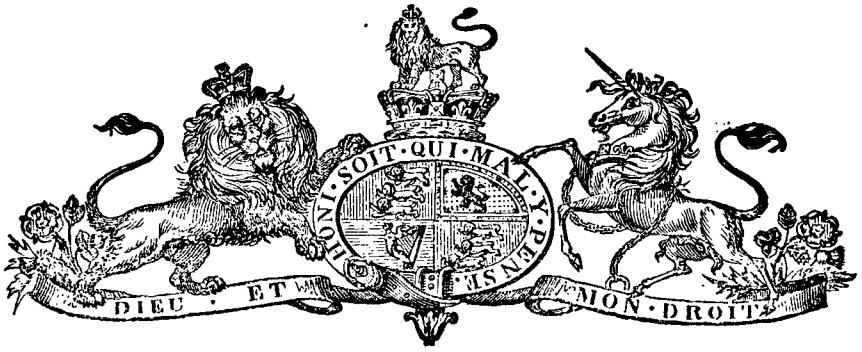


ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. LXVII.

An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of *Oswaldtwistle, Devizes, Layton-with-Warbrick* (*Blackpool*), and *Harrogate,* and for other Purposes relative to certain Districts under the said Act. [25th *July* 1867.]

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 certain Provisional Orders which are contained in the Schedule to this Act annexed, and it is provided by the aforesaid Local Government Act that no such Orders shall be of any Validity whatever until they shall have been confirmed by Parliament, and it is expedient that the said Orders should be so confirmed, and the several Purposes herein-after set forth should be authorized and enacted:

And whereas by a Provisional Order, bearing Date the Fourth Day of *July* One thousand eight hundred and fifty-one, duly made under the Public Health Act, 1848, and confirmed by the Public Health Supplemental Act, 1851 (No. 2.), the said Public Health

Act was applied to the Parish of *St. John the Baptist, Margate*, in the Isle of *Thanet*, within the Liberties of *Dover*, One of the Cinque Ports, in the County of *Kent*, and the said Parish was constituted a District for the Purposes of the said Act: And whereas a Portion of the said District, being the Portion described as the Rating Area in the said Provisional Order, has since been incorporated, in pursuance of the Act for the Regulation of Municipal Corporations in *England* and *Wales*, as the Borough of *Margate*, by Charter bearing Date the Twenty-ninth of *July* One thousand eight hundred and fifty-seven: And whereas the Local Board for the said District did execute a Deed dated the Second Day of *February* One thousand eight hundred and fifty-eight, purporting to transfer to the Town Council of the said Borough all their Estate, Property, Power, Right, Duties, and Liabilities, and the said Town Council has since acted as the Local Board of the said District: And whereas a Petition has been addressed by the said Town Council to One of Her Majesty's Principal Secretaries of State, praying for an Alteration of the said Provisional Order, so as to confine the Operation thereof to the Boundaries of the said Borough; and due Enquiry and Report has been made into the Matter of such Petition by Direction of One of Her Majesty's Principal Secretaries of State: And whereas it is expedient that the Prayer of the said Petition should be granted:

Be it 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:

Partial Repeal of Margate Provisional Order and confirming Act, and Confirmation of Part unrepealed.

1. The following Provisions and Enactment are hereby repealed; namely, Section One of the said Provisional Order for the Parish of *Saint John the Baptist, Margate*, as far as it relates to any Part of that Parish not included within the Boundaries set forth in the Schedule (B.) to that Order, and so much of Section Two of the same Order as authorizes the Extension as therein provided of the Rating Area therein described, and Section One of The Public Health Supplemental Act, 1851 (No. 2.), as far as the same confirms such Portions of the said Provisional Order as are repealed by this Act; and, subject to the Repeal aforesaid, the said Provisional Order shall be absolute, and be as binding, and of like Force and Effect, as if the Provisions of the same had been expressly enacted.

Corporation of Margate to be Local Board.

2. The Mayor, Aldermen, and Burgesses of the Borough of *Margate* in the County of *Kent* (in this Act referred to as the Corporation of *Margate*), acting by the Council of the Borough, shall be the Local Board in and for the District of *Margate*; and the Powers, Authorities, Rights, Property, Duties, and Liabilities of any Local Board of Health elected for the District of *Margate*

Margate (whether any such Board was validly and effectually elected and constituted or not) are hereby absolutely transferred to and vested in the Corporation of *Margate* as the Local Board for the District of *Margate*.

Confirmation of Orders, &c.

