CHAPTER cxvi.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Banbury and Cambridge. [26th July 1889.]

A.D. 1889.

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, and the Local Government Act, 1888: 38 & 39 Vict. c. 55. 51 & 52 Vict. c. 41.

And whereas it is requisite that the said Orders should be confirmed by Parliament:

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:

Orders in Schedule confirmed.

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

Short title.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 15) Act, 1889.

SCHEDULE.

A.D. 1889.

Banbury Order.

BOROUGH OF BANBURY.

Provisional Order made in pursuance of Section 52 *of the Local Government Act*, 1888, *and under Section* 297 *of the Public Health Act*, 1875.

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

To the County Council for the Administrative County of Oxford ; —

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

To the County Council for the Administrative County of Northampton ; —

To the Mayor, Aldermen, and Burgesses of the Borough of Banbury ; —

To the Banbury Local Board of Health, being the Sanitary Authority for the Urban Sanitary District of Banbury, in the Administrative County of Oxford ; —

To the Guardians of the Poor of the Banbury Union, in the Administrative Counties of Oxford, Northampton, and Warwick, being the Sanitary Authority for the Rural Sanitary District of that Union ; —

To the Highway Board for the Highway District of Brackley, in the Administrative County of Northampton ; —

And to all others whom it may concern.

51 & 52 Vict. c. 41.

WHEREAS by Section 52 of the Local Government Act, 1888 (which Act is herein-after referred to as "the Act"), it is enacted that the Local Government Board shall make Provisional Orders for dealing with every case where the Council of a Borough is not the Urban Sanitary Authority for the whole of the area of such Borough, and the area of the Borough is either co-extensive with or is wholly or partly comprised in any Urban Sanitary District, and that such Order shall determine whether the area of the Borough or of the Sanitary District, or an area comprising both the Borough and the Urban Sanitary District, or a portion of such united area, shall, whether with or without any adjoining area, be the area of the County District for the purposes of the Act, so, however, that in either case the Order shall provide for the Council of the Borough becoming the District Council, and that the Order may for that purpose alter the boundaries of the Borough, and may, if need be, alter the boundaries of the County ;

And whereas the Borough of Banbury is a Borough within the meaning of the Act, and the inhabitants of the Borough are a body corporate, by the name of the Mayor, Aldermen, and Burgesses of the Borough of Banbury, and act by the Council of the Borough, which now consists of the Mayor (who is also an Alderman), three other Aldermen, and twelve Councillors ;

And whereas the Borough has a separate commission of the peace, and a separate court of quarter sessions;

And whereas by a Local Act of Parliament passed in the sixth year of the reign of His late Majesty King George the Fourth, intituled "An Act for "paving, cleansing, lighting, watching, and otherwise improving the several "streets, lanes, public passages, and places in the Borough of Banbury, in the "County of Oxford" (herein-after referred to as "the Local Act"), certain Commissioners (who and their successors are herein-after referred to as "the Commissioners") were appointed for carrying the Local Act into execution; 6 Geo. IV. cap. cxxx.

And whereas by a Provisional Order of the General Board of Health dated the Twenty-eighth day of July, One thousand eight hundred and fifty-one, and duly confirmed by the First Public Health Supplemental Act, 1852 (which Order and Act are herein-after respectively referred to as "the Order of 1851" and "the Confirming Act of 1852"), the Public Health Act, 1848, except Section 50 thereof, was made applicable to and put in force within the area of the Parish of Banbury, in the Counties of Oxford and Northampton, and thereupon such area became a district for the purposes of the Public Health Act, 1848, and is now an Urban Sanitary District (herein-after referred to as "the Sanitary District"), of which the Banbury Local Board of Health (herein-after referred to as "the Local Board") are the Urban Sanitary Authority; 15 & 16 Vict. cap. xlii.

And whereas by the Order of 1851 the Local Act was partially repealed, and it was ordered that the powers, authorities, and duties of the Commissioners and of their officers and servants should cease and determine, and that such of the powers, authorities, privileges, and duties as were granted or imposed by the unrepealed provisions of the Local Act should, save as therein excepted, be transferred to and be had and exercised by the Local Board, and should extend and apply to the Sanitary District;

And whereas by a Provisional Order of one of Her Majesty's Principal Secretaries of State dated the Eighteenth day of April, One thousand eight hundred and sixty, and duly confirmed by the Local Government Supplemental Act, 1860 (which Order and Act are herein-after respectively referred to as "the Order of 1860" and "the Confirming Act of 1860"), and by another Provisional Order of one Her Majesty's Principal Secretaries of State dated the Eighteenth day of June, One thousand eight hundred and sixty-six, and duly confirmed by the Local Government Supplemental Act, 1866 (No. 4) (which Order and Act are herein-after respectively referred to as "the Order of 1866" and "the Confirming Act of 1866"), the Order of 1851 and the Confirming Act of 1852 were altered; 23 & 24 Vict. cap. xliv. 29 & 30 Vict. cap. cvii.

