



### CHAPTER clxxix.

An Act for extending the Boundaries of the borough of East Retford ; to enable the Corporation thereof to acquire the undertaking of the Retford Gas and Coke Company ; and for other purposes. A.D. 1878.  
[22d July 1878.]

**W**HEREAS the borough of East Retford in the county of Nottingham is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough, and has a separate commission of the peace :

And whereas the mayor, aldermen, and burgesses by the Council of the borough are the sanitary authority for the district of the borough, with the powers and obligations of an urban sanitary authority :

And whereas the parishes of Ordsall and West Retford, and the hamlets or townships of Bollam, Moorgate, and Little Gringley, in the parish of Clarborough, are adjacent to the borough, and it is expedient that the borough be extended so as to include the said parishes and hamlets or townships, and that the mayor, aldermen, and burgesses acting by the Council be constituted the sole authority for all municipal and sanitary purposes within the extended borough :

And whereas it is expedient that provision be made for dividing the extended borough into wards, and for defining the names and boundaries of the wards, and for increasing the number of councillors and aldermen :

And whereas the Local Board for West Retford, the district of which is the parish of West Retford, is the only local board now existing within the area of the extended borough, and the East Retford Burial Board is the only burial board now existing within the same area, and it is expedient that the said local board and burial board be dissolved, and that the powers, rights, duties, liabilities, and property of those boards respectively be transferred to the mayor, aldermen, and burgesses for the benefit of the extended

A.D. 1878. borough, and that they be constituted the burial board for the extended borough :

And whereas the parish of Ordsall is indebted to the Retford District Highway Board in the sum of five hundred and ninety-seven pounds five shillings, with interest thereon, and it is expedient that the said debt be undertaken by the mayor, aldermen, and burgesses as the sanitary authority for the extended borough :

And whereas the school board for the parish of Ordsall have borrowed and now owe a sum of two thousand six hundred and fifty-six pounds eight shillings and ninepence, and in certain districts of the extended borough the expenditure required for school board purposes is greater than in the remaining districts thereof ; and it is expedient that the rating authority of the borough should have power to vary the rates leviable for school board purposes in such districts according to the requirements thereof respectively :

And whereas the ratepayers of the parish of West Retford are the owners of certain real property, and it is expedient that the same be transferred to the Corporation, and that a reduction equivalent to the annual value thereof be made annually in the first general district rate to be levied in that parish :

25 & 26 Vict.  
c. 89.  
37 & 38 Vict.  
c. lxxxvii.

And whereas the Retford Gas and Coke Company, Limited, (in this Act called the gas company) are a company incorporated under the Companies Act, 1862, and by the Retford Gas Order, 1874, confirmed by the Gas and Water Orders Confirmation Act, 1874, powers for the manufacture and supply of gas were granted to the gas company, and their limits of supply were defined to be the parishes of East Retford, West Retford, Ordsall, and Clarbrough, and by the Retford Gas Order, 1876, confirmed by the Gas and Water Orders Confirmation Act, 1876 (No. 1), the gas company were authorised to raise additional capital, no part of which has been raised by them :

39 & 40 Vict.  
c. xli.

And whereas it is expedient that the power of supplying gas within the limits of supply of the gas company be vested in the Corporation, and that a transfer to the said mayor, aldermen, and burgesses of the undertaking and powers of the gas company be effected upon the terms in this Act stated, which have been agreed upon between the gas company and the said mayor, aldermen, and burgesses :

25 & 26 Vict.  
c. 89.

And whereas the Retford Cattle Market Company, Limited, (in this Act called the market company) are incorporated under the Companies Act, 1862, and make charges for cattle and sheep brought for sale upon a piece of land within the extended borough :

And whereas the said mayor, aldermen, and burgesses are the



[41 & 42 VICT.] *East Retford Borough Act, 1878.* [Ch. clxxix.]

owners of the public markets in the existing borough, and the tolls arising therefrom: A.D. 1878.

And whereas it is expedient that the said mayor, aldermen, and burgesses be authorised to raise money for the purposes of this Act:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

And whereas an absolute majority of the whole number of the Council at a meeting held on the twelfth day of October one thousand eight hundred and seventy-seven, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Retford and Gainsborough Times, a local newspaper published or circulating in the borough, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund:

And whereas such resolution was published twice in the said Retford and Gainsborough Times, and in respect of matters under the control of the Local Government Board has received the approval of that Board, and in respect of other matters has received the approval of one of Her Majesty's Principal Secretaries of State:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held on the eleventh day of February one thousand eight hundred and seventy-eight, in pursuance of a similar notice being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough by resolution in the manner provided by Schedule III. annexed to the Public Health Act, 1875, consented to the promotion of the Bill for this Act: 38 & 39 Vict.  
c. 55.

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

#### I.—PRELIMINARY.

1. This Act may be cited as the East Retford Borough Act, Short title.  
1878.

2. For the purposes of proceedings preliminary to the municipal elections of one thousand eight hundred and seventy-eight, and of the purchase of the undertaking of the gas company, this Act shall take effect on its passing, and except for those purposes, this Act Commence-  
ment of Act.



[Ch. clxxix.] *East Retford Borough Act*, 1878. [41 & 42 VICT.]