3. All Orders, Byelaws, Purchases, and Rates made, Acts and Things done, and Engagements entered into by or with the Council of the Borough of *Margate*, professing to act as a Local Board of Health, subsequently to the Second Day of *February* One thousand eight hundred and fifty-eight, shall be and be deemed to have always been valid, and the same shall be binding in favour of and against and be fulfilled by the Corporation of the Borough, acting by the Council, as the Local Board for the District of *Margate* by virtue of this Act, and all Persons in relation to the Corporation as such Local Board; and the Persons who in the Capacity of Members of the Council acted as such Local Board subsequently to that Day, and all Officers and Persons who acted under their Authority or by their Direction subsequently to that Day, are hereby discharged from and indemnified against all Penalties, Liabilities, Claims, and Demands in consequence of their having so acted, but nothing herein shall make valid an Order of the said Council for the Extension of the Rating Area of the District of the Parish of *Saint John the Baptist, Margate*, bearing Date the Thirty-first Day of *May* One thousand eight hundred and sixty-four, and the same is hereby annulled.

Costs of Act as to Margate.

4. All Costs, Charges, and Expenses incurred by the Corporation of *Margate* with reference to any Question concerning the Existence, Constitution, Election, Powers, Rights, or Duties of any Local Board for the District of *Margate*, or of any Body claiming to be or professing to act as such Local Board, including the Costs, Charges, and Expenses of the Corporation preliminary to, and of and incidental to the preparing, applying for, obtaining, and passing of the Enactments of this Act relative to the District or to the Borough of *Margate*, shall be paid by the Corporation, acting by the Council, as the Local Board for the District of *Margate*, out of the General District Rates for that District.

Provisional Orders in Schedule confirmed.

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

6. This

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

6. 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.

7. 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, 1867 (No. 4.)"

SCHEDULE of Provisional Orders referred to in the preceding Act.

1. OSWALDTWISTLE.—Extension of borrowing Powers.
2. DEVIZES.—Alteration of Parts of Local Acts.
3. LAYTON-WITH-WARBRICK (BLACKPOOL).—Alteration of Local Act.
4. HARROGATE.—Putting in force the Lands Clauses Consolidation Act, 1848, for the Purchase and taking of Lands otherwise than by Agreement.

OSWALDTWISTLE.

Provisional Order for extending the Borrowing Powers of the Oswaldtwistle Local Board.

WHEREAS the Local Board for the District of Oswaldtwistle, in the County of Lancaster, have under the provisions of the Local Goverment Act, 1858, petitioned one of Her Majesty's Principal Secretaries of State for power to borrow or reborrow, on mortgage of the rates, sums which with the sums already borrowed by that Board will not exceed in the whole two years' assessable value of the premises within the District in respect of which such sums may be borrowed; and such sums will be required for permanent works referred to in such Petition or contemplated in the said District.

And whereas after due inquiry and report by Robert Morgan, Esquire, the Inspector appointed under the said Act for the purpose, I am of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the powers now vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order,—

1.—The Local Board for the District of Oswaldtwistle, in the County of Lancaster, shall have power and authority to borrow or reborrow, for the execution and completion of works of a permanent nature within such District, and on mortgage of the rates leviable by them as such Board, a sum or sums which shall not, with the sums already borrowed by them, exceed in the whole two years' assessable value of the premises assessable under the Local Government Act, 1858, within the aforesaid District; the aforesaid sum or sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

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

(Signed) GATHORNE HARDY.

DEVIZES.

Provisional Order repealing and altering Parts of a Local Act in force within the District of the Devizes Local Board.

WHEREAS the Mayor, Aldermen, and Burgesses of the Borough of Devizes, in the County of Wilts, by the Council of the said Borough acting as the Local Board in and for such Borough, being the District in which the Local Government Act, 1858, is in force, have, in pursuance of that Act, presented a Petition to One of Her Majesty's Principal Secretaries of State, praying for the altera-

tion and partial repeal of and transfer of powers under a certain Local Act of Parliament in force within the said District, 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 sixth year of the reign of King George the Fourth (6 Geo. 4. Cap. 162.), intituled "An Act for paving, lighting, cleansing, "watching, and improving the Borough of Devizes, in the County of Wilts; "and for removing and preventing nuisances and annoyances therein."

And whereas, in pursuance of the said Local Government Act, inquiry has been directed to be duly made in the said District in respect of the several matters mentioned in the said Petition, and report has been made thereon by Arnold Taylor, Esquire, the Inspector appointed for such purpose:

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by 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 parts of the herein-before recited Local Act, passed in the sixth year of the reign of King George the Fourth (Cap. 162.), to be repealed are those described in the Schedule to this Order annexed; and all the exemptions from or restrictions on rating conferred by the said Act shall cease and determine.