And whereas by a Provisional Order of the Local Government Board dated the Thirteenth day of May, One thousand eight hundred and seventy-two, and duly confirmed by the Local Government Board's Provisional Orders Confirmation Act, 1872 (which Order and Act are herein-after respectively referred to as "the Order of 1872" and "the Confirming Act of 1872"), the Local Board were empowered to borrow certain moneys for the purchase of lands for the disposal of sewage; 35 & 36 Vict. cap. xcii.

And whereas the Local Board are the Burial Board under the Burial Acts, 1852 to 1871, for the Sanitary District; 15 & 16 Vict. c. 85. 34 & 35 Vict. c. 33.

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Banbury Order.

And whereas by virtue of Sections 50 and 59 of the Act the whole of the Sanitary District is now included in the administrative County of Oxford;

And whereas the Local Government Board by an Order dated the Fourteenth day of August, One thousand eight hundred and eighty-eight, and made in pursuance of the Act, determined that the number of County Councillors for the administrative County of Oxford should be fifty-seven; that the number of such Councillors apportioned to the Boroughs named in the Schedule to that Order should be fourteen (including one Councillor apportioned to the Borough of Banbury); and that the number of County Councillors apportioned to the rest of the said County should be forty-three;

And whereas the Quarter Sessions for the County of Oxford, in determining the electoral divisions in the said administrative County of Oxford, for the purpose of the election of County Councillors in pursuance of the Act, divided the Sanitary District, exclusive of the existing Borough, into three electoral divisions, termed respectively the North Neithrop Electoral Division, the South Neithrop Electoral Division, and the Grimsbury Electoral Division;

And whereas under and by virtue of a Provisional Order of the Local Government Board dated the Thirtieth day of March, One thousand eight hundred and eighty-nine, and made in pursuance of the Act, the eleven County Councillors for the administrative County of Oxford elected to represent the City of Oxford and the County Councillor elected to represent the Oxford Suburban Electoral Division will, on the Ninth day of November, One thousand eight hundred and eighty-nine, go out of office, and their places will not be filled up.

And whereas the Council of the Borough is not the Urban Sanitary Authority for the area of the existing Borough, and the existing Borough is wholly comprised in the Sanitary District;

And whereas the population of the area which will be comprised in the Borough, if extended as herein-after provided, will exceed ten thousand:

51 & 52 Vict. c. 41. 38 & 39 Vict. c. 55.

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Sections 52 and 59 of the Act, by Section 297 of the Public Health Act, 1875, 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:—

Commencement of Order.

Art. I. This Order shall come into operation on the Ninth day of November, One thousand eight hundred and eighty-nine, except so far as is otherwise herein expressly provided.

Definitions.

Art. II. The several terms in this Order shall have the same meanings respectively as are assigned to them by Section 100 of the Act.

Extension of Borough.

Art. III. The area bounded as herein-after mentioned (being the area comprising the Sanitary District with an adjoining portion of the Rural Sanitary District of the Banbury Union) shall be the area of the County District for the purposes of the Act, and the boundary of the Borough shall be altered to correspond to the boundary of that County District, so that the whole of the said area shall, for the purposes of the Municipal Corporations Act, 1882, and for all other purposes, be within the Borough, and the Mayor, Aldermen, and Burgesses of the Borough, acting by the Council, shall become the District Council for such County District.

45 & 46 Vict. c. 50.

Art. IV.—(1.) The boundary of the County District and Borough shall be that shown by a red line on the maps, each marked "Map of the Borough of "Banbury, as extended, 1889," 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 of which shall be deposited by the town clerk of the Borough at his office within seven days after the date of this Order.

Map of extended Borough.

(2.) Copies of the said map deposited with the town clerk, certified by him, shall be sent within one month after the date of the Act of Parliament confirming this Order to the clerks of the County Councils for the administrative Counties of Oxford and Northampton respectively, to the clerk to the Rural Authority of the Banbury Union, and to the Director-General of Her Majesty's Ordnance Survey at Southampton.

Copies of map to be deposited.

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

Copies of map to be evidence.

Art. V. The area of the County of Oxford shall be altered so as to comprise such portion of the County of Northampton as is situate within the boundary of the Borough as hereby extended, and the boundary between those Counties shall be altered accordingly.

Alteration of Counties.

Art. VI. All writs, process, 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 eighty-nine, and appertaining to the part of the County of Northampton which is hereby added to the County of Oxford, shall be delivered, turned over, or transferred, and signed in like manner in all respects, so nearly as circumstances admit, as is required to be done upon a new sheriff coming into office.

Transfer of writs, &c.

Art. VII. The powers and duties of the recorder, and clerk of the peace, and of the justices of the peace appointed for the existing Borough, whether acting in general or in quarter sessions, or out of sessions or otherwise, shall extend and apply throughout the Borough.

Extension of jurisdiction of recorder, &c.

Art. VIII. The provisions of Section 35 of the Act, and not those of Sections 38 and 39 of the Act, shall apply to the Borough.

Art. IX. For the purposes of the parish burgess lists and burgess roll, and other lists to be made for the Borough 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 administrative Counties of Oxford and Northampton, in pursuance of the County Electors Act, 1888, this Order shall operate from the date of the Act of Parliament confirming the same.

