

[43 & 44 VICT.] *Local Government Board's Pro-* [Ch. lxxxiv.]
visional Orders Confirmation (Kingston-upon-Hull, &c.) Act, 1880.



CHAPTER lxxxiv.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Borough of Kingston-upon-Hull and the Improvement Act District of Ramsgate. A.D. 1880.
[2nd August 1880.]

WHEREAS the Local Government Board have, as regards the borough and district 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 :

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

1. The 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. The Orders in schedule confirmed.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (Kingston-upon-Hull, &c.) Act, 1880. Short title.

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SCHEDULE.

*Kingston-
upon-Hull
Order.*

BOROUGH OF KINGSTON-UPON-HULL.

*Provisional Order for partially repealing, altering, and amending a
Confirming Act.*

To the Mayor, Aldermen, and Burgesses of the Borough of Kingston-upon-Hull, being the Urban Sanitary Authority for that Borough ;—

And to all others whom it may concern.

WHEREAS the Borough of Kingston-upon-Hull is an Urban Sanitary District, of which the Mayor, Aldermen, and Burgesses, acting by the Council (herein-after referred to as "the Corporation"), are the Urban Sanitary Authority ;

And whereas a Local Act of Parliament was passed in the session of Parliament of the forty-first year of the reign of King George the Third, intituled "An Act for enlarging and improving the market-place of the Town of Kingston-upon-Hull, and for making a commodious street from thence to the River Humber, with a dock and wharf or landing-place for the ferry and market boats belonging and resorting to the said Town" (herein-after called "the Act of 1801") ;

And whereas by the Act of 1801 the Corporation were empowered (inter alia) to make a new street, extending from the market-place to the River Humber, and at the end of such street to construct a dock with a public wharf and landing-place for the accommodation of ferry and market boats ;

And whereas the said new street and dock (known as the Ferry Boat Dock), with a pier (known as the Victoria Pier), and other works authorised by the Act of 1801, were duly executed by the Corporation, who also constructed under the said new street (now called Queen Street) a large outfall sewer, communicating with the Ferry Boat Dock ;

And whereas owing to the introduction of railways and other local changes, the Ferry Boat Dock and wharf had by the year 1870 fallen into disuse, and mud and sewage had accumulated in the dock so as at low water to cause a serious nuisance ;

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And whereas by a Provisional Order made by one of Her Majesty's Principal Secretaries of State, under the Local Government Act, 1858, dated the Nineteenth day of May, One thousand eight hundred and seventy-one, and confirmed by the Local Government Supplemental Act, 1872 (which Act and Order are respectively herein-after referred to as "the Confirming Act" and "the Order of 1871"), the Corporation were authorised (inter alia) to fill in the Ferry Boat Dock and to convert it into a public pleasure ground, to remove the wharf or landing-place attached thereto, and to continue the outfall sewer from the end of Queen Street through the site of the said dock ;

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And whereas the said works authorised by the Order of 1871 have not been executed, by reason of the great expense of the schemes proposed for their execution, and the Ferry Boat Dock still remains almost useless, and in a state prejudicial to health ;

And whereas by Section 297 of the Public Health Act, 1875, it is enacted that any Act confirming any Provisional Order made in pursuance of any of the Sanitary Acts or of the Public Health Act, 1875, may be repealed, altered, or amended by any Provisional Order made by the Local Government Board and confirmed by Parliament ;

And whereas the Corporation have applied to the Local Government Board to issue a Provisional Order to repeal and amend the Confirming Act, so far as it refers to so much of the Order of 1871 as relates to the execution of the said works thereby authorised ;

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 ; that is to say,—

Art. I. The Confirming Act, so far as it concerns Articles 2, 3, 4, and 5 of the Order of 1871, is hereby repealed.

Art. II. The Corporation may repair, alter, improve, or reconstruct, wholly or in part, the Victoria Pier, and the gangway or approaches thereto, so as to provide a covered way from Nelson Street to the Victoria Pier, with a flat roof available as a promenade, to be approached by flights of steps from Nelson Street, and may provide and maintain railings, shelters, seats, steps, and all other things appropriate for the use or enjoyment of the Victoria Pier and the approaches thereto. The Corporation may also reconstruct on the same site the whole or part of the existing jetty opposite the Victoria Hotel at the east end of the dock, so however that no part of the new jetty shall extend beyond the site of such existing jetty.

Art. III. The Corporation may, by filling in a portion of the area of the Ferry Boat Dock, and facing the filled-in portion with a wall or otherwise, in a line parallel or nearly parallel to the Victoria Pier, increase the width of

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Nelson Street, but so as to leave a water space at high water of not less than eighty feet between the Victoria Pier and the newly formed portion of Nelson Street, which said newly formed portion of Nelson Street shall be paved, lighted, and maintained as one of the streets of the Borough.

