CHAPTER clxi.

An Act to confirm a Provisional Order of the Local Government Board relating to the City of Birmingham. A.D. 1891.

[28th July 1891.]

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

And whereas it is requisite that the said Order should be confirmed by Parliament and that the provisions herein-after contained should be enacted with reference thereto: 51 & 52 Vict. c. 41.

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 Order as amended and set out in the schedule hereto shall be and the same is hereby confirmed, and all the provisions thereof shall have full validity and force. Order in schedule confirmed.

2. The following provisions shall apply to the City School Board, the Aston School Board, the King's Norton School Board, and the Harborne School Board as defined in the Order hereby confirmed (the three last-mentioned school boards being referred to in this section as the three school boards):— Apportionment of loans of the three school boards.

(1.) The loans raised by each of the three school boards and remaining unpaid on the ninth day of November one thousand eight hundred and ninety-one, and the interest accruing thereon shall be apportioned between the City School Board and each of the three school boards respectively in the same proportions as the rateable value of the portion of the added area taken from each school board district bears to the rateable value of the whole of such school board district.

(2.) So much of the loans as shall be apportioned to the City School Board and the interest accruing thereon shall be charged

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on the school fund, and the local rate for the time being chargeable with the expenses of the City School Board, and all such sums shall be repaid (or provision made for their repayment) by the City School Board within the respective periods, if any, for which the loans were originally sanctioned.

(3.) Any doubt or difference arising under the foregoing provisions of this section shall, on the application of any of the school boards interested, stand referred to and be determined by the Education Department, who are hereby empowered to make such Orders as they may deem expedient for effecting the objects of this section.

(4.) As regards the annual charge for maintenance of the existing schools in the parts of the districts of the Aston and Harborne school boards not added to the City, the City School Board shall contribute such an amount (if any) annually as may be agreed upon between them and the said two school boards respectively, or in default of agreement as may be determined by the Education Department.

Short title.

3. This Act may be cited as the Local Government Board's Provisional Order Confirmation (No. 13) Act, 1891.

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SCHEDULE.

CITY OF BIRMINGHAM.

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

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

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

To the School Board for the said City;—

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

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

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

To the County Council of Stafford;—

To the County Council of Warwick;—

To the County Council of Worcester;—

To the Guardians of the Poor of the Aston Union, in the City of Birmingham and the County of Warwick, being the Rural Authority for the Rural District of that Union;—

To the Balsall Heath Local Board, being the Sanitary Authority for the Urban District of Balsall Heath, in the County of Worcester;—

To the Harborne Local Board, being the Sanitary Authority for the Urban District of Harborne, in the County of Stafford;—

To the Saltley Local Board, being the Sanitary Authority for the Urban District of Saltley, in the County of Warwick;—

To the School Board for the extra-municipal portion of the Parish of Aston, in the County of Warwick;—

To the School Board for the Parish of Harborne and Smethwick, in the County of Stafford;—

To the School Board for the Parish of Kings Norton, in the County of Worcester;—

To the Surveyors of Highways of the Hamlet of Little Bromwich, in the County of Warwick;—

To the Overseers of the Poor of the several Parishes of Aston, Edgbaston, Harborne and Smethwick, and Kings Norton;—

And to all others whom it may concern.

WHEREAS by Section 54 of the Local Government Act, 1888 (which Act is herein-after referred to as "the Act"), the Local Government Board are empowered to make a Provisional Order for altering the boundary of any Borough; 51 & 52 Vict. c. 41.

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And whereas the City of Birmingham, which is herein-after referred to as "the existing City," and the area whereof is coloured pink on the two maps (herein-after referred to as "the City maps"), each marked "Map of the City of Birmingham, as extended, 1891," and sealed with the official seal of the Local Government Board, is a Borough within the meaning of the Act, and the inhabitants of the City are a body corporate, by the name of the Mayor, Aldermen, and Citizens of the City of Birmingham, and act by the Council of the City, which now consists of the Mayor (who is also an Alderman), fifteen other Aldermen, and forty-eight Councillors;

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

And whereas the existing City has a separate court of quarter sessions, commission of the peace, police force, and coroner, and is, for the purposes of the election of town councillors, divided into sixteen wards, three of which are termed Bordesley Ward, Edgbaston Ward, and Saint Martin's Ward, and three Councillors are assigned to each of the said sixteen wards;

And whereas the existing City is a County Borough, and is for the purposes of the Act deemed to be situate in the County of Warwick;

And whereas the unrepealed provisions of the Local Acts mentioned in the Schedule to this Order (herein-after referred to as "the scheduled Local Acts"), and of the Confirmation Acts mentioned in the said Schedule, so far as those Acts relate to the Provisional Orders mentioned in that Schedule, are in force in the existing City;

And whereas the Council of the existing City are, under the Burial Acts, 1852 to 1871, the Burial Board for the existing City;

46 & 47 Vict. c. lxx.

And whereas by Section 298 of the Birmingham Corporation (Consolidation) Act, 1883 (being one of the scheduled Local Acts, and herein-after referred to as "the Act of 1883"), it was enacted that, so far as any borough or other rate made by the Overseers of any Parish or part of a Parish within the existing City under any order made by the Corporation might be increased for the purposes therein referred to, anything in that Act to the contrary notwithstanding, the occupiers of any land covered with water, or used only as a canal or towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, should be assessed in respect of the same in the proportion of one-fourth part only of the net annual value thereof;

And whereas the Public Libraries Acts, 1855 to 1890 (subject to the alteration made therein by Section 87 of the Act of 1883), are in force in the existing City;

And whereas the Corporation of the existing City have adopted—

52 & 53 Vict. c. 72. (*a.*) The Infectious Disease (Notification) Act, 1889;

53 & 54 Vict. c. 34. (*b.*) The Infectious Disease (Prevention) Act, 1890;

53 & 54 Vict. c. 59. (*c.*) The Public Health Acts Amendment Act, 1890; and

53 & 54 Vict. c. 70. (*d.*) Part III. of the Housing of the Working Classes Act, 1890;

and the provisions of those Acts are accordingly in force in the existing City.

