



CHAPTER ccxi.

An Act to confirm a Provisional Order of the Local Govern- A.D. 1898.
ment Board relating to the Borough of Devonport.

[12th August 1898.]

WHEREAS the Local Government Board have made the
Provisional Order set forth in the schedule hereto under the
provisions of the Local Government Act 1888 :

51 & 52 Vict.
c. 41.

And whereas it is requisite that the said Order 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 Order as altered and set out in the schedule hereto shall Order
be and the same is hereby confirmed and all the provisions thereof in schedule
shall have full validity and force. confirmed.

2. This Act may be cited as the Local Government Board's Short title.
Provisional Order Confirmation (No. 10) Act 1898.

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SCHEDULE.

*Devonport
Order.*

BOROUGH OF DEVONPORT.

*Provisional Order made in pursuance of Sections 54 and 59 of the
Local Government Act 1888.*

- To the Mayor Aldermen and Burgesses of the Borough of Devonport ; ---
- To the Justices of the Peace for the said Borough ; —
- To the Court of Quarter Sessions for the said Borough ; —
- To the School Board for the Borough of Devonport ; —
- To the Justices of the Peace for the County of Devon in Quarter Sessions assembled ; —
- To the County Council of Devon ; —
- To the Rural District Council of Plympton Saint Mary ; —
- To the Commissioners acting in execution of the Local Act for the relief of the poor in the Parish of Stoke Damarel ; —
- To the Guardians of the Poor of the Plympton Saint Mary Union ; —
- To the Parish Councils of Saint Budeaux and Weston Peverell or Pennycross ; —
- To the Overseers of the Poor of each of the Parishes of Saint Budeaux Stoke Damarel and Weston Peverell or Pennycross ; —
- And to all others whom it may concern.

51 & 52 Vict.
c. 41.

WHEREAS by Section 54 of the Local Government Act 1888 (which Act is herein-after referred to as "the Act of 1888") the Local Government Board are empowered to make a Provisional Order for altering the boundary of any Borough and by such Order to divide or alter any electoral division ;

And whereas the Borough of Devonport which is herein-after referred to as "the existing Borough" and the area whereof is coloured pink on the two maps (herein-after referred to as "the Borough maps") each marked "Map of the Borough of Devonport as extended 1898" and sealed with the official seal of the Local Government Board is a County Borough within the meaning of the Act of 1888 and the inhabitants of the Borough are a body corporate by the name of the Mayor Aldermen and Burgesses of the Borough of Devonport (herein-after referred to as "the Corporation") and act by the Council of the Borough which now consists of the Mayor (who is also a Councillor) twelve Aldermen and thirty-five other Councillors and the existing Borough is for the purposes of the election of Councillors divided into twelve wards one of which is termed the Ford Ward and three Councillors are assigned to each of the said twelve wards ;

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And whereas the existing Borough is an Urban Sanitary District of which the Mayor Aldermen and Burgesses acting by the council are the Urban Sanitary Authority ;

And whereas the existing Borough has a separate court of quarter sessions commission of the peace police force and coroner ;

And whereas the existing Borough is co-extensive with the Parish of Stoke Damarel ;

And whereas the unrepealed provisions of the Local Acts mentioned in Part I. of the schedule to this Order (herein-after referred to as "the Local Acts") and of the Confirmation Acts mentioned in Part II. of the said schedule so far as the last-mentioned Acts relate to the Provisional Orders mentioned in that schedule are in force in the existing Borough ;

And whereas the Corporation of the existing Borough have adopted the provisions of—

(a.) The Infectious Disease (Notification) Act 1889 ;

(b.) The Infectious Disease (Prevention) Act 1890 ; and

(c.) The Public Health Acts Amendment Act 1890 ;

52 & 53 Vict.
c. 72.
53 & 54 Vict.
c. 34.
53 & 54 Vict.
c. 59.

and those provisions are accordingly in force in the existing Borough ;

And whereas the Public Libraries Acts 1892 and 1893 are in force in the existing Borough ;

55 & 56 Vict.
c. 53.
56 Vict. c. 11.

And whereas the council of the existing Borough are under the Burial Acts 1852 to 1885 the Burial Board for the existing Borough ;

15 & 16 Vict.
c. 85.
48 & 49 Vict.
c. 21.

