue of this Order vest in and attach to the Corporation in respect of the Township of Pemberton in like manner and with the like effect in all respects as if the Corporation had been referred to in the Order instead of the Pemberton Council.

Powers of Borough Council under Section 33 of Act of 1894.

A.D. 1904.

*Wigan Order.*  
Saving for audit  
of accounts up  
to commence-  
ment of Order.

Art. XXIV. The accounts of the Pemberton Council and of the committees and officers of that council up to the commencement of this Order shall be audited in like manner and subject to the like incidents and consequences as if this Order had not been made :

Provided that such audit may be held as soon as practicable after that date any statutory provision or regulation as to the time of holding the audit to the contrary notwithstanding :

Provided also that any sum certified by the district auditor to be due from any person shall be paid to the Treasurer of the Borough.

County police.

Art. XXV.—(1) At the commencement of this Order such members if any of the police force of the County as shall be determined 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 of the County and the Watch Committee of the Borough 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 Borough and any member of the county police force so transferred shall hold office upon the same tenure and upon the same terms and conditions as if this Order had not been made and while he performs the same or similar duties his remuneration emoluments and allowances and the pension (if any) to which he is entitled shall not be less than they would have been if this Order had not been made.

53 & 54 Vict  
c. 45.

(2) The provisions of Section 15 (2) of the Police Act 1890 shall extend and apply to and in relation to any member of the police force transferred under the powers of this Article as if such member had removed with the written sanction of the Chief Constable of the County.

County police  
stations.

(3) All the county police stations situate in any part of the added area with the residences for constables and cells connected therewith and the fittings and furniture thereof respectively shall by virtue of this Order vest in and be transferred to the Corporation as from the commencement of this Order for all the estate and interest therein of the County Council and there shall be paid by the Corporation to the County Council out of the borough fund in consideration of such transfer such sum as shall be agreed upon or as in default of agreement shall be settled by arbitration in manner provided by the Act of 1888.

Compensation  
to existing  
county officers.

(4) Every clerk to justices and county coroner and every officer or servant of or paid by the County Council or of or paid by the Standing Joint Committee of the County who by virtue of this Order or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary shall be entitled to have compensation paid to him by the Corporation for such pecuniary loss and in determining such compensation regard shall be had to the conditions and other circumstances required by sub-section (1) of Section 120 of the Act of 1888 to be had in regard in cases of compensation under that section and the compensation shall not exceed the limit therein mentioned

and shall be paid out of the borough fund and the provisions of sub-sections (2) to (7) of that section shall apply with the necessary modifications: A.D. 1904.  
*Wigan Order.*

Any such officer or servant whose services are dispensed with or whose salary is reduced by the County Council or the Standing Joint Committee of the County within five years from the commencement of this Order because his services are not required or his duties are diminished in consequence hereof and not on the ground of misconduct shall be deemed to have suffered a direct pecuniary loss in consequence of this Order.

Art. XXVI.—(1) In any case where the extension of the Borough by this Order shall affect the distribution of the proceeds of the local taxation licenses of the estate duty and of the Local Taxation (Customs and Excise) duties between the County and the Borough or between the County or the Borough on the one hand and any other County Borough on the other hand or any financial relations or questions between those areas or any adjustment which has been made in regard to such distribution and financial relations or questions equitable adjustments may be made between the areas interested. Adjustment of  
financial rela-  
tions between  
County and  
County Bo-  
roughs.

(2) Any such adjustment may be made by agreement between the Council of the County and the Councils of the County Boroughs affected before the Thirtieth day of September One thousand nine hundred and five and in default of such agreement by the Local Government Board or if that Board think fit by an arbitrator appointed by them.

