



## CHAPTER lxi.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Bideford, Burton-upon-Trent, and Stratford-upon-Avon, and the Improvement Act District of Milford. [28th June 1888.] A.D. 1888.

WHEREAS the Local Government Board have made the Provisional Orders set forth in the Schedule hereto, under the provisions of the Public Health Act, 1875:

38 & 39 Vict.  
c. 55.

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

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

1. The Orders set out in the Schedule hereto shall be and the same are hereby confirmed, and all the provisions thereof shall, from and after the dates therein respectively mentioned, have full validity and force. Orders in Schedule confirmed.

2. The urban sanitary authority for the Improvement Act District of Milford shall not under the powers of this Act or of the Order relating to the district hereby confirmed, without the consent of the Local Government Board, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which after the passing of this Act, have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. Special provision as to houses of labouring class.

For the purposes of this section, the expression "labouring class" includes mechanics, artizans, labourers, and others working for

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A.D. 1888. — wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

Short title.      **3.** This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 3) Act, 1888.

S C H E D U L E.

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A.D. 1888.

*Bideford*  
*Order.*

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BOROUGH OF BIDEFORD.

*Provisional Order for repealing a Confirming Act.*

To the Mayor, Aldermen, and Burgesses of the Borough of Bideford, in the County of Devon, being the Urban Sanitary Authority for that Borough ; —

And to all others whom it may concern.

WHEREAS the Borough of Bideford, in the County of Devon, is an Urban Sanitary District, of which the Mayor, Aldermen, and Burgesses, acting by the Council (herein-after referred to as "the Corporation"), are the Urban Sanitary Authority ;

And whereas by a Provisional Order of one of Her Majesty's Principal Secretaries of State, dated the 'Twenty-third day of November, One thousand eight hundred and sixty-six, and duly confirmed by the Local Government Supplemental Act, 1867, (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act,") it was ordered that the Corporation, acting as the Local Board in and for the District of Bideford, (which District was conterminous with the Borough of Bideford,) in the County of Devon, should have power and authority to borrow or re-borrow, for the execution and completion of works of a permanent nature in the exercise of their powers as such Local Board within such District, and on mortgage of the rates leviable by them as such, a sum or sums which should not exceed in the whole two years' assessable value of the premises assessable under the Local Government Act, 1858, within the aforesaid District ; and it was provided that the said sum or sums should be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof :

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 297 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, so much of the Confirming Act as relates to the Order shall be repealed, except so far as it may have been acted upon, so that the Order shall, except as aforesaid, cease to have any effect.

Given under the Seal of Office of the Local Government Board, this  
Twenty-fifth day of April, One thousand eight hundred and  
eighty-eight.

(L.S.)

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



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A.D. 1888.

BOROUGH OF BURTON UPON TRENT.

*Burton upon  
Trent  
Order.*

*Provisional Order for altering certain Local Acts.*

To the Mayor, Aldermen, and Burgesses of the Borough of Burton upon Trent, in the Counties of Stafford and Derby, being the Urban Sanitary Authority for that Borough ; —

And to all others whom it may concern.

WHEREAS the Borough of Burton upon Trent, in the Counties of Stafford and Derby (herein-after referred to as "the Borough"), is an Urban Sanitary District, of which the Mayor, Aldermen, and Burgesses, acting by the Council (herein-after referred to as "the Corporation"), are the Urban Sanitary Authority, and the Burton upon Trent Improvement Act, 1878 (herein-after referred to as "the Act of 1878"), and the Burton upon Trent Corporation Act, 1880 (herein-after referred to as "the Act of 1880"), are in force in the Borough ;

And whereas by Section 68 of the Act of 1878 the Corporation, or their predecessors, were empowered to borrow, for the purposes therein mentioned, the sum of ten thousand pounds, and such further moneys as the Local Government Board might from time to time think fit to authorise ;

And whereas by Section 69 of the Act of 1878 the Corporation, or their predecessors, were empowered (with the previous approval of the Local Government Board) to borrow (in addition to the moneys which they were authorised to borrow under Section 68 of that Act) such sums as they might require for the execution of any of the other purposes of that Act ;

And whereas by Section 73 of the Act of 1880 the Corporation were empowered to borrow, for the purposes therein mentioned, sums amounting in the whole to the sum of one hundred and twenty thousand pounds, and such further moneys as the Local Government Board might from time to time think fit to authorise ;

And whereas by virtue of Section 71 of the Act of 1878 and Section 75 of the Act of 1880 moneys raised under those Acts, or by the issue of securities under the provisions of the Local Loans Act, 1875, are required to be repaid within sixty years after the same are respectively borrowed :

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order (herein-after referred to as "the commencement of this Order"), the following provisions shall take effect ; viz.,—

Art. I. Section 71 of the Act of 1878 and so much of Section 75 of the Act of 1880 as relates to moneys borrowed under the Local Loans Act, 1875 (except so far as the same is incorporated with any other Act), shall be repealed.