And whereas the Parishes of Saint Budeaux and Weston Peverell or Penny-cross are contributory places in the Rural District of Plympton Saint Mary (herein-after referred to as "the Rural District") and are subject to the jurisdiction of the Rural District Council of Plympton Saint Mary (herein-after referred to as "the Rural District Council") and three Rural District Councillors are elected for the Parish of Saint Budeaux and two for the Parish of Weston Peverell or Penny-cross ;

And whereas the Rural District Council have adopted the provisions of—

(a.) The Infectious Disease (Notification) Act 1889 ;

(b.) The Infectious Disease (Prevention) Act 1890 ; and

(c.) Part III. of the Public Health Acts Amendment Act 1890 which are applicable to Rural Districts ;

and those provisions are accordingly in force in the Rural District ;

And whereas by virtue of the Elementary Education Acts 1870 to 1893 the existing Borough is a School District for which a school board (herein-after referred to as "the existing School Board") has been formed and the said Parishes of Saint Budeaux and Weston Peverell or Penny-cross are School Districts and subject to the jurisdiction of the School Attendance Committee appointed by the guardians of the poor of the Plympton Saint Mary Union (herein-after referred to as "the Union School Attendance Committee") ;

83 & 84 Vict.,
c. 75.
56 & 57 Vict.
c. 51.

And whereas the Parishes of Saint Budeaux and Weston Peverell or Penny-cross are included in the Compton Gifford Electoral Division of the County of Devon ;

And whereas the Parish of Stoke Damarel is a poor law union and subject to the jurisdiction of the Commissioners acting in execution of the Local Act for

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the relief of the poor (54 Geo. III. c. clxxii.) (herein-after referred to as "the Stoke Damarel guardians");

And whereas the Parish of Stoke Damarel is for the purposes of the election of the Stoke Damarel guardians divided into twelve wards which are co-extensive with and bear the same names as the municipal wards of the existing Borough and three guardians are elected for each ward;

And whereas the said Parishes of Saint Budeaux and Weston Peverell or Pennycross are included in the Plympton Saint Mary Poor Law Union;

And whereas each of the said Parishes of Saint Budeaux and Weston Peverell or Pennycross is a rural parish within the meaning of the Local Government Act 1894 (herein-after referred to as "the Act of 1894") and a Parish Council has been established for each of such parishes:

51 & 52 Vict.
 c. 41.

Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 54 and 59 of the Act of 1888 and by any other enactments in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the following provisions shall take effect:--

Commence-
 ment of Order.

Art. I. This Order shall except so far as is otherwise herein expressly provided and so far as there may be anything in the subject-matter or context inconsistent therewith come into operation on the Ninth day of November One thousand eight hundred and ninety-eight (which date is herein-after referred to as "the commencement of this Order"):

Date of
 operation of
 Order for
 parish burgess
 lists &c.
 51 Vict. c. 10.

Provided that for the purposes of the parish burgess lists and burgess roll and other lists to be made under the Municipal Corporations Act 1882 and the Acts amending the same of the lists of county electors and the county registers to be made for the County in pursuance of the County Electors Act 1888 or any Act amending that Act of the lists and registers of parochial electors and any other lists or registers to be made in pursuance of the Act of 1894 and of all proceedings preliminary or relating to any election of the Mayor Aldermen and Councillors to be held on the ordinary day of election in the year one thousand eight hundred and ninety-eight this Order shall operate from the date of the Act of Parliament confirming this Order:

Date of
 operation for
 grants from
 Local Taxation
 Account.
 53 & 54 Vict.
 c. 60.

Provided also that for the purposes of Sections 20 22 23 24 and 26 of the Act of 1888 and for the purposes of the Local Taxation (Customs and Excise) Act 1890 the Borough shall be deemed not to have been extended until after the Thirty-first day of March One thousand eight hundred and ninety-nine.

Definitions.

Art. II. In this Order--

- (1.) The expression "the Borough" means the Borough as extended by this Order;
- (2.) The expression "the added areas" means the parts of the Rural District added to the existing Borough by this Order;
- (3.) The expression "the County" means the County of Devon and "the County Council" means the County Council of that County.

Extension
 of Borough.

Art. III.--(1.) The boundary of the existing Borough shall be altered and extended so as to include in addition to the area of the existing Borough the following areas viz.,--

The part of the Parish of Saint Budeaux coloured yellow on the Borough maps (herein-after referred to as "the added part of Saint Budeaux");

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The part of the Parish of Weston Peverell or Pennycross coloured blue on the Borough maps (herein-after referred to as "the added part of Pennycross").

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(2.) The boundary of the Borough as so altered shall be that shown by the red line on the Borough maps and the whole of the area within such altered boundary shall for the purposes of the Municipal Corporations Act 1882 and for all other purposes be the Borough and shall be the County Borough for the purposes of the Act of 1888.

Art. IV.—(1.) One of the Borough maps and one of the ward maps referred to in Article VIII. of this Order shall be deposited in the office of the Local Government Board and the others shall be deposited by the town clerk of the Borough at his office within fourteen days after the date of this Order. Copies of the Borough map deposited with the town clerk certified by him to be true shall be sent within one month after the date of the Act of Parliament confirming this Order to the clerk of the County Council to the clerk to the Rural District Council to the clerk to the guardians of the Plympton Saint Mary Union and to the Board of Agriculture and a copy of the said ward map so certified shall be sent within the said date to the Board of Agriculture and to the clerk to the guardians of the Parish of Devonport.

Deposit of
maps.

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

Copies of map
to be evidence.