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

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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 town clerk of the existing Borough shall be the town clerk of the Borough, and anything required to be done in connexion with the purposes aforesaid before the last-mentioned date may, in so far as the same relates to any area included in the Borough, but which does not form part of the existing Borough, be done as soon as practicable after such date, and if so done shall have full force and effect; and if any difficulty arise in making out such lists and roll, or the lists of county electors and the county registers of the said counties, the Local Government Board may make such Order as shall appear to them to be necessary to give effect to the provisions of this Order, and may vary, so far as shall be necessary, the provisions in force with regard to the making of such lists, roll, and registers.

Increase in number of Councillors and Aldermen.

Art. X. The number of Councillors of the Borough shall be increased from twelve to eighteen, and the number of Aldermen of the Borough shall be increased from four to six.

Special provision for first election in 1889, and for retirement of Councillors and Aldermen.

Art. XI.—(1.) For the purposes of the election of a Town Council for the Borough in pursuance of the Municipal Corporations Act, 1882, in the month of November, One thousand eight hundred and eighty-nine, this Order shall operate from the date of the Act of Parliament confirming the same, and the following provisions shall apply:—

(*a.*) The town clerk and the Mayor of the existing Borough, or such other persons as the Local Government Board shall appoint, shall perform the duties devolving upon the town clerk and Mayor respectively under the Municipal Corporations Act, 1882.

(*b.*) Eighteen Councillors of the Borough shall be elected on the First day of November, One thousand eight hundred and eighty-nine; and six Aldermen of the Borough shall be elected on the Ninth day of November, One thousand eight hundred and eighty-nine.

(*c.*) The dates specified in the Schedule to this Order shall be the dates for the retirement of the Aldermen and Councillors of the Borough elected in the year One thousand eight hundred and eighty-nine in pursuance of this Order.

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

Borough Auditors.

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

Byelaws to continue in force.

Art. XII. All byelaws and regulations made by the Local Board as a Sanitary Authority which, on the Ninth day of November, One thousand eight hundred

and eighty-nine, are in force within the Sanitary District, except regulations relating to the meetings and the transaction and management of the business of the Local Board, and all byelaws and regulations made by the Corporation which, on the Ninth day of November, One thousand eight hundred and eighty-nine, are in force within the existing Borough shall be in force within and apply to the Borough, except in so far as the same may hereafter be altered or repealed, and save that the Corporation shall be substituted for the Local Board throughout the byelaws and regulations of the Local Board; and any byelaws made under the Acts relating to public elementary education in force in the existing Borough on the Ninth day of November, One thousand eight hundred and eighty-nine, shall thenceforth apply to the Borough until revoked or altered in accordance with the Elementary Education Acts, 1870 to 1880.

Recorder and other officers continued.

Art. XIII. The recorder and the clerk of the peace of the existing Borough shall respectively continue to be the recorder and the clerk of the peace of the Borough, and the town clerk and all other officers and servants of the Corporation of the existing Borough who hold office on the Ninth day of November, One thousand eight hundred and eighty-nine, 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.

Compensation to existing officers.

Art. XIV. 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 eighty-nine, hold office as officers or servants of the Local Board, whether acting as a Sanitary Authority or Burial Board, with the substitution of "district fund and general district 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 such provisions applicable to the said officers and servants and to the Corporation; and the provisions of Section 120 shall apply, with the substitution of "borough fund and borough rate" in sub-section (8) for "county fund as a "payment for general county purposes," and with such other modifications as aforesaid, to any other officer who by virtue of this Order, or of anything done in pursuance or in consequence thereof, shall suffer any such direct pecuniary loss as in that section mentioned.

Current debts to be discharged.

Art. XV. The Corporation and the Local Board shall liquidate, so far as practicable, before the Ninth day of November, One thousand eight hundred and eighty-nine, all current debts and liabilities incurred by them respectively.

Actions, &c. not to abate.

Art. XVI.—(1.) If on the Ninth day of November, One thousand eight hundred and eighty-nine, any action or proceeding, or any cause of action or proceeding, by or against the Local Board, whether as a Sanitary Authority or Burial Board, in relation to their District, or by or against the Rural Authority of the said Banbury Union, in relation exclusively to the part of their District included in the Borough, is pending or existing, the same shall not be in anywise prejudicially affected by reason of the making of this Order, but may be continued, prosecuted, and enforced by or against the Corporation of the Borough.

Saving for contracts, &c.

(2.) All contracts, deeds, bonds, agreements, and other instruments subsisting on the Ninth day of November, One thousand eight hundred and eighty-nine,

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entered into or made by the Local Board, whether as a Sanitary Authority or Burial Board, or by the said Rural Authority, in relation exclusively to the part of their District included in the Borough, shall be of full force and effect against or in favour of the Corporation of the Borough, and may be enforced as fully and effectually as if, instead of the Local Board or the Rural Authority, as the case may be, the Corporation had been a party thereto.

Corporation property.