2.—All the powers, duties, and authorities of the Commissioners acting in execution of the said Local Act shall cease and determine, and all the powers, duties, authorities, advantages, and penalties under the unrepealed portions of the said herein-before recited Local Act, which in case this Order had not been made and confirmed would have belonged to such Commissioners, shall pass to the Local Board aforesaid, who shall moreover have power to exercise and carry into effect all such powers, &c., not only in the Parishes comprised within the said Local Act but also in all such parts of the chapelry of St. James and of the Parish of Rowde as lie within the District of the said Local Board, as if all such powers, &c., had been conferred upon them within such extended area by the unrepealed portions of the said Local Act.

3.—All the property and estate of the said Commissioners acting in execution of the said Local Act shall be transferred to and become vested in the said Local Board upon the terms herein-after set forth and described; and such Board shall have full power and authority to sell and dispose of the same, or of any part or parts thereof, for all or any of the purposes of the Local Government Act, 1858.

4.—The gasworks as a going concern and all other property and effects of the said Commissioners shall be valued by two competent valuers, to be appointed in accordance with the provisions of the Local Government Act, 1858, by the Commissioners and by the Local Board, or by their umpire in case of disagreement; but in making such valuation nothing shall be estimated for the goodwill or in respect of such portion

portion of the site of the said gasworks as was granted by the Corporation without any payment being made for it, or of such portion as is held under a lease from the Corporation which will expire on the 4th of September 1869. The amount of such valuation shall be raised by the Local Board under the provisions of the Local Government Act, and shall be applied by them in discharge or in reduction of the bond debt of the said Commissioners, and if there be any surplus the balance shall be applied in or towards payment of the cost of any permanent improvement works rendered necessary under the Local Government Act within the parishes comprised in the said Local Act.

5.—All arrears of rates and monies due to the Commissioners acting under the said Local Act at the date of the passing of any Act confirming this Order shall be transferred and paid over to the Local Board; and the said Local Board shall have all such powers and remedies for recovering and enforcing payment of any arrears of the said rates and monies remaining unpaid after the passing of the Act confirming this Order as were vested in the said Commissioners under their Local Act.

All debts and liabilities under the said Local Act (save so much of the bond debt as shall be discharged by means of the amount of the valuation of the gasworks as herein-before provided) shall be satisfied by the said Local Board as debts and liabilities under the Local Government Act, 1858, out of the arrears of rates and monies due to the Commissioners, and if they exceed this amount shall be deducted from the amount of the valuation herein-before directed to be made.

6.—All expenses under the unrepealed portions of the Local Act aforesaid shall be borne by the rates leviable in the District, as if the purposes for which such expenses were incurred were purposes of the said Local Government Act.

7.—The powers conferred by the twenty-eighth section of the Towns Police Clauses Act, 1847, on any constable or any other officer appointed by that Act shall be vested in the police constables of or acting within the Borough of Devizes.

Given under my hand this First day of June One thousand eight hundred and sixty-seven.

(Signed) GATHORNE HARDY.

SCHEDULE to which this Order refers.

The parts of the Local Act 6 Geo. 4. c. 162. referred to in this Order to be repealed are as follows; that is to say,

All the sections of the said Local Act except sections 44, 47, 48, 51, 56, 57, 58, 59, 60, 61, 62, 63, 66, 67, 75, 80, 81, 82, 83, 84, 85, 86, 87, 88, 93, and 117. All exemptions from rating conferred by any of the sections in such Act, as well as the provisoes to section 51 of such Act, to cease and determine.

LAYTON-WITH-WARBRICK (BLACKPOOL).

Provisional Order repealing and altering a Local Act in force within the District of the Local Board of Health in and for the District of Layton-with-Warbrick (Blackpool), Lancashire.

WHEREAS the Local Board in and for the District of Layton-with-Warbrick, in the County of Lancaster, in the year One thousand eight hundred and sixty-five obtained an Act of Parliament, intituled Blackpool and Layton-with-Warbrick Improvement Act, 1865, (28 & 29 Vict. cap. 1,) authorizing them to make and maintain a carriage drive and promenade or parade at the western side of the town of Blackpool in the said District by the sea.