Art. V. The powers and duties of the quarter sessions recorder clerk of the peace and the coroner of the existing Borough of the justices of the peace appointed for the existing Borough and of the clerk to such justices and of the police constables and other peace officers of the existing Borough shall extend to and apply throughout the Borough. Provided that every person committing an offence in any part of the added areas prior to the commencement of this Order shall be tried adjudicated on and dealt with as if this Order had not been made.

Powers and
duties of
justices &c.
extended.

Art. VI. For the purposes of the parish burgess lists and burgess roll and other lists to be made under the Municipal Corporations Act 1882 and the Acts amending the same and all matters in relation thereto the added areas shall be deemed to have always been part of the Borough and the town clerk of the existing Borough shall be the town clerk of the Borough and if any difficulty arise in making out revising or otherwise dealing with such lists and roll or the lists of county electors and the county register to be made for the County in pursuance of the County Electors Act 1888 or any Act amending that Act or the lists and registers of parochial electors the Local Government Board may make such Order as shall appear to them to be necessary to give effect to the provisions of this

Parish burgess
lists &c.

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Number of
Councillors
and Aldermen.

Alteration of
wards.

Order and may vary so far as shall be necessary the provisions in force with regard to such lists roll and registers.

Art. VII. The number of Councillors of the Borough shall be increased from thirty-six to forty-five and the number of Aldermen of the Borough shall be increased from twelve to fifteen.

Art. VIII. Subject as regards any future alteration of the wards hereby constituted to the provisions of the Municipal Corporations Act 1882 and any Act amending the same as to the alteration of wards the following provisions shall have effect :—

- (1.) For the purposes of the election of Councillors the Borough shall be divided into fifteen wards.
- (2.) Of the twelve existing wards the following eleven wards and the number of Councillors apportioned thereto shall remain unaltered viz. the Morice Ward the Prince's Ward the Saint Aubyn Ward the Saint John's Ward the Clowance Ward the Tamar Ward the Clarence Ward the Keyham Ward the Molesworth Ward the Nelson Ward and the Stoke Ward.
- (3.) The area of the existing Ford Ward and the added areas shall be divided into four wards to be termed respectively the Ford Ward the Pennycross Ward the Station Ward and the Tamerton Ward.
- (4.) The said four wards constituted by this Order shall respectively comprise the areas indicated by separate colours and distinguished by the names of the wards on the two maps each marked "Map of the new Wards of the Borough of Devonport as extended 1898" and sealed with the official seal of the Local Government Board.
- (5.) Notwithstanding anything in the Municipal Corporations Act 1882 to the contrary all the Councillors representing the existing Ford Ward who shall be in office on the First day of November One thousand eight hundred and ninety-eight shall go out of office on that date.
- (6.) Three Councillors shall be assigned to each of the four wards constituted by this Order.

First election
of Councillors
for new wards.

Art. IX.—(1.) The first election of Councillors for the four wards constituted by this Order shall be held on the First day of November One thousand eight hundred and ninety-eight and the Mayor of the existing Borough or such other person as he shall appoint shall be the returning officer at the election for each ward.

First election
of Aldermen.

(2.) The first election of the three additional Aldermen shall take place on the Ninth day of November One thousand eight hundred and ninety-eight and the three Aldermen shall at such election be chosen one from among the Councillors elected for each of the Pennycross Station and Tamerton Wards or from among the persons qualified to be Councillors whose qualifying property is situate in such ward.

Retirement of
Councillors
for new wards
and additional
Aldermen
elected in 1898.

Art. X.—(1.) The Councillors elected for the four wards constituted by this Order in the year one thousand eight hundred and ninety-eight shall retire as follows :—

- (a.) The Councillor for each ward who is elected by the smallest number of votes on the First day of November One thousand eight hundred and ninety-nine ;

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(b.) The Councillor for each ward who is elected by the largest number of votes on the First day of November One thousand nine hundred and one;

(c.) The other Councillor for each ward on the First day of November One thousand nine hundred.

(2.) The three additional Aldermen elected for the Borough in the year one thousand eight hundred and ninety-eight shall retire as follows:—

(a.) The one Alderman elected by the smallest number of votes on the Ninth day of November One thousand nine hundred and one;

(b.) The other two Aldermen on the Ninth day of November One thousand nine hundred and four:

Provided that if for any reason it is doubtful which of the Councillors or Aldermen as the case may be ought to retire on the dates above specified the Council of the Borough shall on the Ninth day of November One thousand eight hundred and ninety-eight or at the next following quarterly meeting and not later by a majority of votes or in case of an equality of votes by the casting vote of the chairman determine which of the Councillors or Aldermen as the case may be shall go out of office on the dates above specified respectively.