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And whereas by a Local Act passed in the forty-ninth year of the reign of His late Majesty, King George the Third, chapter eighty-one (herein-after referred as "the Act of 1809"), provision was made for the raising of money to defray the expenses of erecting a prison and public offices in the Town of Birmingham, in the County of Warwick ; 49 Geo. III. c. lxxxi.

And whereas by an Act passed in the ninth and tenth years of the reign of Her present Majesty, chapter two hundred and twenty-five (herein-after referred to as "the Act of 1846"), provision was made for better assessing and collecting the poor rates, highway rates, borough rates, county rates, lighting, watching, and cleansing rates, and all other parochial rates, on small tenements in the Parish of Aston, in the County of Warwick ; 9 & 10 Vict. c. ccxxv.

And whereas by an Act passed in the tenth and eleventh years of the reign of Her present Majesty, chapter sixty-six (herein-after referred to as "the Act of 1847"), provision was made for rating to the relief of the poor and other parochial and local rates the owners of certain property within the Parishes of Kings Norton, Northfield, and Beoley, in the County of Worcester, of Edgbaston, in the County of Warwick, and of Harborne, in the County of Stafford, in lieu of the occupiers thereof ; 10 & 11 Vict. c. lxvi.

And whereas the Local Government District of Balsall Heath, in the County of Worcester, the Local Government District of Harborne, in the County of Stafford, and the Local Government District of Saltley, in the County of Warwick, immediately adjoin the existing City ;

And whereas the Hamlet of Little Bromwich, in the County of Warwick, is a separate Highway Parish, and forms part of the contributory place of Aston, in the Rural District of the Aston Union, and immediately adjoins the existing City ;

And whereas the Balsall Heath Local Board are, under the Burial Acts, 1852 to 1871, the Burial Board for their District;

And whereas by a Provisional Order of the Local Government Board dated the Fifth day of June, One thousand eight hundred and seventy-seven, as altered and confirmed by the Local Government Board's Provisional Orders Confirmation (Joint Boards) Act, 1877 (which Order and Act are herein-after respectively referred to as "the Order of 1877" and "the Confirming Act of 1877"), and by another Provisional Order of the Local Government Board dated the Tenth day of May, One thousand eight hundred and eighty-one, as confirmed by the Local Government Board's Provisional Orders Confirmation (Birmingham, Tame, and Rea, &c.) Act, 1881 (which Order and Act are herein-after respectively referred to as "the Order of 1881" and "the Confirming Act of 1881"), certain Urban Districts (including the existing City and the Local Government Districts of Balsall Heath, Harborne, and Saltley) and certain parts of Rural Districts (including the said contributory place of Aston) were formed into a United District termed the Birmingham, Tame, and Rea Main Sewerage District, for the purposes therein mentioned ;

And whereas the Birmingham, Tame, and Rea District Drainage Board (being the Joint Board for the said United District, and herein-after referred to as "the Joint Board") now consists of twenty-two elective and two ex-officio members, one elective member being chosen by the Balsall Heath Local Board, one by the Harborne Local Board, and one by the Saltley Local Board;

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And whereas by virtue of the Elementary Education Acts, 1870 to 1880, the existing City, the extra-municipal portion of the Parish of Aston (which includes the said Hamlet of Little Bromwich and the Local Government District of Saltley), the Parish of Harborne and Smethwick (which includes the Local Government District of Harborne), and the Parish of Kings Norton (which includes the Local Government District of Balsall Heath) are school districts, for which School Boards have been formed, and are herein-after respectively referred to as the City School Board, the Aston School Board, the Harborne School Board, and the King's Norton School Board;

And whereas the Local Government District of Harborne is coextensive with the Harborne Electoral Division of the County of Stafford;

And whereas the Local Government District of Saltley is coextensive with the Saltley Electoral Division of the County of Warwick, and the Hamlet of Little Bromwich is included in the Water Orton Electoral Division of that County;

And whereas the Local Government District of Balsall Heath comprises the Balsall Heath East, the Balsall Heath North, the Balsall Heath South, and the Balsall Heath West, Electoral Divisions of the County of Worcester:

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

51 & 52 Vict. c. 41.

Commencement of Order.

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

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

Provided that, for the purposes of the parish burgess lists and burgess roll, and other lists to be made under the Municipal Corporations Act, 1882, and the Acts amending the same, and of the lists of county electors and the county registers to be made for the Counties of Stafford, Warwick, and Worcester, in pursuance of the County Electors Act, 1888, or any Act amending that Act, and of all proceedings preliminary or relating to the municipal elections, to the elections (if any) in the year one thousand eight hundred and ninety-one for the City School Board, the Aston School Board, the Harborne School Board, and the King's Norton School Board, and to the next election of County Councillors for the said Counties of Stafford, Warwick, and Worcester, this Order shall operate from the date of the Act of Parliament confirming the same:

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

Provided also, that for the purposes of Sections 20, 22, 23, 24, and 26 of the Act, and for the purposes of the Local Taxation (Customs and Excise) Act, 1890, the City shall be deemed not to have been extended, and the boundary between the County of Warwick and the Counties of Stafford and Worcester shall be deemed not to have been altered until after the Thirty-first day of March, One thousand eight hundred and ninety-two.