Art. IV. The Corporation may make and maintain a new sewer under Nelson Street, Queen Street, and Humber Street, commencing at a point in Nelson Street opposite the outfall of the present sewer, and terminating on the south side of the Graving Dock Yard of the Corporation; and may by means of such sewer divert, convey, and discharge, at a place near the gates of the said graving dock, the sewage and other matters which now pass or might pass into the Ferry Boat Dock; and may make and maintain in connection with such sewer all proper culverts, penstocks, tidal gates, and other works. So soon as such sewer is open, the Corporation may close the existing sewer by which sewage now passes into the Ferry Boat Dock, and may cut off any drains communicating therewith; and may provide drains communicating with the new sewer for the drainage of premises which now drain into the existing sewer.

Art. V. For the purpose of flushing and cleansing the Ferry Boat Dock as may be from time to time required, the Corporation may fix sluices in the proposed new front of Nelson Street, and may charge the cost of obtaining water for flushing and cleansing the same to the general district rate of the Borough.

Art. VI. Articles 6 and 15 of the Order of 1871 shall apply to all works, below high-water mark, authorised by this Order.

Art. VII. The Corporation may, on any number of days in each year not exceeding fifty-two, exclude the public from free admission to the roof of the proposed covered way from Nelson Street to the Victoria Pier, and may for every person admitted on any such day charge a sum not exceeding twopence. Notice shall be given by the Corporation of all such days by advertisement in at least two local newspapers circulating in the Borough; and any person who on any such day obtains admission without payment may be summarily removed by any constable.

Art. VIII. For the purposes of this Order the Corporation may, with the sanction of the Local Government Board, borrow such sums as they may require, not exceeding in the aggregate twenty thousand pounds, and may charge the property of the Corporation and the borough fund, and all or any of the rates leviable by the Corporation, with repayment of the sums borrowed and interest thereon.

Art. IX. In order to secure such repayment the Corporation may issue debentures, subject to such conditions and regulations, not inconsistent with this Order, as the Corporation may, with the sanction of the Local Government Board, determine.

Art. X. All moneys borrowed under this Order shall be repaid within such period, not exceeding sixty years from the date at which they were respectively borrowed, as the Corporation, with the sanction of the Local Government

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Board, may in each case determine, by the creation and application of a sinking fund in manner following; that is to say,—

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- (1.) Such equal yearly or half yearly sums shall be paid by the Corporation into the sinking fund as, being accumulated at compound interest at a rate not exceeding four pounds per centum per annum, would be sufficient to pay off the moneys borrowed within such period, not exceeding sixty years from the date of borrowing the same, as the Corporation, with the sanction of the Local Government Board, may in each case determine;
- (2.) The first of such payments shall be made within twelve months from the date of the first loan contracted by the Corporation under this Order;
- (3.) All sums paid into the sinking fund shall, as soon as may be, be invested by the Corporation in securities in which trustees are for the time being authorised to invest, or in the mortgages, bonds, debentures, debenture stock, or other securities duly created and issued by any local authority as defined by the Local Loans Act, 1875, other than the Corporation, and any such investments may be from time to time varied or transposed; and all dividends and other sums received in respect of such investments shall, as soon as may be after they are received, be paid into the sinking fund and invested by the Corporation in like manner;
- (4.) The Corporation may at any time apply the whole or any part of any sinking fund created under this Order in or towards the discharge of the moneys or any part of the moneys for the discharge of which the fund was created;
- (5.) Whenever any of such principal moneys have been so paid off, the Corporation shall thenceforward, until the whole of such principal moneys have been paid off, pay into the sinking fund every year, in addition to the other sums herein-before required to be paid into the fund, a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied;
- (6.) Whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding, the Corporation may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

Art. XI. The Corporation may at any time, by the issue of fresh debentures, subject to the provisions of Art. IX. of this Order, re-borrow any moneys borrowed under this Order. Provided that any moneys so re-borrowed shall be repaid within the period within which the moneys in lieu of which they were borrowed would have been required under this Order to be repaid, but no such re-borrowing shall affect the obligations of the Corporation with respect to any sinking fund required to be created under Art. X. of this Order.

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Art. XII. All sums payable in respect of principal or interest of moneys borrowed by the Corporation under this Order shall be payable, in the first instance, out of the district fund and general district rate, and all other expenses incurred by the Corporation in the execution of this Order shall be defrayed as if they were expenses incurred by them in the execution of the Public Health Act, 1875.

