CAP. LXXIX.

An Act to confirm a Provisional Order under "The Local Government Act, 1858," relating to the District of *Ventnor*, and for the Repeal of the *South Wales* Highway Act in *Briton Ferry* District. [6th *August* 1866.]

'WHEREAS the Secretary of State for the Home Department, being One of Her Majesty's Principal Secretaries of State, has, under the Provisions of the Local Government Act, 1858, duly made a certain Provisional Order which is contained in the Schedule to this Act annexed, and it is provided by the aforesaid Local Government Act that no such Order shall be of any Validity whatever until it shall have been confirmed by Parliament; and it is expedient that the said Order should be so confirmed, and other Provision made with respect to the *Briton Ferry* District already under the Local Government Act aforesaid:'

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:

Provisional Order in Schedule confirmed.

1. The Provisional Order contained in the Schedule hereunto annexed shall, from and after the passing of this Act, be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act.

South Wales Highway Act repealed as to District of Briton Ferry.

2. The Act passed in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty (23 & 24 *Vict.* Cap. 68.), intituled "The *South Wales* Highway Act," shall be repealed so far as it relates to the District of *Briton Ferry* in the County of *Glamorgan*, within which District the Local Government Act, 1858, is now in force.

Act incorporated with 21 & 22 Vict. c. 98.

3. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were One Act.

Short Title.

4. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatever, it shall be sufficient to use the Words and Figures "The Local Government Supplemental Act, 1866," (No. 2.)

SCHEDULE.

Provisional Order referred to in the preceding Act.

VENTNOR.

Provisional Order repealing a Local Act and repealing and altering part of another Local Act in force within the District of the Ventnor Local Board.

WHEREAS the Local Board for the District of the Town of Ventnor, in the Isle of Wight, in which District the Local Government Act, 1858, has been duly adopted, have, in pursuance of the said Act, presented a Petition to the Right Honourable Sir George Grey, as one of Her Majesty's Principal Secretaries of State, praying for the repeal of a certain Local Act of Parliament in force within the Isle of Wight aforesaid, so far as such Act affects the said District of Ventnor, and also praying for the alteration and partial repeal of a certain other Local Act of Parliament in force within the District aforesaid, the said Acts respectively having relation to the Purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the Fifty-third Year of the Reign of King George the Third, intituled "An Act for amending the Roads and Highways in the Isle of Wight." Also,—

An Act passed in the Seventh and Eighth Year of the Reign of Queen Victoria, intituled "An Act for better paving, lighting, cleansing, and otherwise improving part of the "Parish of Newchurch, in the Isle of Wight, called Ventnor, and for establishing a "market therein."

And

And whereas, in pursuance of the said Local Government Act, inquiry has been made in the said District in respect of the several matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without the confirmation of Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct, that from and after the passing of any Act of Parliament confirming this Order,—

1.—The said first herein-before recited Local Act of the fifty-third year of the reign of King George the Third shall be repealed, so far as such Act affects the said District of Ventnor.

2.—The said secondly herein-before recited Local Act of the seventh and eighth years of the reign of Queen Victoria, except the parts thereof described or referred to in the Schedule hereunto annexed, shall be repealed, and the parts of such Act which shall be retained shall henceforth be read and construed with the qualifications, alterations, and amendments mentioned in the said schedule touching sections 147, 205, 232, and 342.

3.—The powers, authorities, and duties of the Commissioners for the time being acting in the execution of the last-mentioned Local Act shall cease, but such Commissioners shall continue to be the Local Board for the said District, and the full number of members of the said Local Board shall be eighteen.

4.—The persons respectively now acting as the Clerk, Surveyor, and Treasurer to the said Commissioners shall respectively continue to be the Clerk, Surveyor, and Treasurer of the said Local Board until they shall respectively cease so to act, or shall be removed in the manner prescribed by the Local Government Act, 1858, and such Clerk and Surveyor shall for all purposes be sufficiently designated as "The Town Clerk of Ventnor" and "The Town Surveyor of Ventnor" respectively.

5.—The unrepealed parts of the said last-mentioned Local Act, with the qualifications, alterations, and amendments herein-before referred to, shall be incorporated with the said Local Government Act, 1858, and the expression "the Commissioners" used in the said unrepealed parts of the said last-mentioned Local Act shall mean the Local Board for the District of the Town of Ventnor aforesaid; and all penalties incurred under the unrepealed parts of the said last-mentioned Local Act, with the qualifications, alterations, and amendments herein-before referred to, shall be recovered in the same way as penalties incurred under the Public Health Act, 1848, and be applied in aid of the purposes of that Act, and of the Local Government Act, 1858.