Art. XI. The unrepealed provisions of the Local Acts and of the Confirmation Acts mentioned in the schedule to this Order so far as the last-mentioned Acts respectively relate to the Provisional Orders mentioned in that schedule and of any other Local Act or Provisional Order duly confirmed by Parliament affecting the existing Borough or the Corporation which may have already been passed or may be passed before the commencement of this Order and of any Provisional Order affecting the existing Borough which may be confirmed during the present Session of Parliament as the same respectively are in force within the existing Borough at the commencement of this Order shall extend and apply to the Borough and any reference therein to the existing Borough and the Corporation shall be deemed to refer to the Borough and the Corporation thereof.

Art. XII. All byelaws and regulations and any list of tolls and table of fees made by the Corporation which at the commencement of this Order are in force in the existing Borough shall thenceforth apply to the Borough until or except in so far as any such byelaws or regulations or list of tolls or table of fees may be altered or repealed and all byelaws and regulations made by the County Council or the Court of Quarter Sessions of the County or by the Rural District Council shall on that date cease to be in force or have any effect in any part of the added areas but without prejudice to anything duly done thereunder Provided that any proceedings which might have been taken by the Rural District Council against any person for any offence against such last-mentioned byelaws and regulations committed before the commencement of this Order may be taken by the Corporation as if those byelaws and regulations had remained in force and the Corporation had been substituted therein for the local authority of the added areas.

Art. XIII.—(1.) The town clerk and all other officers and servants of the Corporation of the existing Borough who hold office at the commencement of this Order shall continue to be the town clerk and officers and servants of the Corporation of the Borough and shall hold their offices by the same tenure as at that date.

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Borough Acts
 and Orders.

Byelaws &c.

Town clerk
 and other
 officers
 continued.

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Borough
auditors.

Compensation
to existing
officers.

(2.) The auditors who shall be in office at the commencement of this Order shall continue in office and shall be the Borough Auditors until the next ordinary day of election of Borough Auditors.

Art. XIV.—(1.) Every officer and servant who by virtue of this Order or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary shall be entitled to have compensation paid to him by the Corporation for such pecuniary loss and in determining such compensation regard shall be had to the conditions and other circumstances required by sub-section (1) of Section 120 of the Act of 1888 to be had in regard in cases of compensation under that section and the compensation shall not exceed the limit therein mentioned and shall be paid in the case of any such officer or servant whose office or employment relates wholly or partly to sanitary purposes as defined by the Public Health Act 1875 out of the district fund and general district rate of the Borough and in the case of any other such officer or servant out of the borough fund of the Borough and the provisions of sub-sections (2) to (7) of the said Section 120 shall apply with such modifications (if any) as may be required. Provided that the non-acceptance of any office offered shall not be a bar to the right of any officer to compensation.

(2.) Any such officer or servant whose salary shall be reduced on the ground that his duties have been diminished in consequence hereof shall be deemed to have suffered a direct pecuniary loss in consequence of this Order.

Actions &c.
not to abate.

Art. XV.—(1.) If at the commencement of this Order any action or proceeding or any cause of action or proceeding is pending or existing by or against the Rural District Council in relation exclusively to any part of the added areas the same shall not be in anywise prejudicially affected by reason of the making of this Order but may be continued prosecuted and enforced by or against the Corporation of the Borough.

Saving for
contracts &c.

(2.) Anything duly done or suffered and all contracts deeds bonds agreements and other instruments (subsisting at the commencement of this Order) entered into or made by the Rural District Council or their predecessors in relation exclusively to any part of the added areas respectively shall be of as full force and effect against or in favour of the Corporation of the Borough and may be continued and enforced as fully and effectually as if instead of the Rural District Council or their predecessors the Corporation had done or suffered the same or been a party thereto.

Corporation
property &c.

Art. XVI. All property vested in the Corporation at the commencement of this Order for the benefit of the existing Borough shall be held by the Corporation for the benefit of the Borough and the Corporation shall hold enjoy and exercise for the benefit of the Borough all the powers which at the date aforesaid are exercisable by or vested in the Corporation for the benefit of the existing Borough and all liabilities which on the date aforesaid attached to the Corporation in respect of the existing Borough shall from and after that date attach to them in respect of the Borough.

Property &c. of
Rural District
Council.

Art. XVII.—(1.) All property and liabilities which immediately before the commencement of this Order are vested in or attach to the Rural District Council in relation exclusively to any part of the added areas shall be transferred to vested in and attach to the Corporation as Urban Sanitary Authority and

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any property and liabilities vested in or attached to the Rural District Council in relation to any part of the added areas conjointly with any other area and any expenditure by the Rural District Council in executing or otherwise in connexion with works of sewerage and sewage disposal in the added areas shall be a matter for adjustment under Section 62 of the Act of 1888.

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(2.) The Rural District Council shall cease to exercise any powers or have any duties within any part of the added areas.

Cesser of jurisdiction of Rural District Council.