And whereas the said Local Board have, in pursuance of the provisions of the 77th section of the Local Government Act, 1858, presented a Petition under their seal, and under the hands of five of the members of the said Board, to me as one of Her Majesty's Principal Secretaries of State, to enable the aforesaid Local Board to abridge certain works set forth and described in such Petition, and referring to the plan accompanying the same, and also to enable the said Local Board to levy rates on completion of each section of the works, and also to have the time for the compulsory purchase of lands for the purposes of the said Improvement Act extended from three years to five years, and on the receipt of such Petition, I, as one of Her Majesty's Principal Secretaries of State, directed inquiry, and report has been duly made to me thereon by Robert Morgan, Esquire, the Inspector appointed by me for that purpose.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State as aforesaid, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order:

1.—The Local Board for the said District of Layton-with-Warbrick shall be empowered to abridge the works set forth and described in such petition by making the same as near as may be of the following minimum widths; namely,—

——	Footpath.	Carriage drive.	Parade.	Total.
Opposite Miss Brindley's, No. 1. on parliamentary plan.	2	8	4	14 yards.
Opposite south-west corner of the land and premises called College Francais, No. 30 on the said plan.	2	8	4	14 „
Opposite south-west corner of Waterloo Road, No. 50a on said plan.	2	8	4	14 „
Opposite north-west corner of Waterloo Road, No. 50 on said plan.	2	10	6	18 „
Opposite lamp post in front of Eccles land, No. 185 on said plan.	2	10	6	18 „
Opposite Tyrhill House, No. 224 on said plan.	2	10	6	18 „
Opposite south-west corner of York Hotel, No. 242 on said plan.	3	10	6	19 „
Opposite Wellington Hotel, No. 270 on said plan.	3	10	6	19 „

—	Footpath.	Carriage drive.	Parade.	Total.
Opposite Royal Hotel, No. 385 on said plan.	3	12	7	22 yards.
Opposite steps at Lane Ends Hotel, No. 444 on said plan.	3	12	7	22 „
Opposite Clifton Arms Hotel, No. 495 a on said plan.	3	12	7	22 „
Opposite Queen's Square at No. 530a on said plan.	3	12	7	22 „
Between Nos. 530 a and 539 on said plan, the foot path and carriage drive going to the east of Bailey's Hotel and the parade going round to the west thereof.	3	12	3	18 „
Opposite Burnley House at the end of works No. 605 on said plan.	3	12	6	21 „

And the footpath, carriage drive, and parade to be respectively abridged where necessary to work in with the above measurements.

2.—The Local Board for the said District shall be empowered to levy rates according to the said Act on the completion of each section of the works contemplated by the said Act.

3.—The time for the compulsory purchase of lands for the purposes of the said Act shall be extended to five years; and section 10 of the aforesaid Local Act shall be read as if the word "five" were contained therein in lieu of the word "three."

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

(Signed) S. H. WALPOLE.

HARROGATE.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the Harrogate District, for the Purchase and taking of Lands otherwise than by Agreement.

WHEREAS the Local Government Act, 1858, has been duly adopted by the Commissioners for the Improvement of High and Low Harrogate, acting under and by virtue of an Act passed in the fourth year of the reign of Her present Majesty (4 Victoria, c. xvi.), intituled "An Act for improving certain parts of "the townships of Bilton with Harrogate and Pannal, called High and Low "Harrogate, in the West Riding of the County of York; for protecting the "mineral springs and regulating the stinted pasture in the said townships:"

And whereas by reason of such adoption the said Local Government Act, 1858, now has the force of law in the district to which the said Improvement Act relates, and the said Commissioners thereby became the Local Board for the said District:

And whereas the Local Board in and for the said District have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the Seal of

the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land, for the purpose of constructing outfal works for the sewage of their District, and for other purposes set forth and described in such petition, and shown upon the plan accompanying the same.

And whereas the said petition duly set forth in the Schedule annexed thereto the several pieces of land intended to be taken by such Board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid lands, who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notices issued by such Board; and such petition prayed that the said Board might, with reference to such land, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed inquiry, and report has been duly made to me thereon by Robert Morgan, Esquire, the Inspector appointed for that purpose.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct—

That from and after the passing of any Act of Parliament confirming this Order—

The Local Board for the said District of Harrogate shall be empowered to put in force, with reference to the lands referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my hand, this Third day of June, in the year One thousand eight hundred and sixty-seven.

(Signed) GATHORNE HARDY.

The SCHEDULE referred to in the foregoing Order.

The LANDS proposed to be taken for the Purposes set forth in the preceding Order.

The Numbers in Col. 1. refer to those on the Plan accompanying the Local Board's Petition.

No. on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
3	Pasture land -	William Sheepshanks -	- - -	Thos. Gascoigne.
4	Pasture land -	John Greenwood -	- - -	Stephen Bradley, Junior.
5	Coppice - -	The Baroness de Bois de Ferriers.	- - -	John Barber.

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