Art. II. The Act of 1878 and the Act of 1880 shall be further altered so as to provide that all moneys borrowed for the purposes of those Acts respectively shall be repaid within such period after the same are respectively borrowed, not exceeding sixty years, as the Corporation may in each case determine ; except in the case of moneys borrowed after the commencement of this Order with the sanction of the Local Government Board, which shall be repaid within such period after the same are respectively borrowed, not exceeding sixty years, as the Local Government Board may in each case in or by such sanction prescribe.

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Art. III. The Act of 1878 and the Act of 1880 shall be read and construed as if so much thereof as is hereby repealed had been omitted, and the said alteration had been made therein at the passing of the said respective Acts.

Given under the Seal of Office of the Local Government Board, this  
Seventeenth day of April, One thousand eight hundred and  
eighty-eight.

(L.S.)

CHAS. T. RITCHIE, President.

HUGH OWEN, Secretary.

A.D. 1888.

*Burton upon  
Trent  
Order.*

IMPROVEMENT ACT DISTRICT OF MILFORD.

*Provisional Order for altering the Milford  
Improvement Act, 1857.*

*Milford  
Order.*

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

And to all others whom it may concern.

WHEREAS under the provisions of the Milford Improvement Act, 1857  
(herein-after referred to as "the Local Act"), certain Commissioners were  
incorporated by the name of the Milford Improvement Commissioners (herein-  
after referred to as "the Commissioners") to carry the Local Act into execution  
in the places within the limits defined by Section 4 of that Act (the places within  
such limits being in the Local Act and herein-after referred to as "the  
Town") ;

And whereas by Section 17 of the Local Act the Commissioners were  
empowered, subject to the provisions of that Act, to enter upon, purchase, take,  
and use, for the purposes of their intended gasworks, the lands therein referred  
to as the "Site for Gasworks" ;

And whereas by Section 22 of the Local Act the Commissioners were  
empowered from time to time by agreement to purchase (inter alia) any lands  
which they might think requisite for any of the purposes of that Act ;

And whereas by Section 23 of the Local Act the Commissioners were  
empowered, on any lands from time to time vested in them for the purposes of  
the gasworks, to make, maintain, alter, and discontinue gasworks, and all such  
retorts, gasometers, receivers, sewers, drains, machinery, and other works and  
apparatus, and such houses, buildings, and approaches, and to do all such things  
as they might think proper for making and storing gas, and for supplying gas  
within the Town ;

And whereas by Section 79 of the Local Act the Commissioners are  
empowered to make an Improvement Rate upon the occupiers of all rateable  
property within the Town according to the yearly rateable value thereof, but it  
is provided that such rate shall not exceed in any one year ending with the  
Thirty-first day of December two shillings and sixpence in the pound on such  
yearly value ;

And whereas by Section 81 of the Local Act it is enacted that the total  
amount of all the rates made in any one year under that Act on any rateable  
property shall not exceed four shillings in the pound on the yearly rateable  
value thereof ;



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And whereas by Section 84 of the Local Act the Commissioners were empowered to borrow money on mortgage of the Improvement Rate, and of any property from time to time vested in them under that Act for any purposes other than paving and sewerage;

And whereas by subdivision (1) (b) of Article III. of a Provisional Order of the Local Government Board dated the Second day of June, One thousand eight hundred and eighty-seven, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act, 1887, which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act," the Local Act was altered so as to enable the Commissioners to borrow, with the sanction of the Local Government Board, and subject to the provisions of the Order, the sum of three thousand pounds, on the security of the Improvement Rate and of the revenue derived from their gas undertaking, or upon either of such securities, for the purposes of the gasworks;

And whereas the Town is an Urban Sanitary District, of which the Commissioners are the Urban Sanitary Authority:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Sections 297 and 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the following provisions shall take effect; viz.,—

Art. I. Section 22 of the Local Act shall be altered so as to enable the Commissioners to take on lease for a term of not less than thirty years, or to purchase by agreement, but not otherwise, the land described in the schedule hereto.