(3.) All arrears of rates made by any overseers for the purposes of the Public Health Acts or the Highway Acts and which at the commencement of this Order are due or owing in respect of hereditaments in the added areas may be collected and recovered by the overseers or the persons acting as overseers of the new Parish of Saint Budeaux as if this Order had not been made and when collected and recovered shall be applied towards the discharge of any precept of the Rural District Council which at that date shall be in force and not satisfied and the balances if any shall be paid to the Corporation.

Arrears of rates &c.

(4.) The adjustment of all financial relations between the Guardians of the Plympton Saint Mary Union and the Corporation shall unless agreed be referred to arbitration in accordance with the provisions of Section 62 of the Act of 1888.

Arbitration.

Art. XVIII. So much of any sums borrowed by the Corporation as will at the commencement of this Order be owing and charged upon the borough fund and borough rates of the existing Borough shall be charged upon the borough fund and borough rates of the Borough and so much of any sums borrowed by the Corporation as will at that date be owing and charged upon the district fund and general district rates of the existing Borough shall be charged upon the district fund and general district rates of the Borough and all such sums shall together with the interest to accrue due thereon be repaid by the Corporation within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable.

Mortgage debts of Corporation.

Art. XIX. For the purposes of the Elementary Education Acts 1870 to 1893—

Alteration of school districts &c.

(a.) The members of the existing School Board who shall be in office at the commencement of this Order shall be deemed to have been elected and shall be the School Board for the Borough.

(b.) Any byelaws in force in the existing Borough at the commencement of this Order shall thenceforth apply to the Borough until revoked or altered and any byelaws made by the Union School Attendance Committee shall cease to operate in any part of the added areas.

Art. XX.—(1.) At the commencement of this Order such members if any of the police force of the County as shall be determined by agreement to be made as soon as practicable after the date of the Act of Parliament confirming this Order between the Standing Joint Committee of the County and the Watch Committee of the existing Borough or in default of such agreement as shall be determined by a Secretary of State shall be transferred to and become part of the police force of the Borough and any member of the county police force so transferred shall hold office upon the same tenure

County police.

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c. 45.

Adjustment
of financial
relations
between
County and
County
Boroughs.

and upon the same terms and conditions as if this Order had not been made and while he performs the same or similar duties his remuneration and the pension (if any) to which he is entitled shall not be less than they would have been if this Order had not been made.

(2.) The provisions of Section 15 (2) of the Police Act 1890 shall extend and apply to and in relation to any member of the police force transferred under the powers of this Article as if such member had removed with the written sanction of the Chief Constable of the County.

Art. XXI. In any case where the extension of the Borough by this Order shall affect the distribution of the proceeds of the local taxation licences and the share of the estate duty and of the Local Taxation (Customs and Excise) duties between the Council of the County and the Council of the Borough or between the County Council or the Council of the Borough and the Council of any other County Borough or any financial relations or questions between the said Councils or any adjustment which shall have been made in regard to the said proceeds and financial relations or questions equitable adjustments between the areas interested may be made by the said Councils by agreement before the Thirtieth day of September One thousand eight hundred and ninety-nine and in default of such agreement by the Local Government Board and for the purposes of such adjustments the provisions of the Act of 1888 relating to adjustments between Administrative Counties and County Boroughs shall apply with the necessary modifications and the Local Government Board shall be substituted in such provisions for the Commissioners appointed under the Act of 1888:

Provided that in lieu of sub-section (6) of Section 61 of the Act of 1888 sub-sections (1) and (5) of Section 87 of the Act of 1888 shall apply to any inquiries which may be directed by the Local Government Board under this Article and to the costs of such inquiries:

Provided also that sub-section (6) of Section 32 of the Act of 1888 shall apply to any agreement or award made under this Article.

Adoptive Acts

Art. XXII. The provisions of the Infectious Disease (Notification) Act 1889 the Infectious Disease (Prevention) Act 1890 the Public Health Acts Amendment Act 1890 and the Public Libraries Acts 1892 and 1893 shall be in force within and apply to the Borough as if the same had been adopted therein.

Differential
rating in
added part of
Saint Budeaux

Art. XXIII.—(1.) The general district rates to be levied in the added part of Saint Budeaux shall not in any one year during a period of five years from the commencement of this Order exceed such an amount in the pound as when added to the poor rate and to the borough and watch rates and any other rate made by the Corporation for the same year will make up a total rate of four shillings in the pound and in any one year during the five years next following the expiration of the said period of five years will make up a total rate of four shillings and sixpence in the pound.

Differential
rating in
added part of
Pennycross.

(2.) The general district rates to be levied in the added part of Pennycross shall not in any one year during a period of five years from the commencement of this Order exceed such an amount in the pound as when added to the poor rate and to the borough and watch rates and any other rate made by the Corporation for the same year will make up a total rate of four shillings in the pound

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and in any one year during the five years next following the expiration of the said period of five years will make up a total rate of four shillings and three-pence in the pound and in any one year during the five years next following the expiration of such last-mentioned period of five years will make up a total rate of four shillings and sixpence in the pound.