A.D. 1878. shall commence and take effect from and immediately after the thirty-first day of October one thousand eight hundred and seventy-eight, which last-mentioned time is in this Act referred to as the commencement of this Act.

Interpreta-  
tion of  
terms.

**3.** In this Act—

“The existing borough” means the municipal borough of East Retford as existing immediately before the passing of this Act :

“The added part of the borough” means the area added to the existing borough by this Act :

“The borough” used without any qualification or “the extended borough” means the existing borough with the added part of the borough :

“The Corporation” and “the Council” mean the mayor, aldermen, and burgesses, and the Council of the existing borough, or of the extended borough (as the case may require) :

“The district fund” and “the general district rate” respectively mean the district fund and the general district rate of the borough :

“The Municipal Corporations Acts” means the Act of the session of the fifth and sixth years of King William the Fourth (chapter seventy-six), “to provide for the regulation of Municipal Corporations in England and Wales,” and all Acts for the time being in force amending the same or otherwise relating to municipal corporations in England :

38 & 39 Vict.  
c. 55.

“The Public Health Acts” means the Public Health Act, 1875, and all Acts for the time being in force amending or extending the same :

15 & 16 Vict.  
c. 85.

“The Burial Acts” means the Burial Acts, 1852 to 1871, and all Acts for the time being in force amending or extending the same :

16 & 17 Vict.  
c. 134.

17 & 18 Vict.  
c. 87.

“Person” includes a body corporate :

18 & 19 Vict.  
c. 128.

20 & 21 Vict.  
c. 81.

22 Vict. c. 1.

23 & 24 Vict.  
c. 64.

25 & 26 Vict.  
c. 100.

34 & 35 Vict.  
c. 33.

words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such construction; provided that the expression “superior court” or “court of competent jurisdiction” in any Act so incorporated, and in this Act, shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute.

Act to be  
executed by  
the Council.

**4.** This Act shall be carried into execution by the Corporation acting by the Council, and according to the Municipal Corporations Acts and the Acts for the time being affecting the Corporation as a

[41 & 42 VICT.] *East Retford Borough Act*, 1878. [Ch. clxxix.]

municipal body and a sanitary authority respectively, and with all the rights, powers, privileges, exemptions, and authorities conferred by those Acts respectively on the Corporation and on the Council and committees of the Council, and the officers, agents, and servants of the Corporation with respect to matters provided for, by, or comprised in the Municipal Corporations Acts and the Public Health Acts respectively, and (subject to the provisions of this Act) as nearly as may be in all respects as if the powers, duties, exemptions, and property vested in, imposed on, or enjoyed by the Corporation by or under this Act, were vested in, imposed on, or enjoyed by them by or under the Municipal Corporations Acts and the Public Health Acts respectively, and the Corporation acting by the Council shall be the burial board for the extended borough with all the powers, rights, duties, and obligations of a burial board under the Burial Acts.

A.D. 1878.

5. The Council from time to time may appoint out of their own body such and so many committees consisting of such number of persons as they think fit for the exercise of any of the powers and authorities vested in the Corporation as a municipal body or a sanitary authority, or for the management of the gas undertaking transferred to the Corporation by this Act, or for the execution of any other of the purposes of this Act which in the opinion of the Council would be better regulated and managed by means of such committee, and may delegate to any such committee such of the powers and duties of the Corporation in relation to the purposes aforesaid as they think fit, and the acts and proceedings of every such committee within the limits of such delegation shall be deemed to be acts and proceedings of the Council, and the acts of every such committee shall, if required by the Council, but not otherwise, be submitted to the Council for their approval, and the quorum of any such committee shall be such as the Council direct, and the Council may from time to time make such regulations as they think fit for the guidance of any such committee, and may from time to time remove any members of any such committee, and appoint in the stead of them or any of them other members of the Council; provided that a committee so appointed shall in no case be authorised to borrow any money or make any rate.

Power of Council to appoint committees.

6. Every meeting of any committee of the Council shall, until the contrary is proved, be presumed to have been duly convened and held, and all members attending any such meeting shall, until the contrary is proved, be presumed to have been duly qualified, and every question at any such meeting shall be determined by a majority of votes of the members attending such meeting, and actually voting on the question, and the chairman of

Validity of meetings.



A.D. 1878. any committee shall in the case of equality of votes have a second or casting vote.

II.—EXTENSION OF BOROUGH.

Extension of boundaries of borough.

7. The boundaries of the existing borough are hereby extended so as to comprise, and the borough shall accordingly comprise, in addition to the existing borough, the parishes of Ordsall and West Retford and the hamlets or townships of Bollam, Moorgate, and Little Gringley, in the parish of Clarborough.

Deposit of borough plan.

8. A plan of the borough as extended by this Act, signed in duplicate by Henry Cecil Raikes, Esquire, the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, shall, within two weeks after the passing of this Act, be deposited in the Private Bill Office of the House of Commons and with the town clerk of the borough at his office.

Copies of deposited borough plan to be evidence.

9. Copies of the said plan deposited with the town clerk, or any extract therefrom certified by him to be true, shall be received by all courts of justice or elsewhere as *primâ facie* evidence of the contents of such plan, and such plan shall at all reasonable times be open to the inspection of the persons liable to rates imposed by the Corporation, and all persons so liable shall be entitled to a copy of or extract from such plan certified by the town clerk on payment of a reasonable fee for every such copy or extract.

