CHAPTER ciii.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Improvement Act Districts of Fleetwood and Rhyl and the City of York. A.D. 1882.

[12th July 1882.]

WHEREAS the Local Government Board have, as regards the districts and city herein mentioned, made the Provisional Orders set forth in the schedule hereto, under the provisions of the Public Health Act, 1875: 38 & 39 Vict. c. 55.

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

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

The Orders in schedule confirmed.

1. The Orders as set out in the schedule hereto shall be and the same are hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, have full validity and force.

Special provision as regards the Fleetwood Order for saving rights of the Duchy of Lancaster.

2. Nothing contained in the Order relating to the Improvement Act district of Fleetwood hereby confirmed or in this Act shall extend or operate to authorise the taking, using, entering upon, or in any manner interfering with any land, soil, water, or hereditaments, or any land parcel of any manor or any manorial rights, or any other rights of whatsoever description belonging to Her Majesty in right of Her Duchy of Lancaster, without the consent in writing of the Chancellor for the time being of the said Duchy first had and obtained (which consent the said Chancellor is hereby authorised to give), or take away, prejudice, or diminish any estate,

A.D. 1882.

right, privilege, power, or authority vested in or enjoyed or exerciseable by Her Majesty, Her heirs, or successors in right of Her said Duchy.

Short title.

3. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 9) Act, 1882.

SCHEDULE.

Fleetwood Order.

IMPROVEMENT ACT DISTRICT OF FLEETWOOD.

Provisional Order for altering a Local Act.

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

To the Guardians of the Poor of the Fylde Union, in the same County, being the Sanitary Authority for the Rural Sanitary District of that Union; —

And to all others whom it may concern.

WHEREAS under the provisions of a Local Act of Parliament passed in the second session of the fifth year of the reign of Her present Majesty Queen Victoria, intituled "An Act for paving, lighting, watching, cleansing, and "otherwise improving the Town of Fleetwood, and the neighbourhood thereof, "in the County Palatine of Lancaster, and for establishing a market therein" (herein-after referred to as "the Local Act"), certain Commissioners were appointed and incorporated under the name of "the Fleetwood Improvement Commissioners," for carrying the Local Act into execution;

And whereas by Section 44 of the Local Act, the Fleetwood Improvement Commissioners were empowered to borrow on the credit of the several rates or assessments by that Act granted, and of other property vested in such Commissioners, the amount found to be due to Sir Peter Hesketh Fleetwood in pursuance of Sections 41 and 42 of the Local Act, and any additional sum of money not exceeding the sum of twenty thousand pounds;

And whereas the sum of eleven thousand eight hundred and sixteen pounds nine shillings and one penny was found to be due to the said Sir Peter Hesketh Fleetwood, in respect of the several sums of money expended and disbursed by him in the manner mentioned in Section 41 of the Local Act, and in respect of the interest upon such sums, and the Fleetwood Improvement Commissioners have borrowed on mortgage of the rates and assessments granted by the Local Act the said sum of eleven thousand eight hundred and sixteen pounds nine shillings and one penny, under the provisions of the above recited Section 44 of the Local Act;

A.D. 1882.

Fleetwood Order.

And whereas by Section 33 of the Local Act it is enacted that the Local Act shall be put in force for the improvement of the Town of Fleetwood, within the following limits (which limits are herein-after referred to as "the district"); that is to say, so much of the Township of Thornton, in the Parish of Poulton-le-Fylde, in the County Palatine of Lancaster, as is bounded on the north by Morecambe Bay, and thence on the east by the River Wyre, so far as a point of land called "Burn Naze," and thence on the south by an imaginary line drawn straight from Burn Naze aforesaid, west to a farmhouse called "Carr House," on the seashore, and thence on the west by such seashore to Morecambe Bay aforesaid, being the District legally assigned to Saint Peter's Church, Fleetwood, a plan of which District is deposited in the registry of the Diocese of Chester;

And whereas by Section 250 of the Local Act the Fleetwood Improvement Commissioners are empowered, once in every year or oftener, if they shall think it necessary, to make one or more equal rate or rates, assessment or assessments, to be signed by the Commissioners, upon the occupiers of all houses, shops, workshops, warehouses, foundries, furnaces, mills, factories, breweries, coach-houses, stables, offices, cellars, vaults, buildings, docks, ship yards, timber yards, coal yards, coal wharfs, and other yards and wharfs, railways, land covered with water, canals and towing paths, brick fields, tan yards, orchards, gardens, building ground, lands, tenements, and hereditaments within the district (except as therein mentioned) according to the annual value of the same, subject to the following proviso; viz.: "all lands used as arable, "meadow, or pasture grounds only, or as woodlands or plantations, shall be "rated or assessed in the proportion of one third only of the sums to be rated or "assessed on the other properties to be charged in each such rate or assess-"ment";