Art. XIII. The Town Clerk shall, within twenty-one days after the expiration of each year during which any sum is required by this Order to be set apart for a sinking fund in respect of moneys borrowed by the Corporation under this Order, 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 amount which has been invested or applied for the purpose of such sinking fund during the year next preceding the making of such return, and the description of the securities on 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 amount (if any) remaining invested at the end of the year.

Art. XIV. If it appears to the Local Government Board by that return or otherwise, that the Corporation have failed to set apart any sum required for any sinking fund, or have applied any portion of the money so set apart, 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 set apart and invested or applied as part of the 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. XV. All mortgages or debentures granted by the Corporation before the commencement of this Order shall, during their continuance, have priority of charge on the security therein comprised over all debentures issued in exercise of the borrowing powers conferred by this Order.

Art. XVI. A person advancing any money to the Corporation, and receiving in consideration of such advance any security under this Order, shall not be bound to inquire into the application of the money advanced, or be in any way responsible for the non-application or misapplication thereof.

Art. XVII. A trustee, executor, or other person empowered to invest money in the debentures or debenture stock of any railway or other company may, unless forbidden by the will or instrument under which he acts, whether prior to the commencement of this Order or not, invest the same in debentures issued under this Order: Provided that nothing in this Order shall authorise a trustee to invest in any debenture transferable by delivery.

Art. XVIII. Section 11 of the Local Loans Act, 1875 (Remedy by Mandamus for non-payment of money), and Section 12 of the same Act (Remedy by appointment of receiver for non-payment of money), shall apply to the Corporation and to debentures issued and the recovery of moneys raised by them

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under this Order, as if those sections were herein with any necessary modifications enacted.

Art. XIX. Nothing contained in this Order shall authorise any interference with or in any way affect the rights, powers, or authorities of the guild or brotherhood of masters and pilots, seamen of the Trinity House in Kingston-upon-Hull, or of the haven master appointed by them.

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

(L.S.)

J. G. DODSON, President.

JOHN LAMBERT, Secretary.

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*Kingston-
upon-Hull
Order.*

IMPROVEMENT ACT DISTRICT OF RAMSGATE.

*Provisional Order for partially repealing and altering certain Local Acts and
Confirmation Acts relating to the Improvement Act District of Ramsgate.*

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

And to all others whom it may concern.

WHEREAS under the provisions of a Local Act of Parliament, passed in
the first and second years of the reign of Her present Majesty, intituled “An
“ Act for better paving, lighting, watching, and improving the Parish of
“ Ramsgate, in the County of Kent, and for regulating the Police thereof”
(herein-after referred to as “the Act of 1838”), certain Commissioners were
appointed for putting the Act of 1838 into execution within the Parish of
Ramsgate;

And whereas in the year 1864 the said Commissioners adopted the Local
Government Act, 1858;

And whereas in the Ramsgate Local Board Act, 1877 (herein-after referred
to as “the Act of 1877”), the said Commissioners were referred to as the
Local Board, and by that Act were authorised to purchase the water under-
taking of the Company of Proprietors of the Ramsgate Waterworks, and
the Ramsgate portion of the gas undertaking of the Isle of Thanet Gas Light
and Coke Company, and to borrow for those purposes sums not exceeding
ninety thousand pounds and eighty thousand pounds respectively;

And whereas by the Ramsgate Improvement Act, 1878 (herein-after referred
to as “the Act of 1878”), the District of the said Commissioners was extended
so as to comprise the area included within the boundary described in the first

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A.D. 1880. Schedule to that Act, and it was provided that, save as was in that Act expressly provided, the debts and liabilities of the then existing District and of the added area should continue to be exclusively charged thereon respectively ;

—
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And whereas in and since the year 1865 the following Provisional Orders, partially repealing and altering the above-mentioned Acts or some of them, or some of the said Provisional Orders, have been made by a Secretary of State or by the Local Government Board and confirmed by Parliament ; (namely,)

An Order, dated the second day of June, one thousand eight hundred and sixty-five (herein-after called "the Order of 1865"), confirmed by the Local Government Supplemental Act, 1865 (No. 5).

An Order, dated the twenty-first day of June, one thousand eight hundred and sixty-six (herein-after called "the Order of 1866"), confirmed by the Local Government Supplemental Act, 1866 (No. 4).

An Order, dated the tenth day of June, one thousand eight hundred and sixty-seven (herein-after called "the Order of 1867"), confirmed by the Local Government Supplemental Act, 1867 (No. 5).