Authority of Corporation extended.

10. Subject to the provisions of this Act, the powers, rights, privileges, authorities, and duties of the Corporation as a municipal body, and of the Corporation acting by the Council as the sanitary authority for the district of the existing borough, or otherwise, and of all officers and servants of the Corporation shall extend to and throughout the extended borough, and all byelaws, orders, and regulations which at the commencement of this Act are in force within the existing borough shall (subject to any future repeal or amendment of the same) extend and apply to the extended borough; provided that such powers, rights, and privileges as now legally belong to the market company shall continue to belong to them as if this Act had not been passed.

Extension of jurisdiction of recorder and justices of the peace.

11. The jurisdiction, powers, authorities, rights, privileges, and duties of the recorder and of the justices of the peace appointed for the borough, whether acting in petty sessions or out of sessions, or otherwise, shall extend throughout the extended borough.

Extinction of liability to rates and collection of arrears.

12. Lands and other property in the added part of the borough shall not be liable to be rated or be rated to any sanitary or highway rate made after the commencement of this Act by any local or



sanitary authority or highway board other than the Corporation, but orders of justices respecting such rates and matters connected therewith made before the commencement of this Act shall be executed in and with respect to the added part of the borough and arrears of sanitary and highway rates existing at the commencement of this Act may be collected and recovered therein as if this Act had not been passed.

A.D. 1878.

**13.** The Corporation shall allow to the ratepayers of the parish of West Retford from the general district rates which shall be imposed within the borough a sum equal to fivepence in the pound in each year upon the rateable value chargeable to a general district rate of the lands, houses, and other property liable to a general district rate in the parish of West Retford, and shall not be entitled to demand, receive, or recover in the parish of West Retford in respect of such rate any greater sums than with such allowance will make up the amount of such rate.

Reduction of district rate in parish of West Retford.

**14.** The said debt of five hundred and ninety-seven pounds five shillings due from the parish of Ordsall to the Retford District Highway Board, with all interest due or to accrue due thereon, shall be paid by the Corporation.

Debt of parish of Ordsall to be paid by Corporation.

**15.** In order equitably to assess and levy rates on the various constituent parts of the borough for the purposes of the Elementary Education Act, 1870, and all Acts for the time being in force amending the same, the borough shall be and is hereby divided into three districts of the respective names and descriptions following; (that is to say,)

Division of borough into districts for school board rating. 33 & 34 Vict. c. 75.

1. The central district, comprising the parishes of East Retford and West Retford :
2. The Ordsall district, comprising the parish of Ordsall :
3. The Clarborough district, comprising the hamlets or townships of Bollam, Moorgate, and Little Gringley, in the parish of Clarborough.

**16.** The school board of the district of the borough (in case such school board shall be formed) shall keep separate accounts of receipts and expenditure in respect of the said three several districts for all the purposes of the school board, and in such accounts shall debit each district with the expenditure to be made in and for such district and shall credit each district with the receipts therefrom, and any precept to be served by the school board on the rating authority of the borough requiring such rating authority to pay any sum of money to the treasurer of the school board shall specify how much of such money is required for each district.

Separate accounts to be kept for such districts.

A.D. 1878.

Rating authority may vary rates in districts.

**17.** The Corporation in assessing, making, and levying borough rates from time to time shall have regard to the state of the separate debts, liabilities, and requirements for school board purposes of the several districts aforesaid, and shall vary according thereto all borough rates and the amounts to be for the time being levied and raised in respect thereof in the several districts.

Officers of Corporation continued.

**18.** The town clerk and all other officers and servants of the Corporation shall continue to be the town clerk, officers, and servants of the Corporation, and shall hold their offices and situations by the same tenure as at the passing of this Act.

### III.—DIVISION OF BOROUGH INTO WARDS.

Division of the borough into wards.

**19.** On and from the first day of November one thousand eight hundred and seventy-eight the extended borough shall be divided into three wards, the names, descriptions, and boundaries of which are contained in the First Schedule to this Act.

Constitution and number of the Council.

**20.** After the division of the borough into wards the Council for the borough shall consist (including the mayor) of six aldermen and eighteen councillors, and each ward shall return six councillors.

Regulation as to elections of councillors, &c.

**21.** The regulations contained in the Second Schedule to this Act respecting the elections of mayor, aldermen, and councillors, and their retirement from office and other matters shall have effect.

### IV.—DISSOLUTION OF LOCAL BOARD AND BURIAL BOARD.

Local board, &c. dissolved.

**22.** From and after the commencement of this Act, the Local Board for the district of West Retford and the East Retford Burial Board shall be dissolved.

Transfer to Corporation of powers, &c. of local board and burial board.

**23.** From and after the commencement of this Act, all powers, rights, duties, liabilities, and obligations which immediately before the commencement of this Act were exercisable by or attached to the said local board or to the said burial board shall be transferred and attach to the Corporation, and may be exercised and enforced, and shall be discharged and performed accordingly.

Transfer to Corporation of property of local board and burial board.