And whereas by a Provisional Order of one of Her Majesty's Principal Secretaries of State dated the Thirty-first day of March, One thousand eight hundred and sixty-nine (herein-after referred to as "the Order"), which Order was duly confirmed by the Local Government Supplemental Act, 1869, certain portions of the Local Act were repealed, and the powers, authorities, duties, and liabilities of the Fleetwood Improvement Commissioners under the unrepealed portions of the Local Act were transferred to a Board of Commissioners (herein-after referred to as "the Commissioners"), to be qualified and elected in manner therein mentioned;

And whereas by the Order it was further provided that all property and estate of the Fleetwood Improvement Commissioners, acting in the execution of the Local Act, should be thereby transferred to and vested in the Commissioners, and should be held and applied by the Commissioners for the general purposes of such Commissioners, and that all debts, monies, and securities for money, contracted or payable by the Fleetwood Improvement Commissioners, should be paid and satisfied by the Commissioners out of the said transferred property and estate as they would have then by law to be paid and satisfied;

And whereas in pursuance of the Order, the liability for the payment of the said sum of eleven thousand eight hundred and sixteen pounds nine shillings

A.D. 1882.

Fleetwood Order.

and one penny and the interest thereon was transferred to and became vested in the Commissioners;

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

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or any part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875;

And whereas by the same section it is enacted that any such Provisional Order may provide for the extension of the provisions of the Local Act referred to therein beyond the District or Districts within the limits of such Act, or for the exclusion of the whole or a portion of any such District from the application of such Act; and may provide what Sanitary Authority shall have jurisdiction for the purposes of the Public Health Act, 1875, in any area which is by such Order included in, or excluded from, such District;

And whereas the Local Act is a Local Act within the meaning of Section 303 of the Public Health Act, 1875, and the Commissioners, as such Sanitary Authority as aforesaid, have applied to the Local Government Board to alter and amend the Local Act, as herein-after mentioned;

And whereas the Local Government Board, upon receipt of such application, directed Local Inquiry to be held on the subject, which Inquiry was held, after due public notice, and report has been made to them thereon:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by the Statutes in that behalf, do hereby Order that, from and after the Twenty-ninth day of September, One thousand eight hundred and eighty-two (herein-after referred to as "the commencement of this Order"), the following provisions shall take effect; viz.:

Art. I. The Local Act shall be altered so as to include within the limits in which that Act, as partially repealed, altered, and amended by the Order, may and shall be put in force, all that portion of the Rural Sanitary District of the Fylde Union, in the County of Lancaster, which is described in the Schedule hereto.

Art. II. The Commissioners shall, for the purposes of the Public Health Act, 1875, have jurisdiction to the exclusion of any other Sanitary Authority in the portion of the Rural Sanitary District of the Fylde Union hereby added to the District, and the District as extended by this Order shall henceforth be called the District of Fleetwood.

Art. III. The proviso to Section 250 of the Local Act shall be repealed, and in lieu thereof it shall be provided that the owner of any tithes or of any tithe commutation rentcharge, or the occupier of any land used as arable meadow or pasture ground only, or as woodlands, market gardens, or nursery grounds, and the occupier 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, shall be assessed in respect of the same, in the proportion of one-fourth part only of the sums to be rated or assessed on the other properties to be charged in each rate or assessment made by virtue of the Local Act as hereby amended. Provided always, that for the purposes of any such rate or assessment to be made or levied by the Commissioners within the period occurring between the expiration of three years from the commencement of this Order and the expiration of thirteen years from such commencement, the occupier of any land herein-before referred to, which is situate within the portion of the rural sanitary district of the Fylde Union hereby added to the district, shall be assessed in respect of the same in the proportion of one half only of the amount to which such occupier would, but for this proviso, be assessed in respect thereof.

Art. IV. The Commissioners shall, under the provisions of Section 250 (as amended by this Order) and Sections 251 to 283, both inclusive, of the Local Act, from time to time make separate assessments, and levy and make, upon the area which, immediately before the commencement of this Order, constituted the District, such a rate or rates as shall be sufficient to defray the said sum of eleven thousand eight hundred and sixteen pounds nine shillings and one penny, or so much thereof as shall be owing at the commencement of this Order, and the interest due or to become due thereon, within a period not exceeding thirty years from the commencement of this Order; and the said sum or so much thereof as shall be so due shall be repaid within that period, as if it were a loan contracted under the Public Health Act, 1875.