An Order, dated the second day of June, one thousand eight hundred and seventy-one (herein-after called "the Order of 1871"), confirmed by the Local Government Supplemental Act, 1871 (No. 4).

An Order, dated the twenty-first day of June, one thousand eight hundred and seventy-six (herein-after called "the Order of 1876"), confirmed by the Local Government Board's Provisional Orders Confirmation (Bingley, &c.) Act, 1876.

An Order, dated the second day of May, one thousand eight hundred and seventy-nine (herein-after called "the Order of 1879"), confirmed by the Local Government Board's Provisional Orders Confirmation (Aspull, &c.) Act, 1879 ;

And whereas for the execution of the above-mentioned Acts and Orders moneys have been from time to time borrowed by the said Commissioners, and by a Provisional Order of the Local Government Board dated the Twenty-fourth day of May, one thousand eight hundred and eighty (which Order is now awaiting the confirmation of Parliament, and is herein-after referred to as "the Order of 1880"), provision has been made for charging the sums so borrowed, and also any sums which may hereafter be borrowed under the above-mentioned Acts and Orders, on the whole of the extended District, and for amending the provisions of the said Acts and Orders relating to the revenue and rates leviable thereunder, and for repealing certain parts of the Act of 1878 with that object ;

And whereas, questions having been raised as to the legal title and position of the said Commissioners, provision is made by the Order of 1880 for dissolving the Authority or Authorities (by whatever name or names called or known) exercising and performing immediately before the commencement of the Order of 1880 the powers, functions, and duties of the said Commissioners, or of a Local Board or Urban Sanitary Authority, for the District of the said Commissioners, and for incorporating in their place a body of Commissioners, as in that Order mentioned, herein-after referred to as "the Commissioners" ;

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And whereas by Section 297 of the Public Health Act, 1875, it is enacted that any Act confirming any Provisional Order made in pursuance of any of the Sanitary Acts, or of that Act, may be repealed, altered, or amended by any Provisional Order made by the Local Government Board, and confirmed by Parliament;

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And whereas the above-mentioned Confirming Acts are Acts confirming Provisional Orders made in pursuance of the Sanitary Acts or the Public Health Act, 1875;

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 above-mentioned Local Acts are Local Acts within the meaning of Section 303 of the Public Health Act, 1875, and the existing Commissioners, as such Urban Sanitary Authority as aforesaid, have applied to the Local Government Board to issue a Provisional Order to repeal, alter, or amend the said Local Acts (herein collectively referred to as the Acts of 1838, 1877, and 1878), and the said Confirmation Acts (so far as they relate to the said Orders) or some of them;

And whereas the Local Government Board, upon receipt of the said 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 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; that is to say,

Art. I. This Order shall be executed by the Commissioners with the powers and indemnities and according to the provisions of the Public Health Act, 1875, and that Act shall, in relation to the Commissioners and the several objects and purposes of this Order, be read and construed as if the purposes and provisions of this Order were purposes and provisions of the Public Health Act, 1875, so far as the same shall be applicable thereto, and except so far as any of the provisions of the said Act are expressly varied or otherwise provided for by this Order.

Art. II. Every person who in any street in the District of the Commissioners (which District is in the Order of 1880 and in this Order hereafter referred to as "the Town of Ramsgate"), to the obstruction, annoyance, or danger of the residents or passengers, commits any of the following offences; that is to say,—

Every person who foddors any cattle, or suffers to be at large any poultry;
and

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Every person who, being or acting as the driver of any empty or unloaded waggon, cart, or carriage, refuses or neglects to make way for any coach, or loaded carriage of any description; and

Every person who, being on horseback, and meeting another horse, waggon, cart, or other carriage, does not keep on the left or near side of the street; and

Every person who washes or cleans any waggon, cart, coach, or other carriage; and

Every person (other than the common crier, or any person employed by or on behalf of the Commissioners, in the lawful performance of his duties,) who rings or sounds any horn, bell, or other noisy instrument so as to collect, or for the purpose of collecting, an assemblage of persons, or for the purpose of announcing any show or entertainment, or of hawking, selling, distributing, or collecting any article whatever; and

Every person who, having a smith's shop with any window fronting a street, fails to prevent the light from such shop shining into the street; and

Every person who without the leave of the Commissioners, their clerk or surveyor, sells or assists in selling by auction or public sale any goods, wares, or merchandise, or things whatsoever; and

Every person who erects any scraper projecting into or over any street; and

Every person who stands, loiters, or remains on any footway, in any manner tending to riot or disturbance of the peace, or to obstruct or prevent the free passage of any such footway; and

