



CHAPTER cxlii.

An Act to confirm a Provisional Order of the Local Government Board relating to Middlesbrough. A.D. 1913.

[15th August 1913.]

WHEREAS the Local Government Board have made a Provisional Order under the provisions of the Local Government Act 1888 and the said Order as amended is set forth in the First Schedule hereto: 51 & 52 Vict.
c. 41.

And whereas it is requisite that the said Order as amended should be confirmed by Parliament:

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 Order as amended and set out in the First Schedule hereto (hereinafter referred to as "the Order") shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force. Order in
First
Schedule
confirmed.

2. On any adjustment made otherwise than by agreement for the purposes of the Order or of this Act under section thirty-two or section sixty-two of the Local Government Act 1888 or under either of those sections as modified or adapted by the Order— Provisions
as to adjust-
ments made
otherwise
than by
agreement.

(a) Any adjustment of the local taxation licences the estate duty grant and the residue under section one of the Local Taxation (Customs and Excise) Act 1890 in pursuance of the Order shall be carried out in accordance with the rules contained in Part I. of the Second Schedule hereto:

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- (b) Provision shall be made for the payment to any council or other authority affected by the Order of such sum as seems equitable in accordance with the rules contained in Part II. of the Second Schedule hereto in respect of any increase of burden which will properly be thrown on the ratepayers of the area of that council or other authority in meeting the cost incurred by that council or other authority in the execution of any of their powers and duties as a consequence of any alteration of boundaries effected by the Order or other change in relation to which the adjustment takes place.

In this section and in Part II. of the said Second Schedule the expression "council or other authority affected by the Order" includes any council authority or persons entitled to make an adjustment under section sixty-two of the Local Government Act 1888 or that section as modified or adapted by the Order.

For protection of North Ormesby Gas Company Limited.

3. For the protection of the North Ormesby Gas Company Limited (hereinafter referred to as "the Company") the following provisions shall have effect that is to say:—

- (1) So much of section 35 of the Middlesbrough Extension and Improvement Act 1866 and of any other Act or Order as empowers the Mayor Aldermen and Burgesses of the County Borough of Middlesbrough (in this section referred to as "the Corporation") to supply gas in that portion of the Urban District of Ormesby which is within the area of supply of the Company is hereby repealed:
- (2) If in the next two Sessions of Parliament the Corporation shall introduce and bonâ fide promote a Bill for the purchase of the undertaking of the Company the Company shall not oppose any such Bill except so far as it may be necessary to secure the insertion therein of such clauses for the protection of their interests as are compatible with the provisions of this section:
- (3) Any such purchase shall be for such price or consideration and upon and subject to such terms and conditions as may be agreed upon between the Company and the Corporation or failing agreement shall be determined

subject to the provisions of this section by arbitration in accordance with the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the Corporation and the expression "lands" shall mean the undertaking of the Company. The Corporation shall after service of notice to treat be entitled to access at all reasonable times to the books documents and accounts relating to the undertaking of the Company for the purpose of ascertaining the value of the undertaking except the books relating exclusively to the shareholders in and the constitution of the Company:

- (4) The Company shall not after the deposit of any such Bill in Parliament and during the promotion thereof issue or raise any capital or borrow any moneys except so far as may be necessary for carrying on their undertaking in the ordinary course of business:
- (5) The expression "the undertaking" includes all the gas-works mains pipes and machinery and plant fixed and movable and all other the real and personal property assets and effects of whatever nature and all the rights powers and privileges vested in or belonging to or had or enjoyed by the Company in relation to the supply of gas at the date of transfer of the undertaking to the Corporation except—
 - (a) All cash balances (other than consumers' deposits) reserve funds undivided profits book and other debts bills of exchange cheques and other negotiable securities in the possession of the Company or of their bankers or agents on the date of the completion of the purchase;
 - (b) All rents and charges accrued due prior to the date of the completion of the purchase with proportionate parts of accruing rents and charges up to the same day;
 - (c) All books relating exclusively to the shareholders in and the constitution of the Company; and

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(d) Movable stock in trade and other stores which shall be taken over by valuation at the date of transfer :

(6) The Corporation shall pay compensation to the secretary and manager in the regular employment of the Company who shall not be retained by the Corporation in the same or similar office and at the salary and on the terms and conditions in and on which he was employed by the Company on the first day of July one thousand nine hundred and thirteen in respect of any loss of office or diminution of salary or income by reason of the transfer of the undertaking to the Corporation the amount of such compensation in default of agreement to be determined by arbitration in accordance with the provisions of the Arbitration Act 1889 and he shall not lose his right to compensation as aforesaid by reason of his refusal to accept employment under the Corporation nor shall such refusal be taken into account as a ground for reducing the amount of compensation to be paid :

(7) If and when the Corporation shall become the Undertakers under the District Council Order as defined by Article XI. (2) of the Order the following provisions shall apply :—

(i) The Corporation shall on the expiration of the third complete financial year after they have commenced to supply electrical energy under the District Council Order and on the expiration of each third succeeding year reconsider and if necessary revise and thereafter maintain the scales of prices charged for electrical energy under the Middlesbrough Corporation Electric Lighting Order 1898 as extended by the Order so that so far as is reasonably practicable no rate will be required for the purpose of defraying the future expenses of the said undertaking during the next three years Provided nevertheless that—

(a) The prices to be charged shall not exceed the maximum prices which may be charged under the said Order of 1898 ;

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(b) The scales of prices so reconsidered and revised may be from time to time in like manner reconsidered and revised by the Corporation; A.D. 1913.

(ii) There shall not be made against the district rate or any other rate for energy used by the Corporation for street lighting or any other purpose a charge at a higher price than that charged to consumers using energy for similar purposes and for the like hours of supply.

4. This Act may be cited as the Local Government Board's Short title.
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*Middles-
brough Order.*

SCHEDULES.

FIRST SCHEDULE.

BOROUGH OF MIDDLESBROUGH.

*Provisional Order made in pursuance of the Local Government
Act 1888 for extending a County Borough.*

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

To the Court of Quarter Sessions for the said Borough;—

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

To the Justices of the Peace for the County of the North Riding
of Yorkshire in Quarter Sessions assembled;—

To the County Council of the North Riding of Yorkshire;—

To the Urban District Council of Ormesby;—

To the Rural District Council of Middlesbrough;—

To the Guardians of the Poor of the Middlesbrough Union;—

To the Parish Councils of Linthorpe and Marton;—

To the Chairman of the Parish Meeting of the Parish of
Acklam;—

To the Overseers of the Poor of the Parishes of Acklam Linthorpe
Marton Middlesbrough and Ormesby;—

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 Middlesbrough is a County Borough
within the meaning of the Local Government Act 1888 and is for the
purposes of that Act situate in the County of the North Riding of
Yorkshire and the inhabitants are a body corporate by the name of the
Mayor Aldermen and Burgesses of the Borough of Middlesbrough and

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A.D. 1913. And whereas the provisions of the Infectious Disease (Prevention) Act 1890 are in force in the Rural District of Middlesbrough;

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3 & 4 Will. 4.
c. 90.

And whereas the Lighting and Watching Act 1833 has been adopted in the said Parish of Linthorpe;

And whereas the Parishes of Middlesbrough and Ormesby are included in the Middlesbrough Union and two Guardians are elected for the Parish of Ormesby and the Parish of Middlesbrough is for the purpose of the election of guardians divided into ten wards which are respectively co-extensive with and bear the same names as the municipal wards of the said Borough and two Guardians are elected for each of the said wards;

And whereas the Parishes of Acklam Linthorpe and Marton are also included in the said Union and the Rural District Councillor elected for each of the said Parishes is the representative of the Parish on the Board of Guardians of the said Union;

2 Edw. 7.
c. 42.

And whereas in pursuance of the Education Act 1902 the Parishes of Acklam Linthorpe Marton and Ormesby form part of the area of the County Council of the North Riding of Yorkshire as the local education authority;

56 & 57 Vict.
c. 73.

And whereas the said Parishes of Linthorpe and Marton are rural parishes within the meaning of the Local Government Act 1894 for each of which a Parish Council has been established;

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 certain other Orders and Provisional Orders of the Local Government Board the number of County Councillors for the County of the North Riding of Yorkshire is sixty-one and the Parish of Ormesby constitutes the Ormesby Electoral Division of that County and the Parishes of Acklam Linthorpe and Marton are included in the Yarm Electoral Division of that County;

15 & 16 Vict.
c. 85.
6 Edw. 7.
c. 44.