Art. V. The Local Act shall be further altered and amended so as to provide as follows:

(*a.*) The Clerk to the Commissioners shall, within twenty-one days after the Twenty-fifth day of March in every year during which any sum is required to be paid as an instalment, or set apart for a sinking fund, in respect of the said sum of eleven thousand eight hundred and sixteen pounds nine shillings and one penny, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amounts which have been paid as instalments, and the amounts which have been invested or applied for the purposes of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment, or of the sums accumulated by way of interest, has been applied during the same period, and the total amounts (if any) remaining invested at the end of the year; and in the event of any wilful default in making such return, such Clerk shall be liable to a penalty not exceeding twenty pounds, which shall be paid to the Local Government Board, and shall be recoverable by that Board in the same manner, as penalties recoverable under the Public Health Act, 1875, in a summary manner, may be recovered by parties aggrieved within the meaning of that Act.

(*b.*) If it appears to the Local Government Board, by that return or otherwise, that the Local Board have failed to pay any instalment required to be paid,

A.D. 1882.

Fleetwood Order.

or to set apart any sum required for such sinking fund, or have applied any portion of the money set apart for such sinking fund, or of the sums accumulated by way of interest, to any purposes other than those authorised, they may, by Order, direct that a sum not exceeding double the amount in respect of which default has been made shall be paid by way of instalment, or be set apart and invested, or applied as part of such sinking fund; and any such Order shall be enforceable by writ of mandamus, to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

Art. VI. Nothing in this Order contained shall affect the decree, judgment, or order made or given on the Seventh day of December, One thousand eight hundred and eighty, in a certain suit in the Chancery Division of the High Court of Justice, in which the London and North Western and the Lancashire and Yorkshire Railway Companies were plaintiffs, and the Commissioners were defendants, and all rights, powers, privileges, and authorities of the said Companies and of the Commissioners as they were then determined in and by reason of such suit shall be enjoyed and exercised in as full and ample a manner as if this Order had not been made.

Art. VII. Nothing in this Order contained shall extend to derogate from, diminish, alter, prejudice, or otherwise affect any estate, right, title, power, privilege, authority, or interest which is by the Local Act conferred upon, reserved to, or vested in, the said Sir Peter Hesketh Fleetwood, his lessee or lessees, heirs, executors, administrators, or assigns, and now vested in the Fleetwood Estate Company, Limited, as such assigns.

The SCHEDULE above referred to.

All that portion of the Rural Sanitary District of the Fylde Union lying between the present boundary of the district and an imaginary line commencing at the point marked A. on the map (herein referred to as "the map,") sealed with the official seal of the Local Government Board and deposited in their office, copies whereof, sealed in like manner, are deposited in the offices of the Commissioners and of the Rural Sanitary Authority of the Fylde Union respectively (which point marked A. is the south-westernmost corner of the District), and running thence in a westerly direction to point B. on the map; thence northerly along the line shewn on the map to point C. on the map; thence easterly along the line shewn on the map, excluding the Screw Pile Lighthouse, to point D. on the map, which is taken to be in the centre of the channel of the River Wyre; thence southerly along the centre of the said channel to point E. on the map, which last-mentioned point is taken to be in a straight line with points F., A., and B. on the map; thence westerly to point F. on the map at the south-easternmost corner of the District.

Given under the Seal of Office of the Local Government Board, this Twenty-second day of May, in the year One thousand eight hundred and eighty-two.

J. G. Dodson, President.

(L.S.) John Lambert, Secretary.

IMPROVEMENT ACT DISTRICT OF RHYL.

A.D. 1882.

Provisional Order for partially repealing and altering certain Local Acts.

Rhyl Order.

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

And to all others whom it may concern.