Art. II. In this Order—

Definitions.

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

(2.) The expression "the added areas" means the Local Government Districts of Balsall Heath, Harborne, and Saltley, and the Hamlet of Little Bromwich which are added to the existing City by this Order

(3.) The expression "the Local Authorities of the added areas" means the Balsall Heath Local Board, the Harborne Local Board, the Saltley Local Board, the Rural Authority of the Aston Union, and the Surveyors of Highways of the Hamlet of Little Bromwich.

Extension of City.

Art. III.—(1.) The boundary of the existing City shall be altered and extended so as to include, in addition to the area of the existing City, the following areas; viz.,—

The Local Government District of Balsall Heath coloured purple on the City maps;

The Local Government District of Harborne coloured green on the City maps;

The Local Government District of Saltley coloured yellow on the City maps;

The Hamlet of Little Bromwich coloured blue on the City maps.

(2.) The boundary of the City, as so altered, shall be that shown by the red line on the City maps, and the whole of the area within such altered boundary shall for the purposes of the Municipal Corporations Act, 1882, and for all other purposes, be the City, and shall be the County Borough for the purposes of the Act.

Deposit of maps.

Art. IV.—(1.) One of the City maps shall be deposited in the office of the Local Government Board, and the other shall be deposited by the town clerk of the City at his office, within fourteen days after the date of this Order. Copies of the City map deposited with the town clerk, certified by him, shall be sent within one month after the date of the Act of Parliament confirming this Order to the clerks of the County Councils of Stafford, Warwick, and Worcester, to the clerk to the Rural Authority of the Aston Union, and to the Director-General of Her Majesty's Ordnance Survey at Southampton.

Copies of map to be evidence.

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

Alteration of county boundaries.

Art. V. The boundary between the County of Warwick and the Counties of Stafford and Worcester shall be altered so that the City shall be wholly situate in the County of Warwick, and the County Borough of Birmingham shall, for the purposes of the Act (including the purposes of any commission of assize, oyer and terminer, or gaol delivery, the service of jurors, the making of jury lists, sheriff, lieutenant, and militia) be within that County.

Transfer of lists of prisoners, &c.

Art. VI. Lists of prisoners, writs, process, and particulars, and all records and documents relating to, or to be executed in connexion with, any action or proceeding pending or existing on the Ninth day of November, One thousand eight hundred and ninety-one, and appertaining to the parts of the Counties of Stafford and Worcester which are hereby added to the County of Warwick, shall

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be delivered, turned over, or transferred, and signed in like manner in all respects, so nearly as circumstances admit, as is required to be done upon a new sheriff coming into office, in like manner as if the sheriff of the County of Warwick were, as respects the areas added to that County, the new sheriff in succession to the sheriff of the County of Stafford, or the sheriff of the County of Worcester, as the case may be.

Jurisdiction of justices, &c. extended.

Art. VII.—(1.) The powers and duties of the quarter sessions, recorder, clerk of the peace, and coroner of the existing City, of the justices of the peace and stipendiary magistrate appointed for the existing City, and the clerk to such justices, and of the police constables and other peace officers of the existing City, shall extend to and apply throughout the City.

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

Parish burgess lists, &c.

Art. VIII.—(1.) For the purposes of the parish burgess lists and burgess roll, and other lists to be made under the Municipal Corporations Act, 1882, and the Acts amending the same, and all matters in relation thereto, the added areas shall be deemed to have always been part of the City, and the town clerk of the existing City shall be the town clerk of the City, and anything required to be done in connexion with the purposes aforesaid before the date of the Act of Parliament confirming this Order may, in so far as the same relates to the added areas, be done as soon as practicable after such date, and if so done shall have full force and effect.

(2.) If, in consequence of this Order, the Local Government Board, before the Ninth day of November, One thousand eight hundred and ninety-one, make an Order or Orders under Section 54 of the Act for altering the boundaries of any electoral division of any of the Counties of Stafford, Warwick, and Worcester, and any difficulty shall arise in making out, revising, or otherwise dealing with the list of county electors and with the county registers to be made in pursuance of the County Electors Act, 1888, or any Act amending that Act, so far as the said list and registers relate to such division, or if any difficulty arise in making out, revising, or otherwise dealing with the parish burgess lists, and burgess roll, and other lists under the Municipal Corporations Act, 1882, and the Acts amending the same in the City, the Local Government Board may make such order as shall appear to them to be necessary to remove any such difficulty, and may vary, so far as shall be requisite, the provisions in force with regard to such lists, roll, and registers.

Number of Councillors and Aldermen.

Art. IX. The number of Councillors of the City shall be increased from forty-eight to fifty-four, and the number of Aldermen of the City shall be increased from sixteen to eighteen.

Wards.

Art. X. Subject to the provisions of the Municipal Corporations Act, 1882, as to the alteration of wards, the following provisions shall have effect; viz.,—

(1.) For the purposes of the election of Councillors, the City shall be divided into eighteen wards.

(2.) The existing Bordesley, Edgbaston, and Saint Martin's Wards shall be abolished, and, notwithstanding anything in the Municipal Corporations Act, 1882, to the contrary, all the Councillors representing those wards

shall go out of office on the Second day of November, One thousand eight hundred and ninety-one, but such Councillors shall be eligible for election as Councillors on that date.

(3.) The remaining thirteen wards into which the existing City is divided, and the number of Councillors apportioned to such wards respectively, shall remain unaltered.

(4.) The areas comprising the existing Bordesley, Edgbaston, and Saint Martin's Wards and the added areas shall be divided into five wards, to be termed respectively Bordesley Ward, Edgbaston and Harborne Ward, Saint Martin's Ward, Balsall Heath Ward, and Saltley Ward.