And whereas the Council of the said Borough are the authority for the execution of the Burial Acts 1852 to 1906 within the Borough and the Urban District Council of Ormesby are the authority for the execution of those Acts within the Urban District of Ormesby;

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 thirteen;

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxlii.]
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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 purposes of the election of Councillors divided into ten wards four of which are named respectively the Ayresome Ward the Grove Hill Ward the Linthorpe Ward and the Vulcan Ward;

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 brough Order.*

And whereas the said Borough is co-extensive with the Parish of Middlesbrough and is an Urban Sanitary District of which the Mayor Aldermen and Burgesses acting by the Council are the Urban Sanitary Authority;

And whereas the said Borough has a separate court of quarter sessions commission of the peace police force recorder stipendiary magistrate and coroner;

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

2 Edw. 7.
 c. 42.

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

And whereas the provisions of—

- (a) The Infectious Disease (Prevention) Act 1890;
- (b) The Public Health Acts Amendment Act 1890;
- (c) The Museums and Gymnasiums Act 1891 so far as it relates to museums only;
- (d) The Baths and Washhouses Acts 1846 to 1899;
- (e) The Public Libraries Acts 1892 to 1901; and
- (f) The Notification of Births Act 1907;

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.
 7 Edw. 7. c. 40.

are in force in the said Borough;

And whereas the Urban District of Ormesby in the Administrative County of the North Riding of Yorkshire immediately adjoins the said Borough and is co-extensive with the Parish of Ormesby and is subject to the jurisdiction of the Urban District Council of Ormesby;

And whereas the provisions of Part III. of the Public Health Acts Amendment Act 1890 are in force in the Urban District of Ormesby;

And whereas the Parishes of Linthorpe and Marton in the said Administrative County immediately adjoin the said Borough and those parishes and the Parish of Acklam are contributory places in the Rural District of Middlesbrough and are subject to the jurisdiction of the Rural District Council of Middlesbrough and one Rural District Councillor is elected for each of the said Parishes;

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- (2) The expression "the existing Borough" means the Borough of Middlesbrough as it existed immediately prior to the commencement of this Order; A.D. 1913.
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- (3) The expression "the Borough" means the existing Borough as extended by this Order;
- (4) The expression "the Corporation" means as the context requires the Mayor Aldermen and Burgesses of the existing Borough or of the Borough acting by the Council;
- (5) The expressions "the County" and "the County Council" mean respectively the County of the North Riding of Yorkshire and the County Council of that County;
- (6) The expressions "the Urban District" and "the Urban Council" mean respectively the Urban District of Ormesby and the Urban District Council of that District;
- (7) The expressions "the Rural District" and "the Rural Council" mean respectively the Rural District of Middlesbrough and the Rural District Council of that District;
- (8) The expression "the Borough maps" means the two maps each marked "Map of the Borough of Middlesbrough as extended by the Middlesbrough (Extension) Order 1913" and signed by the Honourable Allen Benjamin Bathurst the Chairman of the Committee of the House of Commons to whom the Bill for the Act to confirm this Order was referred;
- (9) The expression "the Ward maps" means the two maps each marked "Map of the Wards of the Borough of Middlesbrough as constituted by the Middlesbrough (Extension) Order 1913" and signed by the said Allen Benjamin Bathurst;
- (10) The expression "the added areas" means the part of the Urban District and the parts of the Rural District added to the existing Borough by this Order;
- (11) The expression "the added part of Ormesby" means as the context requires the part of the Urban District or of the Parish of Ormesby which is coloured blue on the Borough maps and the expression "the excluded part of Ormesby" means the remaining part of that Parish;
- (12) The expressions "the added part of Linthorpe" and "the added part of Marton" mean respectively the parts of those parishes which are coloured yellow and purple on the Borough maps and the expression "the excluded parts of Linthorpe" means the remaining parts of that Parish;

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brough Order.*

- (13) The expressions "the existing Parish of Acklam" "the existing Parish of Marton" and "the existing Parish of Middlesbrough" mean in each case the Parish as it existed immediately prior to the commencement of this Order and the expressions "the Parish of Acklam" "the Parish of Marton" and "the Parish of Middlesbrough" mean in each case the parish as altered by this Order and the expression "the new Parish of Ormesby" means the Parish of Ormesby constituted by this Order;
- (14) The expressions "the Act of 1888" and "the Act of 1894" mean respectively the Local Government Act 1888 and the Local Government Act 1894;
- (15) 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;
- (16) The expression "the Burial Acts" means the Burial Acts 1852 to 1906;
- (17) The expressions "the Ormesby Burial Board" and "the Ormesby Burial Area" mean respectively the Urban Council acting as the authority for the execution of the Burial Acts in the Urban District and the Urban District.

Commence-
ment 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 thirteen :

Date of
operation
of Order for
parish bur-
gess 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 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 thirteen of any election under the Act of 1894 for any area constituted or affected by this Order of the first election of Parish Councillors for the new Parish of Ormesby and of the revision of the basis or standard of the county rate of the County this Order shall operate from the date of the Act of Parliament confirming this Order :

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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 as amended by Section 17 of the Finance Act 1907 Section 6 of the Finance Act 1908 Section 88 of the Finance (1909-10) Act 1910 the Revenue Act 1911 and any subsequent Act and as affected by any Order in Council made under Section 6 of the Finance Act 1908 the existing Borough shall be deemed not to have been altered and the added areas shall be deemed to continue parts of the County until after the Thirty-first day of March One thousand nine hundred and fourteen.

Middles-
brough Order.
 Date of operation for purposes of certain grants and Local Taxation Licences.

53 & 54 Vict. c. 60.
 7 Edw. 7. c. 13.
 8 Edw. 7. c. 16.
 10 Edw. 7. c. 8.
 1 Geo. 5. c. 2.

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 added part of Ormesby and so much of the Rural District as comprises the added part of Linthorpe and the added part of Marton.

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 that 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 and one of the Ward 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 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 Clerk to the Rural Council to the Registrar-General to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Postmaster-General to the Board of Trade and to the Board of Agriculture and Fisheries and copies of the Ward map so deposited and certified in like manner shall be sent within the said period to the Registrar-General and to the Board of Agriculture and Fisheries.

Deposit of maps.

(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 the map so far as it relates to the boundaries of the Borough and the 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 the 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 borough fund.

Copies of map to be evidence.

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Middles-
brough Order.
Powers and
duties of
justices &c.
extended.

Art. V.—(1) The powers and duties of the quarter sessions recorder and clerk of the peace of the existing Borough of the justices of the peace and stipendiary magistrate appointed for the existing Borough and of the clerk to those 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 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.

Coroner's
jurisdiction.

(2) The added areas shall cease to be within the jurisdiction of the franchise coroner for the Langbaugh North District of the Wapentake of Langbaugh and the powers and duties of the coroner of the existing Borough shall extend and apply throughout the Borough:

Provided that every proceeding which prior to the commencement of this Order has in relation to any case arising in any part of the added areas been begun by or before the franchise coroner for the said Langbaugh North District shall 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 bur-
gess lists &c.

Art. VI.—(1) For the purposes of the parish burgess lists and burgess roll and the other lists to be made under the Municipal Corporations Acts and of all matters connected with incidental to or consequent upon those purposes the added areas shall be deemed to have always been part 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 arising in the year One thousand nine hundred and thirteen 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 that alteration re-arrangement or action so far as the same may be necessary

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for giving effect to the said provisions shall be made or taken by the town clerk of the existing Borough 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 the said alteration re-arrangement or action by the town clerk or clerk of the County Council as the case may be and that alteration re-arrangement or action shall be deemed to be authorised by the provisions in force with respect to the said lists roll and registers.

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brough Order.

(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 the said lists roll and registers.

Art. VII. The number of Councillors of the Borough shall be increased from thirty to thirty-three and the number of Aldermen of the Borough shall be increased from ten to eleven.

Number of
 Councillors
 and Alder-
 men.

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 eleven wards:

(2) So much of the Borough as is comprised in the added areas the existing Ayresome Ward the existing Grove Hill Ward the existing Linthorpe Ward and the existing Vulcan Ward shall be formed into five new wards which shall be named respectively the Ayresome Ward the Grove Hill Ward the Linthorpe Ward the Ormesby Ward and the Vulcan Ward:

Constitution
 and areas of
 new wards.