**24.** From and after the commencement of this Act, all such property, real and personal (including all interests, rights, and easements in, to, and out of property, real and personal, and including things in action), as immediately before the commencement of this Act belonged to or was vested in the said local board or the said burial board, or any person on their behalf respectively, shall belong to and be vested in the Corporation for the benefit of the extended borough, and may be held, recovered, and enjoyed accordingly.



**25.** Subject to the provisions of this Act, all conveyances, leases, deeds, appointments, contracts, agreements, mortgages, bonds, covenants, securities, orders, notices, resolutions, and proceedings made or entered into before the commencement of this Act to, with, in favour of, or by, for, or on behalf of the said local board or the said burial board, as the case may be, or any person on their behalf, and now in force, shall be and remain as valid and effectual in favour of, against, and with reference to the Corporation, and may be proceeded on and enforced in like manner to all intents and purposes as if the Corporation instead of the said local board or the said burial board, as the case may be, had been party or privy thereto.

A.D. 1878.

Conveyances, &c. to remain in force.

**26.** Any action, suit, prosecution, or other proceedings whatsoever commenced either by or against the said local board or the said burial board before the commencement of this Act shall not abate or be discontinued or prejudicially affected by this Act; but on the contrary may be maintained, prosecuted, or continued by or in favour of or against the Corporation in like manner to all intents and purposes as if the Corporation instead of the said local board or the said burial board, as the case may be, were parties to such action, suit, prosecution, or proceeding.

Actions, &c. not to abate.

**27.** All rates, tolls, dues, rents, and moneys which immediately before the commencement of this Act are due and payable, or accruing due and payable to the said local board or the said burial board, shall from and after the commencement of this Act be payable to and may be collected and recovered by the Corporation in like manner as any rates under this Act may be collected and recovered by the Corporation; but subject to the provisions of this Act, the accounts of the said local board up to the time of the passing of this Act shall be audited by the proper officer of the Local Government Board, in like manner and subject to the like right of appeal as if this Act had not been passed.

Rates due at commencement of Act to be recoverable by Corporation.

**28.** All persons who immediately before the commencement of this Act owe any sum of money to the said local board or the said burial board, or to any person on their behalf respectively, shall pay the same, with all interest (if any) due or to accrue due for the same to the Corporation, and all debts and moneys which immediately before the commencement of this Act are due or owing by or recoverable from the local board or the said burial board, or for the payment whereof the said local board or the said burial board respectively are or but for this Act would be liable, shall be paid, with all interest (if any) due or to accrue thereon by or be recoverable from the Corporation.

Debts due to and by local board or burial board to be paid to and by Corporation.



A.D. 1878.

Byelaws, &c.  
to remain in  
force.

38 & 39 Vict.  
c. 55.

**29.** All byelaws, rules, regulations, and orders duly made and in force within the districts of the said local board or the said burial board, immediately before the commencement of this Act, may be repealed, altered, or varied by the Corporation as if they had been made under the powers of the Public Health Act, 1875, or the Burial Acts, as the case may be, and shall continue in force, unless they are so repealed, altered, or varied, and such byelaws, rules, regulations, and orders, and all penalties and forfeitures thereby respectively imposed, may be enforced, recovered, and applied in like manner in all respects as the same respectively might be enforced, recovered, and applied in case the same had been made and imposed respectively by the Corporation.

Books to be  
evidence.

**30.** All books and other documents directed or authorised to be kept by the said local board or the said burial board by any Act of Parliament, and which at the passing of this Act would be receivable in evidence, shall, notwithstanding the dissolution of those boards, be admitted as evidence in Her Majesty's High Court of Justice and all other courts accordingly.

#### V.—GAS.

Gas com-  
pany's un-  
dertaking  
defined.

**31.** In and for the purposes of this Act the undertaking of the gas company includes the gas company's works, mains, pipes, plant, fixed or moveable machinery, apparatus, implements, conveniences, buildings, lands, easements, interests, current books of account, stock in trade, chattels, effects, securities, reserve fund, cash at bankers and elsewhere, moneys, credits, profits, rents, current or in arrear, choses in action, claims, demands, authorities, powers, rights, and privileges, and all other the estate, real and personal, of or belonging to the gas company, subject to their debts, contracts, and liabilities.

Gas com-  
pany to sell  
their under-  
taking.

**32.** Subject to the provisions of this Act, the gas company shall sell and the Corporation shall purchase the undertaking of the gas company on the first day of July one thousand eight hundred and seventy-eight, which time is in this Act referred to as the gas transfer.

Transfer of  
gas under-  
taking by  
deed.

**33.** The sale of the gas company's undertaking shall be carried into effect by a deed duly stamped and truly stating the consideration, which deed may be in the form set forth in the Third Schedule to this Act, or to the like effect, with such variations and additions as circumstances require, and on the execution of that deed by the gas company their undertaking, and all causes of action, suit, or proceeding belonging to them, shall by virtue of that deed and of this Act become and shall thenceforth be transferred to and vested



[41 & 42 VICT.] *East Retford Borough Act, 1878.* [Ch. clxxix.]

in the Corporation, subject and according to the provisions of this Act, and thenceforth the Corporation in their own name and for their own benefit shall have and hold the undertaking of the gas company, and may enforce such causes of action, suit, or proceeding: Provided always, that the gas company may retain and have all their share registers, transfer books, and dividend lists, and until the gas company shall be dissolved they may have and exercise all their rights and powers relating or incident to their capital or to their character of a company.