6.—All property and estate of the Commissioners acting in the execution of the said last-mentioned Local Act shall be transferred to and vested in the said Local Board, and shall, as near as circumstances will permit, be held by the said Local Board upon the same trusts and for the same purposes as by such Commissioners; and all rates and other monies due to the said Commissioners shall be paid to and received by the said Local Board, and be applied by such Local Board as if the same had been levied by or become owing to them in the execution of the said Local Government Act, 1858; and all powers, authorities, rights, and privileges vested in the said Commissioners under or by virtue of any agreement, deed, or Act of Parliament now in force shall be transferred to and vested in the said Local Board, and may be exercised by the said Local Board as by such Commissioners.

7.—All debts, monies, and securities for money contracted, payable, or given by such Commissioners (save only the debts mentioned in the next paragraph of this Order) shall be satisfied by the said Local Board out of such parts of the said transferred property and estate as would have been chargeable therewith if this Order had not been made, and shall be paid and satisfied by the said Local Board as by such Commissioners: Provided always, that if such property and estate be insufficient for that purpose the deficiency shall be charged upon the rates leviable under

under the said Local Government Act, 1858, in the parts only which would have been chargeable with such deficiency if this Order had not been made.

8.—The monies borrowed at interest by such Commissioners under section 53 of the said last-mentioned Local Act, on the credit of tolls, rates, or assessments by that Act granted, and other property vested in such Commissioners, shall remain a charge on the rates, tolls, and assessments leviable under the said Local Government Act, 1858, and on the other transferred property of the said Commissioners which would have been chargeable therewith if this Order had not been made, and the mortgages for securing the monies so borrowed shall and may be assigned, transferred, paid off, and otherwise dealt with, as prescribed by the said unrepealed parts of the said last-mentioned Local Act, or some or one of the unrepealed sections thereof, in the same or the like manner as if such monies had been borrowed by the said Local Board under the said unrepealed parts of the said last-mentioned Local Act, and not under or in exercise of the powers of the Local Government Act, 1858, or the several Acts (save the unrepealed parts of the said last-mentioned Local Act) incorporated therewith: Provided always, that nothing in this Order contained shall prejudice or affect the said Local Board in the exercise by them of the powers and provisions contained in the said Local Government Act, 1858, or the several Acts (save the said unrepealed parts of the said last-mentioned Local Act) incorporated therewith, relative to the borrowing of money, and the mortgaging of rates, with and under the sanction, consent, direction, and approval in the said Acts or any or either of them contained: Provided also, that any money borrowed by the said Local Board under the provisions of the said Local Government Act, 1858, and the several Acts (save the said unrepealed parts of the said last-mentioned Local Act) incorporated therewith, shall be repaid, and the said Local Board shall from time to time make provision for the repayment thereof, and for the payment of the interest thereon, in the same manner as if this Order had not been made, and beyond and in excess of a compliance with the enactments of the unrepealed parts of the said last-mentioned Local Act, touching the money already borrowed as aforesaid.

Given under my hand this Third day of May One thousand eight hundred and sixty-five.

(Signed) G. GREY.

SCHEDULE referred to in the preceding Order.

The parts of the Local Act of the seventh and eighth years of the reign of Queen Victoria to be retained are as follows; that is to say,—

Sections 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 132, 147 (omitting therein the expression "for the said Highway Commissioners for the time being or"), 205 (from the commencement thereof down to and including the expression "(that is to say)," and so far as relates to the several clauses thereof which are respectively indicated in the margin of the said Act by the respective expressions following, (that is to say,) "selling by auction in streets," "abusive language," "games," introducing into the first of such clauses between the word "auction" and the word "outcry" the expression "or shall by," and substituting for the expression "or otherwise" the words "offer for sale," and adding at the end of the said first clause the words "save uncured fish"), 232 (substituting for the words "when the said," first occurring in such section, the words "whilst any," and omitting the several expressions "after the opening of such market," and "on any day except market days," and also omitting the word "double" therein twice occurring), 233, 237, 238, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, and 342, so far as regards the meaning of words and expressions used in the said unrepealed parts of the said Act of 7 & 8 Victoria.

The Schedules A., B., and E., by the said last-mentioned Act referred to.