



**CHAPTER cxix.**

An Act for vesting in the Local Board of Health for the district of Stratford-upon-Avon the undertaking of the Stratford-upon-Avon Gas Company and the bridge called Clopton Bridge; for extending the boundaries of the borough of Stratford-upon-Avon and dividing the borough into wards; for dissolving the Local Board and transferring their powers and property to the Corporation of the extended borough; and for other purposes.

A.D. 1879.

[3d July 1879.]

**W**HEREAS the Local Board of Health for the district of Stratford-upon-Avon, in the county of Warwick (in this Act called "the Local Board"), are under and by virtue of the Public Health Act, 1875, the urban sanitary authority for that district, which includes part of the parish of Old Stratford and the existing borough and parish of Stratford-upon-Avon, and is in this Act called "the district":

38 & 39 Vict. c. 55.

And whereas by the Stratford-upon-Avon Gas Act, 1857 (in this Act called "the Act of 1857"), the Stratford-upon-Avon Gas Company (in this Act called "the company") were incorporated and were authorised to make and supply gas within their limits of supply, which were therein defined to be the town and borough of Stratford-upon-Avon, and the parishes or townships of Old Stratford, Bishopton, Shotton, Luddington, Bridgetown, Tiddington, and Alveston, in the county of Warwick, and the company are accordingly now supplying gas for public and private purposes within those limits or some parts thereof:

20 & 21 Vict. c. lxxvii.

And whereas by the Stratford-upon-Avon Gas Act, 1867, (in this Act called "the Act of 1867,") the company were empowered to raise further capital:

30 & 31 Vict. c. xvii.

And whereas the capital of the company consists of the sum of three thousand seven hundred and fifty pounds ordinary share

A.D. 1879. capital or stock fully paid up, bearing a maximum dividend of ten pounds per centum per annum, of the sum of three thousand pounds share capital or stock fully paid up, bearing a preferential dividend of five pounds ten shillings per centum per annum, and of the sum of six thousand seven hundred and fifty pounds ordinary share capital or stock fully paid up, bearing a maximum dividend of seven pounds per centum per annum; and the sum which the company have borrowed on mortgage amounts to two thousand five hundred pounds :

And whereas the transfer of the undertaking of the company to the Local Board would be of public advantage, and it is expedient that the Local Board be authorised to acquire the same, and to extend and improve the works, and to supply gas within the limits by this Act prescribed, and the company have agreed that their undertaking shall be vested in the Local Board upon the terms herein-after in that behalf appearing :

And whereas an estimate has been prepared by the Local Board for the purchase of the undertaking of the company and for the extension and improvement of the works, and such estimate amounts to the sum of forty thousand pounds :

And whereas the undertaking agreed to be purchased and the proposed extension and improvement of the works are permanent works within the meaning of section 234 of the Public Health Act, 1875 :

52 G. 3.  
c. lxxx

And whereas an Act was passed in the fifty-second year of the reign of King George the Third, intituled " An Act for taking down  
" and rebuilding certain parts of the bridge over the River Avon  
" at or near Stratford-upon-Avon, in the county of Warwick, and  
" for widening the same bridge and improving the approaches  
" thereto " :

And whereas the commissioners appointed by the last-recited Act proceeded to put the same into execution, and completed a bridge (commonly called Clopton Bridge) across the River Avon, and situate partly in the borough and parish of Stratford-upon-Avon, and partly in the parishes of Old Stratford and Alveston, in the county of Warwick, with all proper approaches, works, and conveniences :

7 G. 4. c. iv.

And whereas by an Act passed in the seventh year of the reign of King George the Fourth, intituled " An Act for maintaining and  
" repairing the bridge over the River Avon at or near Stratford-  
" upon-Avon, in the county of Warwick, and for widening and  
" improving the approaches thereto " (in this Act called " the Bridge Act " ), the last-recited Act was repealed, and the several

persons therein named, and the several other persons from time to time to be elected and appointed as therein provided, were appointed commissioners (in this Act called "the commissioners") for putting the Bridge Act into execution; and the said bridge and the site whereon the same stands and the materials thereof, and the approaches, roads, and passages thereto, and also the toll-houses, buildings, gates, posts, pales, rails, fences, and other things erected thereon, were by the Bridge Act vested in the commissioners, who were thereby authorised to widen, alter, and repair the said bridge, and to widen the approaches, roads, and passages thereto, to take lands compulsorily, and to demand and take the tolls therein specified, and to apply such tolls (among other things) in widening and keeping the said bridge and the road over the same in repair, and in widening, improving, and keeping in repair the roads and approaches thereto: A.D. 1879.

And whereas the transfer to the Local Board of the said bridge and the site and appurtenances thereof, and the approaches, roads, and passages thereto, as by this Act provided, would be of public advantage:

And whereas it is expedient that the Local Board be empowered to raise money for the purposes of this Act:

And whereas the borough of Stratford-upon-Avon, in the county of Warwick, is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough (herein-after called "the Corporation"), and has a separate commission of the peace and a separate police force:

And whereas it is expedient that the borough be extended so as to include part of the district, and that provision be made for dividing the extended borough into wards, and for defining the names and boundaries of the wards:

And whereas it is expedient that provision should be made for the future dissolution of the Local Board, and for the transfer to the Corporation, for the benefit of the extended borough, of all the powers, rights, duties, liabilities, estate, and property of the Local Board:

And whereas an absolute majority of the whole number of the Local Board, at a meeting held on the twenty-ninth day of October one thousand eight hundred and seventy-eight, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Stratford-upon-Avon Herald," a local newspaper published and circulating in the district, 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

[Ch. cxix.] *Stratford-upon-Avon Borough* [42 & 43 VICT.]  
*Act, 1879.*

A.D. 1879. Act should be charged on the district fund and the general district rate:

And whereas such resolution was published twice in the said newspaper, and has received the approval of the Local Government Board:

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 Local Board, at a further special meeting held in pursuance of a similar notice on the twenty-eighth day of January one thousand eight hundred and seventy-nine, not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the district, by resolution in the manner provided in the Third Schedule of the Public Health Act, 1875, consented to the promotion of the Bill for this Act:

And whereas an absolute majority of the whole number of the council of the borough, at a meeting held on the thirtieth day of October one thousand eight hundred and seventy-eight, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Stratford-upon-Avon Chronicle," a local newspaper published and 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 the borough rate:

And whereas such resolution was published twice in the said newspaper, and has received the approval of the Local Government Board:

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 of the borough, at a further special meeting held in pursuance of a similar notice on the fifth day of February one thousand eight hundred and seventy-nine, 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 in the Third Schedule of the Public Health Act, 1875, consented to the promotion of the Bill for this Act:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

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: A.D. 1879.

PRELIMINARY.

1. This Act may be cited as the Stratford-upon-Avon Borough Act, 1879. Short title.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, in this Act referred to collectively as the Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking), and the Gasworks Clauses Act, 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit), are, so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Act, incorporated with and form part of this Act. The Gasworks Clauses Act, 1871 (except section , relating to shareholders), shall apply to the gas undertaking of the company in the hands of the Local Board as if that undertaking were authorised by this Act. Incorporation of general Acts.  
8 & 9 Vict. c. 18.  
23 & 24 Vict. c. 106.  
32 & 33 Vict. c. 18.  
10 & 11 Vict. c. 15.  
34 & 35 Vict. c. 41.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and the following words and expressions have the several meanings hereby assigned to them: Interpretation of terms.