WHEREAS the Improvement Act District of Rhyl, in the County of Flint (herein-after referred to as "the District"), is an Urban Sanitary District, of which the Rhyl Improvement Commissioners (herein-after referred to as "the Commissioners") are the Urban Sanitary Authority, and the Rhyl Improvement Act, 1852 (herein-after referred to as "the Act of 1852"), and the Rhyl Improvement Act, 1872 (herein-after referred to as "the Act of 1872"), are in force in the District;

And whereas by section 4 of the Act of 1852, the Commissioners Clauses Act, 1847 (except so much of section 21 as relates to the giving notice by advertisement of the annual meeting for election of the Commissioners), is incorporated with the Act of 1852;

And whereas by section 5 of the Act of 1852, it is provided that the number of the Commissioners shall not exceed thirty at any one time;

And whereas by section 10 of the Act of 1852, it is provided that any corporation or company by that Act authorised to vote at any election of the Commissioners shall, for the purpose of such voting, be considered as one owner and shall vote by proxy;

And whereas by section 20 of the Act of 1852, it is (amongst other things) provided that in case any owner shall not flag and keep in order the footway opposite his property in any street to the satisfaction of the Commissioners, it shall be lawful for the Commissioners to flag and keep in order such footways, and that the costs, charges, and expenses thereof or incidental thereto which the Commissioners shall thereby sustain, incur, or pay, shall be repaid to them by the occupiers of the houses and lands abutting on such footpaths, and shall be recoverable as therein provided;

And whereas by section 53 of the Act of 1852, the Town Police Clauses Act, 1847, is incorporated with the Act of 1852;

And whereas by section 8 of the Act of 1872, it is provided that from and after the passing of that Act no person shall be eligible for election or re-election of Commissioners, unless a notice in writing containing the surname and Christian name, and also the address, description, and qualification of such person, and of the person by whom he is nominated, shall be left at the offices of the Commissioners at least seven clear days before the day appointed for holding such annual election, and that the Commissioners shall cause a list of the names, addresses, descriptions, and qualifications of the person or persons so nominated, and of the person or persons nominating him or them, to be printed and supplied to each voter by the Clerk to the Commissioners on

A.D. 1882.

Rhyl Order.

demand, and such list authenticated under the hand of the clerk shall alone be deemed valid;

And whereas by section 87 of the Act of I872, it is provided that every person who shall in any part of the district commit any of the following offences; that is to say,

Every person, who in any street, without the consent in writing of the Commissioners under the hand of their clerk, shall place, establish, or set up any travelling shop, caravan, show, exhibition, or public entertainment; and

Every person who shall sound or play upon any musical or noisy instrument, or sing in any street before or near any house after being required by the occupier thereof, or by his servant, or by any constable, to depart from the neighbourhood of such house, shall for every such offence be liable to a penalty not exceeding forty shillings, or in the discretion of the justice before whom he may be convicted, to imprisonment for any term not exceeding fourteen days;

And whereas by section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such district, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875;

And whereas the Act of 1852, and the Act of 1872, are Local Acts within the meaning of section 303 of the Public Health Act, 1875, and the Commissioners have applied to the Local Government Board to issue a Provisional Order to alter and amend the same;

And whereas the Local Government Board, upon receipt of the said application, directed Local Inquiry to be held on the subject thereof, which Inquiry was held, after due public notice, and report has been made to them thereon:

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

Art. I. Section 4 of the Act of 1852 shall be altered and amended in such a manner that sections 21, 22, 23, 28, and 31 of the Commissioners Clauses Act, 1847, shall no longer be incorporated with the Act of 1852, and that in lieu thereof the following provisions shall have effect; that is to say,—

(1.) The Returning Officer, for the purposes of the election of Commissioners, shall be the chairman of the Commissioners, and all powers and duties requisite to be performed by the Returning Officer in relation to such election shall be exercised and performed by him.

(2.) If the office of chairman is vacant at the time when any such power or duty must be exercised or performed, or if the chairman, from illness or

other sufficient cause, is unable to exercise or perform such powers or duties, or is absent, or refuses to act, some other person willing to act shall be appointed by the Commissioners to exercise or perform such powers or duties.

(3.) The Commissioners shall, before or during the election, appoint a competent number of persons willing to act, to assist the Returning Officer in conducting and completing the same.

(4.) The Returning Officer shall, not less than fourteen days before the day of election, publish a notice signed by him, and specifying the number and qualification of the persons to be elected, the time and form of nomination of Commissioners, the last day on which the nominations are to be sent in, the mode of voting, and the place or places for voting in case of a contest; and shall cause copies of such notice to be affixed where parochial notices are usually affixed.

(5.) If the number of persons nominated, and not withdrawn, exceeds the number of Commissioners to be elected, the Returning Officer shall cause a sufficient number of voting papers, in the form contained in the Schedule to this Order, to be prepared, and the name and address of the voter, his number, if any, in the rate book, the number of votes to which he is entitled, the names and residence of the persons nominated and not withdrawn, in the alphabetical order of the surnames of such persons to be inserted therein; but it shall not be necessary to insert more than once the name of any person nominated.