A.D. 1878.

**34.** From and after the gas transfer, all the powers, authorities, and obligations of the gas company under the Retford Gas Order, 1874, shall be by virtue of this Act transferred to and vested in the Corporation, and that order shall be read and have effect as if the Corporation had been therein named instead of the company, subject nevertheless and according to the following exceptions and provisions; (that is to say,)

Application of gas company's order to Corporation.  
37 & 38 Vict. c. lxxxvii.

(1.) Section 140 of the Companies Clauses Consolidation Act, 1845, incorporated with the Retford Gas Order, 1874, shall not apply to the Corporation;

8 & 9 Vict. c. 16.

(2.) The Gasworks Clauses Act, 1847, incorporated with the last-mentioned order, shall not apply to the Corporation as far as regards the provisions with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit;

10 & 11 Vict. c. 15.

(3.) Section 6 (relating to capital) of the Retford Gas Order, 1874, shall not apply to the Corporation;

37 & 38 Vict. c. lxxxvii.

and the Retford Gas Order, 1876, is hereby repealed.

39 & 80 Vict. c. xli.

**35.** The Gasworks Clauses Act, 1871, shall apply to the undertaking of the gas company when vested in the Corporation as if it was authorised by this Act, according and subject to the following provisions; (that is to say,)

Application of 34 & 35 Vict. c. 41. to undertaking.

(1.) The word "undertakers" shall mean the Corporation:

(2.) With reference to section 3, this Act shall be the special Act:

(3.) With reference to section 5, the lands described in the Fourth Schedule to this Act (being lands held by the gas company at the passing of this Act), may be used by the Corporation for the purposes for which such lands respectively might have been used by the gas company, but not further or otherwise:

(4.) Sections 7 and 8 (relating to shareholders and mortgagees) shall not apply to the Corporation:

(5.) With reference to section 11, the prescribed pressure shall be such as to balance from midnight to sunset a column

A.D. 1878.

34 & 35 Vict.  
c. 41.

of water not less than sixth tenths of an inch in height, and from sunset to midnight a column of water not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe by which each consumer is supplied; and any gas examiner appointed under the Gasworks Clauses Act, 1871, may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority, and the provisions of the Gasworks Clauses Act, 1871, with reference to testing of gas and to penalties, shall, *mutatis mutandis*, apply to such testing of pressure, and two hours previous notice shall be given to the Corporation of the time and place at which such testing shall be conducted:

- (6.) With reference to section 12, the prescribed number of candles shall be fourteen:
- (7.) With reference to section 28, the prescribed place shall be some part of the gasworks of the Corporation, and the prescribed time shall be six months after the passing of this Act:
- (8.) With reference to Schedule (A.) the prescribed burner shall be Sugg's London Argand Burner No. 1, with a 6-inch by 1 $\frac{3}{4}$ -inch glass chimney, and if at any time the gas flame tails over the top of the glass a 6-inch by 2-inch chimney shall be used.

Sum to be  
paid for un-  
dertaking.

**36.** The price or consideration to be paid by the Corporation to the gas company for their said undertaking shall be the sum of twenty-four thousand pounds, to be paid upon the gas transfer, and if from any cause whatever the said sum shall not be paid at the gas transfer, the Corporation shall pay interest on the said sum at the rate of five pounds per centum per annum, without deduction on any account whatever from the gas transfer until payment of the said sum, such interest to be payable half-yearly on the first day of January and the first day of July in every year, and if the purchase shall be completed on any other day than a first day of January or first day of July, the interest from the last half-yearly day of payment until completion shall be paid on the day of completion.

As to receipt  
for purchase  
money.

**37.** The receipt of three directors of the gas company for the purchase money of their undertaking shall discharge the Corporation from the same and from being bound to see to the application or being answerable for misapplication or non-application thereof.



**38.** Where the directors of the gas company are for twelve months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase money of their undertaking is payable, or where any part thereof is payable to a person who or whose committee cannot give an effectual receipt for the same, the directors may pay the same into the Chancery Division of the High Court of Justice under any Act for the time being in force for the relief of trustees.

A.D. 1878.  
As to payment into court by directors.

**39.** The gas company shall retain or receive (if their profits amount to a sum equal thereto) a dividend on the paid-up capital of the gas company at the rate of ten per centum per annum until the gas transfer, and a further dividend sufficient to make with the dividend already paid the whole of the dividends since the Retford Gas Order, 1874, came into operation equal to ten per centum per annum, and from the gas transfer all profits and accumulations of the undertaking shall belong to the Corporation.

Dividends to be received by the gas company.  
37 & 38 Vict. c. lxxxvii.

**40.** Until the purchase is actually completed and the whole of the purchase money paid the gas company shall carry on and manage their undertaking at their own discretion as heretofore, and shall continue to keep the works in good and proper order, and shall also continue to keep proper accounts, provided that the gas company shall not without the previous consent in writing of the Corporation under the hand of the town clerk make or enter into any new liability, contract, agreement, or other obligation, except such as may be in the ordinary course of the proper conduct of the affairs of the gas company and with the intention of benefiting the undertaking, but this stipulation shall operate only as between the gas company and the Corporation, and shall not in any manner affect any other person, whether such person shall have had notice thereof or not.