“The existing borough” means the municipal borough of Stratford-upon-Avon 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 qualification, or “the extended borough,” means the existing borough with the added part of the borough:

“The Corporation” means the mayor, aldermen, and burgesses of the existing borough or of the extended borough (as the case requires):

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

A.D. 1879.

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

“The Municipal Corporation Acts” means the Act 5 & 6 William IV., cap. 76, 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 :

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

“Person” includes a corporation :

“The undertaking” includes the company’s works, mains, pipes, plant, fixed or moveable machinery, apparatus, stock, implements, conveniences, buildings, lands, estates, property, easements, rights, interests, books, writings, chattels, effects, securities, moneys, debts, profits, choses in action, claims, demands, authorities, powers, rights, and privileges, and all other estate, real and personal, of or belonging to the company, subject to the contracts, debts, and liabilities of the company ; and the term “gas undertaking” in relation to the Local Board includes the undertaking acquired by them under this Act, and any other property, rights, or privileges connected with that undertaking, at any time held or enjoyed by them under or for the purposes of this Act.

Limits of Act for supply of gas.

4. The limits of this Act for the supply of gas shall be the existing borough and the parishes or townships of Old Stratford, Bishopton, Shotton, Luddington, Bridgetown, Tiddington, and Alveston, in the county of Warwick, and such limits are in this Act referred to as “the gas limits.”

Act to be executed by the Local Board and the Corporation.

5. This Act shall be carried into execution by the Local Board and the Corporation respectively with the powers and indemnities and according to the provisions of the Public Health Acts and the Municipal Corporation Acts, as the same are respectively applicable, and this Act shall in relation to the Local Board and the Corporation, and the several objects and purposes of this Act with respect to the supply of gas and objects and purposes incidental thereto, be read and construed as if the purposes and provisions of this Act were purposes and provisions of the Public Health Acts and the Municipal Corporation Acts respectively, except so far as any of the provisions of that Act are expressly varied or otherwise provided for by this Act.

PART I.—TRANSFER OF GAS UNDERTAKING.

A.D. 1879.

6. The undertaking of the company is by this Act transferred to and vested in the Local Board: Provided always, that within three months after the passing of this Act the Local Board shall produce to the Commissioners of Inland Revenue a deed of conveyance executed by the company in which the purchase or consideration money shall be fully and truly stated and set forth, and which deed shall be duly stamped with the full and proper ad valorem stamp duty in respect of the consideration for the said transfer, and if the Local Board shall not within the said period of three months produce to the said Commissioners such deed of conveyance duly stamped as aforesaid, the ad valorem stamp duty, with interest thereon at the rate of five pounds per centum per annum from the expiration of such period of three months until the day of payment, shall be recoverable from the Local Board with full costs of suit and all costs and charges attending the same.

Vesting of gas undertaking in Local Board.

7. The purchase authorised by this Act shall not include the reserve fund of the company, amounting to the sum of seven hundred pounds or thereabouts, which shall be retained by and shall continue to belong to the company and may be applied by them as they think fit.

Purchase not to include company's reserve fund.

8. The Local Board shall hold the undertaking subject to the provisions of this Act, and subject also, as from the first day of January one thousand eight hundred and seventy-eight, to all contracts, debts, obligations, and liabilities affecting the undertaking, and the Local Board may exercise and shall enjoy within the gas limits all the rights, powers, authorities, and privileges of the company, and the liability of the Local Board with respect thereto, and the provisions of this Act shall be in addition to or substitution for all the provisions for the like purposes contained in the Act of 1857 and the Act of 1867.

Local Board to hold gas undertaking subject to provisions of Act, &c.

9. The mortgage debt of the company, amounting to two thousand five hundred pounds, and the interest thereon as from the first day of January one thousand eight hundred and seventy-eight, shall continue to be a first charge on the undertaking in the hands of the Local Board, and shall further be a charge on the district fund and the general district rate in priority to all charges thereon respectively created by or subsequently to the passing of this Act, and, subject to the provisions of this Act, all debts, liabilities, and obligations of the company, and all rates, rents, charges, and sums of money which at the passing of this Act are due and owing from the company, shall be paid, discharged, or satisfied by the Local Board, and

Mortgage debt to continue first charge on gas undertaking, and company's debts to be paid, &c.

A.D. 1879. the Local Board shall be entitled to, as from the first day of January one thousand eight hundred and seventy-eight, and may receive and recover, all rates, rents, moneys, credits, and assets due or owing or belonging to the company.

Account to  
be stated  
between  
company and  
Local Board.

**10.** As soon as may be after the passing of this Act an account, in the form in which the published accounts of the company up to the thirty-first day of December one thousand eight hundred and seventy-seven have been made out, and in continuation thereof, shall be stated between the company and the Local Board of all debts, liabilities, payments, receipts, credits, and assets of the company as from the first day of January one thousand eight hundred and seventy-eight up to the passing of this Act (the published accounts of the company up to the thirty-first day of December one thousand eight hundred and seventy-seven being deemed for the purpose of the account to be so stated to represent the debts, liabilities, credits, and assets of the company on that day), and such account shall be vouched in detail by the company if the Local Board so require, and the balance (if any) appearing upon such account to be due to the Local Board shall be forthwith paid by the company to them, and in default thereof may be deducted by the Local Board from the consideration payable by them under this Act: Provided that there shall not be included in such account any costs, charges, and expenses due to the company from the Local Board incidental to the application by the company for a provisional order to raise further capital and to the transfer of the gas undertaking, or otherwise in connexion therewith.

Actions, &c.  
not to abate.

**11.** If at the passing of this Act any action or proceeding, or any cause of action or proceeding, is pending or existing against the company, the same shall not abate or be discontinued or in anywise prejudicially affected by reason of anything in this Act, but the same may be continued, prosecuted, and enforced against the Local Board as and when it might have been continued, prosecuted, and enforced against the company if this Act had not been passed, but not further or otherwise.

Contracts,  
&c. of com-  
pany to be  
binding on  
Local Board.

**12.** Subject to the provisions of this Act, all purchases, sales, conveyances, grants, assurances, deeds, contracts (such contracts having reference to the undertaking), bonds, and agreements entered into or made and subsisting at the passing of this Act and then in force, shall be as binding and of as full force and effect in every respect against or in favour of the Local Board, and may be enforced as fully and effectually as if instead of the company the Local Board had been a party thereto.



13. If any action or proceeding shall have been commenced or taken by the company, without the consent in writing of the Local Board, after the first day of January one thousand eight hundred and seventy-eight, the Local Board may, if they think fit, discontinue such action or proceeding, and any costs, charges, and expenses, except the costs, charges, and expenses incurred by the Local Board in opposition to or otherwise connected with the application by the company for the said provisional order to raise further capital, and except also the costs, charges, and expenses of the company of and in relation to that application and consequent thereon, incurred by the Local Board, or to which they may be or become liable by reason of such action or proceeding having been commenced, taken, or discontinued, shall be deemed to be a debt due to them by the company, and shall be dealt with accordingly in the account to be stated between the company and the Local Board as aforesaid; and if any purchase, sale, conveyance, grant, assurance, deed, bond, contract, or agreement shall have been made, executed, or entered into by the company otherwise than in the ordinary course of business, without the consent in writing of the Local Board, after the first day of January one thousand eight hundred and seventy-eight, the same shall, as between the company and the Local Board, be deemed to have been unlawfully made, executed, or entered into, and the company shall indemnify the Local Board against the same and against all moneys, loss, costs, charges, and expenses which the Local Board may pay or may be or become liable to pay or may sustain by means or in consequence of the same having been made, executed, or entered into.