(3) Each of the said new wards shall comprise the portion of the Borough which is indicated by a separate colour and distinguished by the name of the ward on the Ward maps:

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

(5) Three Councillors shall be assigned to each of the wards constituted by subdivisions (2) and (3) of this Article and the Councillors respectively representing the existing Ayresome Ward the existing Grove Hill Ward and the existing Linthorpe Ward who will not go out of office on the First day of November One thousand nine hundred and thirteen shall be deemed from and after the commencement of this Order to represent respectively the Ayresome Ward the Grove Hill Ward and the Linthorpe Ward constituted by this Order.

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Middles-
brough Order.
First election
of Council-
lors for new
wards and of
additional
Alderman.

Art. IX.—(1) The first election of Councillors for the Ormesby Ward and the Vulcan Ward constituted by this Order shall be held on the First day of November One thousand nine hundred and thirteen 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 either of the wards.

(2) The first election of the additional Alderman of the Borough shall take place on the Tenth day of November One thousand nine hundred and thirteen and the additional Alderman then to be elected shall be chosen from among the Councillors elected for the Ormesby Ward or from among the persons qualified to be Councillors whose qualifying property is situate in that ward.

Retirement
of Council-
lors for new
wards and
of additional
Alderman
elected in
1913.

Art. X.—(1) The Councillors elected for the Borough in the year One thousand nine hundred and thirteen for the Ormesby and Vulcan Wards 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 fourteen:

(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 sixteen:

(c) The other Councillor for each ward on the First day of November One thousand nine hundred and fifteen:

Provided that if for any reason it is doubtful which of the Councillors ought to retire on the dates above specified the Council of the Borough shall on the Tenth day of November One thousand nine hundred and thirteen 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 shall go out of office on the dates above specified respectively.

(2) The additional Alderman elected for the Borough in the year One thousand nine hundred and thirteen shall retire on the Ninth day of November One thousand nine hundred and nineteen.

Local Acts
and Orders.

Art. XI.—(1) Subject to the provisions of this Order the unrepealed provisions of the Local Acts and of the Confirmation Acts specified in the Schedule to this Order so far as the last-mentioned Acts respectively relate to the Provisional Orders specified in that Schedule and of any other Local Act (including any Local Act passed or to be passed during the present Session of Parliament) or of any other Provisional Order duly confirmed by Parliament and affecting the existing Borough or the Corporation as the same respectively are

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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.

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brough Order.

(2)—(a) The provisions of the Electric Lighting Orders Confirmation (No. 7) Act 1898 so far as that Act relates to the Corporation Electric Lighting Order 1898 shall not by virtue of the provisions of this Order extend and apply to that part of the area of supply under the Ormesby Electric Lighting Order 1900 (confirmed by the Electric Lighting Orders Confirmation (No. 4) Act 1900) (which Order is in this Article referred to as "the District Council Order") which will by virtue of this Order be within the Borough until the date on which the Corporation become the Undertakers under the District Council Order and until that date all powers rights and duties of the Urban Council existing at the commencement of this Order under the District Council Order or under any agreement made in connexion therewith shall as regards the said part of the area of supply vest in and attach to the Corporation of the Borough and a reference to the Corporation of the Borough shall accordingly be substituted for any reference therein to the said Council. Upon the date on which the Corporation become the Undertakers under the District Council Order that Order shall cease to be in force in the said part of the area of supply:

Electric
lighting.

63 & 64 Vict.
c. xlvi.

(b) Nothing herein contained shall limit or affect the powers of the Cleveland and Durham County Electric Power Company under the Cleveland and Durham County Electric Power Acts 1901 and 1903 in relation to any part of the added areas and in relation to any such part the Corporation shall have no greater powers under the said Acts than the local authority of such part had before the commencement of this Order and the said Acts shall apply throughout the added areas as if no consent of the Corporation as authorised distributors were required to enable the Company to supply energy therein.

(3)—(a) Nothing in this Order shall alter or affect the limits of the Corporation for the supply of gas under Section 35 of the Middlesbrough Extension and Improvement Act 1866 as altered by Sections 5 and 28 of the Middlesbrough Extension and Improvement Act 1874:

Supply of
gas.

(b) Nothing in this Order shall prejudicially affect the powers duties and liabilities of the North Ormesby Gas Company Limited.

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

Byelaws &c.

(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

[Ch. cxlii.] *Local Government Board's* [3 & 4 GEO. 5.]
Provisional Order Confirmation (No. 18) Act, 1913.

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—
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brough Order.

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 and regulations made by the County Council the Urban Council or the Rural Council or any of 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 except as regards any work which has been begun before that date or as regards any work which has not been so begun but for which plans have been approved before that date by the Council of the District in which the part is situated or have been sent to the surveyor or clerk to that Council one month at least before that date and have not been disapproved by that 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 the work in like manner and with the like effect as if those byelaws had been made by the Corporation and as if the Corporation and the Borough were referred to therein instead of the Council of the District in which the part is situated and that District. Provided that any proceedings which if this Order had not been made might have been taken by the County Council or by the Urban Council or by the Rural Council for any offence committed before the commencement of this Order against any byelaws and regulations which by virtue of this subdivision cease to be in force may be taken by the Corporation as if those byelaws and regulations had remained in force and the Corporation had been substituted therein for that Council.

Town clerk
and other
officers con-
tinued.

Art. XIII.—(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.

Borough
auditors.

(2) The auditors of the existing Borough 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.

Compensa-
tion to exist-
ing officers.

Art. XIV.—(1) The provisions of subsection (13) of Section 118 and of Section 119 of the Act of 1888 shall apply to all persons who

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxlii.]
Provisional Order Confirmation (No. 18) Act, 1913.

at the commencement of this Order hold office as officers or servants of the Urban Council with such modifications as are necessary to make those provisions applicable to the said officers and servants and to the Corporation. A.D. 1913.
Middles-
brough Order.

(2) Every clerk to justices and franchise 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 and every other officer or servant 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 that pecuniary loss and in determining the said 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 subsection (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 every other case out of the borough fund and borough rate of the Borough and the provisions of subsections (2) to (7) of Section 120 of the Act of 1888 shall apply with the necessary modifications 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 clerk to justices franchise coroner officer or servant to whom that subdivision applies and whose services are dispensed with or whose salary is reduced by the Secretary of State or the County Council or the Standing Joint Committee of the County or any other authority including the Corporation within five years from the commencement of this Order because his services are not required or his duties are diminished in consequence of this Order and not on the ground of misconduct shall be deemed to have suffered a direct pecuniary loss in consequence of this Order.

(4) No person shall be entitled to claim or receive both compensation for any direct pecuniary loss by abolition of office or diminution or loss of fees or salary and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

Art. XV.—(1) Any action or proceeding or any cause of action or proceeding which at the commencement of this Order is pending or Actions &c.
not to abate.

[Ch. cxlii.] *Local Government Board's* [3 & 4 GEO. 5.]
Provisional Order Confirmation (No. 18) Act, 1913.

A.D. 1913. existing by or against the Urban Council or by or against the Rural Council in relation exclusively to any part of the added areas or in relation exclusively to the excluded part of Ormesby shall not be in anywise prejudicially affected by reason of the making of this Order but may in the case of any part of the added areas be continued prosecuted and enforced by or against the Corporation of the Borough and in the case of the excluded part of Ormesby by or against the Rural Council.

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 Urban Council or by the Rural Council or their predecessors in relation exclusively to any part of the added areas or in relation exclusively to the excluded part of Ormesby shall be of as full force and effect against or in favour of the Corporation of the Borough in the case of any part of the added areas or the Rural Council in the case of the excluded part of Ormesby and may be continued and enforced as fully and effectually as if instead of that Council or their predecessors the Corporation or the Rural Council as the case may be had done or suffered the same or been a party thereto.

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 Borough shall by virtue of this Order 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 attach 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 by Urban and Rural Councils.

Art. XVII.—(1) The Urban Council shall liquidate as far as practicable before the commencement of this Order all current debts and liabilities incurred by them.

(2) The Urban Council and the Rural Council shall prior to the commencement of this Order make provision for raising sufficient funds to defray all current debts and liabilities and the current expenditure to be incurred up to the Thirty-first day of March One thousand nine hundred and fourteen in respect of the area of the part of their District included in the Borough by this Order In default of such provision being made the Corporation may make and levy in that area such a rate in the nature of a general district rate as will be sufficient to defray such current debts liabilities and expenditure.

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxlii.]
Provisional Order Confirmation (No. 18) Act, 1913.