Until completion of purchase gas company to carry on their undertaking.

**41.** All debts of the gas company (including any debt to their treasurer or bankers and any unclaimed dividends and any unpaid dividends for which warrants are outstanding), and all rents, rates, charges, and sums of money, actions, suits, and proceedings, and contracts and engagements which at the time of the gas transfer are due or owing from, or pending, or existing against or binding on the gas company, shall be paid, discharged, satisfied, and performed by the Corporation, who shall in all respects indemnify and save harmless the gas company therefrom.

Gas company's debts, &c. to be paid by Corporation.

**42.** If at the time of the gas transfer any action, suit, or proceeding, or any cause of action, suit, or proceeding is pending or existing against the gas company, the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the

Actions, &c. against gas company not to abate.



A.D. 1878.

gas transfer, or of anything in this Act, but the same may be continued, prosecuted, and enforced against the Corporation as and when it might have been continued, prosecuted, and enforced against the gas company if this Act had not been passed, but not further or otherwise.

Winding up and dissolution of gas company.

**43.** The gas company may exercise all powers necessary for winding up their affairs, and when and as soon as their affairs have been wound up the gas company shall be by virtue of this Act dissolved.

Corporation to pay interest on security for gas meter, &c.

**44.** Where any owner or occupier is required by the Corporation to give to them security for payment of the price or rent of a meter the Corporation shall pay interest after the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

#### VI.—FINANCIAL AND MISCELLANEOUS.

All expenses of Corporation to be defrayed out of district fund.  
38 & 39 Vict. c. 55.

**45.** The Corporation shall defray all costs and expenses incurred by them in the execution of the Municipal Corporations Acts out of the district fund and general district rates leviable by them under the powers of the Public Health Act, 1875, and of this Act, and all sums which it is proposed to defray out of the general district rates in pursuance of this section shall be included in the estimate which is required by the Public Health Act, 1875, to be prepared before making a general district rate.

Corporation may levy general district rates.  
38 & 39 Vict. c. 55.

**46.** All sums which by this Act are required or authorised to be defrayed out of the district fund and general district rates shall be raised and levied by the Corporation as part of the general district rates throughout the extended borough, subject and according to the provisions of the Public Health Act, 1875, and of this Act.

Corporation may borrow on mortgage for purposes of Act.  
38 & 39 Vict. c. 83.

**47.** The Corporation may from time to time, with the previous approval of the Local Government Board, borrow on mortgage, or in any manner provided by and subject to the provisions of the Local Loans Act, 1875, so much money as they deem necessary for defraying the expenses of the execution by them of this Act, and may charge the revenue of the gas undertaking of the Corporation and the district fund and general district rate, or any of them as security for the repayment of such money with interest.

Repayment of sums borrowed.  
38 & 39 Vict. c. 83.

**48.** All sums borrowed by the Corporation for defraying the expenses of the execution by them of this Act shall be repaid by such one or more of the methods (including a sinking fund) prescribed by the Local Loans Act, 1875, as the Corporation may see fit, and within the periods following; (that is to say,)



As regards any money borrowed before the expiration of three years from the passing of this Act, within fifty years after the expiration of those three years ; and

A.D. 1878.

As regards any money borrowed after the expiration of those three years within fifty years after the same is borrowed.

49. The Corporation may from time to time re-borrow any amount borrowed by them and paid off otherwise than by instalments or by means of a sinking fund ; provided that the time for repayment of money so re-borrowed shall not extend beyond the unexpired part of the period for which the original loan was sanctioned.

Power to re-borrow.

50. The town clerk shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act, 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 for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund and all interest thereon have been applied during the same period, and the total amount remaining invested at the end of the year ; and in the event of any wilful default in making such return the town clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board, by such return or otherwise, that the Corporation have failed to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice, and the provisions of this section shall, mutatis mutandis, apply to annual instalments and appropriations.

Annual return to Local Government Board with respect to sinking fund.

51. All mortgages granted by the Corporation subsisting at the passing of this Act shall during their continuance have priority of charge on the security therein comprised over all mortgages, debenture stock, and annuities granted or issued under this Act.

Existing mortgages to have priority.

52. The Corporation shall keep accounts in respect of their gas undertaking separate from all their other accounts, and shall (subject

Application of revenue of gas undertaking.



A.D. 1878.

to the provisions of this Act) apply all money from time to time received by them in respect thereof, except borrowed money, as follows; (that is to say,)

First, in payment of their costs, charges, and expenses of and incidental to the collecting and recovering of gas rents and of the working and establishment expenses and cost of maintenance of the gasworks:

Secondly, in payment of the interest on moneys borrowed for the purposes of their gas undertaking:

Thirdly, in providing the requisite instalments or sinking fund for their gas undertaking:

Fourthly, in improving and extending their gasworks and their mains and in payment of any charges or expenses for the time being paid out of the general district rate in respect thereof:

Fifthly, in such manner as the Corporation think best for the improvement of the borough and the public benefit of the inhabitants.

Application  
of money  
borrowed.

**53.** The money borrowed under this Act shall be applied for the purposes for which it was borrowed and for alteration, improvement, extension, and enlargement of works and generally for objects to which capital money is properly applicable and for no other purposes.