(6.) The Returning Officer shall also cause such voting papers to be officially stamped, and to be delivered to the voters at the different polling places, and at no other place, at the time of election, and such voting papers alone shall be deemed to be valid.

(7.) Each voter shall place a mark in the voting paper supplied to him against the name or names of the person or persons (not exceeding the number to be elected) for whom he intends to vote, and shall sign such voting paper in the place provided therefor and deliver the same to the Returning Officer or his Assistants.

Any person voting as a proxy shall in like manner write his own mark and sign his own name, and state also in writing the name of the person or body of persons for whom he is proxy.

Any voter unable to write shall in the place provided for the signature affix his mark in the presence of the Returning Officer, or one of his Assistants, who shall write the name of the voter against the mark, and shall also attest the same, and the mark of such voter against the name of every candidate for whom the voter intends to vote, by adding his own initials thereto.

(8.) Every person appearing at the polling place to vote shall vote without undue delay and quit the place as soon as he has voted. Failing to do so, the Returning Officer or any person acting under his authority may order and cause his removal forthwith.

A.D. 1882.

Rhyl Order.

(9.) No person other than the Returning Officer and his Assistants, and persons appointed by him to keep order, shall be allowed to remain in the polling place except for the purpose of recording his vote.

(10.) All inquiries as to the number of votes to which a voter is entitled, and as to all other matters relating to the election, must be made at the Commissioners' office before the day of election; but in case any voter have reason to believe that the number of votes inserted on his voting paper is incorrect, he may appeal to the Returning Officer, or his Assistants, who shall set aside his voting paper for examination, and if necessary, correct the same before recording the votes in the poll-book.

(11.) If it appear to the Returning Officer at any election expedient so to do, he may cause booths to be erected, or rooms to be hired and used as booths for taking the poll at such election, in such situations as he may deem best for the convenience of the voters.

(12.) At every election the voting shall commence at nine o'clock in the forenoon of the day fixed for the election, and shall finally close at four o'clock in the afternoon of the same day.

(13.) Each voter, after filling up and signing his voting paper, or after the same has been attested as aforesaid, shall deliver the same to the Returning Officer or one of his Assistants, who shall thereupon cause the votes to be recorded in the poll-book, which shall contain columns for the consecutive number of each voting paper in the order delivered, for the names of the candidates, and the number of votes given to each of them.

(14.) Immediately after the declaration of the poll the Returning Officer shall seal the nomination papers, voting papers, poll-books, and all other documents, which he may have received, relating to the election, and shall cause the same to be delivered to the Clerk of the Commissioners, and they shall cause the same to be deposited in their office, and the same shall not be inspected or examined by any person except as herein-after mentioned.

(15.) Such nomination papers, voting papers, and poll books, together with all other documents relating to the election, shall be open to inspection and examination for six months (from the declaration of the poll) by any person or persons so authorised by an order from a court of summary jurisdiction, who may grant such order if on complaint being made to the Court it shall appear that the election was not conducted in a fair and just manner. At the expiration of the said six months, the Commissioners shall deliver the said nomination papers, voting papers, and all other documents relating to the election, to the Returning Officer, who shall cause the same to be destroyed.

(16.) Whenever the day appointed for any act in relation to any election is a Sunday, Christmas Day, or Good Friday, a Bank holiday, or any day appointed for public fast or thanksgiving, such act shall be performed on the day next following, unless it is one of the days excluded as aforesaid; and in that case on the day following such excluded day.

(17.) If the Returning Officer refuses or neglects to comply with any of the provisions of this Order relating to elections, he shall be liable to a penalty not exceeding fifty pounds; and any person appointed to assist the Returning Officer, who is guilty of any such neglect or refusal, shall be liable to a penalty not exceeding five pounds.

(18.) Any person who fabricates in whole or in part, or alters, defaces, destroys, abstracts, or purloins any voting paper, or

Personates any person entitled to vote at any election, or

Falsely assumes to act in the name or on behalf of any person so entitled to vote, shall be liable to a penalty not exceeding twenty pounds, or in the discretion of the court, to imprisonment for any period not exceeding three months.

(19.) All offences under this Article may be prosecuted, and all penalties imposed by this Article may be recovered, in the same manner as if they were offences under or penalties imposed by the Public Health Act, 1875, with respect to which provision is made by section 251 of that Act.