(5.) The said five wards constituted by this Order shall respectively comprise the portions of the City indicated by separate colours and distinguished by the names of the wards on the two maps, each marked "Map of the new wards of the City of Birmingham, 1891," and sealed with the official seal of the Local Government Board, one of which shall be deposited in the office of the said Board, and the other shall be deposited by the town clerk of the City at his office, within fourteen days after the date of this Order.

(6.) Three Councillors shall be assigned to each of the five wards constituted by this Order.

First election of Councillors for new wards.

Art. XI.—(1.) The first election of Councillors for the five wards constituted by this Order shall be held on the Second day of November, One thousand eight hundred and ninety-one, and the Mayor of the existing City, or such other person as he shall appoint, shall be the returning officer at the election for each ward.

First election of Aldermen.

(2.) The first election of the two additional Aldermen shall take place on the Ninth day of November, One thousand eight hundred and ninety-one; and one of the Aldermen then elected shall be chosen from among the Councillors elected for the Balsall Heath Ward, or from among the persons qualified to be Councillors whose qualifying property is situate in that ward, and the other Alderman then elected shall be chosen from among the Councillors elected for the Saltley Ward, or from among the persons qualified to be Councillors whose qualifying property is situate in that ward.

Retirement of additional Councillors and Aldermen.

Art. XII.—(1.) The Councillors so elected in the year one thousand eight hundred and ninety-one for the five wards constituted by this Order shall retire as follows:—

(*a.*) The Councillor for each ward who is elected by the smallest number of votes on the First day of November, One thousand eight hundred and ninety-two.

(*b.*) The Councillor for each ward who is elected by the largest number of votes on the First day of November, One thousand eight hundred and ninety-four.

(*c.*) The other Councillor for each ward on the First day of November, One thousand eight hundred and ninety-three.

(2.) The two additional Aldermen elected in the year one thousand eight hundred and ninety-one shall retire as follows:—

The one elected by the smallest number of votes on the Ninth day of November, One thousand eight hundred and ninety-two, and

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The other one on the Ninth day of November, One thousand eight hundred and ninety-five :

Provided that, if for any reason it is doubtful which of the Councillors or Aldermen, as the case may be, ought to retire on the dates specified in this Article, the Council of the City shall, on the Ninth day of November, One thousand eight hundred and ninety-one, or at the next following quarterly meeting, and not later, by a majority of votes, or in case of an equality of votes, by the casting vote of the chairman, determine which of the Councillors or Aldermen, as the case may be, shall go out of office on the dates so specified respectively.

City Acts and Orders.

Art. XIII. Subject to the provisions of this Order, the unrepealed provisions of the scheduled Local Acts, and of the Confirmation Acts and Provisional Orders mentioned in the Schedule to this Order, and of any Provisional Order relating to tramways and affecting the existing City which may be confirmed during the present Session of Parliament, as the same respectively are in force within the existing City on the Ninth day of November, One thousand eight hundred and ninety-one, shall extend and apply to the City, and any reference therein to the existing City and the Corporation thereof shall be deemed to refer to the City and the Corporation thereof.

Adopted Acts to be in force in City.

Art. XIV. The Public Libraries Acts, 1855 to 1890 (subject to the alteration made therein by Section 87 of the Act of 1883), the Infectious Disease (Notification) Act, 1889, the Infectious Disease (Prevention) Act, 1890, the Public Health Acts Amendment Act, 1890, and Part III. of the Housing of the Working Classes Act, 1890, shall be in force within and apply to the City.

Byelaws and regulations.

Art. XV. All byelaws and regulations made by the Corporation, whether as Sanitary Authority, Municipal Authority, or otherwise, which, on the Ninth day of November, One thousand eight hundred and ninety-one, are in force within the existing City, shall extend and apply to the City until altered or repealed, and any byelaws and regulations made by any county council, or county justices, or by any of the Local Authorities of the added areas which, on that date, are in force within the added areas shall cease to be in force or to have any effect therein: Provided that any proceedings which might have been taken by any of the Local Authorities of the added areas against any person for any offence against such last-mentioned byelaws and regulations committed before the Ninth day of November, One thousand eight hundred and ninety-one, may be taken by the Corporation.

Town clerk and other officers continued.

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

City auditors.

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

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

Art. XVII. The provisions of sub-section (13) of Section 118 and of Sections 119 and 120 of the Act shall apply to the persons who on the Ninth day of November, One thousand eight hundred and ninety-one, hold office as

officers or servants of the Balsall Heath Local Board, the Harborne Local Board, or the Saltley Local Board, with the substitution of "improvement rate" in sub-section (8) of Section 120 for "county fund as a payment for general county purposes," and with such other modifications as are necessary to make those provisions applicable to the said officers and servants and to the Corporation; and the provisions of Section 120 of the Act shall apply with the like substitutions and modifications to any officer or servant of any of the other Local Authorities of the added areas who by virtue of this Order, or of anything done in pursuance or in consequence thereof, shall suffer any such direct pecuniary loss as is in that section mentioned.

Actions, &c. not to abate.

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

Saving for contracts, &c.

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

Corporation property, &c.

Art. XIX. All property vested in the Corporation on the Ninth day of November, One thousand eight hundred and ninety-one, for the benefit of the existing City, shall be held by the Corporation for the benefit of the City, and the Corporation shall hold, enjoy, and exercise, for the benefit of the City, all the powers which at the date aforesaid are exerciseable by or vested in the Corporation for the benefit of the existing City, and all liabilities which, on the date aforesaid, attached to the Corporation in respect of the existing City shall, from and after that date, attach to them in respect of the City.