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Provided that unless the Corporation shall with due diligence in the next forthcoming Session of Parliament apply for and use their best endeavours to obtain the necessary statutory powers to enable them to execute the following works namely—

- (a.) The reconstruction of Camel's Head Bridge ;
- (b.) A line of tramways from the boundary of the Borough as it existed prior to the commencement of this Order to the Saint Budeaux Railway Station ;
- (c.) A landing stage at Saltash Passage of sufficient size to enable passenger steamers of the size now plying between Plymouth and Saltash to land and embark passengers there ;

the general district rates in the added part of Saint Budeaux shall not when added to the poor rate and to the borough and watch rates and any other rate made by the Corporation for the same year in any one year exceed a rate of two and sixpence in the pound :

Provided also that when such powers as aforesaid have been conferred on the Corporation they shall within a reasonable time thereafter proceed to exercise and carry out the same.

Art. XXIV. The Council of the Borough shall be the Burial Board for the Borough as if the expression "the Borough" in the Order in Council of the Thirteenth day of October One thousand eight hundred and ninety-seven meant the Borough and not the existing Borough.

Council to be
Burial Board.

Art. XXV.—(1.) The Compton Gifford Electoral Division of the County as diminished by the extension of the County Borough shall continue to be an electoral division of the County until altered in pursuance of Section 54 of the Act of 1888 and the person who immediately prior to the commencement of this Order is the County Councillor representing that electoral division shall from and after that date represent that division as if he had originally been elected to represent the division as altered hereby.

Electoral
Division and
County
Councillor.

(2.) No County Alderman or County Councillor in office immediately before the commencement of this Order shall be deemed to lose his qualification by reason of the transfer of the added areas to the existing Borough by this Order.

Art. XXVI. It shall be the duty of the Corporation within six months after the commencement of this Order to proceed to carry out and execute such works for the disposal of the sewage of the Borough as may be approved by the Local Government Board and in the event of the Corporation not proceeding with such works within such period as aforesaid or not proceeding with the same with due diligence thereafter the requirements of this Article may be enforced in manner provided by Section 299 of the Public Health Act 1875 as if this Article were an Order of the Local Government Board limiting the time for the performance by the Corporation of their duty in that behalf and the Corporation had not performed the duty hereby imposed within the time limited in the Order.

Limiting time
for execution
of sewage
disposal works.

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A.D. 1898.

*Devonport
Order.*

Corporation to
provide
cemetery a
branch reading
room &c.

Art. XXVII. The Corporation shall within a reasonable time after the commencement of this Order establish a new cemetery and also in the added part of Saint Budeaux a branch reading room fire appliances an efficient police force and subject to the consent of the Great Western Railway Company a footbridge in connexion with the proposed railway viaduct over Weston Mill Creek The Corporation shall also within such reasonable time where necessary improve existing footpaths and construct new footpaths on the main roads within the added part of Saint Budeaux along which houses have been erected and the Corporation also shall within such reasonable time lay down proper and sufficient mains for the supply of gas to the added part of Saint Budeaux.

Alteration of
Parishes.

Art. XXVIII.—(1.) (a.) The added areas shall be separated from the parishes to which they now respectively belong and shall be amalgamated with the Parish of Stoke Damarel and that parish as so enlarged shall be called the Parish of Devonport.

(b.) The parts of the Parishes of Saint Budeaux and Weston Peverell or Pennycross not hereby included in the Borough shall be amalgamated and shall constitute a new parish to be called the Parish of Saint Budeaux Provided that as from the First day of April One thousand eight hundred and ninety-nine the part of the Parish of Weston Peverell or Pennycross which by the Plymouth Corporation Act 1898 will on that date be added to the Borough and Parish of Plymouth shall cease to form part of the new Parish of Saint Budeaux.

Parish
Councils.

(2.) The Parish Councils of Saint Budeaux and Weston Peverell or Pennycross shall be abolished and cease to exist and subject to the provisions of this Order the property and liabilities (if any) vested in or attaching to those Parish Councils shall be a matter for adjustment under Section 62 of the Act of 1888 between the overseers of the Parish of Devonport and the Parish Council of the new Parish of Saint Budeaux.

(3.) There shall be a Parish Council for the new Parish of Saint Budeaux which shall consist of such number of members as may be determined by the County Council The election of such Parish Council shall be held as soon as may be practicable after the commencement of this Order and the Parish Councillors then elected shall remain in office until the Fifteenth day of April One thousand nine hundred.

(4.) The accounts of the Parish Councils of the existing Parishes of Saint Budeaux and Weston Peverell or Pennycross and of their committees and officers if any shall be made up to the commencement of this Order and shall be audited by the District Auditor in like manner and with the like incidents and consequences as if this Order had not been made:

Provided that the audit may be held as soon as practicable after the commencement of this Order any statutory provision or regulation as to the time of holding the audit of such accounts to the contrary notwithstanding and that any sum certified by the District Auditor at such audit to be due from any person shall be paid to the treasurer of the Parish Council of the new Parish of Saint Budeaux.