(3) The Corporation may make and levy in and for each or either of the added areas precepts on the overseers in such area for such amounts as shall be necessary to enable them to defray out of the proceeds thereof any expenditure chargeable to the Borough Fund which they may require to make in such area from the date of the commencement of this Order to the Thirty-first day of March One thousand nine hundred and fourteen in respect of those matters of expenditure for which the County Council was liable until the commencement of this Order and the said Overseers shall raise the amount so required by the levy of a rate in the nature of a poor rate.

A.D. 1913.
Middles-
brough Order.

(4) Except as provided by this Article the Corporation shall not levy any rate in the added areas before or in respect of the period to end the Thirty-first day of March One thousand nine hundred and fourteen.

Art. XVIII. Subject to the provisions of this Order and subject to any adjustment to be made in respect of the excluded part of Ormesby or the excluded parts of Linthorpe—

Property &c.
of Urban and
Rural Coun-
cils.

(1) All property and liabilities which immediately before the commencement of this Order are vested in or attach to the Urban Council (otherwise than as the authority for the execution of the Burial Acts) and all property and liabilities which immediately before the commencement of this Order are vested in or attach to the Rural Council in relation exclusively to the Parish of Linthorpe or to the added part of Marton shall by virtue of this Order be transferred to and vest in and attach to the Corporation as Urban Sanitary Authority and any property and liabilities vested in or attached to the Rural Council in relation to the Parish of Linthorpe or the added part of Marton conjointly with any other area shall be a matter for adjustment under Section 62 of the Act of 1888 :

(2) The Urban Council 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 Linthorpe and the added part of Marton :

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

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

Arrears of
rates &c.

(b) All arrears of rates made by the Overseers of the Poor of the existing Parishes of Linthorpe and Marton for the purposes of the Public Health Acts or for highway expenses or for the purposes of the Lighting and Watching Act 1833 which at the commencement of this Order are due

[Ch. cxlii.] *Local Government Board's* [3 & 4 GEO. 5.]
Provisional Order Confirmation (No. 18) Act, 1913.

A.D. 1913.

Middles-
brough Order.

or owing in respect of hereditaments in the Parish of Linthorpe or in the added part of Marton 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 or in the case of rates made in the Parish of Linthorpe for the purposes of the Lighting and Watching Act 1833 towards defraying any expenses incurred by the Parish Council of that parish under the last-mentioned Act and the balances if any shall be paid to the Corporation :

(4)—(a) Any balances in the hands of the Overseers of the Poor of any existing parish affected by this Order at or immediately before the commencement of this Order and any sum collected after the commencement of this Order by the Overseers of the poor in respect of any rate made before that date in any such parish shall be a matter for adjustment under Section 62 of the Act of 1888 :

(b) For the purposes of any adjustment under the Act of 1888 any balance standing at or immediately before the commencement of this Order in the accounts of the Guardians of the Poor of the Middlesbrough Union in favour of any existing Parish affected by this Order shall be deemed to be the property of the Overseers of the Poor of that Parish and any balance standing at that date in the said accounts against the said Parish shall be deemed to be a liability of the said Overseers and any such balances shall (as the case may be) be applied for the benefit or be provided by and from the area forming such Parish :

(c) For the purposes of any adjustment under the Act of 1888 the annual sums payable by the Corporation under Section 30 of the Middlesbrough Extension and Improvement Act 1874 and Section 110 of the Middlesbrough Extension and Improvement Act 1866 respectively shall be deemed to be the property of the Parishes of Marton and Ormesby respectively :

(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 subsections (5) (6) and (7) thereof the expression "Council" included any authority affected by this Order or by anything 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 subsection (6)

Adaptation
of provisions
as to adjust-
ment.

that subsection 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:

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brough Order.*

- (6) 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 so far as it relates to the abolition or the alteration of the area of any existing Parish or to the constitution of a new Parish that section shall have effect—

(a) As if the Overseers of the Parishes of Acklam Marton and Middlesbrough and of the new Parish of Ormesby and the persons who immediately before the commencement of this Order were the Overseers of the Parishes of Linthorpe and Ormesby or where the circumstances of the case so require any persons who may be substituted for those persons by an Order of the Local Government Board were within the meaning of the said section as applied by this Article authorities affected by this Order;

(b) As if the poor rate or any other rate leviable in pursuance of the said section as applied by this Article were substituted for any fund mentioned in the section; and

(c) As if for subsections (6) and (7) of the said section there were substituted the subsections hereunto appended that is to say:—

“ (6) If it is necessary for the purpose of giving
“ effect to any agreement or award for an adjustment
“ that a separate rate shall be levied in part of a
“ parish only the agreement or award may authorise
“ the making of such a separate rate as if it were a
“ poor rate and as if the part of the parish on which
“ it is to be levied were a whole parish.”

“ (7) Any capital sum paid for the purposes of any
“ adjustment or in pursuance of any order or award
“ of an arbitrator shall be applied by such person
“ in such manner and for such purpose as the Local
“ Government Board may authorise or direct.”

[Ch. cxlii.] *Local Government Board's* [3 & 4 GEO. 5.]
Provisional Order Confirmation (No. 18) Act, 1913.

A.D. 1913.
Middles-
brough Order.
Mortgage
debts of
Burial Board
Urban Coun-
cil and Cor-
poration.

Art. XIX. Subject to the provisions of any adjustment under Section 62 of the Act of 1888 and of this Order—

- (1) The liability for the repayment of—
 - (a) any moneys borrowed by the Ormesby Burial Board or their predecessors for the purposes of the Burial Acts; and
 - (b) any moneys borrowed by the Urban Council or of so much of any of those moneys as will be owing at the commencement of this Order and for the payment of the interest thereon shall by virtue of this Order be transferred to and attach to the Corporation:
- (2) So much as at the commencement of this Order is outstanding in respect of the moneys borrowed as aforesaid by the Urban Council together with so much of any sums borrowed by the Corporation as at the commencement of this Order is owing and charged upon the district fund and general district rate of the existing Borough shall by virtue of this Order be charged upon the district fund and general district rate of the Borough and so much as at the commencement of this Order is outstanding in respect of the moneys borrowed as aforesaid for the purposes of the Burial Acts together with so much of any sums borrowed by the Corporation as at the commencement of this Order is owing and charged upon the borough fund and borough rate of the existing Borough shall by virtue of this Order be charged upon the borough fund and borough rate of the Borough:
- (3) All borrowed moneys to which this Article applies 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:
- (4) Nothing in this Order shall prejudice or affect any mortgage or other security which has been granted in respect of any sum borrowed as aforesaid or the powers of any person entitled under any such mortgage or other security to enforce the same as if this Order had not been made and where for any such purpose it is necessary to continue the exercise of a power which would have existed but for this Order the power may continue to be exercised as if this Order had not been made and the general district rate of the Borough or the borough rate of the Borough as the

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxlii.]
Provisional Order Confirmation (No. 18) Act, 1913.

case may be shall for any such purpose be levied and have effect in substitution for the rate which would have been levi-able if this Order had not been made.

A.D. 1913.
Middles-
brough Order.

Art. XX.—(1) The provisions of the Baths and Washhouses Acts 1846 to 1899 the Public Health Acts Amendment Act 1890 the Infectious Disease (Prevention) Act 1890 the Museums and Gymnasiums Act 1891 (so far as it relates to museums only) the Public Libraries Acts 1892 to 1901 and the Notification of Births Act 1907 shall be in force in and apply to the Borough as if the same had been adopted therein.

Adoptive
Acts and
powers under
Public Health
Acts Amend-
ment Act
1907.

(2) Subject to the provisions of any Order which the Local Government Board or a Secretary of State may hereafter make the provisions of any Order made by the Secretary of State or by the Local Government Board and declaring to be in force in the existing Borough any Parts or Sections of the Public Health Acts Amendment Act 1907 shall have and shall be deemed always to have had effect as if any reference in those provisions to the existing Borough extended and applied to the Borough and as if the said Parts and Sections were accordingly declared to be in force in the Borough.

7 Edw. 7.
c. 53.

(3) Subject to the provisions of this Order the provisions of Part III. of the Public Health Acts Amendment Act 1890 shall cease to be in force in the excluded part of Ormesby.

(4) The provisions of any Order made by the Secretary of State or by the Local Government Board and declaring to be in force in the Urban District or in the contributory places of Linthorpe or Marton any Parts or Sections of the Public Health Acts Amendment Act 1907 shall cease to be in force in the Urban District in the Parish of Linthorpe and in the added part of Marton respectively.