Art. II. Section 23 of the Local Act shall be altered so as to enable the Commissioners, upon the land described in the schedule hereto, if and when the same shall be acquired by them, to erect, construct, and from time to time maintain, alter, remove, or enlarge retorts, gas-holders, receivers, meters, apparatus, and works for the purposes of their gas undertaking, and all proper roads and approaches and conveniences connected therewith, and to make, manufacture, and store in and on the same land gas, coke, coal-tar, asphaltum, ammoniacal liquor, sulphate of ammonia, oil, and all other refuse or residual products arising from, remaining, produced by, or obtained from the manufacture of gas, or the materials used therein, anything in the Local Act to the contrary notwithstanding.

Art. III. The Confirming Act, so far as it relates to the Order, shall be altered by the insertion in subdivision (1) (b) of Article III. of the Order of the words "five thousand pounds" in lieu of the words "three thousand pounds."

Art. IV. Sections 79 and 81 of the Local Act shall be altered so as to provide that the limits thereby respectively prescribed, as regards the amounts of the rates made under the Local Act, shall not apply in any year in which the interest on any money borrowed under the borrowing powers conferred by the Order as hereby altered, or any payment required to be made either as an instalment of principal, or of principal and interest, or to a sinking fund, in accordance with the provisions of subdivision (4) of Article III. of the Order, is in arrear.



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The SCHEDULE above referred to.

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All that plot of land, together with the buildings thereon, containing by admeasurement one acre two roods or thereabouts, situate in the Town, formerly occupied by the Milford Brewery, and numbered 1274 on the Ordnance Map of the locality on the scale of 25·344 inches to the mile.

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

(L.S.)

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

BOROUGH OF STRATFORD-UPON-AVON.

*Provisional Order for altering the Stratford-upon-Avon  
Borough Act, 1879.*

*Stratford-  
upon-Avon  
Order.*

To the Mayor, Aldermen, and Burgesses of the Borough of Stratford-upon-Avon, in the County of Warwick, being the Urban Sanitary Authority for that Borough ; —

And to all others whom it may concern.

WHEREAS the Borough of Stratford-upon-Avon, in the County of Warwick, (herein-after referred to as “the Borough”), is an Urban Sanitary District, of which the Mayor, Aldermen, and Burgesses, acting by the Council (herein-after referred to as “the Corporation”), are the Urban Sanitary Authority, and the Stratford-upon-Avon Borough Act, 1879 (herein-after referred to as “the Local Act”), is in force in the Borough ;

And whereas by Section 6 of the Local Act the gas undertaking of the Stratford-upon-Avon Gas Company (which undertaking and Company are herein-after respectively referred to as “the undertaking” and “the Company”) was transferred to and vested in the Local Board of Health for the District of Stratford-upon-Avon, in the County of Warwick (herein-after referred to as “the Local Board”), and by Section 9 of that Act it was (inter alia) enacted that the mortgage debt of the Company, amounting to two thousand five hundred pounds, and the interest thereon, as from the First day of January, One thousand eight hundred and seventy-eight, should continue to be a first charge on the undertaking in the hands of the Local Board, and should further be a charge on the district fund and general district rate in priority to all charges thereon respectively created by or subsequently to the passing of that Act ;

And whereas by Section 14 of the Local Act it was enacted that the consideration for the transfer of the undertaking to the Local Board should be, at the option of the Company, either the issue by the Local Board to the holders of shares or stock in the capital of the Company of perpetual annuities redeemable, nevertheless, as therein-after mentioned ; or the payment by the Local Board to the Company of a sum in gross ; or partly by way of annuities

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and partly by a sum in gross; and it was provided that the Local Board should take over the said mortgage debt of the Company;

And whereas by Section 27 of the Local Act the Local Board were empowered to redeem any annuity at a price to be agreed on between them and the annuitant, not exceeding twenty-five years purchase of such annuity, any annuity so redeemed to be extinguished;