A.D. 1879.  
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As to actions  
&c. subse-  
quent to 1st  
January  
1878, with-  
out consent  
of Local  
Board.

14. The consideration for the transfer of the undertaking to the Local Board shall be, at the option of the company,—

Considera-  
tion for  
transfer.

(a.) The issue by the Local Board to the holders of shares or stock in the capital of the company, whether ordinary shares bearing a maximum dividend of ten pounds per centum per annum, or ordinary shares bearing a maximum dividend of seven pounds per centum per annum, or preferential shares bearing a dividend of five pounds ten shillings per centum per annum, of such perpetual annuities, redeemable nevertheless as herein-after mentioned, as shall be equivalent to the dividend that would have been received by the holders of the three classes of shares in the stock or capital of the company, at the several rates herein-before mentioned in respect of the shares held by them, commencing as on the first day of January one thousand

.D. 1879.

eight hundred and seventy-eight, if the holders of the shares or stock in the capital of the company, or any of them, shall so desire ; or

- (b.) The payment by the Local Board to the company of such a sum in gross as shall represent twenty-five years purchase of the maximum dividends which the holders of any of the three classes of shares before mentioned in the capital of the company were, prior to the first day of January one thousand eight hundred and seventy-eight, entitled to receive in respect of the shares held by the shareholders who may elect to accept payment by sums in gross rather than by way of annuities, together with interest on such sums at the rate of four pounds ten shillings per centum per annum from the first day of January one thousand eight hundred and seventy-eight up to the respective times of payment ; or
- (c.) The holders of the shares or stock in the company may elect to accept payment partly by way of annuities and partly by a sum in gross, and the company shall, within two months after the passing of this Act, inform the Local Board by the hand of their manager whether they require annuities to be issued to all or any of the shareholders, or the payment of a sum in gross as aforesaid, and if they require the issue of annuities to some only of the said shareholders, then the company shall also specify the full names, addresses, and qualifications of such shareholders, and the respective amounts of the annuities to be issued and of the gross sum to be paid, subject and according to the foregoing provisions of this Act, and such annuities and gross sum shall respectively be issued and paid accordingly : Provided also, that any shareholder who shall not, within one calendar month after the passing of this Act, have intimated to the company the mode in which he desires to accept payment shall be deemed to be in accord with the option exercised by the company :
- (d.) The taking over by the Local Board of the mortgage debt of the company, amounting to the sum of two thousand five hundred pounds :
- (e.) The payment by the Local Board to the company of the sum of nine hundred and fifty pounds for the costs, charges, and expenses of the company incidental to their application for a provisional order to raise further capital, and to the transfer of the undertaking, and for compensation.

15. The receipt in writing of three of the directors of the company for any sum in gross to be paid to the company by the Local Board shall effectually discharge the Local Board from the sum which in such receipt shall be acknowledged to have been received, and from being concerned to see to the application thereof, and from being answerable or accountable for the loss, mis-application, or non-application thereof.

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Receipt for  
sum in gross.

16. Subject to the provisions of this Act, the Local Board shall grant to the persons respectively entitled to annuities under this Act perpetual annuities, subject nevertheless to redemption as hereinafter mentioned, of the amounts fixed by or pursuant to this Act in respect of their shares or stock.

Grant of  
annuities to  
shareholders.

17. The several persons who at the passing of this Act appear in the books of the company to be proprietors of shares or stock in the capital of the company, or their respective executors, administrators, or assigns, shall be deemed to be holders thereof for the purpose of the issue of annuities or the payment of a sum in gross, as the case may be.

Company's  
books evi-  
dence as to  
shareholders

18. The annuities shall be computed as from the first day of January one thousand eight hundred and seventy-eight, and shall become due and payable half yearly on the first day of July and the first day of January in each year.

Annuities to  
be payable  
half yearly.

19. The annuities shall be a charge primarily on the revenue arising from the gas undertaking in the hands of the Local Board, and collaterally on the district fund and general district rate, in priority to any charge on such fund or rate created by or after the passing of this Act.

Security for  
annuities.

20. The annuities shall be called "Stratford-upon-Avon Gas Annuities," and the Local Board shall from time to time deliver to the several annuitants, or send by post in prepaid letters addressed to their registered addresses, warrants or orders for payment of the annuities.

Warrants to  
be issued to  
annuitants.

21. The annuities shall in all respects at law and in equity be substituted for and represent the holdings of shares and stock in the capital of the company, and the several persons in whom the annuities vest shall hold them on and subject to the same trusts, powers, and liabilities as those on and subject to which their holdings of shares and stock in the capital of the company were held, and so as to give effect to and not to defeat any testamentary or other disposition.

Annuities to  
represent  
shares or  
stock in the  
company.

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Local Board  
to issue cer-  
tificates of  
annuities.

**22.** The Local Board shall issue to every person in whom an annuity vests, or to his representatives, on demand, and on delivery of his or their share or stock certificate, or proof of its loss or destruction, a certificate of the annuity free of expense to the annuitant, and such certificate may be in the form in the Second Schedule to this Act annexed or to the like effect, and by agreement one certificate may include any number of annuities.

Annuities  
may be di-  
vided.

**23.** Any annuity may, with the consent of the Local Board, be divided, at the option of the annuitant, into two or more annuities of any amount not being less than two pounds, and all annuities, whether the same have been sub-divided or not, may with the like consent be consolidated with other annuities, as the annuitant may direct.

Transfer, &c.  
of annuities.  
8 & 9 Vict.  
c. 16.

**24.** The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the distribution of the capital of the company into shares, and with respect to the transfer or transmission of shares, are incorporated with this part of this Act, and shall (so far as the same are applicable and are not expressly varied by this Act) apply to the Local Board and the annuities and annuitants, as if the Local Board were a company and the annuities were shares in a company's undertaking and the annuitants were shareholders, and the clerk of the Local Board were the secretary of a company; but the form of transfer of an annuity may be according to the form given in the Second Schedule to this Act annexed, or to the like effect.

Recovery of  
arrears of  
annuities.

**25.** If within thirty days after an instalment of an annuity becomes payable it is not paid, the annuitant may, subject to the provisions of this Act, recover it against the Local Board in any court of competent jurisdiction.

Receiver of  
annuitants.

**26.** The annuitants, without prejudice to their other remedies, may enforce payment of arrears of their annuities by the appointment of a receiver, as if they were mortgagees of the Local Board, and for that purpose the provisions in that behalf applicable of the Companies Clauses Consolidation Act, 1845, shall apply *mutatis mutandis* to the Local Board and the annuitants and the receiver.

Power to  
redeem  
annuities.

**27.** The Local Board may at any time, if and when they think fit, redeem any annuity at a price to be agreed on between them and the annuitant, not exceeding twenty-five years purchase of such annuity, and on any annuity being redeemed the same shall be extinguished.

**28.** If any money shall be payable under this Act to or for the benefit of a person being an infant or person of unsound mind so found by inquisition, the receipt of the guardian or committee of his estate shall be a discharge to the Local Board for the same.

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Receipts of  
guardians,  
&c.

**29.** All dividends which shall have been declared and paid since the thirtieth day of June one thousand eight hundred and seventy-eight shall be considered and held legally and equitably to have been paid in lieu pro tanto of the annuities or of interest upon any sums in gross, as the case may be, to which the shareholders and stockholders of the company are respectively entitled under this Act.