(3) For the purposes of such adjustments the provisions of the Act of 1888 relating to adjustments between Administrative Counties and County Boroughs shall apply with the necessary modifications and the Local Government Board or an arbitrator appointed by them as the case may be shall be substituted in such provisions for the Commissioners appointed under the Act of 1888 and notwithstanding anything in the provisions of this Order or of the Act of 1888 any such adjustment and the determination of any matter incidental or in relation thereto or consequent thereon shall when made by the Local Government Board be deemed to be made by them otherwise than as arbitrators and any arbitrator appointed by them shall be deemed to be an arbitrator within the meaning of Section 62 of the Act of 1888 and the provisions of the Act of 1888 shall apply accordingly:

Provided—

(a) that in lieu of sub-section (6) of Section 61 of the Act of 1888 sub-sections (1) and (5) of Section 87 of the Act of 1888 shall apply to any inquiries which may be directed by the Local Government Board under this Article and to the costs of such inquiries; and

(b) that sub-section (6) of Section 32 of the Act of 1888 shall apply to any agreement or award made under this Article.

Art. XXVII. For the purpose of defraying any expenses under this Order which in the opinion of the Local Government Board are properly chargeable to capital (which expenses may include such reasonable costs of the Pemberton Borrowing  
powers for  
purposes of  
Order.

[Ch. clxii.] *Local Government Board's* [4 EDW. 7.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

A.D. 1904.  
*Wigan Order.*

Council as may be sanctioned by the Local Government Board in respect of this Order and of the inquiry preliminary thereto whether in promoting or opposing this Order) the Corporation may borrow according and subject to the provisions and restrictions of the Public Health Act 1875 and may mortgage the borough fund or borough rate for the purpose of securing the repayment of any moneys so borrowed and the interest thereon Provided that all such moneys shall be repaid within such period not exceeding thirty years from the date of borrowing the same as the Corporation with the sanction of the Local Government Board may determine.

Electoral  
Divisions and  
County Coun-  
cillors.

Art. XXVIII.—(1) The County Councillor elected to represent the Pemberton Electoral Division of the County shall go out of office at the commencement of this Order and his place shall not be filled up.

(2) Subject to the provisions of Section 54 of the Act of 1888—

(a) The number of County Councillors for the County as reduced by the above-recited Provisional Order made by the Local Government Board for constituting the Borough of Blackpool a County Borough shall be further reduced from one hundred and three to one hundred and two and the number of such Councillors apportioned to the County exclusive of the Boroughs in the County shall be reduced from seventy-three to seventy-two and the above-recited Order of the Local Government Board dated the Fourteenth day of August One thousand eight hundred and eighty-eight as altered as aforesaid shall be further altered and shall have effect accordingly and any casual vacancy occurring in the office of County Councillor for the Pemberton Electoral Division between the date of the Act of Parliament confirming this Order and the commencement of this Order shall not be filled up:

(b) The Orrell Electoral Division of the County as diminished by the extension of the existing Borough shall continue to be an electoral division of the County and the person who immediately before the commencement of this Order is the County Councillor representing that electoral division shall continue to represent that division as if he had been originally elected to represent that division as hereby altered:

(c) Notwithstanding anything in this Order or in the said Provisional Order the number of Aldermen for the County may remain unaltered till the ordinary day of election of Aldermen in the year one thousand nine hundred and ten but at that election seventeen Aldermen only shall be elected in place of those who then go out of office Provided that no election to fill a casual vacancy among the Aldermen who will go out of office in the year one thousand nine hundred and ten shall be held until their number has been reduced to less than seventeen.



## Provisional Orders Confirmation (No. 13) Act, 1904.

(3) Save as aforesaid no County Alderman or County Councillor in office immediately before the commencement of this Order shall be deemed to lose his qualification by reason of the transfer of any part of the County to the Borough by this Order. A.D. 1904.  
Wigan Order.

Art. XXIX. Subject to any future revision the basis or standard of county rate for the County shall be revised by the omission therefrom of the amount appearing in such basis or standard as the total annual value of the property in the Township of Pemberton. County rate basis.

Art. XXX. The general district rate to be levied in the added area shall not in any one year during a period of fifteen years from the commencement of this Order exceed three shillings and fourpence in the pound. Differential rating in added area.

Art. XXXI. This Order may be cited as the Wigan (Extension) Order 1904. Short title.

The SCHEDULE above referred to.

PART I.—LOCAL ACTS.