And whereas by Section 30 of the Local Act the Local Board were required to make provision for the extinction of all annuities and of the said mortgage debt of the Company within fifty years from the Third day of July, One thousand eight hundred and seventy-nine;

And whereas by Section 51 of the Local Act the Local Board were empowered to borrow the sums and for the purposes therein mentioned (including, inter alia, the paying off of the said mortgage debt of the Company, the redeeming of the said annuities, and the payment of any sum in gross that might be payable by the Local Board to the Company in lieu of annuities), and for all or any of the other purposes of that Act, such sums as they might from time to time think requisite, with the sanction of the Local Government Board;

And whereas by Section 54 of the Local Act the sections of the Commissioners Clauses Act, 1847, with respect to mortgages, were made applicable to mortgages to be made by the Local Board under the Local Act, and provision was made for the payment off of such mortgages within fifty years;

And whereas by Section 87 of the Local Act it was enacted that, from and after the Twenty-fifth day of March, One thousand eight hundred and eighty, the Local Board should be dissolved, and by Section 88 of that Act it was enacted that, from and after that date, all powers, rights, privileges, duties, liabilities, and obligations which immediately before that date were exerciseable by or attached to the Local Board, except as regards that part of the District of the Local Board which was not by that Act included in the Borough, should be transferred, and should attach to the Corporation, and might be exercised and enforced, and should be discharged and performed accordingly, and that, except as aforesaid, all the provisions of the Local Act which applied to the Local Board should, from and after the said date, apply to the Corporation as fully in all respects as if, instead of the Local Board, the Corporation were named therein;

And whereas in pursuance of Section 14 of the Local Act perpetual annuities have been issued to certain of the holders of shares or stock in the capital of the Company, some of which annuities have since been redeemed:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order (herein-after referred to as "the commencement of this Order"), the following provisions shall take effect; viz.,—

Art. I. Sections 30 and 54 of the Local Act shall be repealed except so far as the same may have been acted upon; and except that, as regards existing mortgages, the provisions of Sections 75, 76, 77, 78, 79, 82, 83, and 85 to 88 (both inclusive) of the Commissioners Clauses Act, 1847, shall continue in force.

Art. II. The Local Act shall be altered so as to provide as follows; viz.,—

(1.) The provisions of Sections 236 to 239, both inclusive, of the Public Health Act, 1875, shall apply to all money borrowed or re-borrowed under the Local



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Act after the commencement of this Order, except money borrowed under the provisions of the Local Loans Act, 1875.

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(2.) The Corporation shall make provision for the extinction, within a period not exceeding forty-one years from the Twenty-fifth day of March, One thousand eight hundred and eighty-eight, of such of the said annuities as have not already been redeemed.

(3.) The moneys already borrowed, or hereafter to be borrowed, under the powers of borrowing conferred by the Local Act, shall be repaid within the following periods; viz.,—

(a.) All moneys already borrowed, or hereafter to be borrowed, for paying off the said mortgage debt of the Company and for redeeming the said annuities, and for any other purposes for which the sanction of the Local Government Board is not required, within a period not exceeding forty-one years from the Twenty-fifth day of March, One thousand eight hundred and eighty-eight.

(b.) All moneys to be borrowed after the commencement of this Order, to the borrowing of which the sanction of the Local Government Board is required, within such period, not exceeding fifty years from the date of borrowing, as the Corporation, with the sanction of the Local Government Board, may, in each case, determine.

The periods mentioned in subdivision (3) of this Article shall be the prescribed periods within the meaning of the Local Loans Act, 1875, as regards any moneys already borrowed, or hereafter to be borrowed, under the provisions of that Act for the purposes of the Local Act; and those periods and the period mentioned in subdivision (2) of this Article are herein-after referred to as the respective prescribed periods.

(4.)—(a.) The Corporation, in order to repay the moneys already borrowed, or hereafter to be borrowed, under the powers of borrowing conferred by the Local Act, and to provide for the extinction of the said annuities, shall, except as regards moneys borrowed under the provisions of the Local Loans Act, 1875, and repayable otherwise than by means of a sinking fund, annually pay into a sinking fund such equal annual sum or sums as will (together with the sum or sums which will at the commencement of this Order be standing to the credit of any sinking fund established under Section 30 or Section 54 of the Local Act, and the annual sums payable in respect of interest on any part of any such sinking fund applied before the commencement of this Order in extinction of any of the said annuities, or in or towards discharge of moneys borrowed under the Local Act), with accumulations in the way of compound interest, at the rate of three pounds per centum per annum, be sufficient, after payment of all expenses, to extinguish the said annuities, and to pay off the moneys so borrowed or to be borrowed within the respective prescribed periods.