Art. II. Section 4 of the Act of 1852 shall be further altered and amended, in such a manner that the declaration required by section 14 of the Commissioners Clauses Act, 1847, to be made by every person elected or appointed a Commissioner at the meeting of Commissioners at which he first attends as a Commissioner, may be made at any time by such person either before a quorum of any committee of the Commissioners, or at the meeting referred to in the said section.

Art. III. Section 4 of the Act of 1852 shall be further altered and amended in such a manner that the words "six weeks, or within such further period as the Local Government Board may by order allow" shall be substituted for the words "one month" in section 19 of the Commissioners Clauses Act, 1847; and so as to provide that every casual vacancy not filled up by the Commissioners in accordance with that section as hereby altered shall be filled up at the next annual election of the Commissioners, at which time, if there is a poll, the member who has been elected by the fewest votes shall be deemed elected to fill such vacancy; and if there is no poll, the member to be deemed to be elected to fill such vacancy shall be determined by lot.

Art. IV. Section 4 of the Act of 1852 shall be further altered and amended so as to provide that for the purposes of section 40 of the Commissioners Clauses Act, 1847, the prescribed time for the annual meeting of the Commissioners shall be the time when the first ordinary general meeting of the Commissioners after the second Thursday in the month of April is held in every year.

Art. V. Section 4 of the Act of 1852 shall be further altered and amended in such a manner that sections 90 to 95, both inclusive, of the Commissioners Clauses Act, 1847, shall no longer be incorporated with the Act of 1852, and that in lieu thereof the provisions of sections 245 and 247 of the Public Health Act, 1875, shall apply to the accounts of the Commissioners under the Acts of 1852 and 1872, and to the audit thereof, in the same manner as if such accounts were accounts of the Commissioners under the Public Health Act, 1875.

A.D. 1882.

Rhyl Order.

Art. VI. Section 5 of the Act of 1852 shall be altered and amended so as to provide that at each of the annual elections in the years One thousand eight hundred and eighty-three, One thousand eight hundred and eighty-four, and One thousand eight hundred and eighty-five, the places of seven only of the Commissioners shall, except in the case of casual vacancies, be filled up, and after the year One thousand eight hundred and eighty-five, proceedings at all future elections shall take place as if the number of Commissioners had been originally fixed at twenty-one.

Art. VII. Section 10 of the Act of 1852 shall be altered and amended so as to enable any owner of property in the district, who does not reside in the district, to vote at the election of the Commissioners in respect of such property, either personally or by proxy. For the purposes of this Article the instrument appointing a proxy shall be in writing under the hand of the appointor, and shall be attested by a witness.

Art. VIII. Section 20 of the Act of 1852 shall be altered and amended so as to enable the Commissioners, by resolution duly entered in the minutes of their proceedings, to adopt as a highway repairable by the inhabitants at large any footway in any street in the district, when the same has been flagged and paved, whether before or after the commencement of this Order, to their satisfaction, and from and after the date of such resolution such footway shall be repaired and maintained by the inhabitants at large.

Art. IX. Section 53 of the Act of 1852 shall be altered and amended so as to provide that every person who, on any part of the foreshore in the district, commits any of the following offences, shall be deemed to have committed an offence within the meaning of section 28 of the Towns Police Clauses Act, 1847, and may be dealt with accordingly; (that is to say,)

1. Every person who wilfully and indecently exposes his person.
2. Every person who publicly offers for sale or distribution, or exhibits to public view any profane, indecent, or obscene book, paper, print, drawing, painting, or representation, or sings any profane or obscene song or ballad, or uses any profane or obscene language.
3. Every person who to the annoyance or danger of any other person discharges any firearm, or throws or discharges any stone or other missile, or makes any bonfire, or throws or sets fire to any firework.
4. Every person who throws or lays down any stones, old ware, dirt, litter, ashes, night-soil, carrion, fish, offal, or refuse of any kind whatsoever.
5. Every person who removes any sand, gravel, shingle, or other material without the written consent of the Commissioners, which they are hereby authorised to give.

Provided that no such written consent shall be given in respect of any portion of the beach or foreshore below high-water mark within the said district under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, other than beach or foreshore for the time being leased to the Commissioners, and no such consent shall be given in respect of any portion of the said beach or foreshore under the management of the Board

of Trade, unless it is given gratuitously and in a form to be previously approved by the Board of Trade in writing under the hand of one of their Secretaries or Assistant Secretaries.