Compensa-  
tion to clerk  
to justices  
and others.

**54.** Full compensation shall be paid by the Corporation to the clerks to the justices of the peace for the Retford petty sessional division of the county of Nottingham and to any officer of the said local board or burial board, and to all other persons, in respect of the loss of the whole or part of the emoluments of office by reason of the passing of this Act. Such compensation may be by way of annuity or otherwise, and shall be paid by the Corporation out of their district fund and general district rates, and the amount of such compensation shall be determined by agreement or in the event of dispute by the Local Government Board, provided that any clerk or officer of the said local board or burial board who shall accept employment in any office of equal value under the Corporation shall be deemed to waive all claim for compensation under this Act.

Power to  
sell surplus  
lands and  
property.

**55.** The Corporation may from time to time sell or lease and dispose of any part of the buildings, works, lands, and property transferred to them by or under this Act, and they shall apply the proceeds of any sale in the first place in paying off any debt of the local board or other body to whom such property belonged and subject thereto in paying off money borrowed by the Corporation, and until such application such proceeds shall form part of the



[41 & 42 VICT.] *East Retford Borough Act, 1878.* [Ch. clxxix.]

district fund, provided that the Corporation shall not have power to re-borrow any money so paid off. A.D. 1878.

56. The town council may from time to time appoint a deputy town clerk and a deputy borough surveyor, and may delegate to a deputy so appointed the performance of all or certain of the duties of the respective offices under any Act of Parliament for the time being in force within the borough or under any byelaw of the Corporation. Any deputy so appointed shall within the limits of his delegation have all the powers of the town clerk or borough surveyor, as the case may be, and the signature of any such deputy shall be for all purposes a sufficient authentication of any notice or other document which may be authenticated by the signature of the town clerk or borough surveyor, as the case may be. Deputy town clerk and deputy borough surveyor may be appointed.

57. Nothing in this Act shall take away, abridge, or prejudicially affect any right, power, authority, estate, or interest of the Corporation under the Municipal Corporations Acts or the Public Health Acts or otherwise, and every such right, power, authority, estate, and interest may be had, enjoyed, and exercised by the Corporation as fully and effectually as if this Act had not been passed. Saving rights of Corporation.

58. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act, including the costs, charges, and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid, and all costs, charges, and expenses of the gas company of or connected with this Act, and the transfer of their undertaking to the Corporation, shall, subject to the provisions of the Act 35 and 36 Vict. cap. 91. s. 6, be paid by the Corporation out of the borough fund or any other funds under their control or out of any moneys borrowed on the security thereof. Expenses of Act.

A.D. 1878.

The SCHEDULES referred to in the foregoing Act.

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THE FIRST SCHEDULE.

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NAMES, DESCRIPTIONS, AND BOUNDARIES OF WARDS.

East Ward.

The townships of Bollam and Moorgate and so much of the township of Little Gringley and of the borough of East Retford as lie within a boundary commencing in Bridgegate, at the bridge over the river Idle, and proceeding thence in a south-easterly direction along Bridgegate to the termination thereof, and thence in a southerly direction across the square to the western end of Grove Street, and thence in an easterly direction along Grove Street to the bridge over the Chesterfield Canal, and thence in an easterly direction along the highway leading from Retford to Little Gringley to the point where such highway becomes the boundary between the township of Little Gringley and the parish of Ordsall, and thence in an easterly direction along the boundary of the township of Little Gringley to the eastern extremity of that township, and thence in a northerly direction along the eastern boundary of the township of Little Gringley, and thence in a westerly direction along the northern boundary of the township of Little Gringley to the boundary of the township of Moorgate, and thence in a northerly direction along the eastern boundaries of the townships of Moorgate and Bollam, and continuing in a westerly direction along the northern boundary of the township of Bollam to the river Idle, and thence in a southerly direction along the river Idle to Bridgegate at the bridge over the river Idle.

South Ward.

So much of the borough of East Retford, of the township of Little Gringley, and of the parish of Ordsall as lie within a boundary commencing at the western end of Grove Street, and proceeding thence in an easterly direction along Grove Street to the bridge over the Chesterfield Canal, and thence in an easterly direction along the highway leading from Retford to Little Gringley, to the point where such highway becomes the boundary between the parish of Ordsall and the township of Little Gringley, and thence in an easterly direction and continuing in a southerly and westerly direction along the boundary of the parish of Ordsall to the river Idle, and thence in a westerly and northerly direction along the river Idle to the point where the river passes under the Chesterfield Canal, and thence in an easterly direction along the canal to the point where the canal passes under the road, and thence in a northerly direction along Carolgate to the west end of Grove Street.

West Ward.

The parish of West Retford and so much of the borough of East Retford and of the parish of Ordsall as lie within a boundary commencing in Bridgegate



at the bridge over the river Idle, and proceeding thence in a south-easterly direction along Bridgegate to the termination thereof, and thence in a southerly direction across the square to the western end of Grove Street, and thence in a southerly direction along Carolgate to the Chesterfield Canal, and thence in a westerly direction along the canal to the river Idle, and thence in a southerly direction along the river to the southern boundary of the parish of Ordsall, and thence in a westerly and northerly direction along the boundary of the parish of Ordsall to the western boundary of the parish of West Retford, and thence in a northerly and north-easterly direction along the boundary of the parish of West Retford to the river Idle, and thence in a southerly direction along the river Idle to Bridgegate at the bridge over the river.