As to divi-  
dends paid  
since June  
30th, 1878.

**30.** The Local Board shall, within one year from the passing of this Act, out of the revenue of the gas undertaking in their hands, or out of the district fund or general district rate, make provision for the extinction of all annuities issued to the shareholders or stockholders of the company, and of the mortgage debt of the company, either by instalments or by means of a sinking fund appropriated and invested in Government securities, or other securities in which trustees may from time to time by law invest trust funds, and with the accumulations thereof (if any) from time to time applied for that purpose, so as in either case to extinguish, or be in a position to extinguish, the said annuities and the said debt within fifty years from the passing of this Act; and if at the end of that time the said annuities or the said debt are or is not wholly extinguished, then the Local Board shall, so long as they are liable to pay the same, apply in or towards the payments the annual income arising from the sinking fund provided under this section, and the amounts of the instalments and the amounts to be from time to time appropriated for such sinking fund shall be such as the Local Government Board shall, having regard to this section, approve: Provided always, that whenever any part of the sinking fund is applied in redemption of any of the said annuities, or towards the extinguishment of the said debt, the Local Board shall pay into the sinking fund in every future year, in addition to the other sums herein-before required to be set apart or appropriated for the sinking fund, a sum equal to the annual interest of the principal money paid out of the fund.

Sinking fund  
for annuities  
and debt of  
the company.

**31.** When and so soon as the consideration for the transfer to the Local Board of the undertaking shall have been given by the payment of a sum in gross, or the allotment of annuities, or partly in one way and partly in the other, as the case may be, the directors of the company may exercise all powers necessary for winding up

Winding up  
and dissolu-  
tion of the  
company.

A.D. 1879. the affairs of the company, and when and so soon as their affairs have been wound up, and all their debts and liabilities paid, the company shall be by virtue of this Act dissolved.

Application  
of company's  
Acts to Local  
Board.

**32.** From and after the passing of this Act all the powers, authorities, rights, and privileges of the company under the Act of 1857 shall be by virtue of this Act transferred to and vested in the Local Board, and that Act shall be read and have effect as if the Local Board had been therein named instead of the company, subject nevertheless and according to the following exceptions and provisions; (that is to say,)

(1.) The provisions of the Companies Clauses Consolidation Act, 1845, incorporated with the Act of 1857, shall not (save as in this Act otherwise provided) apply to the Local Board:

(2.) The provisions of the Gasworks Clauses Act, 1847, incorporated with the Act of 1857, with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their own benefit, shall not apply to the Local Board:

(3.) None of the provisions of the Act of 1857 and the Act of 1867, or of any of the Acts incorporated therewith respectively, in any manner relating to the constitution, meetings, or directors of the company, or to the share, stock, or loan capital of the company, or to any limitation of the amount of profit to be received by the company or undertakers, shall apply to the Local Board:

(4.) The Gasworks Clauses Act, 1871, shall apply to the gas undertaking in the hands of the Local Board as if the gas undertaking were hereby authorised.

Power as to  
maintenance  
of gasworks,  
&c.

**33.** Subject to the provisions of this Act, the Local Board may from time to time after the passing of this Act maintain, alter, improve, enlarge, extend, renew, or discontinue the existing gasworks of the company upon the lands on which the same are erected, or any part thereof, and which are described in the First Schedule to this Act, and may do all such acts as they may think proper for making and storing gas and for supplying gas within the gas limits, and may make, store, and supply gas accordingly, and may manufacture, sell, provide, supply, and deal in coke, tar, pitch, asphaltum, ammoniacal oil, and all other products or residuum of any materials employed in or resulting from the manufacture of gas, and also meters, fittings, tubes, pipes, and other articles and things in any way connected with gasworks or with the supply of gas, as they may from time to time think fit.

**34.** The Local Board, with the consent of the owner and occupier of any building, may lay any pipe, branch, or any other necessary apparatus from any main or branch pipe into, through, or against such building for the purpose of lighting it, and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply, and may from time to time, with the like consent, repair, replace, alter, discontinue, and remove any such pipe, branch, or apparatus.

A.D. 1879.  
Power to lay pipes against buildings.

**35.** The Local Board may from time to time enter into and carry into effect agreements with any person or sanitary or local authority, or any highway or other board or authority, having the care or management of any street, road, way, lands, building, or erection, for or with reference to the supply of gas, and may from time to time rescind or alter any such agreements.

Contracts with local authorities and others for the supply of gas.

**36.** Notwithstanding anything contained in the Act of 1857 to the contrary, the maximum price of gas supplied by the Local Board within the gas limits shall not after the passing of this Act exceed five shillings and sixpence per one thousand cubic feet.

Price of gas.

**37.** All gas supplied by the Local Board to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch, and from sunset to midnight 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 supplying such consumer; and any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this Act 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 Local Board of the time and place at which such testing shall be conducted: Provided that this section shall not take effect (except in so far as the company's works at the passing of this Act are sufficient to carry out the same) for one year from the passing of this Act.

Pressure of gas.

**38.** With reference to section twelve of the Gasworks Clauses Act, 1871, the prescribed number of candles shall be fourteen; and with reference to section twenty-eight of the same Act, the prescribed place shall be the gasworks of the Local Board, and the prescribed

Quality and testing of gas.

A.D. 1879. time shall be twelve months from the passing of this Act, and the prescribed burner shall be Sugg's London Argand burner No. 1, consuming at the rate of five cubic feet of gas per hour.

Local Board may supply gas fittings, &c.

**39.** The Local Board may from time to time manufacture, sell, and let on hire and maintain gas meters, fittings, pipes, pillars, lamp-posts, lamps, burners, and other apparatus for or connected with gasworks, or with the supply of gas for public or private consumption, in such manner as they think proper, and generally may carry on the operations usually carried on by gas companies.

Sale of portions of gas undertaking to urban sanitary authority.

**40.** If at any time after the passing of this Act any rural sanitary district within the limits of the gas supply of the Local Board shall be constituted an urban sanitary district, and the urban sanitary authority of such district shall give not less than six months notice in writing to the Local Board of their desire to purchase that portion of the undertaking of the Local Board which is contained within such district, and shall obtain the consent of the Local Government Board to such purchase, and shall apply to Parliament or the Local Government Board for power to purchase such portion of the undertaking of the Local Board (except the mains and pipes or other apparatus which shall be necessary for supplying with gas any other part of the Local Board's limits of supply), and to supply gas within such district, then it shall not be lawful for the Local Board to oppose such application (except as to the details thereof), and if such powers be granted the Local Board shall sell, and such sanitary authority shall purchase, such portion of the undertaking of the Local Board (except as aforesaid) within the district of such sanitary authority at such price as shall be fixed, in default of agreement, by arbitration under the provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, and the Local Board shall apply the proceeds of any sale under this section in the same manner as they are required to apply moneys borrowed under the powers of this Act: Provided always, that no such authority shall be authorised until after the completion of such purchase to supply gas to any part of such district, and that after the completion of such purchase all obligation on the part of the Local Board to supply gas within such district shall cease and determine.

#### PART II.—TRANSFER OF BRIDGE.

Commissioners may transfer bridge to Local Board.