Every person who uses any threatening, abusive, or insulting words or behaviour, whereby a breach of the peace may be occasioned, or who by word of mouth, card, hand-bill, or otherwise, pertinaciously solicits any person to use any hotel or other house of public entertainment, or any booking office, or to give his custom to any tradesman, or to hire or travel by any hackney carriage, boat, vessel, or other conveyance, or to hire or use any boat, vessel, bathing machine, horse, mule, or ass; and

Every person who shows or exposes any stallion, or who ties or fastens any horse or other beast to any door, wall, post, or other thing, so that such horse or beast can go or stand across, or on any footway; and

Every person who drives any carriage for the purpose of breaking or exercising any horse, or rides or leads any horse for the purpose of exercising, trying, showing, or exposing such horse for sale (otherwise than by passing through such streets or other public places),

shall be liable for every such offence to a penalty not exceeding forty shillings; and the offender may be taken into custody without warrant by any constable or officer of the Commissioners within whose view the offence has been committed, and shall in that case be forthwith taken before a Justice.

Art. III. Every person who in any street in the Town of Ramsgate draws any timber, stone, or other heavy material without the same being placed upon or suspended from a wheeled carriage proper for that purpose, shall be liable

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for every such offence to a penalty not exceeding forty shillings, and may be taken into custody without a warrant by any constable or officer of the Commissioners within whose view the offence has been committed, and shall in that case be forthwith taken before a Justice.

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Art. IV. Any person who puts, or casts, or causes or suffers to be cast out of any cart or tub, or otherwise, any night soil or other filth in any street in the Town of Ramsgate, shall be liable to a penalty not exceeding forty shillings.

Art. V. Every person who throws or casts any ashes, dust, carrion, blood, offal, or rubbish into any sewer, drain, sink, or watercourse, or throws or casts any animal, or carcase, or any noisome or offensive materials, ingredients, offal, or filth into, or washes, dips, or rinses any wearing apparel, cloth, or other article, matter, or thing, into, or in any well, pump, watercourse, or reservoir for water within the Town of Ramsgate, or wilfully does or commits any act whereby the water therein may be rendered impure or contaminated, shall be liable for every such offence to a penalty not exceeding forty shillings.

Art. VI. The Commissioners may make byelaws for the prevention or regulation of street hawking, and for the prevention or regulation of the exhibition of advertising vans or boards; and

Every person who hawks or carries about for sale any goods, wares, or merchandise, or thing whatsoever, or exhibits any advertising vans or boards in any street within the Town of Ramsgate, or on the beach, shore, sands, or promenades within or adjoining thereto, contrary to any byelaws or regulations in force at the commencement of this Order, or byelaws hereafter made by the Commissioners, shall be liable for every such offence to a penalty not exceeding forty shillings, and may be taken into custody without a warrant by any constable or officer of the Commissioners within whose view the offence has been committed, and shall in that case be forthwith taken before a Justice:

Provided that any such byelaws to be made by the Commissioners shall not apply to any property vested in or under the management of the Board of Trade without the consent in writing of the said Board, testified by one of their Secretaries or Assistant Secretaries, in addition to the approval of the Local Government Board.

Art. VII. Where any vehicle of any description is left without any person in charge thereof in any street within the Town of Ramsgate, so as to obstruct the free passage of such street, it shall be lawful for any constable, or for any officer of the Commissioners, to seize such vehicle, and any horse or other animal drawing or attached to the same, and to take it, or them, to such place as may be appointed by the Commissioners, there to remain till claimed by or on behalf of the owner thereof.

Every vehicle and animal so seized shall, when claimed as aforesaid, and on payment of the costs and expenses of seizing, removing, and keeping the same, be forthwith delivered up; and if delivered up before payment of such costs and expenses, then such costs and expenses may be recovered by the Commissioners from the owners in a summary manner.

If any vehicle or animal so seized be not claimed, and the costs and expenses of seizing, removing, and keeping the same be not paid, within three days, the

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Art. VIII. Any person who within the Town of Ramsgate exposes anything for sale in any grounds, garden, promenade, or esplanade without the consent of the owner of such grounds, garden, promenade, or esplanade, or other person authorised to give such consent, shall be liable for every such offence to a penalty not exceeding forty shillings.