Alteration of Confirming Acts as to Birmingham, Tame, and Rea Main Sewerage District.

Art. XX. The Confirming Acts of 1877 and 1881, so far as they relate to the Orders of 1877 and 1881 respectively, shall be altered so as to provide as follows:—

(1.) The elective members representing the Balsall Heath, the Harborne, and the Saltley Local Boards shall go out of office on the Ninth day of November, One thousand eight hundred and ninety-one, and the number of elective members of the Joint Board shall be reduced from twenty-two to nineteen.

(2.) All reference to the Local Government Districts of Balsall Heath, Harborne, and Saltley, and to the Local Boards for those Districts shall be omitted.

(3.) Any reference to the "Borough of Birmingham" shall apply to the "City."

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(4.) The Local Government Board may, by Order, provide for the settlement of any doubt or difference arising between the Joint Board and any of the constituent authorities of that Board, or between any of such constituent authorities as to or consequent upon the operation of this Order, and may make an equitable adjustment as between the constituent authorities and as between the constituent authorities and the Joint Board, and may in such Order deal with any matter which may be dealt with by an Order or Provisional Order made under Section 304 of the Public Health Act, 1875.

Property, &c. of Local Boards.

Art. XXI.—(1.) All property and liabilities which immediately before the Ninth day of November, One thousand eight hundred and ninety-one, are vested in or attach to any of the said three Local Boards shall be transferred to, vested in, and attach to the Corporation as Urban Authority.

(2.) All property and liabilities which immediately before the Ninth day of November, One thousand eight hundred and ninety-one, are vested in or attached to the Rural Authority of the Aston Union in relation exclusively to the Hamlet of Little Bromwich or any part thereof shall be transferred to, vested in, and attach to the Corporation as Urban Authority, and any property or liabilities vested in or attached to the Rural Authority in relation to that Hamlet conjointly with the remainder of the Rural District or some part thereof shall be a matter for adjustment under Section 62 of the Act.

Local Boards abolished.

(3.) On the Ninth day of November, One thousand eight hundred and ninety-one, the Balsall Heath Local Board (both as an Urban Authority and as a Burial Board), the Harborne Local Board, and the Saltley Local Board shall be abolished and cease to exist, the Rural Authority of the Aston Union shall cease to exercise any powers or discharge any duties in any part of the added areas, and the Surveyors of Highways of the Hamlet of Little Bromwich shall go out of office.

Arrears of rates, &c.

(4.) All arrears of rates and other payments which, on the Ninth day of November, One thousand eight hundred and ninety-one, are due or owing to the Balsall Heath Local Board, the Harborne Local Board, or the Saltley Local Board, or to the Surveyors of Highways of the Hamlet of Little Bromwich, may be collected and recovered by the Corporation; any arrears of rates made in respect of contributions for general or special expenses under the Public Health Act, 1875, which remain due on the said date in respect of hereditaments in the Hamlet of Little Bromwich may be collected and recovered by the Overseers as if this Order had not been made, and shall be paid to the Corporation, and be deemed to be in satisfaction of the precept of the Rural Authority.

Liquidation of current debts.

Art. XXII.—(1.) The Balsall Heath Local Board, the Harborne Local Board, and the Saltley Local Board shall liquidate, so far as practicable, before the Ninth day of November, One thousand eight hundred and ninety-one, all current debts and liabilities incurred by them respectively.

(2.) The Balsall Heath Local Board, the Harborne Local Board, and the Saltley Local Board, and the Rural Authority of the Aston Union respectively, shall, prior to the Ninth day of November, One thousand eight hundred and ninety-one, make provision for raising sufficient funds to defray the current expenditure to be incurred for sanitary purposes as defined by the Public Health Act, 1875, prior to the Thirty-first day of March, One thousand eight hundred and

ninety-two, in respect of their several Districts, or in the case of the said Rural Authority in respect of the Hamlet of Little Bromwich, and in default of such provision being made, the Corporation may make and levy in the area which formed the District of the Local Board so in default, or in the Hamlet of Little Bromwich, as the case may be, such a rate, in the nature of a general district rate, as will be sufficient to defray such expenditure.

Mortgage debts.

Art. XXIII. The liability for repayment of so much of the sums borrowed by the Balsall Heath Local Board, the Harborne Local Board, and the Saltley Local Board, on the security of the rates of those Districts respectively as shall be owing on the Ninth day of November, One thousand eight hundred and ninety-one, and for the payment of the interest thereon, shall be transferred and attach to the Corporation, and the said sums, together with so much of any sums borrowed by the Corporation, and charged on the improvement rate of the existing City, as shall be owing on that date shall be charged upon the improvement rate of the City, and so much of any sums borrowed by the Corporation and charged on the borough fund and borough rate of the existing City, as shall be owing on that date shall be charged upon the borough fund and borough rate of the City, and all such sums shall be repaid by the Corporation within the respective periods, if any, for which the loans in respect of which the said sums are owing were originally sanctioned, or within which the same are otherwise required to be repaid or are made repayable.

Council to be Burial Board.

Art. XXIV. On and after the Ninth day of November, One thousand eight hundred and ninety-one, the Council of the City shall be the Burial Board for the City, and shall have within the City (to the exclusion of any other Burial Authority) all the powers, duties, and liabilities of a Burial Board under the Burial Acts, 1852 to 1871.

Alteration of school districts, &c.

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

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

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

(*c.*) The Aston School Board, the Harborne School Board, and the King's Norton School Board (which School Boards are herein-after referred to as "the three School Boards") shall cease to have jurisdiction in any part of the added areas, and any byelaws made by those School Boards shall cease to operate in those areas.