Art. XVII. All the property vested in the Corporation on the Ninth day of November, One thousand eight hundred and eighty-nine, for the benefit of the existing Borough shall be held by the Corporation for the benefit of the Borough, and the Corporation shall hold, enjoy, and exercise, for the benefit of the Borough, all the powers which, at the date aforesaid, are exerciseable by or vested in the Corporation for the benefit of the existing Borough.

Property, &c. of Local Board.

Art. XVIII.—(1.) All property, powers, duties, and liabilities which immediately before the Ninth day of November, One thousand eight hundred and eighty-nine, were vested in or attached to the Local Board as an Urban Sanitary Authority shall be transferred to, vested in, and attached to the Corporation as Urban Sanitary Authority, and all arrears of rates which at the date aforesaid are due or owing to the Local Board may be collected and recovered by the Corporation.

Corporation to be Burial Board.

(2.) All the property and liabilities which immediately before the Ninth day of November, One thousand eight hundred and eighty-nine, were vested in or attached to the Local Board as a Burial Board shall be transferred to, vested in, and attached to the Corporation, and the Corporation shall, within the Borough, hold, exercise, enjoy, and be subject to the powers, rights, duties, and liabilities of a Burial Board as if they had become a Burial Board in pursuance of Section 2 of the Burial Act, 1854.

17 & 18 Vict. c. 87.

Local Board abolished.

(3.) The Local Board shall on the Ninth day of November, One thousand eight hundred and eighty-nine, be abolished and cease to exist.

Cesser of powers of other Authorities.

(4.) The Rural Authority of the Banbury Union and the Highway Board for the Highway District of Brackley shall cease to exercise any powers or jurisdiction within any area included in the Borough:

Provided that any arrears of rates made by the Overseers before the Ninth day of November, One thousand eight hundred and eighty-nine, in respect of contributions for general or special expenses under the Public Health Act, 1875, and any arrears of rates made by the Waywardens or Overseers before that date for the contribution to the district fund of that Highway Board, and which remain due in respect of hereditaments in any area included in the Borough, may be recovered by the Waywardens or the Overseers, as the case may be, after that date.

Audit of Accounts of Local Board.

Art. XIX. The accounts of the Local Board and their officers up to the Ninth day of November, One thousand eight hundred and eighty-nine, shall be audited by the proper officer of the Local Government Board in like manner and subject to the like right of appeal as if this Order had not been made.

Local Act.

Art. XX. The area within which the unrepealed provisions of the Local Act as altered by the Order of 1851 shall be in force shall be the Borough, and the Corporation shall be substituted for the Local Board throughout those unrepealed provisions.

Banbury Order.

Repeal of Provisional Orders and Confirming Acts.

Art. XXI. Sections 4 and 12 of the Confirming Act of 1852, and so much of that Act as relates to Articles 1 to 6, 8, 10 to 19 (all inclusive) of the Order of 1851, so much of the Confirming Act of 1860, and to the Confirming Act of 1866, as relates to the Order of 1860, and to the Order of 1866 respectively, and so much of Section 2 of the Act of 1872 as relates to the Sanitary District, and so much of that Act as relates to the Order of 1872 shall be wholly repealed, except so far as the same may have been acted upon.

Electoral divisions of extended Borough.

Art. XXII. Subject to Section 54 of the Act, the following provisions shall take effect :—

(1.) The above-recited Order of the Local Government Board dated the Fourteenth day of August, One thousand eight hundred and eighty-eight, as altered by the above-recited Provisional Order dated the Thirtieth day of March, One thousand eight hundred and eighty-nine, shall, from and after the Ninth day of November, One thousand eight hundred and eighty-nine, be further altered so as to apply to the Borough of Banbury as hereby extended, and not to the existing Borough, and so as to provide that the number of County Councillors apportioned to the Borough of Banbury shall be four instead of one, and the number of Councillors apportioned to the rest of the County of Oxford, exclusive of the Boroughs of Chipping Norton and Henley-on-Thames, shall be thirty-nine.

(2.) The four electoral divisions of the Borough shall be—

(*a.*) The existing Borough ;

(*b.*) The North Neithrop Electoral Division ;

(*c.*) The South Neithrop Electoral Division ;

(*d.*) The Grimsbury Electoral Division in which shall be included the part of the Rural Sanitary District of the Banbury Union hereby added to the Borough.

(3.) The person who immediately prior to the Ninth day of November, One thousand eight hundred and eighty-nine, is the County Councillor representing the above-recited Grimsbury Electoral Division shall continue to represent the Grimsbury Electoral Division of the Borough as if he had been originally elected to represent the altered division.

Short title.

Art. XXIII. This Order may be cited as the Borough of Banbury Order, 1889.

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Banbury Order.

The SCHEDULE above referred to.

Art. XI.

Persons to retire.	Dates of Retirement.
The six councillors who are elected by the smallest number of votes - - - -	1st November 1890.
The six councillors who are elected by the largest number of votes - - - - -	1st November 1892.
The other six councillors - - -	1st November 1891.
The three aldermen who are elected by the smallest number of votes - - - -	9th November 1892.
The other three aldermen - - -	9th November 1895.