**41.** At any time after the passing of this Act the commissioners may transfer to the Local Board, and the Local Board may accept the transfer of the bridge, and the site thereof, and the approaches, roads, and passages thereto, and all the lands and other property,



real and personal, of the commissioners, and all powers, rights, and privileges of the commissioners (all of which are herein referred to collectively as "the bridge"), upon such terms and conditions as may be agreed upon between the commissioners and the Local Board, and any such transfer of the bridge shall be sufficiently and conclusively evidenced by a deed duly stamped. A.D. 1879

42. Upon such transfer being made the Local Board shall hold the bridge, subject to all contracts, obligations, and liabilities affecting the bridge, and the Local Board may exercise and shall enjoy all the rights, powers, authorities, and privileges of the commissioners with respect thereto. Local Board to hold bridge subject to contracts, &c.

43. If at the time of such transfer any action or proceeding, or cause of action or proceeding, is pending or existing against the commissioners, the same shall not abate or be discontinued or in anywise prejudicially affected by reason of anything in this Act, but the same may be continued, prosecuted, and enforced against the Local Board as and when it might have been continued, prosecuted, and enforced against the commissioners if this Act had not been passed, but not further or otherwise. Actions, &c. not to abate.

44. From and after such transfer all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds, and agreements entered into or made and subsisting at the time of such transfer, and then in force, shall be as binding and of as full force and effect in every respect against or in favour of the Local Board, and may be enforced as fully and effectually as if instead of the commissioners the Local Board had been party thereto. Contracts, &c. of commissioners to be binding on Local Board.

45. From and after such transfer all the powers, rights, privileges, and authorities of the commissioners under the Bridge Act shall be by virtue of this Act transferred to and vested in the Local Board, and that Act shall be read and have effect as if the Local Board had been therein named instead of the commissioners. Application of Bridge Act to Local Board.

46. On such transfer being made the commissioners shall be dissolved. Dissolution of commissioners.

47. On or after such transfer full compensation shall be paid by the Local Board to any clerk or officer of the commissioners in respect of loss of the whole or part of the emoluments of office by reason of such transfer. Such compensation may be by way of annuity or otherwise, and shall be paid by the Local Board out of their district fund and general district rate, and the amount of such compensation shall be determined by agreement, or in the event of dispute by the Local Government Board. Compensation to clerk or officers of commissioners.

A.D. 1879.

PART III.—LANDS.

Power to purchase lands by agreement.

48. The Local Board may from time to time, for the purposes of the gas undertaking or other modes of lighting under this Act, purchase by agreement, in addition to any other lands which they are authorised to purchase, and may hold, any lands not exceeding in the whole five acres: Provided always, that the Local Board shall not erect or authorise or permit the erection on any such lands, whilst the same are held by them, of any buildings other than buildings necessary for or connected with their gas or other lighting works, or dwellings for officers, servants, or workmen of the Local Board, and that no land shall be used by the Local Board for the purpose of manufacturing gas or residual products except the lands described in the First Schedule to this Act.

Power to sell lands not wanted.

49. Subject to the provisions of this Act, the Local Board may from time to time sell any lands, houses, or property, or any part thereof, for the time being belonging to them and not wanted for the purposes of any Act relating to the Local Board, and may make, execute, and do any deed, act, or thing proper for effectuating any such sale.

Application of purchase money of land.

50. Any purchase money received on any such sale by the Local Board shall be distinguished as capital in their accounts, and shall be applied exclusively for purposes for which money borrowed by them is applicable, or in discharge of money so borrowed, and any money so discharged shall not be re-borrowed.

PART IV.—FINANCIAL.

Power to borrow.

51. The Local Board may from time to time borrow at interest such moneys as may be necessary for the purposes of this Act not exceeding the following; (that is to say,)

For the costs, charges, and expenses of and incidental to the negotiations for and the transfer and vesting of the gas undertaking and of the bridge in the Local Board, and of the preparing, applying for, obtaining, and passing of this Act, such sums as may be necessary for those purposes:

For paying the sum of nine hundred and fifty pounds to the company as aforesaid:

For paying off the mortgage debt of the company, two thousand five hundred pounds:

For redeeming the annuities, such sums as from time to time are required in that behalf, not exceeding in the whole the capitalised value thereof, at such rate (not exceeding in any

case twenty-five years purchase) as may be agreed between the several annuitants and the Local Board: A.D. 1879.

For payment of any sum in gross that may be payable by the Local Board to the company in lieu of annuities under the provisions herein-before contained, such sum as may be necessary, having regard to the provisions of this Act:

For discharging debts due by the company on capital account, two thousand three hundred and fifty-five pounds eighteen shillings and sixpence:

For working capital connected with the gas undertaking, one thousand five hundred pounds:

For new works, extension of plant and mains, five thousand pounds:

For all or any of the other purposes of this Act, such sums as they may from time to time think requisite, with the sanction of the Local Government Board.

**52.** The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in the Public Health Act, 1875, and in calculating the amount which the Local Board may borrow under that Act any sums which they may borrow under this Act shall not be reckoned. Certain regulations of 38 & 39 Vict. c. 55. as to borrowing not to apply.

**53.** For securing the repayment of the moneys borrowed under this Act the Local Board may from time to time mortgage the revenue of the gas undertaking, subject to the annuities under this Act and to the gas company's mortgage debt of two thousand five hundred pounds, and also the tolls of the bridge and the district fund and general district rate, and after having paid off otherwise than by instalments or by the sinking fund, or out of the proceeds of superfluous lands sold by the Local Board, any moneys so secured, may re-borrow the amount so paid off, but the time for repayment of money so re-borrowed shall not extend beyond the unexpired part of the term for which the original loan was sanctioned. Power to mortgage revenue of gas undertaking, &c.

**54.** The sections of the Commissioners Clauses Act, 1847, with respect to mortgages shall apply to mortgages to be made by the Local Board under this Act, and the Local Board shall pay off such mortgages either by equal instalments of principal or of principal and interest, spread over fifty years, or by a sinking fund. The Local Board may from time to time apply the sinking fund or any part thereof in or towards paying off the principal moneys borrowed or re-borrowed on mortgage, and the sum to be set apart yearly by the Local Board as a sinking fund for the repayment of Payment of moneys borrowed by instalments or sinking fund.

A.D. 1879. the moneys borrowed or re-borrowed on mortgage shall be such sum as will be, with accumulations at compound interest, sufficient to pay off the moneys so borrowed or re-borrowed within fifty years, and the amounts to be from time to time appropriated for such sinking fund shall be such as the Local Government Board shall, having regard to the provisions of this section, approve: Provided always, that whenever any of such principal moneys have been so paid off, the Local Board shall thenceforward, until the whole of such principal moneys have been paid off, pay into the sinking fund every year, in addition to the other sums herein-before required to be set apart and appropriated, a sum equal to the annual interest of the principal money so paid off: Provided further, that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding, the Local Board may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

Power to  
borrow under  
38 & 39 Vict.  
c. 83.

**55.** The Local Board may, if they think fit, borrow any moneys which they are by this Act authorised to borrow or re-borrow under the powers and subject to the provisions of the Local Loans Act, 1875, by means of a loan or loans to be raised by the issue of debentures, debenture stock, or annuity certificates, or partly in one way and partly in another. Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the local rate as defined by the Local Loans Act, 1875, and also, subject to the provisions herein-before contained, upon and out of the district fund and the revenue of the gas undertaking under this Act. Every such loan shall be discharged within fifty years from the date thereof, or in the case of re-borrowed moneys from the date of the original loan, and such discharge or any part thereof shall be effected by means of a sinking fund, if the Local Board shall so think fit, and all sums paid into the same shall be as soon as may be invested by the Local Board in any manner in which trustees are by law for the time being authorised to invest trust moneys.