Art. IX. The terms "hackney coach" or "coaches" and "carriage" or "carriages," whenever used in Sections 37, 39 to 52 (both inclusive), 58, and 60 to 68 (both inclusive), of the Town Police Clauses Act, 1847, as incorporated with the Public Health Act, 1875, shall (anything in Section 38 of the Town Police Clauses Act, 1847, notwithstanding,) be deemed to include every omnibus, waggonette, stage coach, and other carriage plying or standing for hire by or used to carry passengers at separate fares to, from, or in, any part of the Town of Ramsgate; and the said provisions shall apply to the owners and drivers of such omnibuses, waggonettes, stage coaches, and other carriages: Provided that—

- (i.) So much of Section 68 of the Town Police Clauses Act, 1847, as authorises the making of byelaws, rules, orders, or regulations with respect to the fares to be charged for hackney coaches and carriages shall not apply to the fares to be charged for any such omnibus, waggonette, stage coach, or other carriage as aforesaid; and
- (ii.) Whenever the word "driver", or "drivers" occurs in any of the said sections of the Town Police Clauses Act, 1847, it shall be deemed to include every conductor of any such omnibus, waggonette, stage coach, or other carriage as aforesaid; and
- (iii.) The prescribed distance to which within the meaning of Sections 37, 45, 46, and 51 of the Town Police Clauses Act, 1847, a licence for any such omnibus, waggonette, stage coach, or other carriage, to ply or stand for hire by or to be used for carrying passengers at separate fares shall extend shall be a distance not exceeding fifteen miles from the Town Hall, Ramsgate.

Art. X. A licence granted to a driver or conductor of any such omnibus, waggonette, stage coach, or other carriage as aforesaid shall only authorise the holder thereof to act as driver or conductor of the class or description of carriage specified in such licence, and shall be in force for one year only from the date thereof, or until the next general licensing meeting, in case any general licensing day be appointed.

Art. XI. The Commissioners may make byelaws for the following purposes; viz.,

- (a.) To provide for the exhibition on some conspicuous part of any such omnibus, waggonette, stage coach, or other carriage as aforesaid,

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of a statement, in legible letters and figures, of fares to be demanded and received from the persons using or carried for hire in such omnibus, waggonette, stage coach, or other carriage :

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- (b.) To prevent the owner, driver, or conductor of any such omnibus, waggonette, stage coach, or other carriage, or any other person on his or their behalf, by touting, calling out, or otherwise from importuning any person to use, or to be carried for hire in, such omnibus, waggonette, stage coach, or carriage, to the annoyance of such person, or of any other person :
- (c.) To prescribe the routes by which, within the Town of Ramsgate, such omnibus, waggonette, stage coach, or other carriage may convey passengers :
- (d.) To fix the points within the Town of Ramsgate at which any such omnibus, waggonette, stage coach, or other carriage shall or may take up and set down passengers :

Provided, that for the purposes of Sections 54, 58, and 66 of the Town Police Clauses Act, 1847, as incorporated with the Public Health Act, 1875, the fare, according to the statement of fares exhibited on any such omnibus, waggonette, stage coach, or other carriage, shall be deemed to be the fare allowed by the special Act, or the fare authorised by a byelaw under the special Act.

Art. XII. For the better protection of householders in the Town of Ramsgate from annoyance by street musicians, it is hereby declared that the Act of the Session held in the twenty-seventh and twenty-eighth years of the reign of Her present Majesty, chapter fifty-five, intituled "An Act for the better regulation of street music within the Metropolitan Police District," shall be in force within the Town of Ramsgate, with the substitution of the words "Town of Ramsgate" for the words "Metropolitan Police District," and of the words "any constable acting in and for the Town of Ramsgate" for the words "constable belonging to the Metropolitan Police Force."

Art. XIII. The Commissioners may from time to time make byelaws prohibiting the playing on or sounding of musical instruments in any street in the Town of Ramsgate, during the hours appointed for the performances of the public band, within such distance of the public band as may be prescribed by such byelaws

Art. XIV. Any person who affixes any posting bill or other paper to or against any dwelling-house, wall, fence, railing, or building within the Town of Ramsgate, without the consent of the owner or occupier thereof, or writes on the same, or otherwise defaces or marks the same, by means of chalk, paint, or any other material whatsoever, shall be liable for every such offence to a penalty not exceeding forty shillings.

Art. XV. It shall not be lawful to cover with thatch or straw wholly or in part any house, outhouse, or other building abutting on or adjoining any street within the Town of Ramsgate, and the owner of any such house, outhouse, or other building which shall be wholly or in part covered with thatch or straw in contravention of this Article after the commencement of this Order, shall be liable to a penalty not exceeding forty shillings for every month during which the same shall continue with such covering.

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Art. XVI. If the owner of any house within the water limits of the Commissioners refuses or neglects to comply with a requisition of the Commissioners duly made in pursuance of Section 24 of the Act of 1877, to provide such branch or communication pipe or other apparatus as is therein mentioned, he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding twenty shillings for every day during which such refusal or neglect continues after the first recovery of a penalty under this Article.