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

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

(L.S.)

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

Cambridge Order.

BOROUGH OF CAMBRIDGE.

Provisional Order made in pursuance of Section 52 *of the Local Government Act*, 1888, *and under Section* 297 *of the Public Health Act*, 1875.

To the County Council for the Administrative County of Cambridge ; —
To the Chancellor, Masters, and Scholars of the University of Cambridge ; —
To the Mayor, Aldermen, and Burgesses of the Borough of Cambridge ; —
To the Commissioners appointed for putting into execution certain Local Acts of Parliament of the reign of His late Majesty King George the Third, and respectively intituled "An Act for the better paving, cleansing, "and lighting the Town of Cambridge; for removing and preventing "obstructions and annoyances; and for widening the streets, lanes, and "other passages within the said Town," and "An Act to amend and

28 Geo. III. c. lxiv.
34 Geo. III. c. civ.

" enlarge the powers of an Act passed in the twenty-eighth year of " the reign of His present Majesty, intituled, An Act for the better " paving, cleansing, and lighting the Town of Cambridge, for removing " and preventing obstructions and annoyances, and for widening the " streets, lanes, and other passages within the said Town," being the Sanitary Authority for the Urban Sanitary District of Cambridge, in the said administrative County ; —

To the Guardians of the Poor of the Cambridge Union, in the same County ; —

And to all others whom it may concern.

WHEREAS by Section 52 of the Local Government Act, 1888 (which Act is herein-after referred to as "the Act"), it is enacted that the Local Government Board shall make Provisional Orders for dealing with every case where the Council of a Borough is not the Urban Sanitary Authority for the whole of the area of such Borough, and the area of the Borough is either co-extensive with or is wholly or partly comprised in any Urban Sanitary District, and that such Order shall determine whether the area of the Borough or of the Sanitary District, or an area comprising both the Borough and the Urban Sanitary District, or a portion of such united area, shall, whether with or without any adjoining area, be the area of the County District for the purposes of the Act, so, however, that in either case the Order shall provide for the Council of the Borough becoming the District Council, and that the Order may for that purpose alter the boundaries of the Borough ; and that where certain members of the Sanitary Authority for any such Urban Sanitary District are appointed by a university or any colleges therein, the Order may provide for the appointment by such university or colleges of members on the District Council ; 51 & 52 Vict. c. 41.

And whereas the Borough of Cambridge is a Borough within the meaning of the Act, and the inhabitants of the Borough are a body corporate, by the name of the Mayor, Aldermen, and Burgesses of the Borough of Cambridge, and act by the Council of the Borough, which now consists of the Mayor, ten Aldermen, and thirty Councillors ;

And whereas the Borough is, for the purposes of the election of Councillors, divided into five wards, to each of which six Councillors are assigned ;

And whereas under the provisions of certain Local Acts of Parliament of the reign of His late Majesty King George the Third, and respectively intituled " An " Act for the better paving, cleansing, and lighting the Town of Cambridge ; for " removing and preventing obstructions and annoyances ; and for widening the " streets, lanes, and other passages within the said Town," and " An Act to amend " and enlarge the powers of an Act passed in the twenty-eighth year of the reign " of His present Majesty, intituled, An Act for the better paving, cleansing, and " lighting the Town of Cambridge, for removing and preventing obstructions " and annoyances, and for widening the streets, lanes, and other passages within " the said Town," (which Local Acts are herein-after respectively referred to as " the Act of 1788 " and " the Act of 1794,") certain magistrates and officers for the time being of the University of Cambridge, and of the colleges and halls 28 Geo. III. c. lxiv. 34 Geo. III. c. civ.

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Cambridge Order.

therein, certain magistrates and persons of the Corporation, together with the persons therein mentioned and certain other persons to be elected as therein prescribed, were appointed Commissioners (herein-after referred to as "the Commissioners") for putting those Acts into execution within the Town of Cambridge;

9 & 10 Vict. c. cccxlv.

And whereas by another Local Act of Parliament of the reign of Her present Majesty Queen Victoria, intituled "An Act to amend the Cambridge "Improvement Acts, and to exempt the Eastern Counties Railway Company "from certain Tolls thereby imposed" (herein-after referred to as "the Act of 1846"), provision was made for the payment by the Eastern Counties (now the Great Eastern) Railway Company to the Commissioners of a fixed annual sum in lieu of certain tolls payable by them under the Acts of 1788 and 1794;

14 & 15 Vict. c. xcii.

And whereas by the River Cam Navigation Act, 1851 (herein-after referred to as "the Act of 1851"), certain persons (including three persons to represent the University of Cambridge, and three persons, being members of the Council, to represent the Borough) were appointed Conservators of the River Cam;

19 Vict. c. xvii.

And whereas by the Cambridge Award Act, 1856 (herein-after referred to as "the Act of 1856"), provision was made with respect to certain differences that had arisen between the University of Cambridge and the Corporation;

38 & 39 Vict. c. 55.