Existing  
mortgages  
to have  
priority.

**56.** All mortgages granted by the Local Board and by the gas company prior to the passing of this Act, and which shall be in force at the time of the passing of this Act, shall during the continuance thereof, and as to the rates or property comprised therein, have priority over all mortgages or other securities to be granted under this Act.

**57.** All moneys from time to time borrowed under this Act shall be applied by the Local Board only for the purposes for which the same are respectively by this Act authorised to be borrowed.

A.D. 1879.  
 Application of moneys borrowed.

**58.** When any land, houses, or property is or are sold by the Local Board, the same shall, in the hands of any person to whom the same shall have been sold, and his or their heirs, executors, administrators, successors, and assigns, be absolutely free from any claims, charges, or obligations in respect of any mortgage or charge granted or created under this Act, and no such person shall be bound to see or to inquire into the application by the Local Board of the money arising from such sale, or be in any way responsible for the misapplication or non-application thereof.

Land sold to be free from charges created under Act.

**59.** No notice of any trust, express, implied, or constructive, shall be entered in any register of or be receivable by the Local Board in relation to any annuity, mortgage, or other security, nor shall they be affected by express, implied, or constructive notice of any such trust, although the same be contained in any document registered by them or tendered to them for registration.

Local Board not to be affected by notice.

**60.** The mortgagees and debenture stockholders of the Local Board may enforce the payment of the arrears of interest or principal, or of principal and interest, due on their mortgages or debenture stock by the appointment of a receiver. The amount of principal in arrear to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole.

Arrears may be enforced by appointment of a receiver.

**61.** The Local Board may at any time, if they think fit, redeem or purchase any portion of the debenture stock at a price not exceeding the capitalised value of the interest on such portion, calculated at twenty-five years purchase. Such redemption or purchase shall be determined by lot, and the lots shall be drawn in the presence of the clerk of the Local Board and any owners of debenture stock who choose to be present. The Local Board shall cause not less than one month's previous notice of the time and place at which lots are to be drawn to be given by advertisement, published once at the least for two successive weeks in some newspaper published or circulating in the borough, and the person entitled to the debenture stock to be so redeemed or purchased shall be bound to accept the price of such redemption (not being less than such capitalised value) when so tendered by the Local Board, and when any portion is so redeemed or purchased, such portion shall be wholly extinguished.

Local Board may redeem debenture stock.

A.D. 1879.

Annual re-  
turn to Local  
Government  
Board with  
respect to  
sinking fund.

**62.** The clerk to the Local Board 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 or to be paid as an instalment 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 or paid as an instalment 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 money invested for the sinking fund, and the interest thereon, has 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 clerk shall be liable to a penalty not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Local Board have failed to set apart the sum required by this Act for any sinking fund or to pay any instalment, or have applied any portion of the moneys set apart for that fund, or of the sums accumulated by way of interest, 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 has been made shall be set apart and invested or applied as part of the sinking fund, and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

Separate gas  
account.

**63.** The Local Board shall keep a separate capital and revenue account, to be called the Gas Account, of all receipts, payments, credits, and liabilities in respect of the execution by them of so much of this Act as relates to gas, and such account shall be subject to the same provisions as to audit and otherwise as other accounts of the Local Board.

Application  
of revenue.

**64.** All moneys from time to time received by the Local Board by way of revenue in respect of the gas undertaking under this Act shall be applied for the following purposes on behalf of the undertaking in respect of which such moneys are received:

First. In payment of the expenses properly chargeable to revenue of establishing, conducting, managing, and maintaining the gas-works and works connected therewith.

Secondly. In payment of the interest on the money for the time being due on account of the mortgage debt of the company charged on the gas undertaking under this Act.

Thirdly. In payment of the annuities vested in the shareholders and stockholders of the company by this Act. A.D. 1879.

Fourthly. In payment of the interest of the mortgages for the time being of the Local Board (other than the mortgage debt of the company), and the interest on any debentures or debenture stock or any annuities issued under the Local Loans Act, 1875, charged on the gas undertaking under this Act.

Fifthly. In providing for the instalments or sinking fund for the redemption of annuities and for the discharge of the principal and interest of any moneys borrowed or raised under the authority of this Act in accordance with the provisions in that behalf of this Act or of the Local Loans Act, 1875, according as such moneys so borrowed or raised have been secured by mortgage under this Act, or in the manner prescribed by the Local Loans Act, 1875, and the balance, if any, shall be applied in aid and reduction of the general district rate.

**65.** In case the revenue of the Local Board from the gas undertaking shall in any year be insufficient for the purpose of defraying the costs, charges, and expenses of the Local Board with respect thereto under this Act, the Local Board may include the amount of such insufficiency in their estimate for that or the following year, and defray the same out of the general district rate. General district rate to be resorted to, to make up deficiency in gas revenue.

PART V.—GENERAL.

**66.** Any matter or thing by this Act directed or authorised to be settled by arbitration shall be settled by arbitration in manner provided by the Public Health Act, 1875, and the provisions of that Act with respect to arbitration shall apply accordingly. Mode of arbitration.

**67.** The Local Board may direct any prosecution or proceeding against any person for any offence against this Act or any matter arising under this Act. Power to order prosecutions.

**68.** If any person against whom the Local Board have any claim or demand become bankrupt, the clerk to the Local Board in all proceedings in relation to the estate of such bankrupt may represent the Local Board, and act in their behalf in all respects as if such claim or demand had been the claim and demand of the clerk and not of the Local Board. Proof of debt in bankruptcy.

**69.** Any notice to or demand on the Local Board under this Act may be served on the Local Board by being delivered to the clerk or by being sent through the post in a registered letter directed Service of notice on Local Board.

A.D. 1879. — to the clerk, in which latter case service shall be deemed to be effected on the Local Board on the day on which such letter would be delivered in the ordinary course of post.

Form of notices, &c. by Local Board.

**70.** Any notice, order, resolution, declaration, requisition, demand, or other document made, given, delivered, or served by the Local Board under this Act may be either in print or in writing, or partly in print and partly in writing, and shall be sufficiently authenticated by the name of the clerk or of the surveyor or other proper officer of the Local Board (according to the subject of the particular document) being affixed thereto in print or writing on behalf of the Local Board.

Service of notices by Local Board.

**71.** Where any notice, order, resolution, declaration, requisition, demand, or other document is required to be given or served by the Local Board under this Act to or on the owner or occupier of any premises, it shall be sufficient to address such notice or other document to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which the notice or other document is given or served, without further name or description. Any notice or other document required to be served by the Local Board under this Act may be served by delivering the same to or at the residence of the person to whom the same is addressed, or where addressed to the owner or occupier of premises by delivering the same, or a true copy thereof, to some person on the premises, or if there is no person on the premises who can be so served, then by affixing the same on some conspicuous part of the premises. Moreover, any such notice or other document may be served by post by a prepaid letter, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter was properly addressed and put into the post.

Powers of Act to be cumulative.

**72.** All powers given by this Act to the Local Board shall be deemed to be in addition to and not in derogation of any other powers conferred on them by any other Act of Parliament, law, or custom, and such other powers may be exercised as if this Act had not been passed.

#### PART VI.—EXTENSION OF BOROUGH.

Extension of borough

**73.** The existing borough shall on the first day of November one thousand eight hundred and seventy-nine be extended to, and the borough shall accordingly on and after that date comprise, the



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area described in the Third Schedule to this Act, in addition to the existing borough. A.D. 1879.