A.D. 1878.

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## THE SECOND SCHEDULE.

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1. For the purposes of the burgess list, burgess roll, and other lists to be made after the passing of this Act under the Municipal Corporations Acts, and in relation to the functions and offices of the mayor, town clerk, and revising assessors under those Acts, the added part of the borough shall be deemed to have been part of the borough since the first day of January one thousand eight hundred and seventy-seven.

Added part of borough to be deemed to have always been part of borough.

2. The several persons who on the first day of November one thousand eight hundred and seventy-eight are councillors of the existing borough shall on that day go out of office, and the several persons who on the ninth day of November in the same year are aldermen of the existing borough shall on that day go out of office, and on the first day and on the ninth day of the said month of November respectively an election of councillors for the three wards into which the borough is to be divided under the authority of this Act, and an election of aldermen shall be held according to the provisions of the Municipal Corporations Acts.

First election of Council.

3. The several persons who on the first day of November one thousand eight hundred and seventy-eight are aldermen of the existing borough shall be eligible for election as councillors at the election of councillors to be held on that day, notwithstanding that such persons are then aldermen of the borough.

Aldermen to be eligible for election as councillors on 1st of November 1878.

4. On the ninth day of November in the year one thousand eight hundred and eighty-one, and in every third succeeding year, one half of the whole number of aldermen shall go out of office. The aldermen who shall go out of office in the year one thousand eight hundred and eighty-one shall be those who were elected by the smallest numbers of votes at the election to be held in the month of November one thousand eight hundred and seventy-eight, and thereafter those aldermen shall go out of office who have been aldermen for the longest time without re-election.

Order of retirement of aldermen.

5. On the first day of November one thousand eight hundred and seventy-nine one third of the councillors shall go out of office, and on the first day of November one thousand eight hundred and eighty another third of the councillors shall go out of office, and on the first day of November one thousand

Order of retirement of councillors.

[Ch. clxxix.] *East Retford Borough Act, 1878.* [41 & 42 VICT.]

A.D. 1878.

eight hundred and eighty-one the remaining third of the councillors shall go out of office. The councillors who shall go out of office on the first of November one thousand eight hundred and seventy-nine shall be those who were elected by the smallest numbers of votes at the election of councillors to be held in the month of November one thousand eight hundred and seventy-eight, and the councillors who shall go out of office on the first day of November one thousand eight hundred and eighty shall be those who were elected at the said election by the next smallest numbers of votes, and thereafter those councillors shall go out of office who have been longest in office without re-election.

Provision for equality of votes.

6. If at the election of aldermen or of councillors to be held in the month of November one thousand eight hundred and seventy-eight there is an equality of votes between any two or more aldermen or between any two or more councillors, or in case of such councillors being elected without a poll, the council shall at their meeting on the ninth day of the said month of November or at some adjournment thereof determine the order of retirement of such persons.

First meeting of new Council.

7. The first meeting of the new Council shall be held on the ninth day of November one thousand eight hundred and seventy-eight, at which the first business shall be the election of a mayor, who shall hold office until the following ninth day of November, or until his successor shall have taken upon himself the office; provided that at such election the aldermen going out of office shall be entitled to vote, and shall be eligible for the office of mayor.

Municipal Corporations Acts to apply to other elections.

8. Subject to the provisions of this schedule, all elections, vacations of office, and rotations shall be regulated and governed by the Municipal Corporations Acts.

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THE THIRD SCHEDULE.

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FORM OF DEED OF CONVEYANCE OF UNDERTAKING OF COMPANY TO CORPORATION.

In pursuance of and subject to the provisions of the East Retford Borough Act, 1878, and in consideration of the payments by that Act authorised, the Retford Gas and Coke Company, Limited, do hereby convey and assign unto the mayor, aldermen, and burgesses of the borough of East Retford the undertaking of the Retford Gas and Coke Company, Limited, as defined by that Act, to hold the same unto the said mayor, aldermen, and burgesses, their successors and assigns, and the said mayor, aldermen, and burgesses do accept the same accordingly.

In witness whereof the Retford Gas and Coke Company, Limited, and the said mayor, aldermen, and burgesses have hereto set their respective common seals this                    day of                    one thousand eight hundred and seventy                    .

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[41 & 42 VICT.] *East Retford Borough Act, 1878.* [Ch. clxxix.]

THE FOURTH SCHEDULE.

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A.D. 1878.

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THE GAS LANDS.

A piece or parcel of land situate partly in the parish of East Retford in the county of Nottingham and partly in the parish of Clarborough in the same county, occupied by gasworks, buildings, and apparatus, which said piece of land contains four thousand six hundred and twenty-four superficial square yards or thereabouts, and is bounded on the north by land belonging or reputed to belong to the gas company, in the occupation of George Wheat, on the south by Grove Street, on the east by a road leading from Grove Street to Spital Hill, on the west in part by the said land belonging or reputed to belong to the gas company, and the remaining portion of the said piece or parcel of land is bounded by land belonging or reputed to belong to John Henry Hutchinson.

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