(2.) All school sites and buildings, with their furniture and fittings, belonging to the three School Boards which are situate within the added areas, shall be transferred to and vest in the City School Board for all the estate and interest therein of the three School Boards respectively, and all contracts, debts, liabilities, and engagements which at that date are existing, or are owing by

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or attach to those School Boards, in respect of any such school sites, buildings, furniture, or fittings, or with respect to the officers, teachers, and servants of the schools within the added areas, shall enure to and be discharged and satisfied by the City School Board:

Provided that any doubt or difference arising from this subdivision of this Article shall, on the application of any of the School Boards interested, stand referred to, and be determined by, the Education Department.

(3.) If on the Ninth day of November, One thousand eight hundred and ninety-one, any action or proceeding, or any cause of action or proceeding, is pending or existing by or against any of the three School Boards in relation to the added areas or any part thereof, or anything done or suffered therein, the same shall not be in anywise prejudicially affected by reason of the making of this Order, but shall and may be continued, prosecuted, and enforced by or against the City School Board.

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

(5.) Any arrears of rates made to satisfy the precept of any of the three School Boards which remain due on the Ninth day of November, One thousand eight hundred and ninety-one, in respect of hereditaments in the added areas may be collected and recovered by the Overseers as if this Order had not been made, and shall be paid to the City School Board and be deemed to be in satisfaction of the precept so made.

Saving for audit of accounts up to commencement of Order.

Art. XXVI. The accounts of the Local Authorities of the added areas and of the three School Boards and of their officers, up to the Ninth day of November, One thousand eight hundred and ninety-one, shall be audited by the proper officer of the Local Government Board in like manner and subject to the like incidents and consequences as if this Order had not been made:

Provided that such audit may be held as soon as practicable after that date, any statutory provision or regulation as to the time of holding the audit of the accounts of such Local Authorities or School Boards or of their officers to the contrary notwithstanding.

County police.

Art. XXVII.—(1.) On the Ninth day of November, One thousand eight hundred and ninety-one, such of the members of the police force of each of the Counties of Stafford, Warwick, and Worcester as shall be selected by agreement, to be made as soon as practicable after the date of the Act of Parliament confirming this Order, between the Standing Joint Committee for such County and the Watch Committee of the existing City, or, in default of such agreement, as shall be determined by a Secretary of State, shall be transferred to and become part of the police force of the City, and any member of any County police force so

transferred to the police force of the City shall hold his office upon the same tenure and upon the same terms and conditions as if this Order had not been made, and while performing the same duties shall receive not less remuneration, and be entitled to not less pension (if any) than if this Order had not been made.

The provisions of Section 15 (2) of the Police Act, 1890, shall extend and apply to and in relation to any member of the police force transferred under the powers of this subdivision as if such member had removed with the written sanction of the Chief Constable of the County of Stafford, Warwick, or Worcester, as the case may be.

County police stations.

(2.) All the County police stations situate in any part of the added areas, with the residences for constables and police cells, and the fittings and furniture thereof, shall be transferred to and vest in the Corporation as from the Ninth day of November, One thousand eight hundred and ninety-one, for all the estate and interest therein of the County Councils, and such transfer shall be deemed to be made in consideration of the payment by the Corporation to the County Council interested out of the borough fund of such sum as shall be agreed upon, or as, in default of agreement, shall be settled by arbitration in manner provided by the Act.

Compensation to existing county officers.

(3.) If any officer of the County Council, or any other officer not otherwise provided for, shall by virtue of this Order, or of anything done in pursuance or in consequence thereof, suffer any such direct pecuniary loss as is mentioned in Section 120 of the Act, the provisions of that section shall apply to him with the substitution of "borough fund and borough rate" in sub-section (8) of that section for "county fund as a payment for general county purposes," and with such other modifications as may be necessary to make those provisions applicable to such officer and to the Corporation.

Adjustment of financial relations between Counties and City.

(4.) In any case where the extension of the City by this Order shall affect the distribution of the proceeds of the local taxation licenses and probate duty grant, and of the Local Taxation (Customs and Excise) duties, or any other financial relations between the Counties of Stafford, Warwick, and Worcester, and the City, and the other County Boroughs in the said Counties, or any of them, or any adjustment which shall have been made before the Thirty-first day of March, One thousand eight hundred and ninety-two, in regard to the said proceeds and financial relations, equitable adjustments between the Counties, City, and County Boroughs, or any of them, may be made by agreement within six months from the Ninth day of November, One thousand eight hundred and ninety-one, between the Councils of the said Counties, City, and County Boroughs, or any of them, and in default of such agreement by the Commissioners appointed under the Act, or if before those Commissioners have made such adjustment their powers shall have ceased, by the Local Government Board, and for the purposes of such adjustment the provisions of the Act relating to adjustments between Administrative Counties, and County Boroughs, shall apply with the necessary modifications; and in the event of the adjustment being made by the Local Government Board, that Board shall be substituted in such provisions for the said Commissioners: Provided, that in lieu of sub-section (6) of Section 61 of the Act, sub-sections (1) and (5) of Section 87 of

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the Act shall apply to any inquiries which may be directed by the Local Government Board under this subdivision, and to the costs of such inquiries:

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

Repeal of Local Acts.

Art. XXVIII. The Act of 1809 shall be wholly repealed, except so far as it has been acted upon, and the Act of 1846 and the Act of 1847 shall cease to be in force within the City.

Special provisions with respect to borough rate.