Provided that in case at any time the borrowed moneys to be repaid are reduced by the application to such repayment of the proceeds of the sale or disposition of lands, or other moneys received on capital account, the payments to the sinking fund under this Article may be reduced to such extent and upon such terms as may be from time to time approved by the Local Government Board.



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(b.) The Corporation may at any time apply the whole or any part of such sinking fund in extinction of any of the said annuities, or in or towards the discharge of the borrowed money for the repayment of which the fund is established: Provided that the Corporation pay into the fund each year, and accumulate at compound interest at the rate of three pounds per centum per annum, until provision has been made for the extinction of the whole of the said annuities, and until the expiration of the full period allowed for the repayment of the sum so discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied at the rate of three pounds per centum per annum.

(c.) Pending the application of the sinking fund in extinction of the said annuities or in repayment of borrowed moneys, the Corporation shall invest the same, and the dividends, interest, and annual income thereof, in the purchase of Exchequer bills or other Government securities, or in any securities in which trustees are by law for the time being authorised to invest, or in mortgages, debentures, debenture stock, or other securities issued by any Local Authority, as defined by Section 34 of the Local Loans Act, 1875, other than the Corporation, the Corporation being at liberty from time to time to vary and transpose such investments:

Provided always, that if in any year the income produced by the investments of the sinking fund falls short of the prescribed rate of accumulation for such fund, the Corporation shall forthwith make good such deficiency out of the rates or revenues liable to make the equal annual payments to the fund:

Provided also, that in case in any year the income received from investments of the sinking fund is in excess of the fixed rate of accumulation, any such excess may be applied by the Corporation in reduction of the other payments to the fund.

(d.) The first payment into such sinking fund shall, as regards payments in respect of moneys already borrowed, and of the said annuities, be made on or before the Twenty-fifth day of March, One thousand eight hundred and eighty-nine, and, as regards payments in respect of moneys hereafter to be borrowed, shall be made within one year from the date of borrowing.

(5.) The first payment to be made into any sinking fund for the repayment of loans borrowed under the provisions of the Local Loans Act, 1875, shall be made within one year from the date of borrowing.

(6.) Any sum or sums which at the commencement of this Order is, are, or should be standing to the credit of any sinking fund established under Section 30 or Section 54 of the Local Act shall be forthwith carried to the credit of the sinking fund to be established under subdivision (3.) (a) of this Article.

Art. III. The Local Act shall be further altered so as to provide that the Corporation may, by resolution, determine that their gas accounts shall not be audited by the auditors elected and appointed in accordance with the provisions of the Municipal Corporations Act, 1882, but by a paid auditor or paid auditors to be appointed by the Corporation, and thereupon the provisions of the Municipal Corporations Act, 1882, with regard to the appointment, qualification, and tenure of office of auditors, and the audit by such officers, shall cease to



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apply to the audit of the gas accounts, and the Corporation shall appoint a professional accountant, or two or more professional accountants, to be the auditor or auditors of the gas accounts of the Corporation, with such salary or salaries as the Corporation may from time to time determine. Every such paid auditor, and every other auditor to be appointed as herein-after provided, shall hold office for a period of three years from the date of his appointment, and no longer unless re-appointed, and shall be deemed to be an officer of the Corporation within the meaning of the Municipal Corporations Act, 1882. Provided that any auditor appointed under the provisions of this Article may, in case of misconduct, be removed from office before the expiration of the three years for which he was appointed, by the Order of a Court of Summary Jurisdiction, and on the bankruptcy of any auditor his appointment shall immediately determine. Provided also, that on the day on which any such auditor shall cease to hold office, or on the resignation, death, bankruptcy, or removal from office of any auditor, or as soon as conveniently may be thereafter, the Corporation shall appoint an auditor or auditors in place of the auditor or auditors ceasing to hold office.

A.D. 1888.

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*Stratford-  
upon-Avon*  
Order.  
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Given under the Seal of Office of the Local Government Board, this  
Thirtieth day of April, One thousand eight hundred and  
eighty-eight.

(L.S.)

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

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