And whereas by Section 6 of the Public Health Act, 1875, it is enacted that, for the purposes of that Act, the Borough of Cambridge should not be deemed to be a Borough, and should be deemed to be an Improvement Act District, and by virtue of that section, that Improvement Act District became an Urban Sanitary District (herein-after referred to as "the Sanitary District"), of which the Commissioners are the Urban Sanitary Authority;

And whereas by a Provisional Order of the Local Government Board dated the Eighteenth day of March, One thousand eight hundred and eighty-one, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Bath, &c.) Act, 1881 (which Order and Act are herein-after respectively referred to as "the Order of 1881" and "the Confirming Act of 1881"), the Act of 1788 and the Act of 1794 were partially repealed and altered;

44 Vict. c. xv.

And whereas the Council of the Borough is not the Urban Sanitary Authority for the area of the Borough, and the Borough is co-extensive with the Sanitary District, and the University is represented on the said Urban Sanitary Authority in manner aforesaid:

51 & 52 Vict. c. 41.
38 & 39 Vict. c. 55.

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Sections 52 and 59 of the Act, by Section 297 of the Public Health Act, 1875, 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:—

Commencement of Order.

Art. I. This Order shall come into operation on the Ninth day of November, One thousand eight hundred and eighty-nine, except so far as is otherwise herein expressly provided.

Definitions.

Art. II. The several terms in this Order shall have the same meanings respectively as are assigned to them by Section 100 of the Act, and the term "Colleges and Halls" shall be taken to include public hostels.

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Art. III.—(1.) The area bounded as herein-after mentioned (being the area both of the Borough and of the Sanitary District) shall be the area of the County District for the purposes of the Act, and the Mayor, Aldermen, and Burgesses of the Borough, acting by the Council of the Borough, constituted and elected in the manner herein-after provided, shall become the District Council for such County District.

County District.

(2.) The boundary of the County District and Borough shall be that shown by a red line on the maps, each marked "Map of the Borough of Cambridge, 1889," 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 of which shall be deposited by the town clerk of the Borough at his office within seven days after the date of this Order.

Map of the Borough.

Art. IV.—(1.) Copies of the said map deposited with the town clerk, certified by him, shall be sent within one month after the date of the Act of Parliament confirming this Order to the clerk of the County Council for the administrative County of Cambridge, to the Director-General of Her Majesty's Ordnance Survey at Southampton, and to the Registrary of the University.

Copies of map to be deposited and to be evidence.

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

Art. V. The number of Councillors of the Borough shall be increased from thirty to thirty-six, of whom thirty shall continue to be elected by the Burgesses of the Borough, and six shall be elected to represent the University in the manner herein-after directed.

Number of Councillors.

Art. VI. With respect to the election of Councillors to represent the University the following provisions shall apply:—

Election of Councillors by the University.

(1.) Two of such Councillors shall be nominated by the Council of the Senate of the University, and be elected by grace of the Senate, and the remaining four shall be elected by the colleges and halls of the University situated within the Borough, in such manner as shall be from time to time determined by grace of the Senate. The Vice-Chancellor of the University or his deputy shall be the returning officer at all elections of such Councillors.

(2.) Every member of the Senate of the University (whether a Clerk in Holy Orders or the regular minister of a dissenting congregation or not) who is resident in a college or hall of the University situated within the Borough, or is resident in the Borough, and every person who is enrolled and entitled to be enrolled as a Burgess of the Borough, shall be qualified to be elected such Councillor, and every such Councillor shall be qualified to be elected Alderman or Mayor.

(3.) The annual election of such Councillors shall be held on such day or days, not earlier than the Fifteenth day of October and not later than the

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First day of November, as may from time to time be appointed by the Vice-Chancellor.

(4.) The Registrary of the University shall forward to the town clerk immediately after the election has been completed, and not later than the Third day of November, a statement of the persons elected as such Councillors, and, in the case of the first election, of the term of office for which each of them was elected.

(5.) Any vacancy among such Councillors, whether occurring in the regular course or casually, shall be filled up by the election of a Councillor by the body which elected the Councillor whose place has become vacant, and any Councillor elected to fill a casual vacancy shall hold office until the time when the person in whose place he is elected would regularly have gone out of office, and he shall then go out of office. An election to fill a casual vacancy among such Councillors shall be held as soon as practicable after the vacancy occurs. The town clerk shall give notice to the Registrary of vacancies among such Councillors.

(6.) The provisions of Sections 11, 12 (1) (*b*), 51 to 59 (both inclusive), and 66 of the Municipal Corporations Act, 1882, shall not apply to elections of such Councillors.

45 & 46 Vict. c. 50.

(7.) Six Councillors shall be elected as in this Article mentioned at the annual election in the year One thousand eight hundred and eighty-nine; and for the purposes of that election this Order shall operate from the date of the Act of Parliament confirming the same.

Number of Aldermen.