6. Every person who rides on any horse or any other animal, or drives any carriage, cart, waggon, or vehicle, or plays at football, cricket, or any other games on the parades or esplanades.

Art. X. Section 8 of the Act of 1872 shall be altered and amended so as to provide that the list therein referred to shall be delivered at the residence of each voter within the district (by post or otherwise) three clear days before the election; and that the following provisions shall also have effect; that is to say,—

The clerk to the Commissioners shall send (by post or otherwise) a list of nominations and proxy form to every non-resident owner who may have left his name and address for that purpose at the office of the Commissioners.

Any person entitled to vote may nominate, for the office of member of the Board, himself (if qualified to be elected) or any other person or persons so qualified not exceeding the number of persons to be elected.

Any person nominated may withdraw from his candidature by giving notice in writing to that effect, signed by him, to the Returning Officer four clear days before the election.

If the number of persons nominated and not withdrawn is the same as, or less, than the number of persons to be elected, such persons (if duly qualified) shall be deemed and shall be certified by the Returning Officer under his hand to be elected.

Art. XI. So much of section 87 of the Act of 1872 as provides that every person who in any street, without the consent in writing of the Commissioners under the hand of their clerk, shall place, establish, or set up any travelling shop, caravan, show, exhibition, or public entertainment, shall be liable to a penalty or imprisonment, as therein mentioned, shall be altered and amended by the insertion after the word "street" of the words "or within twenty "yards from any house or from the building line in any street."

Art. XII. Nothing contained in this Order shall authorise the Commissioners to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in this Order contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in, or enjoyed, or exercisable by the Queen's Majesty, her heirs, or successors.

Art. XIII. The Commissioners shall not construct any works on any part of the shore of the sea, where and so far up the same as the tide flows and reflows, without the previous consent of the Board of Trade, to be signified in writing, and then only according to such plan and under such restrictions and regulations as the said Board approve of, such approval being signified as last

A.D. 1882.

Rhyl Order.

aforesaid; and where any such work shall have been constructed with such consent as aforesaid, the Commissioners shall not at any time alter or extend the same without obtaining, previously to making any such alteration or extension, the like consents or approvals; and if any such work shall be commenced or completed without such consent or approval, the said Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs of the Commissioners, and the amount of such costs shall be a debt due to the Crown, and recoverable against the Commissioners accordingly.

The SCHEDULE referred to in the foregoing Order.

DISTRICT OF RHYL.

VOTING PAPER.

No. of Voting Paper_____

No. in Rate Book.	Name and Address of Voter.	Number of Votes.	
		As Owner.	As Ratepayer.

Mark of the Voter against the Names of the Persons for whom he intends to vote.	Names of the Persons nominated.	Residence of the Persons nominated.

I vote for the persons in the above List against whose names my mark is placed.

(*Signed*)_____

*Witness to the mark*_____

*or the mark of*_____

*or*_____ *Proxy for*_____

DIRECTIONS TO THE VOTER.

The voter must place a mark against the name of every person for whom he votes, and must subscribe his name and address at full length in the place provided therefor.

If the voter cannot write, he must affix his mark in the place provided for the signature, in the presence of the Returning Officer or one of his Assistants, who shall write the name of the voter against the mark, and shall attest the same, and the mark of the voter against the name of every person for whom the voter intends to vote by adding his own initials thereto.

If a proxy votes, he must in like manner affix his mark, subscribe his name and address, and add after his signature the name of the person or body of persons for whom he is proxy.

Given under the Seal of Office of the Local Government Board, this Twenty-second day of May, in the year One thousand eight hundred and eighty-two.

(L.S.)

J. G. DODSON, President.
JOHN LAMBERT, Secretary.

CITY OF YORK.

Provisional Order for altering and amending certain Local Acts.

To the Mayor, Aldermen, and Citizens of the City of York, being the Urban Sanitary Authority for that City;—

And to all others whom it may concern.