74. A plan of the borough as extended by this Act shall within one month 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. Deposit of borough plan.

75. 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 *prima 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 an extract from such plan certified by the town clerk on payment of a reasonable fee for every such copy or extract. Copies of deposited borough plan to be evidence.

76. Subject to the provisions of this Act, the powers, rights, privileges, authorities, and duties of the Corporation as a municipal body, and of all officers and servants of the Corporation in their official capacities, shall on and after the first day of November one thousand eight hundred and seventy-nine extend to and throughout the extended borough. Authority of Corporation extended.

77. All charters and byelaws, orders, and regulations which on the first day of November one thousand eight hundred and seventy-nine shall be in force within the existing borough shall on and after that date extend and apply to the extended borough (subject to any future repeal or amendment of the same), and all charters and byelaws, orders, and regulations (except those issued by the Local Board) in force within the added part of the borough at that date shall then cease to be in force or to have any effect therein: Provided that any person may be punished for any offence against the same committed before that date as if this Act had not been passed. Charters, byelaws, &c. to apply to extended borough.

78. The jurisdiction, powers, authorities, rights, privileges, and duties of the justices of the peace appointed for the existing borough, whether acting in petty sessions or out of sessions or otherwise, and of the magistrates, police constables, and other peace officers of the existing borough, shall on and after the first day of November one thousand eight hundred and seventy-nine extend throughout the extended borough, to the exclusion of the jurisdiction, powers, authorities, rights, privileges, and duties of any other justices of the peace, police constables, or peace officers. Extension of jurisdiction of justices of the peace, &c.

A.D. 1879.

Extension of liability to rates and collection of arrears.

**79.** Lands and other property in the added part of the borough shall not on and after the first day of November one thousand eight hundred and seventy-nine be liable to be rated or be rated to any county rate or county police rate made after that date, or (excepting rates to which the existing borough shall be also liable and rates levied by the Local Board) to any sanitary, highway, or other rate made after that date by any authority other than the Corporation; but all orders of justices respecting rates and matters connected therewith made before that date shall be executed in and with respect to the added part of the borough, and arrears of rates existing at that date may be collected and recovered therein, as if this Act had not been passed.

As to property of Corporation.

**80.** All estates and property, rights and privileges of every description vested in the Corporation on the first day of November one thousand eight hundred and seventy-nine for the benefit of the existing borough shall vest in the Corporation for the benefit of the extended borough, and the Corporation shall hold, enjoy, and exercise for the benefit of the extended borough all the property, powers, rights, and privileges which at that date shall be vested in the Corporation for the benefit of the existing borough, but subject to all debts, liabilities, and engagements affecting the same.

Certain rights, &c. extended to residents in extended borough.

**81.** The owners of property and residents within the extended borough shall on and after the first day of November one thousand eight hundred and seventy-nine have, possess, and enjoy all such rights of voting and other franchises, rights, and privileges with reference to schools, charities, charitable foundations, and trusts, or otherwise, as shall on or before that date be exercised, possessed, or enjoyed by the owners of property and residents within the existing borough.

Officers of Corporation continued.

**82.** The town clerk and all other officers and servants of the Corporation shall on and after the first day of November one thousand eight hundred and seventy-nine 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 that date.

Compensation to clerk of the peace, &c.

**83.** On or after the first day of November one thousand eight hundred and seventy-nine full compensation shall be paid by the Corporation to the clerk of the peace for the county of Warwick and to the clerk to the justices of the peace 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 borough fund or borough rate, and the amount of such compensa-

tion shall be determined by agreement, or in the event of dispute by the Local Government Board. A.D. 1879.

PART VII.—DIVISION OF BOROUGH INTO WARDS.

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

**85.** After the division of the borough into wards the council for the borough shall consist (including the mayor) of six aldermen (two for each ward) and eighteen councillors, and each ward shall return six councillors. Constitution and number of the council.

**86.** The regulations contained in the Fifth Schedule to this Act respecting the elections of mayor, aldermen, and councillors, and their retirement from office and other matters, shall have effect. Regulations as to election of councillors, &c.

PART VIII.—DISSOLUTION OF LOCAL BOARD.

**87.** From and after the twenty-fifth day of March one thousand eight hundred and eighty the Local Board shall be dissolved. Local Board dissolved.

**88.** From and after the twenty-fifth of March one thousand eight hundred and eighty all powers, rights, privileges, duties, liabilities, and obligations, which immediately before that date were exerciseable by or attached to the Local Board, except as regards that part of the district of the Local Board which is not to be included in the extended borough, shall be transferred and shall attach to the Corporation, and may be exercised and enforced, and shall be discharged and performed accordingly; and, except as aforesaid, all the provisions of this Act which apply to the Local Board shall from and after the said date apply to the Corporation as fully in all respects as if instead of the Local Board the Corporation were named therein. Transfer to Corporation of powers, &c. of Local Board.

**89.** From and after the twenty-fifth day of March one thousand eight hundred and eighty 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 that date belonged to or was vested in the Local Board or any person on their behalf, or of or to which the Local Board or any person on their behalf were seised, possessed, or entitled, either at law or in equity, or otherwise howsoever, shall, except so far as the same is situate in that part of the district of Transfer to Corporation of property of Local Board.

A.D. 1879. the Local Board which is not to be included in the extended borough, belong to and be vested in the Corporation for the benefit of the borough, and may be held, recovered, and enjoyed accordingly.

Conveyances, &c. to remain in force.

**90.** 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 twenty-fifth day of March one thousand eight hundred and eighty to, with, in favour of, or by, for, or on behalf of the Local Board or any person on their behalf, and then 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 Local Board had been party or privy thereto; and all annuities, mortgages, and other sums of money charged on the revenue of the gas undertaking, and on the district fund and district rate, shall be also charged on the borough fund and borough rate.

Actions, &c. not to abate.

**91.** Any action, suit, prosecution, or other proceeding whatsoever commenced either by or against the Local Board before the twenty-fifth day of March one thousand eight hundred and eighty shall not abate or be discontinued or prejudicially affected by this Act, but 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 Local Board were parties to such action, suit, prosecution, or proceeding.

Rates due at date of transfer to be recoverable by Corporation.

**92.** All rates, tolls, dues, rents, and moneys which immediately before the twenty-fifth day of March one thousand eight hundred and eighty shall be due and payable, or shall be then accruing due and payable, to the Local Board within the extended borough shall from and after that date be payable to and may be collected and recovered by the Corporation in like manner to all intents and purposes as if such rates, tolls, dues, rents, and moneys had been due and payable to the Corporation instead of the Local Board; but, subject to the provisions of this Act, the accounts of the Local Board up to the twenty-fifth day of March one thousand eight hundred and eighty 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.

Debts due to and by Local Board to be paid to and

**93.** All persons who immediately before the twenty-fifth day of March one thousand eight hundred and eighty shall owe any sum of money to the Local Board or to any person on their behalf

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 twenty-fifth day of March one thousand eight hundred and eighty are due or owing by or recoverable from the Local Board, or for the payment whereof the Local Board are or but for this Act would be liable, shall, subject to all the conditions attaching thereto, including any obligations to pay off the same by means of a sinking fund or otherwise, be paid, with all interest (if any) due or to accrue thereon, by or be recoverable from the Corporation.

A.D. 1879.  
by Corpora-  
tion.