(5.) The said new Parish of Saint Budeaux shall be included in and form part of the Plympton Saint Mary Union and the Rural District and all orders in force in the said Union shall be in force within and apply to such new parish.

[61 & 62 VICT.] *Local Government Board's* [Ch. ccxi.]
Provisional Order Confirmation (No. 10) Act, 1898.

A.D. 1898.

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Art. XXIX. The Rural District Council may cause their sewers for the drainage of so much of the new Parish of Saint Budeaux as can be drained by gravitation into the sewers of the Corporation to communicate with the sewers of the Corporation in such manner and on such terms and subject to such conditions as may be agreed on between the Rural District Council and the Corporation or in case of dispute may be settled by arbitration. Provided that so far as practicable storm surface and subsoil water shall be prevented from flowing from the sewers of the Rural District Council into the sewers of the Corporation and that the sewage of other districts or places shall not be permitted by the Rural District Council to pass into their sewers so as to be discharged into the sewers of the Corporation.

Use of sewers
of Corporation
for drainage
of new Parish
of St. Budeaux.

Art. XXX. Such of the provisions of the Local Act passed in the fifty-fourth year of the reign of His late Majesty King George the Third (chapter one hundred and seventy-two) as relate to the relief of the poor shall extend to and be in force within the added areas and any reference in such provisions to the Parish of Stoke Damarel shall be deemed to refer to the Parish of Devonport and the commissioners acting in the execution of the said provisions shall be called the guardians of the poor of the Parish of Devonport.

Provisions of
54 Geo. III.
c. clxxii. as to
relief of poor
extended to
added areas.

Art. XXXI. Subject as regards any alteration of the wards hereby constituted to the provisions of the Act of 1894 and any Act amending the same as to the alteration of wards for the election of guardians the following provisions shall have effect :—

Rural District
Councillors
and Guardians.

(1.)—(a.) The Parish of Devonport shall for the purposes of the election of guardians be divided into fifteen wards which shall be respectively coterminous in area with and shall bear the same name as the wards into which the Borough is divided for the purposes of the election of Councillors.

(b.) Nothing in this Order shall be deemed to affect the number or tenure of office of the guardians representing the Morice Ward the Prince's Ward the Saint Aubyn Ward the Saint John's Ward the Clowance Ward the Tamar Ward the Clarence Ward the Keyham Ward the Molesworth Ward the Nelson Ward and the Stoke Ward of the Parish of Devonport.

(c.) The guardians holding office at the commencement of this Order for the existing Ford Ward shall go out of office on that date.

(d.) Three guardians shall be assigned to the Ford Ward the Pennycross Ward the Station Ward and the Tamerton Ward respectively and an election of guardians to represent such wards shall be held as soon as may be practicable after the commencement of this Order. The guardians elected for the Ford Ward shall retire from office on the Fifteenth day of April One thousand nine hundred and two those elected for the Pennycross Ward on the Fifteenth day of April One thousand nine hundred and two those elected for the Station Ward on the Fifteenth day of April One thousand nine hundred and one and those elected for the Tamerton Ward on the Fifteenth day of April One thousand nine hundred.

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Order.

(2.) Three of the five persons who at the commencement of this Order are Rural District Councillors representing the Parishes of Saint Budeaux and Weston Peverell or Pennycross on the Rural District Council (such persons to be chosen by the Rural District Council by ballot at their meeting held next before the commencement of this Order) shall cease to act as members of the Rural District Council and as members of the Board of Guardians of the Plympton Saint Mary Union and the remaining two persons shall be deemed to have been elected as members of the Rural District Council and shall represent the new Parish of Saint Budeaux on the Rural District Council and the Board of Guardians of the Plympton Saint Mary Union until the day upon which they would have retired if this Order had not been made.

Ecclesiastical
divisions and
charities.

Art. XXXII.—(1.) Nothing in this Order shall affect the ecclesiastical divisions of any parish or shall prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment which now is applicable for the benefit of any of the existing parishes affected by this Order.

(2.) Until new valuation lists are made—

Valuation
lists.

(a) the valuation list of the Parish of Stoke Damarel with the portions of the valuation lists of the Parishes of Saint Budeaux and Weston Peverell or Pennycross which relate to hereditaments in the added areas shall together be deemed to form the valuation list of the Parish of Devonport ;

(b) the portions of the valuation lists of the Parishes of Saint Budeaux and Weston Peverell or Pennycross which relate to hereditaments in the parts of those parishes hereby constituted the Parish of Saint Budeaux shall be deemed to be the valuation list of that parish.

Saving for
existing lists of
parliamentary
voters &c.