WHEREAS the City of York (herein-after referred to as "the City"), is an Urban Sanitary District, of which the Mayor, Aldermen, and Citizens, acting by the Council (herein-after referred to as "the Corporation"), are the Urban Sanitary Authority;

And whereas the following Local Acts of Parliament are in force in the said District: viz., An Act passed in the third year of the reign of His late Majesty King William the Fourth, intituled "An Act for improving and enlarging the "Market Places within the City of York, and rendering the approaches thereto "more commodious; and for regulating and maintaining the several Markets "and Fairs held within the same City and the suburbs thereof; and for "amending an Act of His late Majesty for paving, lighting, watching, and "improving the said City; and other purposes" (herein-after referred to as "the Act of 1833"), and the York Drainage and Sanitary Improvement Act, 1853 (herein-after referred to as "the Act of 1853");

And whereas under and by virtue of certain Royal Charters or Grants and of the Act of 1833 and the Act of 1853, the Corporation are the owners of the markets and fairs for the buying and selling of live cattle, beasts, sheep, horses, and pigs, which have been for many years and are still held in and upon a plot or parcel of land belonging to the Corporation, called the Cattle Market, and on two adjoining fields also belonging to them, and situate in the Parish of Saint Lawrence on the outer side of Walmgate Bar, within the said City and the Corporation as such owners are entitled to demand and receive certain stallages, rents, and tolls in respect of cattle and live stock brought to the said markets and fairs;

A.D. 1882.

City of York Order.

And whereas by Section 45 of the Act of 1853 the Corporation are empowered to borrow on mortgage, on the security of the rates by that Act authorised, any sums not exceeding in the whole the sum of twenty-two thousand pounds;

And whereas the Corporation have contracted to purchase at the price of four thousand seven hundred pounds a piece of land containing by admeasurement five thousand and six square yards or thereabouts, situate near to Walmgate Bar aforesaid, and contiguous to the existing market place; and the Corporation propose to appropriate such land for the purpose of providing accommodation suitable for the holding of sales by auction of live fat stock brought to the said markets and fairs, and for increasing the number of pens for cattle and sheep, and for the purposes generally of the said markets, as well as to widen and improve the existing means of access to such markets from the cattle docks of the North-eastern Railway Company;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875;

And whereas the Act of 1833 and the Act of 1853 are Local Acts within the meaning of Section 303 of the Public Health Act, 1875, and the Corporation have applied to the Local Government Board to issue a Provisional Order to alter and amend the same;

And whereas the Local Government Board, upon receipt of the said application, directed Local Inquiry to be held on the subject thereof, which Inquiry was held, after due public notice, and report has been made to them thereon:

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

Art. I. The Act of 1833 and the Act of 1853 shall be altered and amended so as to provide that the powers now vested in the Corporation to hold and keep markets and fairs for the buying and selling of live cattle, beasts, sheep, horses, and pigs, in and upon the land called the Cattle Market and on the said two adjoining fields situate in the Parish of Saint Lawrence, shall, when and so soon as the piece of land containing five thousand and six square yards and situate near to Walmgate Bar so contracted to be purchased as aforesaid has been conveyed to the Corporation, be deemed and taken to extend to the last-mentioned piece of land or to such part thereof as may be appropriated for the purposes of the said markets and fairs, and all the provisions of the Act of 1833 and the Act of 1853 shall apply and extend to such last-mentioned piece of land or to so much thereof as may be so appropriated as aforesaid, and to the markets

and fairs to be held thereupon, in all respects as if the same piece of land, or such part thereof as may be so appropriated as aforesaid had originally formed part of the land called the Cattle Market and the two adjoining fields situate in the said Parish of Saint Lawrence.

Art. II. Section 45 of the Act of 1853 shall be altered and amended by the substitution therein of the words "twenty-six thousand seven hundred pounds" for the words "twenty-two thousand pounds," and all the provisions of the Act of 1853 shall take effect in the same manner as if the amount authorised to be raised thereunder had been twenty-six thousand seven hundred pounds and not twenty-two thousand pounds.

Art. III. Section 72 of the Act of 1853 shall be altered so as to provide that the Corporation may in lieu of the stallages, rents, and tolls specified in the Schedule B. thereto, demand and take from any person bringing into the Cattle Market and the two adjoining fields situate in the Parish of St. Lawrence, and the piece of land so contracted to be purchased as aforesaid, or so much thereof as may be appropriated for the purposes of markets and fairs, when such last mentioned piece of land or any part thereof shall have been so appropriated, any cattle or live stock specified in the said Schedule B., such stallages, rents, or tolls as the Local Government Board may by their Order (after local inquiry if the Local Government Board shall consider local inquiry necessary) from time to time approve.

Provided that until such approval has been given and published in such manner as the Local Government Board deem expedient, the Corporation shall be at liberty to demand and take the tolls mentioned in the said Schedule B.

Given under the Seal of Office of the Local Government Board, this Twenty-second day of May, in the year One thousand eight hundred and eighty-two.

J. G. Dodson, President.

(L.S.)

John Lambert, Secretary.

LONDON: Printed by George E. B. Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1882.