Art. XXIX. Section 298 of the Act of 1883 shall be altered so as to provide as follows:—

(1.) For the purposes of the making, assessing, and levying of the borough rate in the City (including as well the part of the rate assessed under the Municipal Corporations Act, 1882, on the full rateable value as the part of the rate which represents any increase under Section 298 of the Act of 1883), the part of the Parish of Aston included in the City (herein-after called the City part of such Parish) shall be deemed to be divided into three parts, namely, the part now included in the existing City, the area forming the Local Government District of Saltley, and the Hamlet of Little Bromwich, each of which shall separately from the others of them be deemed to be the part in the City of a Parish situate partly within and partly without the City.

Differential rates in part of added areas.

(2.) The owners or occupiers (as the case may be) of all rateable hereditaments in the Hamlet of Little Bromwich shall be assessed to the borough rate—

(*a.*) For a period of ten years from the Ninth day of November, One thousand eight hundred and ninety-one, and no longer, at a rate in the pound less by two shillings per annum, and

(*b.*) For a period of ten years from the Ninth day of November, One thousand nine hundred and one, and no longer, at a rate in the pound less by one shilling per annum,

than the rate in the pound at which owners or occupiers are assessed to the borough rate in the part of the Parish of Aston comprised in the existing City.

(3.) The owners or occupiers (as the case may be) of all rateable hereditaments in the area which now forms the Local Government District of Saltley shall be assessed to the borough rate—

(*a.*) For a period of five years from the Ninth day of November, One thousand eight hundred and ninety-one, and no longer, at a rate in the pound less by one shilling per annum;

(*b.*) For a period of two years from the Ninth day of November, One thousand eight hundred and ninety-six, and no longer, at a rate in the pound less by ninepence per annum;

(*c.*) For a period of two years from the Ninth day of November, One thousand eight hundred and ninety-eight, and no longer, at a rate in the pound less by sixpence per annum; and,

(*d.*) For a period of two years from the Ninth day of November, One thousand nine hundred, and no longer, at a rate in the pound less by threepence per annum,

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than the rate in the pound at which owners or occupiers are assessed to the borough rate in the part of the Parish of Aston comprised in the existing City.

(4.) The Council of the City in assessing on the several Parishes and parts of Parishes in the City the contributions to the above-mentioned parts of the borough rate, shall, from time to time, cause such contributions to be so apportioned as to ensure that any deficiency which would arise in consequence of subdivisions (2) and (3) of this Article shall be made good by the City, exclusive of the parts or part then entitled to the deduction.

(5.) The deductions to be made under subdivisions (2) and (3) of this Article shall be divided between the above-mentioned two parts of the borough rate in proportion to the rates in the pound at which the said parts of the borough rate are respectively assessed.

(6.) The inhabitants of the City part of each of the Parishes of Aston, Kings Norton, and Harborne and Smethwick may at a meeting in the nature of a vestry meeting order that the owners of all rateable hereditaments in the City part of such Parish to which Section 4 of the Poor Rate Assessment and Collection Act, 1869, applies, shall be rated in respect of such hereditaments instead of the occupiers, and thereupon, if the borough rate be levied as a rate separate from the poor rate, such Order shall have effect with regard to such separate rate, or, if the borough rate be levied with and as part of the poor rate, such Order shall have effect with regard to the poor rate as well as to the borough rate levied with and as part of the same; and such Order shall continue in force until rescinded as if it were an order of a Vestry pursuant to the said Section 4.

(7.) The Council of the City shall in their orders upon the Overseers of the Parish of Aston for the contributions of that Parish to the borough rate show separately the amount to be contributed by each of the parts of the Parish referred to in subdivision (1) of this Article.

(8.) The Overseers of the Poor of the Parish of Aston may either make, assess, and levy the borough rate at an equal rate in the pound throughout the whole of the City part of the Parish, and write off as irrecoverable in the case of each assessment in the two parts of the Parish by this Order added to the City an amount equal to the reduction authorised by subdivisions (2) and (3) of this Article, or may make, assess, and levy the borough rate in the said two parts respectively at a rate in the pound less by the amount of reduction so authorised than the rate in the pound at which it is made, assessed, and levied in the remainder of the City part of the Parish.

(9.) The Local Government Board may from time to time by Order make such regulations as seem to them necessary or proper respecting the form of the rates, notices, and accounts to be made, used, and kept by the Overseers of the Parishes of Aston, Kings Norton, or Harborne and Smethwick, with respect to the borough rate or any rate leviable in pursuance of any statutory provision in that behalf, and an Order under this subdivision shall be deemed to be an Order within the meaning of Section 98 of the Poor Law Amendment Act, 1834.

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Borrowing powers for purposes of this Order.

Art. XXX. For the purpose of defraying 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 for the purpose of securing the repayment of any moneys so borrowed, and the interest thereon: Provided that all such moneys shall be repaid within such period, not exceeding thirty years from the date of borrowing the same, as the Corporation, with the sanction of the Local Government Board, may determine.

Transfer of powers, &c. of Local Boards under Tramways Orders.

Art. XXXI. All the powers, duties, and liabilities vested in or attaching to the Balsall Heath Local Board, or the Harborne Local Board, or the Saltley Local Board, under any of the Provisional Orders mentioned in Part III. of the Schedule to this Order, shall be transferred and attached to the Corporation of the City.

Saving for mortgages.

Art. XXXII. Nothing in this Order contained shall prejudice or affect any mortgage or other security which may have been given by the Rural Authority of the Aston Union in respect of any loan charged upon the rates for special expenses leviable in the contributory place of Aston, or by any of the three School Boards in respect of any loan, the liability for repayment of which is not hereby transferred to the City School Board, or the rights and powers of the persons entitled under such mortgage or other security to enforce the same throughout the whole of the area now forming the contributory place or school district, as the case may be, as if this Order had not been made.

County Councillors.