Session and Chapter.	Title or Short Title.
16 & 17 Vict. c. lxxvii. -	Wigan Waterworks Act 1853.
23 & 24 Vict. c. clxxxvi. -	Wigan Waterworks Act 1860.
24 & 25 Vict. c. clxx. -	Wigan Gas Act 1861.
34 & 35 Vict. c. 7. -	Wigan Rectory Glebe Act 1871.
37 & 38 Vict. c. cxxiv. -	Wigan Improvement Act 1874.
43 & 44 Vict. c. cxxvii. -	Wigan Improvement Act 1880.
46 Vict. c. xxxv. -	Wigan District (Mines and Sewers) Act 1883.
52 & 53 Vict. c. cc. -	Wigan Corporation Act 1889.
56 & 57 Vict. c. clxxxii. -	Wigan Corporation Act 1893.
61 & 62 Vict. c. cxxxv. -	Wigan Corporation Act 1898.
1 Edw. 7. c. clxxxvii. -	Wigan Corporation Act 1901.
2 Edw. 7. c. ccxxxviii. -	Wigan Corporation Act 1902.
3 Edw. 7. c. clxxvi. -	Wigan Corporation Tramways Act 1903.

[Ch. clxii.] *Local Government Board's* [4 EDW. 7.]  
*Provisional Orders Confirmation (No. 13) Act, 1904.*

A.D. 1904.

PART II.—CONFIRMATION ACTS.

*Wigan Order.*

Session and Chapter.	Short Title.	Order thereby confirmed.
22 & 23 Vict. c. xi.	Local Government Supplemental Act 1859 (No. 2).	Two Orders dated the 19th day of July 1859.
36 Vict. c. i.	Local Government Board's Provisional Orders Confirmation Act 1873.	Wigan Order 1873.
41 & 42 Vict. c. clxv.	Local Government Board's Provisional Orders Confirmation (Dawlish &c.) Act 1878.	Order dated the 7th day of May 1878.
42 & 43 Vict. c. cxliii.	Tramways Orders Confirmation Act 1879.	Wigan Tramways Order 1879.
45 & 46 Vict. c. lxi.	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1882.	Order dated the 27th day of April 1882.
47 & 48 Vict. c. lxxx.	Tramways Orders Confirmation (No. 2) Act 1884.	Wigan Tramways Order 1884.
48 & 49 Vict. c. lxii.	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1885.	Wigan Order 1885.
50 Vict. c. xvi.	Local Government Board's Provisional Orders Confirmation (No. 10) Act 1886.	Order dated the 7th day of June 1886.
51 & 52 Vict. c. cxxi.	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1888.	Wigan Order 1888.
53 & 54 Vict. c. cxci.	Electric Lighting Orders Confirmation (No. 6) Act 1890.	Wigan Electric Lighting Order 1890.
55 & 56 Vict. c. lxxviii.	Local Government Board's Provisional Orders Confirmation Act 1892.	Order dated the 9th day of March 1892.
55 & 56 Vict. c. lxxi.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1892.	Wigan Order 1892.
56 & 57 Vict. c. cix.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1893.	Wigan Order 1893.
57 Vict. c. xxii.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1894.	Wigan Order 1894.
57 & 58 Vict. c. xlv.	Local Government Board's Provisional Orders Confirmation (Housing of Working Classes) (No. 2) Act 1894.	Wigan (Housing of Working Classes) Order 1894.
58 & 59 Vict. c. ci.	Tramways Orders Confirmation (No. 2) Act 1895.	Wigan and District Tramways Order 1895.
59 & 60 Vict. c. cxi.	Local Government Board's Provisional Orders Confirmation (No. 19) Act 1896.	Wigan Order 1896.
60 & 61 Vict. c. cxlii.	Local Government Board's Provisional Orders Confirmation (No. 15) Act 1897.	Wigan (Stock) Order 1897 and Wigan Order 1897.
63 & 64 Vict. c. liii.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1900.	Wigan Order 1900.
63 & 64 Vict. c. lv.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1900.	Wigan Order (No. 2) 1900.
63 & 64 Vict. c. cxviii.	Tramways Orders Confirmation (No. 1) Act 1900.	Wigan Corporation Tramways Order 1900.

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

(L.S.)

WALTER H. LONG President.

S. B. PROVIS Secretary.

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