(5) Nothing in subdivisions (3) and (4) of this Article shall—

- (a) affect the operation prior to the commencement of this Order of any such provisions as are referred to in those subdivisions or anything duly done or suffered there-
under; or
- (b) affect any right privilege or 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.

[Ch. cxlii.] *Local Government Board's* [3 & 4 GEO. 5.]
Provisional Order Confirmation (No. 18) Act, 1913.

A.D. 1913.
Middles-
brough Order.
Powers under
Section 33 of
Act of 1894.

Art. XXI. Subject to the provisions of any Order which the Local Government Board may hereafter make the provisions of any Order heretofore made by the Local Government Board and conferring upon the Council of the existing Borough any of the matters mentioned in Section 33 of the Act of 1894 and in that Order shall be deemed to have effect as if any reference in those provisions to the existing Parish of Middlesbrough extended and applied to the Parish of Middlesbrough and the provisions of any Order heretofore made by the Local Government Board and conferring upon the Urban Council any of the matters mentioned in Section 33 of the Act of 1894 and in that Order shall cease to apply and have effect.

Art. XXII. For the purposes and subject to the provisions of the Education Acts 1870 to 1910 and the Education (Administrative Provisions) Act 1911—

Transfer of
public ele-
mentary
schools &c. to
Corporation.

- (1) All public elementary schools (including the sites and schoolhouses) provided by the local education authority and any other land acquired and held by the local education authority for purposes of public elementary education and situate within any part of the added areas with the furniture and fittings of the schoolhouses shall by virtue of this Order be transferred to and vested in 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 land furniture or fittings or of any other public elementary school situate in any part of the added areas or with respect to the officers teachers and servants of any of the public elementary schools in this subdivision mentioned 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 this subdivision:

Mortgage
debts in
respect of
transferred
schools.

- (2) Subject to any adjustment which may hereafter be made the liability for repayment of so much of any loan raised exclusively in respect of any public elementary school (including the site and schoolhouse) and any other land 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

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxlii.]
Provisional Order Confirmation (No. 18) Act, 1913.

payment of interest on that part of the said loan shall by virtue of this Order be transferred and attach 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 borough fund and the borough rate of the Borough 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:

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brough Order.

- (3) Any byelaws in force in the existing Borough immediately before the commencement of this Order shall from and after that date apply to the Borough 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) Any managers of public elementary schools in the added areas who were appointed by the Urban Council or by the County Council shall vacate office at the commencement of this Order.

Education
byelaws.

Managers.

Art. XXIII.—(1) The amount in the pound of any borough rate to be levied by the Corporation in respect of any hereditament in the added part of Ormesby during the period of two years from the First day of April One thousand nine hundred and fourteen shall not exceed three-quarters of the amount in the pound of the same borough rate to be levied by the Corporation in respect of the like hereditament in the area of the Borough of Middlesbrough as it existed immediately before the operation of the Middlesbrough Extension and Improvement Act 1866.

Differential
rating—
in added part
of Ormesby;

(2)—(a) The amount in the pound of any borough rate to be levied by the Corporation in respect of any hereditament in the added part of Linthorpe—

in added part
of Linthorpe;

- (i) during the period of ten years from the First day of April One thousand nine hundred and fourteen shall not exceed one-half; and
- (ii) during the period of five years from the First day of April One thousand nine hundred and twenty-four shall not exceed three-quarters

of the amount in the pound of the same borough rate to be levied by the Corporation in respect of the like hereditament in the area of the Borough of Middlesbrough as it existed immediately before the operation of the Middlesbrough Extension and Improvement Act 1866:

[Ch. cxlii.] *Local Government Board's* [3 & 4 GEO. 5.]
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A.D. 1913. (b) The amount in the pound of any general district rate to be
levied by the Corporation in respect of any hereditament in the added
Middles- part of Linthorpe—
brough Order.

(i) during the period of five years from the First day of April
One thousand nine hundred and fourteen shall not exceed
one-half; and

(ii) during the period of five years from the First day of April
One thousand nine hundred and nineteen shall not exceed
three-quarters

of the amount in the pound of the same general district rate to be
levied by the Corporation in respect of the like hereditament in the
area of the Borough of Middlesbrough as it existed immediately before
the operation of the Middlesbrough Extension and Improvement Act
1866.

and in added (3)—(a) The amount in the pound of any borough rate to be
part of levied by the Corporation in respect of any hereditament in the added
Marton. part of Marton—

(i) during the period of five years from the First day of April
One thousand nine hundred and fourteen shall not exceed
one-quarter;

(ii) during the period of five years from the First day of April
One thousand nine hundred and nineteen shall not exceed
one-half; and

(iii) during the period of eight years from the First day of April
One thousand nine hundred and twenty-four shall not
exceed three-quarters

of the amount in the pound of the same borough rate to be levied by
the Corporation in respect of the like hereditament in the area of the
Borough of Middlesbrough as it existed immediately before the opera-
tion of the Middlesbrough Extension and Improvement Act 1866:

(b) The amount in the pound of any general district rate to be
levied by the Corporation in respect of any hereditament in the added
part of Marton—

(i) during the period of ten years from the First day of April
One thousand nine hundred and fourteen shall not exceed
one-half; and

(ii) during the period of five years from the First day of April
One thousand nine hundred and twenty-four shall not exceed
three-quarters

of the amount in the pound of the same general district rate to be
levied by the Corporation in respect of the like hereditament in the

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxlii.]
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area of the Borough of Middlesbrough as it existed immediately before the operation of the Middlesbrough Extension and Improvement Act 1866.

A.D. 1913.

Middlesbrough Order.

(4) The amount in the pound of any borough rate or of any general district rate to be levied as hereinbefore provided in respect of any hereditament in any of the added areas mentioned in this Article shall not apply to any rate or precept levied or made under the provisions of Article XVII. of this Order.

Art. XXIV. During the operation of Article XXIII. of this Order Section 146 of the Municipal Corporations Act 1882 shall with the necessary modifications apply and have effect in relation to the borough rate as if the area of the existing Parish of Middlesbrough and each of the added areas mentioned in that Article were a parish partly in and partly out of the Borough.

Application to borough rate of Section 146 of Municipal Corporations Act 1882.

Art. XXV.—(1) The Corporation shall be the Burial Board for the Borough and shall have within the Borough to the exclusion of any other burial authority all the powers duties and liabilities of a burial board under the Burial Acts Provided that no approval sanction or authorisation of the vestry of the Parish of Middlesbrough shall be required in respect of any act of the Corporation as the Burial Board as aforesaid.

Corporation to be Burial Board for Borough.

(2) All property and liabilities of the Ormesby Burial Area shall by virtue of this Order vest in and be transferred to and attach to the Corporation as the Burial Board for the Borough.

(3) The rights of the parishioners and inhabitants of the excluded part of Ormesby with regard to burial in any burial ground provided for the Ormesby Burial Area shall not be altered but shall continue as if this Order had not been made and the burial charges to such parishioners and inhabitants shall be the same as are made in respect of interments in the said burial ground of persons resident in the Borough.

Saving rights of burial.

(4) In relation to a burial ground provided for the Ormesby Burial Area—

Nothing in this Order shall prejudice or affect any such right of burial or of constructing a place of burial or of erecting and placing any monument gravestone tablet or monumental inscription as a parishioner an inhabitant or any other person has had or acquired before the commencement of this Order; and

Nothing in this Order shall prejudicially affect any right privilege authority or duty which immediately before the commencement of this Order will be exercisable by or attach to any incumbent or sexton under the Burial Acts.

[Ch. cxlii.] *Local Government Board's* [3 & 4 GEO. 5.]
Provisional Order Confirmation (No. 18) Act, 1913.

A.D. 1913.
Middles-
brough Order.
Burial fees
&c.

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

Cessation of
Burial Acts
in excluded
areas.

(6) Except so far as is necessary for any purpose of this Article the Burial Acts shall cease to apply and have effect in the excluded part of Ormesby.

County police
stations.

Art. XXVI.—(1) 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 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 sums as shall be agreed upon or as in default of agreement shall be settled by arbitration in manner provided by the Act of 1888.

(2) In the event of the amount of the consideration for the transfer of the property which by virtue of subdivision (1) of this Article is transferred to and vested in the Corporation not being ascertained before the commencement of this Order the date of the final ascertainment of the consideration shall for the purposes of Section 12 of the Finance Act 1895 be treated as the date of vesting.