Art. XXXIII.—(1.) The County Councillor elected to represent the Saltley Electoral Division of the County of Warwick, the County Councillor elected to represent the Harborne Electoral Division of the County of Stafford, and the County Councillors elected to represent the Balsall Heath East, the Balsall Heath North, the Balsall Heath South, and the Balsall Heath West, Electoral Divisions of the County of Worcester, shall go out of office on the Ninth day of November, One thousand eight hundred and ninety-one, and their places shall not be filled up; but the number of the County Councillors of each of such Counties shall not be thereby diminished.

(2.) The number of Aldermen of the said Counties respectively shall, subject to any future alteration resulting from an alteration in the number of County Councillors, be unaltered.

(3.) The Water Orton Electoral Division of the County of Warwick, as diminished by the extension of the City by this Order, shall continue to be an electoral division of the said County until altered under Section 54 of the Act; and the person who, immediately before the Ninth day of November, One thousand eight hundred and ninety-one, is the County Councillor representing that division shall continue to represent it as if he had been originally elected to represent the division so diminished.

(4.) No County Alderman or County Councillor of any of the said Counties of Warwick, Stafford, or Worcester, in office immediately before the Ninth day of November, One thousand eight hundred and ninety-one, shall be deemed to lose his qualification by reason of the transfer of any part of such County to the City by this Order.

Art. XXXIV. All costs incurred by the Local Government Board, including such reasonable sum, not exceeding three guineas a day, as that Board may determine for the services of any inspector, in relation to the duties imposed on that Board under this Order, shall be paid by the Corporation out of such fund or rate as the Local Government Board may direct, and any sum so determined by the Board shall be a debt due to the Crown from the Corporation.

Costs of Local Government Board.

Art. XXXV. This Order may be cited as the City of Birmingham Order, 1891.

Short title.

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The SCHEDULE above referred to.

PART I.—LOCAL ACTS.

Session and Chapter.	Short Title.
33 & 34 Vict. c. cxxviii. - -	The Birmingham Waterworks Act, 1870.
38 & 39 Vict. c. clxxviii. - - -	The Birmingham (Corporation) Gas Act, 1875.
38 & 39 Vict. c. clxxxviii. - -	The Birmingham (Corporation) Water Act, 1875.
46 & 47 Vict. c. lxx. - - -	The Birmingham Corporation (Consolidation) Act, 1883.

PART II.—LOCAL GOVERNMENT PROVISIONAL ORDER CONFIRMATION ACTS.

Session and Chapter.	Short Title of Act.	Order confirmed thereby.
39 & 40 Vict. c. ccxxxv. -	The Local Government Board's Provisional Orders Confirmation (Artizans and Labourers Dwellings) Act, 1876.	The Order relating to the Borough of Birmingham.
43 & 44 Vict. c. clxxviii. -	The Local Government Board's Provisional Orders Confirmation (Bethesda, &c.) Act, 1880.	The Order relating to the Borough of Birmingham.
44 & 45 Vict. c. lxviii. - -	The Local Government Board's Provisional Order Confirmation (Birmingham) Act, 1881.	The Order relating to the Borough of Birmingham.
45 & 46 Vict. c. clxi. - -	The Local Government Board's Provisional Orders Confirmation (No. 3) Act, 1882.	The Order dated 3rd May, 1882, relating to the Borough of Birmingham.

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Session and Chapter.	Short Title of Act.	Order confirmed thereby.
35 & 36 Vict. c. clvii. - -	The Tramways Orders Confirmation Act, 1872 (No. 3).	The Birmingham (Corporation) Tramways Order, 1872.
37 & 38 Vict. c. clxxxiii.	The Tramways Orders Confirmation Act, 1874.	The Birmingham (Corporation) Tramways Order, 1872, Amendment Order, 1874.
43 & 44 Vict. c. clxxiii. - -	The Tramways Orders Confirmation (No. 2) Act, 1880.	The Birmingham and Aston Tramways Order, 1880.
44 & 45 Vict. c. clxiii. - -	The Tramways Orders Confirmation (No. 2) Act, 1881.	The Birmingham and Western Districts Tramways Order, 1881.
45 & 46 Vict. c. ci. - -	The Tramways Orders Confirmation (No. 3) Act, 1882.	The Birmingham and Aston Tramways Order, 1882; the Birmingham and Suburban Tramways Order, 1882; the Birmingham and Western Districts Tramways Order, 1882.
46 & 47 Vict. c. xlvii. - -	The Tramways Orders Confirmation (No. 2) Act, 1883.	The Birmingham and Western Districts Tramways Order, 1883; the North Birmingham Tramways Order, 1883; the Edgbaston and Harborne Tramways Order, 1883; the South Birmingham Tramways Order, 1883.
47 & 48 Vict. c. cvii. - -	The Tramways Orders Confirmation (No. 3) Act, 1884.	The North Birmingham Tramways Order, 1884; the South BirminghamTramwaysOrder, 1884.
48 & 49 Vict. c. ciii. -	The Tramways Orders Confirmation (No. 3) Act, 1885.	All the Orders.
50 Vict. c. xxii. - -	The Tramways Orders Confirmation (No. 3) Act, 1886.	The Birmingham and Western Districts Tramways Order, 1886; the Birmingham Central Tramways (Extension) Order, 1886; the South Birmingham Tramways (Extension) Order, 1886.
50 & 51 Vict. c. cxcvi. - -	The Tramways Orders Confirmation (No. 1) Act, 1887.	The Birmingham Central Tramways (Extension) Order, 1887.

Given under the Seal of Office of the Local Government Board, this Fifteenth day of May, One thousand eight hundred and ninety-one.

(L.S.)

Chas. T. Ritchie, President.
Hugh Owen, Secretary.

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