Art. VII. The number of Aldermen of the Borough shall be increased from ten to twelve, of whom two shall be elected from among the Councillors elected to represent the University; and the provisions of the Municipal Corporations Act, 1882, relating to the election of Aldermen, shall be modified accordingly. The first election of the two additional Aldermen shall be on the Ninth day of November, One thousand eight hundred and eighty-nine.

Terms of office of Councillors first elected by University.

Art. VIII.—(1.) At the first election of Councillors to represent the University, they shall be elected for the following terms of office; that is to say,—

One of the Councillors elected by grace of the Senate, and one of those elected by the Colleges and Halls, for a term ending on the First day of November, One thousand eight hundred and ninety;

The other Councillor elected by grace of the Senate, and one of the Councillors elected by the Colleges and Halls, for a term ending on the First day of November, One thousand eight hundred and ninety-one;

The other two Councillors elected by the Colleges and Halls for a term ending on the First day of November, One thousand eight hundred and ninety-two;

Retirement of additional Aldermen.

(2.) Of the two Aldermen elected in pursuance of Article VII., one shall go out of office on the Ninth day of November, One thousand eight hundred and ninety-two, and the other on the Ninth day of November, One thousand eight hundred and ninety-five; and the Council of the Borough shall, on the Ninth day of November, One thousand eight hundred and eighty-nine, 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 said Aldermen shall go out of office on the dates above specified respectively.

Byelaws, &c. to continue in force.

Art. IX. All byelaws and regulations made by the Commissioners which, on the Ninth day of November, One thousand eight hundred and eighty-nine, are in force within the Sanitary District shall continue in force within and apply to the Borough, except in so far as the same may hereafter be altered or repealed; and save that the Corporation shall be substituted for the Commissioners throughout the byelaws and regulations.

Town clerk and other officers continued.

Art. X. The town clerk and all other officers and servants of the Corporation of the Borough who hold office on the Ninth day of November, One thousand eight hundred and eighty-nine, 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.

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

Art. XI. 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 eighty-nine, hold office as officers or servants of the Commissioners, with the substitution of "district fund and "general district 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.

Property, &c. of Commissioners.

Art. XII.—(1.) All property, powers, duties, and liabilities which immediately before the Ninth day of November, One thousand eight hundred and eighty-nine, are vested in or attached to the Commissioners shall be transferred to, vested in, and attached to the Corporation as Urban Sanitary Authority, and all arrears of rates which at the date aforesaid are due or owing to the Commissioners may be collected and recovered by the Corporation.

Commissioners abolished.

(2.) The Commissioners shall on the Ninth day of November, One thousand eight hundred and eighty-nine, be abolished and cease to exist.

Audit of accounts of Commissioners.

Art. XIII. The accounts of the Commissioners and their officers up to the Ninth day of November, One thousand eight hundred and eighty-nine, shall be audited by the proper officer of the Local Government Board in like manner and subject to the like right of appeal as if this Order had not been made.

Repeal and alteration of Local Acts.

Art. XIV.—(1.) The unrepealed provisions of the Act of 1788 (except Sections 63, 74, 76, 77, 87, 88, 89, 92, and 101), and of the Act of 1794 (except Sections 21 and 25), shall be wholly repealed except so far as the same may have been acted upon, and except so far as it may be necessary to continue the same for the purpose of recovering any rate made prior to the Ninth day of November, One thousand eight hundred and eighty-nine.

(2.) The Act of 1788 and the Act of 1794, as altered by the Order of 1881 and this Order, shall be further altered so that the unrepealed provisions thereof shall apply to the Corporation instead of the Commissioners, and so that they may hereafter be respectively referred to as the Cambridge Improvement Act, 1788, and the Cambridge Improvement Act, 1794.

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(3.) The Act of 1846 shall be wholly repealed except so far as the same may have been acted upon.

(4.) Sections 19, 20, and 22 of the Act of 1851 shall be altered so as to provide that the Councillors representing the University, and the Aldermen chosen from among such Councillors, shall not be eligible for election to represent the Borough as Conservators of the River Cam or as auditors of the accounts of those Conservators.

(5.) Sections 23, 25 to 31, 37, 38, 50, and 56 to 61 (all inclusive) of the Act of 1856 shall be wholly repealed except so far as the same may have been acted upon.

(6.) Section 35 of the Act of 1856 shall cease to apply to the service of any municipal office by Councillors elected to represent the University, and Aldermen elected from among such Councillors.

Rating, &c. of University property.

Art. XV. The Act of 1856 shall be further altered so as to provide as follows:—

(1.) From and after the Ninth day of November, One thousand eight hundred and eighty-nine, the general law applicable to rateability, valuation, and rating of property for the purposes of the rates for the relief of the poor, the rates leviable under the Public Health Act, 1875, the Borough rate, and all other rates shall apply also to the property of the University and of a college or hall therein without any exemption or distinction of or in favour of the same, except that a chapel of a college or hall shall be deemed to be an episcopal chapel within the meaning of the Act relating to the exemption of churches and chapels from rates, and shall be exempt accordingly.

Union Assessment Committee.