Adjustment
of financial
relations
between
County and
County
Boroughs.

Art. XXVII.—(1) In any case where the extension of the existing Borough by this Order affects the distribution of the proceeds of the local taxation licences or of the estate duty grant or of the Local Taxation (Customs and Excise) duties between the County and the Borough or between the County and 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 the said distribution or financial relations or questions equitable adjustments may be made between the areas interested:

For the purposes of this subdivision or of anything done or to be done in pursuance of this subdivision any reference in the said subdivision to the proceeds of licences or duties shall include a reference to the sums which in pursuance of subsection (4) of Section 17 of the Finance Act 1907 as amended by Section 6 of the Finance Act 1908 and Section 88 of the Finance (1909-10) Act 1910 and the Revenue Act 1911 or of any subsequent Act have been paid or will be payable in lieu of those proceeds.

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxlii.]
Provisional Order Confirmation (No. 18) Act, 1913.

(2) Any such adjustment as is authorised by subdivision (1) of this Article may be made by agreement between the Councils of the Borough the County and the County Boroughs affected and if such adjustment shall not have been made before the Thirtieth day of September One thousand nine hundred and fourteen then on the application of any of the Councils interested the Local Government Board may if they think fit either make the adjustment themselves or appoint an arbitrator to make it.

A.D. 1913.
Middles-
brough Order.

(3) In any case in which an agreement for equitable adjustments as aforesaid shall not have been made 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 those 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 subsection (6) of Section 61 of the Act of 1888 subsections (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 those inquiries; and

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

(4)—(a) An equitable adjustment shall be made between the County and the Borough respecting the interest of the added areas in any compensation fund constituted under Section 21 of the Licensing (Consolidation) Act 1910 or under any enactment repealed by that Act:

Adjustment
for purposes
of Licensing
(Consolida-
tion) Act
1910.

(b) Such adjustment shall be made by agreement between the Compensation Authority (as defined by the Licensing (Consolidation) Act 1910) for the County and for the Borough within twelve months from the commencement of this Order or in default of agreement by an arbitrator appointed by the Secretary of State:

(c) For the purpose of such adjustment an arbitrator appointed by the Secretary of State shall be deemed to be an arbitrator within the meaning of Section 62 of the Act of 1888 and the provisions of that Act shall apply accordingly.

[Ch. cxlii.] *Local Government Board's* [3 & 4 GEO. 5.]
Provisional Order Confirmation (No. 18) Act, 1913.

A.D. 1913.

Middles-
brough Order.
 Electoral
 Divisions
 and County
 Councillors.

Art. XXVIII. Subject to the provisions of Section 54 of the Act of 1888—

- (1) The number of County Councillors for the County shall be reduced from sixty-one to sixty 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 accordingly :
- (2) The existing Ormesby Electoral Division of the County shall be abolished and the County Councillor elected to represent that division shall go out of office at the commencement of this Order and his place shall not be filled up :
- (3) So much of the said existing Electoral Division as is comprised in the excluded part of Ormesby and will become the new Parish of Ormesby shall be included in and form part of the Yarm Electoral Division of the County as diminished by the inclusion in the Borough of the added part of Linthorpe and the added part of Marton and the Yarm Electoral Division as altered as aforesaid 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 electoral division as if he had been originally elected to represent that electoral division as altered by this Order :
- (4) Subject as provided in this Article 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 alterations effected by this Order.

Parochial
 alterations.

Art. XXIX.—(1) The added part of Marton shall be separated from the existing Parish of Marton and that part and the added part of Linthorpe and the added part of Ormesby shall be amalgamated with the existing Parish of Middlesbrough.

(2) The excluded parts of Linthorpe shall be amalgamated with the existing Parish of Acklam.

Formation of
 new Parish
 of Ormesby.

(3)—(a) The excluded part of Ormesby shall be formed into a separate parish for all lay and civil purposes to be called the Parish of Ormesby :

(b) The new Parish of Ormesby shall be included in and form part of the Middlesbrough Union and all Orders in force immediately before the commencement of this Order and applicable to the several parishes therein shall apply to the said new Parish.

A.D. 1913.

Middlesbrough Order.

Art. XXX.—(1) The new Parish of Ormesby shall be included in and form part of the Rural District.

Extension of Rural District.

(2) The provisions of the Infectious Disease (Prevention) Act 1890 shall be in force in and apply to the Rural District as altered by this Order.

Adoptive Acts byelaws &c. of Rural Council made applicable to extended District.

(3) Any byelaws and regulations made by the Rural Council or their predecessors and in force immediately before the commencement of this Order within the Rural District shall until they are repealed altered or revoked extend to and be in force within the new Parish of Ormesby and any byelaws or regulations made by the Urban Council or their predecessors and in force immediately before the said date in any part of the area of the said new Parish shall on that date cease to be in force except as regards any work which has been begun before that date or, as regards any work which has not been so begun but for which plans have been approved before that date by the Urban Council or have been sent to the surveyor or clerk to that Council one month at least before that date and shall not have been disapproved by that 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 the work in like manner and with the like effect as if those byelaws had been made by the Rural Council and as if the Rural Council and the Rural District were referred to therein instead of the Urban Council and the Urban District. Provided that any proceedings which if this Order had not been made might have been taken by the last-mentioned Council for any offence committed before the commencement of this Order against any byelaws and regulations which by virtue of this subdivision cease to be in force may be taken by the Rural Council as if those byelaws and regulations had remained in force and the Rural Council had been substituted therein for the Urban Council.

(4) All the powers rights duties capacities liabilities and obligations of an Urban District Council and all the powers in relation to the chargeability of expenses with which the Rural Council are invested in pursuance of any order issued by the Local Government Board under the Public Health Acts in respect of the contributory place of Acklam or of the Rural District as it existed immediately before the commencement of this Order shall be deemed as from the commencement of this Order to vest in and attach to the Rural Council in respect of the contributory place or the Rural District as the case may be as altered by this Order.

Urban powers and special expenses orders.

Art. XXXI. Subject to the provisions of Section 60 of the Act of 1894 the following provisions shall have effect:—

Rural District Councillors and Guardians.

(1)—(a) The Parish of Middlesbrough shall for the purposes of the election of guardians be divided into eleven wards which

[Ch. cxlii.] *Local Government Board's* [3 & 4 GEO. 5.]
Provisional Order Confirmation (No. 18) Act, 1913.

A.D. 1913.
Middles-
brough Order.

- shall be respectively co-terminous in area with and shall bear the same names as the wards into which the Borough is divided for the purposes of the election of Councillors ;
- (b) Two Guardians shall be assigned to each of the said wards ;
- (c) The two persons who at the commencement of this Order hold the office of Guardian of the Poor for the Parish of Ormesby shall be deemed to have been elected for and shall represent the Ormesby Ward of the Parish of Middlesbrough until the date upon which they would have retired if this Order had not been made ;
- (d) The persons who at the commencement of this Order are the Guardians representing each of the wards of the existing Parish of Middlesbrough shall be deemed to have been elected for and shall represent until the date upon which they would have retired if this Order had not been made the ward of the Parish of Middlesbrough which by virtue of this Order will bear the same name as the ward of the said existing Parish :
- (2) At the commencement of this Order the person who is holding the office of Rural District Councillor and Guardian of the Poor for the existing Parish of Linthorpe shall go out of office :
- (3) The persons who at the commencement of this Order are holding the office of Rural District Councillor and Guardian of the Poor for the existing Parish of Acklam and the existing Parish of Marton respectively shall be deemed to have been elected for and shall represent the Parish of Acklam and the Parish of Marton respectively until the date upon which they would have retired if this Order had not been made :
- (4) A Rural District Councillor shall be elected for the new Parish of Ormesby and the election shall be held at such dates as to secure the completion of the election before the commencement of this Order and the Rural District Councillor then elected shall come into office at that date but for the purposes of retirement shall be deemed to have come into office on the Fifteenth day of April One thousand nine hundred and thirteen The said Rural District Councillor shall represent the said Parish upon the Board of Guardians of the Middlesbrough Union.

Parish
Councils.

Art. XXXII.—(1) Subject to the provisions of this Order the Parish Council of the existing Parish of Linthorpe shall cease to exist and any powers and duties transferred by the Act of 1894 to the said

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxlii.]
Provisional Order Confirmation (No. 18) Act, 1913.