Art. XVII. Notwithstanding anything contained in Section 43 of the Act of 1878, or any other enactment, it shall be lawful for any Justices having jurisdiction in the Town of Ramsgate, or any part thereof, in petty sessions assembled, at any time, and from time to time at their discretion to grant temporary licences authorising the use of any house, room, garden, or place named therein for public dancing or music, and to insert in any licence so granted such conditions as to hours of closing and otherwise as they see fit. And also by order from time to time temporarily to extend the limitation in point of time during which any house, room, garden, or place licensed either under the said Section 43 or under this Article may be kept open: Provided that—

A licence shall not be granted under this Article for a longer period than one month.

An extension of time shall not be granted by an order under this Article for a longer period than six hours.

A licence or an order granting an extension of time under this Article may be revoked by any such justices as aforesaid in petty sessions assembled at their discretion.

Art. XVIII. The Commissioners may license bathing machines, and the proprietors of or attendants on such machines, and may make byelaws as to providing bathing machines with apparatus and articles necessary or proper for the safety or comfort of bathers, and as to the qualification of the proprietors of and attendants on such machines, and for securing their good and orderly conduct while in charge; and also for the government and regulation of persons bathing in the sea within the Town of Ramsgate. The Commissioners may by any such byelaws provide for the fees to be paid for any licence to be granted under this Article, and for the forfeiture of any such licence as a penalty, or in addition to any other penalty, not exceeding forty shillings, which the Commissioners are hereby authorised to impose for a breach of such byelaws.

If, after the commencement of this Order, the proprietor of any bathing machine uses or allows the same to be used as a bathing machine without a licence, or any person acts without a licence as an attendant on any bathing machine, he or she shall for every such offence forfeit and pay any sum not exceeding forty shillings.

Art. XIX. The Commissioners may, from time to time, provide by purchase or hire, and maintain, boats, life-buoys, apparatus, matters, and things, for the rescue of persons drowning, or in danger of drowning, and for the recovery of the bodies of drowned persons, and for the restoring to animation persons apparently drowned; and may also provide by purchase or hire, and

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maintain any stations, buildings, or other accommodation, necessary or convenient for such purposes; and may employ and remunerate persons for carrying into effect all or any of the purposes of this Article.

Provided that no building shall be erected on property vested in or under the management of the Board of Trade without the previous consent in writing of the said Board, testified by the signature of one of their Secretaries or Assistant Secretaries.

Art. XX. The existing superannuation fund of the police force of the Town of Ramsgate shall be continued; and there shall be deducted from the pay of every constable belonging to the said force a sum after such yearly rate, as the Commissioners may direct, not exceeding two pounds ten shillings in the one hundred pounds, which sum so deducted, and also the moneys accruing from stoppages from any of the said constables during sickness, and from fines imposed on any of the said constables for misconduct, and from moieties, or other shares of fines and penalties awarded to informers, being police constables, on summary conviction of offenders, shall be paid to the treasurer of the Commissioners; and the same shall be invested in such manner as the Commissioners may direct; and the interest and dividends thereof, or so much thereof as shall not be required for the purposes herein-after mentioned, shall be invested in the like manner, and accumulate, so as to form part of the said superannuation fund; and shall be applied, from time to time, for payment of such superannuation or retiring allowances, or gratuities, as may be ordered by the Commissioners; and the Commissioners shall guarantee the security of the said superannuation fund, and make good, out of the rates to be levied by them, any deficiency which may arise in such fund from the default of any treasurer or other person entrusted with the custody or management thereof.

Art. XXI. It shall be lawful for the Commissioners, if they think fit, to order that any of the constables of the Town of Ramsgate may be superannuated, and receive thereupon, out of the superannuation fund, a yearly allowance, subject to the following conditions, and not exceeding the following proportions; that is to say,

If the constable has served with diligence and fidelity for fifteen years and less than twenty years, a yearly sum not exceeding his half pay;

If he has so served for twenty years or upwards, a yearly sum not exceeding two thirds of his pay:

Provided that if he be under sixty years of age, it shall not be lawful to grant any such allowance unless upon a medical certificate that he is incapable, from infirmity of mind or body, to discharge the duties of his office.

Provided also that, if any constable be disabled by any wound or injury received in the actual execution of his office, it shall be lawful to grant him a yearly allowance not exceeding his full pay; but nothing in this Order contained shall be construed to entitle any constable absolutely to any superannuation allowance or to prevent his being dismissed without superannuation allowance.