(3.) For the purposes of the registers of persons entitled to vote at an election of members of Parliament of the register of parochial electors and of jury lists the parishes affected by this Order shall be deemed to continue unaltered until the new registers come into operation :

Provided that for the purposes of any election under the Act of 1894 to be held for any area affected by this Order and of the holding of Parish Meetings in the Parish of Saint Budeaux the County Council or the Council of the Borough as the case may be shall as soon as may be practicable after the commencement of this Order cause the register of parochial electors to be altered in such manner as may be necessary to give effect to the alterations made by this Order.

Settlements of
paupers.

(4.)—(a.) Every person who has acquired or who on or before the commencement of this Order shall acquire a settlement in any existing parish affected by this Order shall be deemed to have acquired a settlement in the parish comprising the area in which the acts or circumstances conferring such settlement shall have been done or occurred or if such acts or circumstances shall have been done or occurred in more than one parish such settlement shall be in the parish comprising the place of residence of such person at the time of acquiring such settlement.

Irremovability
of paupers.

(b.) Any person who shall have acquired a status of irremovability from any existing parish affected by this Order shall be deemed to have acquired a status

[61 & 62 VICT.] *Local Government Board's* [Ch. ccxi.]
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of irremovability from the parish comprising the area in which he shall reside at the commencement of this Order or (if he shall then be in receipt of relief) from the parish comprising the area in which he was residing at the time of becoming chargeable.

A.D. 1898.

Devonport Order.

(5.) Notwithstanding the alteration in the areas of parishes effected by this Order all contribution orders made by the guardians of the poor of the Plympton Saint Mary Union or by the Stoke Damarel guardians and all precepts made by the Rural District Council before the commencement of this Order shall be as valid in law as if this Order had not been made.

Saving for contribution orders and precepts.

(6.)—(a.) Overseers shall be appointed as soon as practicable for the new Parish of Saint Budeaux and until such appointments are made the overseers of the existing parishes of Saint Budeaux and Weston Peverell or Pennycross shall act as the overseers of such new parish.

Overseers.

(b.) The future appointment of overseers and assistant overseers for the Parish of Devonport shall be made in like manner as if such parish had been included in an Urban District on the appointed day within the meaning of the Act of 1894.

(7.) All arrears of rates other than those mentioned in subdivision (3) of Article XVII. of this Order due at the commencement of this Order in the added areas shall be collected and recovered by the overseers or the persons acting as overseers of the new Parish of Saint Budeaux as if this Order had not been made.

Arrears of rates.

Art. XXXIII. Nothing in this Order contained shall be deemed to take away abridge diminish or otherwise affect or interfere with any of the rights powers privileges or property of the Mayor Aldermen and Burgesses of the Borough of Saltash existing at the commencement of this Order with respect to the Ferry or Passage of Saltash and the Corporation shall not until they have obtained a Provisional Order or an Act of Parliament enabling them so to do construct or erect or otherwise establish upon the foreshore of the waters of the Tamar within the liberties and franchise of the said Passage of Saltash any pier landing stage or wharf or any works in connection therewith which may in anywise injuriously affect or interfere with the rights of the Passage of Saltash and the ferry or ferries worked thereunder.

Saving rights of Corporation of Saltash as to Ferry or Passage of Saltash.

Art. XXXIV. This Order may be cited as the Devonport (Extension) Order 1898.

Short title.

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A.D. 1898.

*Devonport
 Order.*

The SCHEDULE above referred to.

PART I.—LOCAL ACTS.

Session and Chapter.	Title or Short Title.
54 Geo. III. c. clxxii.	An Act to repeal an Act passed in the twenty-first year of His present Majesty for better maintaining and regulating the poor within the town of Plymouth Dock and parish of Stoke-Damarel in the county of Devon and for other purposes and granting further powers in lieu thereof for lighting watching and otherwise improving the said town and parish and regulating porters and watermen therein.
40 & 41 Vict. c. xcvi.	The Plymouth Devonport and Stonehouse Carriages and Boats Act 1877.

PART II.—CONFIRMATION ACTS.

Session and Chapter.	Short Title.	Order relating to Devonport thereby confirmed.
30 & 31 Vict. c. cxxiii.	The Local Government Supplemental Act 1867 (No. 6).	Order dated 28th June 1867.
44 & 45 Vict. c. civ.	Pier and Harbour Orders Confirmation Act 1881.	The Devonport Landing Stages Order 1881.
52 & 53 Vict. c. xlvi.	Pier and Harbour Orders Confirmation (No. 2) Act 1889.	The Devonport Landing Pier and Breakwater Order 1889.
59 & 60 Vict. c. cv.	The Local Government Board's Provisional Orders Confirmation (No. 10) Act 1896.	The Devonport Order 1896.
59 & 60 Vict. c. lxxxiii.	The Electric Lighting Orders Confirmation (No. 2) Act 1896.	The Devonport Corporation Electric Lighting Order 1896.

Given under the Seal of Office of the Local Government Board this Nineteenth day of May One thousand eight hundred and ninety-eight.

(l.s.)

HENRY CHAPLIN President.
 HUGH OWEN Secretary.

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