Parish Council or to the Parish Council of the existing Parish of Marton shall so far as regards the added part of Linthorpe or the added part of Marton 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 of Linthorpe or the added part of Marton as the case may be had been included in a parish in the existing Borough on the appointed day within the meaning of the Act of 1894 and all property and liabilities held or incurred so far as regards the added part of Linthorpe or the added part of Marton for the purpose or by virtue of the said powers and duties shall by virtue of this Order be transferred to and vest in and attach to the persons and authorities aforesaid Any property or liabilities of the said Parish Councils held or incurred otherwise than by virtue or for the purposes of the powers or duties aforesaid shall so far as regards the added part of Linthorpe or the added part of Marton by virtue of this Order be transferred to and vest in and attach to the Corporation.

A.D. 1913.
Middles-
brough Order.

(2) The Parish Council of the existing Parish of Marton shall be deemed to have been elected and shall be the Parish Council for the Parish of Marton.

(3) A Parish Council shall as soon as may be practicable after the commencement of this Order be elected for the new Parish of Ormesby The number of members of the said Parish Council shall be five and the said Parish Council shall subject to any directions which may hereafter be given by the Local Government Board be elected in accordance with the rules contained in the Parish Councillors (Small Parishes) First Election Order 1898 as if the said parish were a parish having a population of less than three hundred according to the census of one thousand eight hundred and ninety-one.

Parish Coun-
cil to be
elected for
new Parish
of Ormesby.

The parish councillors first elected in pursuance of this Article shall come into office on such day (not being more than ten days after the completion of the election) as the Returning Officer may by written notice to each of the parish councillors so elected appoint.

Art. XXXIII. Overseers of the Poor shall be appointed for the new Parish of Ormesby as soon as practicable after the commencement of this Order but until such appointments are made the Overseers of the Poor of the existing Parish of Ormesby shall act as the Overseers of the new Parish of Ormesby.

Overseers of
new Parish.

Art. XXXIV. Nothing in this Order shall affect any ecclesiastical parish or district or shall prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment.

Ecclesiastical
divisions and
charities.

[Ch. cxlii.] *Local Government Board's* [3 & 4 GEO. 5.]
Provisional Order Confirmation (No. 18) Act, 1913.

A.D. 1913.

*Middles-
brough Order.*
Valuation
lists.

Art. XXXV. Until new valuation lists are in force—

- (1) The portions of the valuation lists of the existing Parishes of Linthorpe Marton and Ormesby which respectively relate to hereditaments in the added part of Linthorpe the added part of Marton and the added part of Ormesby shall be deemed to form part of the valuation list of the Parish of Middlesbrough ;
- (2) The remaining portion of the valuation list of the existing Parish of Marton shall be deemed to be the valuation list of the Parish of Marton ; and
- (3) The remaining portion of the valuation list of the existing Parish of Ormesby shall be deemed to be the valuation list of the new Parish of Ormesby.

County rate
basis.

Art. XXXVI.—(1) Subject to any future revision the basis or standard of the county rate for the County shall be deemed to be altered—

- (a) by the omission therefrom of the reference to the total annual value of the property in the existing Parish of Linthorpe ; and
- (b) by the deduction from the amount appearing therein as the total annual value of the property in the existing Parishes of Marton and Ormesby of such a sum in each case as will represent the annual value of the property in the part of the Parish which is included by this Order in the Parish of Middlesbrough.

(2) For the purposes of this Article the annual value of the property in the part of a parish which is included by this Order in the Parish of Middlesbrough shall be the amount which bears the same relation to the total annual value of the existing parish as the assessable value of the property in the included part of the existing parish bears to the total assessable value of property in the existing parish and the total annual value of the existing parish shall be the amount appearing as such in the basis or standard of the county rate.

(3) 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 that list of the buildings and other hereditaments not being agricultural land in the existing parish or in the part included in the Parish of Middlesbrough as the case may require.

Saving for
existing lists
of parliamen-
tary voters
&c.

Art. XXXVII. 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

[3 & 4 GEO. 5.] *Local Governmen Board's* [Ch. cxlii.]
Provisional Order Confirmation (No. 18) Act, 1913.

shall be deemed to continue unaltered until the new registers and lists come into operation: A.D. 1913.

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 any Parish Meeting in the Parish of Marton or in the new Parish of Ormesby 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. *Middlesbrough Order.*

Art. XXXVIII. For any purposes connected with the settlement and removal of the poor in relation to cases affected by this Order the following provisions shall have effect that is to say:— Settlement and removal of the poor.

(1) Every person who at the commencement of this Order has acquired or is in the course of acquiring a settlement in any of the existing Parishes of Acklam Linthorpe Marton Middlesbrough or Ormesby by reason of any residence completed or in the course of completion or of any act or thing done or in the course of being done or of any status condition right or privilege acquired or created or in the course of acquisition or creation—

(i) in the existing Parish of Middlesbrough; or

(ii) in the part of any of the existing parishes included by this Order in the Parish of Middlesbrough; or

(iii) in that part of the existing Parish of Marton which by virtue of this Order will form the Parish of Marton; or

(iv) in the Parish of Acklam; or

(v) in either of the excluded parts of Linthorpe; or

(vi) in the excluded part of Ormesby

shall be deemed to have acquired or to be in the course of acquiring in the first and second cases a settlement in the Parish of Middlesbrough in the third case a settlement in the Parish of Marton in the fourth and fifth cases a settlement in the Parish of Acklam and in the sixth case a settlement in the new Parish of Ormesby and in each case as if the existing parish or the specified part of the existing parish were and had always been the parish or a part of the parish in which by virtue of this Article the person shall be deemed to have acquired or to be in the course of acquiring a settlement:

(2) Every person who at the commencement of this Order has acquired or is in the course of acquiring a status of

[Ch. cxlii.] *Local Government Board's* [3 & 4 GEO. 5.]
Provisional Order Confirmation (No. 18) Act, 1913.

A.D. 1913.

*Middles-
brough Order.*

irremovability from the Middlesbrough Union by reason of residence—

- (i) in the existing Parish of Middlesbrough; or
- (ii) in the part of any of the existing parishes included by this Order in the Parish of Middlesbrough; or
- (iii) in that part of the existing Parish of Marton which by virtue of this Order will form the Parish of Marton; or
- (iv) in the Parish of Acklam; or
- (v) in either of the excluded parts of Linthorpe; or
- (vi) in the excluded part of Ormesby

shall be deemed to have acquired or to be in the course of acquiring the like status by reason of residence in the first and second cases in the Parish of Middlesbrough in the third case in the Parish of Marton in the fourth and fifth cases in the Parish of Acklam and in the sixth case in the new Parish of Ormesby.

Saving for
contribution
orders and
precepts.

Art. XXXIX. Notwithstanding the alteration in the areas of the parishes effected by this Order all contribution orders made by the Guardians of the Poor of the Middlesbrough Union 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.

Arrears of
rates.

Art. XL.—(1) All sums in respect of rates made by the Overseers of the Poor of the existing Parish of Marton and due or owing at the commencement of this Order shall be collected and recovered by the Overseers of the Poor of the Parish of Marton as if this Order had not been made.

(2) All sums in respect of rates made by the Overseers of the Poor of the existing Parishes of Linthorpe and Ormesby and due or owing at the commencement of this Order shall be collected and recovered in respect of the added part of Linthorpe and the added part of Ormesby by the Overseers of the Poor of the Parish of Middlesbrough and in respect of the excluded part of Ormesby by the Overseers of the Poor of the new Parish of Ormesby.

Audit of
accounts of
abolished
authorities.

Art. XLI. The accounts of the Urban Council and the Parish Council of Linthorpe and of their committees and officers shall be made up to the commencement of this Order and shall be audited by the District Auditor in like manner and with the like incidents and consequences as if this Order had not been made:

Provided that the audit may in each case be held as soon as practicable after the commencement of this Order any statutory provi-

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxlii.]
Provisional Order Confirmation (No. 18) Act, 1913.

sion or regulation as to the time of holding the audit to the contrary notwithstanding and any sum certified by the District Auditor at the audit to be due from any person shall be paid to the Treasurer of the Borough and shall be a matter for adjustment under Section 62 of the Act of 1888. A.D. 1913.
Middlesbrough Order.

Art. XLII. For the purpose of defraying the costs of obtaining this Order and any expenses under this Order which in the opinion of the Local Government Board are properly chargeable to capital the Corporation may borrow according and subject to the provisions and restrictions of the Public Health Act 1875 and may mortgage the borough fund and borough rate or the district fund and general district rate of the Borough 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 determine. Borrowing powers for purposes of Order.