Art. XXII. The Commissioners may, wholly or partially, rebuild, enlarge, alter, and improve the existing markets and town hall of the Town of Ramsgate, or they may remove the existing town hall and markets, or any

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of them, and provide, fit up, and furnish on the same or on some other site a new town hall and offices in connection therewith, and markets; and may do all other things necessary or proper for effecting the purposes aforesaid, or any of them.

Art. XXIII. If under the foregoing provisions the Commissioners provide other markets, or a new town hall and offices connected therewith, they may sell the whole or any part of the site of the existing markets and town hall, either by public auction or by private contract: Provided that they apply the proceeds of any such sale in or towards the purchase of another site, or in or towards providing another town hall or markets, or either of them, or to some other purpose to which, in the opinion of the Local Government Board, such proceeds shall be properly applicable; but nothing in this Order contained shall render it obligatory on any purchaser of such site to see to the application of such proceeds, or to be in any way responsible for the mis-application or non-application thereof.

Art. XXIV. Section 128 of the Act of 1838 shall be altered by inserting therein, after the words "Ramsgate or," now forming part of that section, the words following "(except in accordance with such regulations as the said Commissioners may from time to time prescribe in that behalf)."

Art. XXV. The Commissioners may provide and maintain weighing machines in any street or other place in the Town of Ramsgate; and may make byelaws for regulating the management and use thereof, and for compelling and regulating the weighing thereon of all coal brought into the Town of Ramsgate, and of all coal removed from the Town of Ramsgate in respect of which a drawback is payable under the Act of 1838; and any byelaws so made may be either wholly or partially in substitution for or in addition to the provisions of the Act of 1838, relating to the weighing of coal.

Provided that no weighing machine shall be placed on any property vested in or under the management of the Board of Trade without the previous consent in writing of the said Board, testified by the signature of one of their Secretaries or Assistant Secretaries.

Art. XXVI. All offences, penalties, and expenses under the Acts of 1838, 1877, and 1878, or under this Order or any other Act or Order for the time being executed by the Commissioners, or under any byelaw or regulation made under the authority of any of such Acts or Orders, may be prosecuted and recovered before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Act, 1848, and the Summary Jurisdiction Act, 1879, and any Act amending the same respectively; and all penalties recovered under any of the Acts or Orders aforesaid, and not directed to be otherwise applied, shall be paid to the treasurer of the Commissioners and be carried to the credit of the district fund of the Town of Ramsgate.

Art. XXVII. Sections 182 to 186 (both inclusive) of the Public Health Act, 1875, which relate to byelaws, shall apply to all byelaws, rules, and orders made by the Commissioners under the Acts of 1838, 1877, and 1878, or this Order, as if such byelaws, rules, and orders were made by the Commissioners under the said Public Health Act, and Sections 185 and 186 of the last-mentioned Act shall apply to all byelaws, rules, and orders made by any Authority dissolved by the

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Order of 1880 and in force at the commencement of this Order, and any such byelaws, rules, and orders may be altered or repealed by the Commissioners as if they had been byelaws made by the Commissioners under the said Public Health Act.

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Art. XXVIII. Where in any Act of Parliament or in any document any provision of the Act of 1838, which is repealed by this Order, is mentioned or referred to, such mention or reference shall be deemed for all purposes to include a mention of or reference to the provisions of this Order applicable to purposes the same as, or similar to, the provision so repealed.

Art. XXIX. The term "Street" and all other terms used in this Order, to which meanings are assigned by the Public Health Act, 1875, shall in this Order have the same respective meanings.

Art. XXX. The Orders of 1865, 1866, 1867, 1871, 1876, and 1879, are hereby repealed.

The Act of 1838 shall be repealed to the extent in this Article mentioned.

Act.

Extent of Repeal.

Act of 1838 - The whole Act, except sections 76 to 80 (both inclusive), relating to constables; and except
Sections 126 to 132 (both inclusive), relating to markets; and except
Sections 154 to 164 (both inclusive), relating to coal duties; and except
Section 190.

Provided that this repeal shall not affect:

- (a.) Anything duly done or suffered, or any right or liability acquired or incurred or any security given by any officer or servant under any enactment hereby repealed.
- (b.) Any penalty incurred in respect of any offence committed against any enactment hereby repealed.

Provided also, that Section 127 of the Act of 1838 shall be read as if so much thereof as provides that the rules, orders, and byelaws made thereunder shall be subject to the approval of one of the Judges of Assize or the Court of Quarter Sessions, and that copies thereof shall be painted on boards, and be renewed and replaced as often as the same shall be obliterated, defaced, and destroyed, and that the said rules, orders, and byelaws shall be subject to appeal in manner therein-after mentioned, were omitted therefrom.

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

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

(L.S.)

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