(2.) The Assessment Committee of the Cambridge Union (herein-after referred to as the Assessment Committee) shall be constituted in accordance with the following provisions:—

(3.) The Assessment Committee shall consist of twenty-four members, twelve of whom shall be annually appointed by the Guardians of the Poor of the Cambridge Union (herein-after referred to as "the Guardians"), four by the University, in such manner as may be from time to time determined by grace of the Senate of the University, and eight by the Council of the Borough from among themselves. The appointments by the University and by the Council of the Borough shall be forthwith certified to the clerk to the Guardians.

(4.) The first appointments shall be made as soon as practicable after the Ninth day of November, One thousand eight hundred and eighty-nine, and the Assessment Committee so appointed shall continue in office until the appointment of a new Committee in the year One thousand eight hundred and ninety, at the time prescribed by the Union Assessment Committee Act, 1862.

25 & 26 Vict. c. 103.

(5.) No member of the Assessment Committee shall be precluded from acting and voting on that committee by reason only of his being a member of any body corporate or shareholder in any company, and thereby interested in property subject to the operation of the powers of the committee.

(6.) Any casual vacancy among the members appointed by the University and the Council of the Borough shall, with all convenient speed, be filled by the University or by the Council of the Borough respectively in such manner as may be from time to time determined by grace of the Senate of the University and by the Council of the Borough respectively.

(7.) The Assessment Committee appointed under this Article shall hold their first meeting on the Twenty-second day of November, One thousand eight hundred and eighty-nine, at twelve at noon, at the Guildhall in the Borough, or at such other time or place as shall be appointed by the Guardians.

(8.) The provisions of the Union Assessment Committee Act, 1862, and of the Acts amending the same, shall, so far as is consistent with the provisions of this Order, apply to the Assessment Committee constituted under this Order, and to the powers, functions, and duties of such committee.

(9.) Subject to any directions given by the Assessment Committee, the overseers of each parish within the Cambridge Union shall, within two months after the first meeting of the Assessment Committee appointed under this Order, make a new valuation of all the rateable hereditaments in such parish, and a new valuation list in substitution for the valuation list then in force; and the Assessment Committee may, in relation to such new valuation and the making of such new valuation list, from time to time give and make all such or the like directions and provisions, and exercise all such powers in relation thereto as Assessment Committees are authorised, to give, make, and exercise under the Union Assessment Committee Act, 1862, and the Acts amending the same.

Expenses of Commissioners and Corporation, how to be defrayed.

Art. XVI.—(1.) For defraying expenses incurred by the Commissioners before the Ninth day of November, One thousand eight hundred and eighty-nine, in the execution of the purposes of the Act of 1788 and the Act of 1794, and of the Public Health Act, 1875, or to be incurred after that date by the Corporation in the execution of the purposes of the unrepealed provisions of the Act of 1788 and the Act of 1794, and of the Public Health Act, 1875, the Corporation shall have power to make and levy from time to time, when and as often as occasion requires, a general district rate under and in accordance with the provisions of the Public Health Act, 1875, and all the provisions of that Act relating to district funds and general district rates (including the provisions relating to appeals against rates) shall apply to the Corporation and the Borough as if the purposes of the Act of 1788 and the Act of 1794 were purposes of the Public Health Act, 1875.

Existing mortgages.

(2.) All moneys owing by the Commissioners immediately before the Ninth day of November, One thousand eight hundred and eighty-nine, on the security of the improvement rate leviable by them under the Act of 1788 and the Act of 1794, either alone or with some other security (the liability for the repayment of which moneys will, by virtue of Article XII. of this Order, attach to the Corporation), shall be deemed to have been borrowed on the security of the general district rate leviable under the Public Health Act, 1875, either alone or together with such other security, as the case may be, and the general district rate shall be substituted for the improvement rate in every mortgage or other instrument of security granted or issued by the Commissioners before the Ninth

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day of November, One thousand eight hundred and eighty-nine, so that mortgagees and other creditors may have the like rights and remedies to all intents against the general district rate as they would have had against the improvement rate if this Order had not been made.

Saving for rights and privileges of University.

Art. XVII. Nothing in this Order contained shall affect the exclusive rights and privileges of civil and criminal judicature and trial in the courts of the University as the same may have been granted by the charters of the University and confirmed by divers Acts of Parliament to the University and to all persons matriculated therein or being members thereof, nor any other of the respective rights, privileges, and franchises of the University and their successors, and the several bodies politic, corporate, collegiate, or sole of the University, and their successors, except so far as the same are hereby expressly altered.

Modification of Municipal Corporations Act, 1882.

Art. XVIII. Sub-section (4) of Section 257 of the Municipal Corporations Act, 1882, shall cease to apply to the Borough in so far as concerns the offices of Councillors elected to represent the University and Aldermen elected from among such Councillors; and sub-section (5) of that section shall altogether cease to apply to the Borough and the University, and the Colleges and Halls therein, and the members thereof; and the remaining provisions of the said Act relating to the University shall be construed with such modifications as may be necessary for carrying this Order into effect.

Short title.

Art. XIX. This Order may be cited as the Borough of Cambridge Order, 1889.

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

(L.S.)

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

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