Art. XLIII. This Order may be cited as the Middlesbrough Short title. (Extension) Order 1913.

The SCHEDULE above referred to.

PART I.—LOCAL ACTS.

Session and Chapter.	Short Title.
4 & 5 Vict. c. lxxviii.	- The Middlesbrough Improvement Act 1841.
19 & 20 Vict. c. lxxvii.	- The Middlesbrough Improvement Act 1856.
21 & 22 Vict. c. cxl.	- The Middlesbrough Improvement Act 1858.
29 & 30 Vict. c. cxliii.	- The Middlesbrough Extension and Improvement Act 1866.
37 & 38 Vict. c. cviii.	- The Middlesbrough Extension and Improvement Act 1874.
40 Vict. c. xxx.	- The Middlesbrough Improvement Act 1877.
55 & 56 Vict. c. clxvi.	- The Middlesbrough Corporation Act 1892.
61 & 62 Vict. c. clxxviii.	- The Middlesbrough Corporation (Gas) Act 1898.
3 Edw. 7. c. clxx.	- The Middlesbrough Corporation Act 1903.
7 Edw. 7. c. xx.	- The Middlesbrough Corporation (Transporter Bridge) Act 1907.
10 Edw. 7. & 1 Geo. 5. c. cxix.	The Middlesbrough Corporation Act 1910.

[Ch. cxlii.] *Local Government Board's* [3 & 4 GEO. 5.]
Provisional Order Confirmation (No. 18) Act, 1913.

A.D. 1913.

PART II.—CONFIRMATION ACTS.

*Middles-
brough Order.*

Session and Chapter.	Short Title.	Order thereby confirmed.
18 & 19 Vict. c. cxxv.	The Public Health Supplemental Act 1855.	Order relating to Middlesbrough dated 18th July 1855.
42 & 43 Vict. c. lxxviii.	The Local Government Board's Provisional Orders Confirmation (Aysgarth Union &c.) Act 1879.	Order relating to Middlesbrough dated 30th April 1879.
44 & 45 Vict. c. xcvi.	The Local Government Board's Provisional Orders Confirmation (Askern &c.) Act 1881.	Order relating to Middlesbrough dated 4th May 1881.
46 & 47 Vict. c. cxxxvi.	The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1883.	Order relating to Middlesbrough dated 19th May 1883.
47 & 48 Vict. c. ccxiv.	The Local Government Board's Provisional Orders Confirmation (No. 7) Act 1884.	Order relating to Middlesbrough dated 27th May 1884.
61 & 62 Vict. c. ccvi.	The Electric Lighting Orders Confirmation (No. 7) Act 1898.	The Middlesbrough Corporation Electric Lighting Order 1898.
62 Vict. c. xxviii.	The Local Government Board's Provisional Orders Confirmation (No. 1) Act 1899.	The Middlesbrough Order 1899.

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

(L.S.)

JOHN BURNS President.

H. C. MONRO Secretary.

SECOND SCHEDULE.

PART I.

RULES FOR DETERMINING ADJUSTMENTS OF THE LOCAL TAXATION
LICENCES THE ESTATE DUTY GRANT AND THE RESIDUE
UNDER SECTION 1 OF THE LOCAL TAXATION (CUSTOMS AND
EXCISE) ACT 1890.

1. The portion of the local taxation licences and estate duty grant payable or estimated to be payable in respect of the area of the County as it existed immediately before the Ninth day of November One thousand nine hundred and thirteen shall after the appointed day be divided between the County Council and the Corporation and the amount payable to each shall be apportioned on the following basis:—

(a) There shall be apportioned to the County Council amounts equal to the average annual amounts of the compulsory payments and transfers made by or on behalf of that

Council in accordance with section 24 of the Local Government Act 1888 in respect of the five years ending the Thirty-first day of March One thousand nine hundred and fourteen less the portions of such average annual amounts paid and transferred for and in respect of the added area and amounts equal to such last-mentioned portions shall be apportioned to the Corporation: A.D. 1913.

(b) Out of the balance (if any) of the said portion of the local taxation licences and estate duty grant there shall next be apportioned to the County Council amounts equal to the average annual amounts of the compulsory payments made by or on behalf of that Council in accordance with section 26 of the Local Government Act 1888 in respect of the five years ending the Thirty-first day of March One thousand nine hundred and fourteen less the portions of such annual average amounts paid for and in respect of the added area and amounts equal to such last-mentioned portions shall be apportioned to the Corporation:

(c) Out of the balance (if any) of the said portion of the local taxation licences and estate duty grant there shall next be apportioned to the County Council a sum equal to one-half of the average annual cost during the five years preceding the First day of April One thousand nine hundred and thirteen of the maintenance of main roads within the County as it existed immediately before the Ninth day of November One thousand nine hundred and thirteen (including any payments made in respect of the interest on or of the repayment of the capital of loans raised on account of such main roads) after deducting the amount of one-half of such cost incurred in respect of the main roads within the added area and such last-mentioned amount shall be apportioned to the Corporation:

Provided that if it appears that the County Council have failed to declare any roads in the County as it existed immediately before the Ninth day of November One thousand nine hundred and thirteen to be main roads which ought to have been so declared or have declared any roads to be main roads which ought not to have been so declared proper adjustments shall be made in the calculation of the cost of maintenance of main roads in the County as it so existed under this rule by the inclusion of the cost of such roads as ought to have been declared to be main roads or the exclusion of the cost of such roads as ought not to have been declared to be main roads as the case may require:

[Ch. cxlii.] *Local Government Board's* [3 & 4 GEO. 5.]
Provisional Order Confirmation (No. 18) Act, 1913.

A.D. 1913.
—

- (d) If any balance of the local taxation licences and estate duty grant remains after apportioning between the County Council and the Corporation the sums ascertained in accordance with the foregoing rules such balance shall be divided between the County Council and the Corporation in proportion to the rateable values on the appointed day of the County and of the added area respectively :
- (e) If any difficulty arises in ascertaining for the purposes of paragraph (a) or paragraph (b) the portion of any item paid or transferred for and in respect of the added area or any part thereof a portion of that item proportionate to the rateable value at the commencement of the financial year in respect of which the payment or transfer was made of that area or part as compared with the rateable value of the whole area for and in respect of which the item was paid or transferred shall be deemed to have been paid or transferred for and in respect of the added area :
- (f) If the amount available for apportionment under any of the preceding paragraphs is insufficient to meet the whole of the amounts apportioned under the paragraph to the County Council and the Corporation those amounts shall be reduced proportionately.

2. The residue under section 1 of the Local Taxation (Customs and Excise) Act 1890 payable or estimated to be payable in respect of the area of the County as it existed immediately before the Ninth day of November One thousand nine hundred and thirteen shall after the appointed day be divided between the County Council and the Corporation in proportion to the rateable values on the appointed day of the County and of the added area respectively.

3. In this Part of this Schedule—

- (1) The expression "the appointed day" means the First day of April One thousand nine hundred and fourteen ;
- (2) The expressions "the County" and "the County Council" mean respectively the Administrative County of the North Riding of Yorkshire and the County Council of that County ;
- (3) The expression "the Corporation" means the Mayor Aldermen and Burgesses of the Borough of Middlesbrough acting by the Council ;
- (4) The expression "the added area" means the area added to the Borough of Middlesbrough by the Order relating to Middlesbrough ;

- (5) The expression "rateable value" means (unless the County Council and the Corporation otherwise agree) the rateable value as determined by the last valuation list or if there is no valuation list by the last poor rate. A.D. 1913.

PART II.

RULES FOR DETERMINING THE SUM TO BE PAID IN RESPECT OF INCREASE OF BURDEN ON RATEPAYERS.

1. Regard shall be had to—

(a) The difference between the burden on the ratepayers which will properly be incurred by the Council or other authority affected by the Order in meeting the cost of executing any of their powers and duties and the burden on the ratepayers which would properly have been incurred by that Council or other authority in meeting such cost had no alteration of boundaries or other change taken place :

(b) The length of time during which the increase of burden may be expected to continue :

Provided that no alteration of income in consequence of an apportionment under Part I. of this Schedule shall be taken into account.

2. The sum payable to any council or other authority affected by the Order in respect of the increase of burden shall not exceed or if payable by instalments or by way of annuity the capitalised value of the instalments or annuity shall not exceed the average annual increase of burden multiplied by fifteen.

3. Any sum payable in respect of the cost of maintenance of main roads shall be payable by way of annuity.

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