94. All byelaws, rules, regulations, and orders duly made and in force within the district of the Local Board immediately before the twenty-fifth day of March one thousand eight hundred and eighty may within the extended borough be repealed, altered, or varied by the Corporation as if they had been made under the powers of the Public Health Act, 1875, 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 imposed, may be enforced, recovered, and applied in like manner in all respects as the same might be enforced, recovered, and applied in case the same had been made and imposed by the Corporation.

Byelaws,  
&c. to re-  
main in force.

95. All books and other documents directed or authorised to be kept by the Local Board by any Act of Parliament, and which on the twenty-fifth day of March one thousand eight hundred and eighty would be receivable in evidence, shall, notwithstanding the dissolution of the Local Board, be admitted as evidence in Her Majesty's High Court of Justice and all other courts accordingly.

Books to be  
evidence.

96. On or after the twenty-fifth day of March one thousand eight hundred and eighty full compensation shall be paid by the Corporation to any clerk or officer of the Local Board in respect of 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 primarily out of the borough fund, and if the borough fund should prove insufficient for the purpose, then out of the general district rate, 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 Local 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.

Compensa-  
tion to clerks  
or officers of  
Local Board.

A.D. 1879.

Part of dis-  
trict not  
added to  
borough  
added to  
rural sani-  
tary and  
highway  
board dis-  
tricts.

**97.** Such part of the district of the Local Board as is not included in the extended borough shall from and after the twenty-fifth day of March one thousand eight hundred and eighty be added to and form part of the district of the rural sanitary authority of Stratford-upon-Avon in like manner as if at the passing of the Public Health Act such part had not been comprised in the district of the Local Board, and shall also form part of the district of the highway board of Stratford-upon-Avon, and shall be exempted from any rates or payments to which it may have been previously liable as part of the district of the Local Board.

Expenses of  
Act.

**98.** 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 the resolutions of owners and ratepayers aforesaid, shall be paid by the Local Board out of moneys borrowed under the authority of this Act, or out of the district fund or general district rate.

SCHEDULES referred to in the foregoing Act.

A.D. 1879.

THE FIRST SCHEDULE.

DESCRIPTION OF GAS LANDS.

A piece of land containing by admeasurement one acre three roods and one perch, or thereabouts (in part covered by the company's existing gasworks and offices), situate in the parish of Old Stratford, in the county of Warwick, and included in the proposed extended borough, bounded on the north-eastward side by the public highway leading from Stratford-upon-Avon to Birmingham, on the south-eastward side by lands belonging or reputed to belong partly to the Corporation and partly to the Stratford-upon-Avon Canal Navigation Company, and on the south-westward and north-westward sides by lands belonging or reputed to belong to the Stratford-upon-Avon Railway Company.

THE SECOND SCHEDULE.

1.—FORM OF CERTIFICATE OF ANNUITY.

CERTIFICATE OF ANNUITY, No. £

By virtue of the Stratford-upon-Avon Borough Act, 1879, the Local Board of Health for the district of Stratford-upon-Avon, in the county of Warwick, certify that *A.B.* of \_\_\_\_\_ is, under and subject to the provisions of that Act, entitled to a perpetual annuity of \_\_\_\_\_ (redeemable by agreement with the annuitant as provided by the said Act), charged on the revenue of the gas undertaking of the said Local Board and on the district fund and general district rate of the said district, and substituted for the amount of shares or stock of \_\_\_\_\_ in the Stratford-upon-Avon Gas Company, which annuity is payable to him, his executors, administrators, or assigns, clear of all deductions (except for income tax), at the office in Stratford-upon-Avon of the treasurer of the said Local Board, by equal half-yearly payments on the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ yearly.

Given under the common seal of the said Local Board the \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

2.—FORM OF TRANSFER OF ANNUITY.

I, *A.B.*, of \_\_\_\_\_, in consideration of \_\_\_\_\_ pounds paid to me by *C.D.*, of \_\_\_\_\_, transfer to the said *C.D.* (herein-after called the transferee) the perpetual annuity [or annuities] numbered \_\_\_\_\_ charged

A.D. 1879.] by the Stratford-upon-Avon Borough Act, 1879, on the revenue of the gas undertaking of the Local Board of Health for the district of Stratford-upon-Avon, in the county of Warwick, and on the district fund and general district rate of the said district, and redeemable by agreement with the annuitant as provided by the said Act, and all my right and interest therein and thereto, to hold unto the transferee, his executors, administrators, and assigns, subject to the several conditions on which I held the same at the time of the execution hereof, and I, the transferee, do hereby agree to take the same annuity [or annuities] subject to the same conditions.

As witness our hands and seals this \_\_\_\_\_ day of  
one thousand eight hundred and \_\_\_\_\_

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### THE THIRD SCHEDULE.

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#### DESCRIPTION OF AREA ADDED TO THE EXISTING LIMITS OF THE BOROUGH.

A boundary line commencing at the boundary stone of the parishes of Old Stratford and Hampton Lucy, in the county of Warwick, situate on the westward side of the highway leading from the Alcester Road (herein-after referred to) to Snitterfield, and called Warwick Way or King's Lane; continuing along the boundary line of the said parishes until it reaches the centre of the River Avon near a place called Ryon Hill; thence proceeding along the boundary line of the said parish of Old Stratford and of the parish of Alveston, in the said county of Warwick, to the junction of the last-mentioned parishes with the parish of Clifford Chambers, in the county of Gloucester; thence proceeding along the boundary line of the said parishes of Old Stratford and Clifford Chambers to a point in the centre of the River Avon opposite to the centre of the brook called the Shottery Brook, from which point the boundary of the extended borough will diverge from the boundary of the said parish of Old Stratford. The boundary line of the proposed extended borough proceeds thence in a northwardly direction up the centre of the said Shottery Brook, and follows the course of the said brook to the southward side of a public highway leading from Stratford-upon-Avon aforesaid to the town of Evesham, and known as the Evesham Road; then turns at an angle and passes four hundred and three yards along the fence on the southward side of the said highway in a westwardly direction to a point opposite a fence dividing fields belonging or reputed to belong to the Marquis of Hertford; then turns at an angle, crosses the aforesaid highway, and continues in a northwardly direction along the said fence; still continues in a north-westwardly direction along the same line of fence which divides lands belonging or reputed to belong to the said Marquis of Hertford and John Francis Williams up to and across a public highway leading from Stratford-upon-Avon aforesaid to the town of Alcester, and known as the Alcester Road, at a place known as Miles Bush; then turns at an angle and passes down the fence on the northward side of the last-named public highway by land belonging or reputed to belong to the said John Francis Williams; then turns at an angle and proceeds in a northwardly direction along the fence dividing lands belonging or reputed to



belong to the said John Francis Williams, and the Corporation of Stratford-upon-Avon to and across the before-named Warwick Way or King's Lane to the north-westward side thereof; then turns at an angle and proceeds along the fence on the north-westward side of the said Warwick Way or King's Lane to and across the Stratford-upon-Avon Canal to the boundary fence on the north-eastward side thereof; then turns at an angle and passes along, in a north-westwardly direction, the boundary wall and fence of the Bishopton Spa property, belonging or reputed to belong to the representatives of the late Charles Ford, then along the fence of the adjoining meadow, also belonging or reputed to belong to the representatives of the late Charles Ford; then turns at an angle and passes along the fence on the north-westward side of the said meadow to the end thereof at the Shottery Brook; then turns at an angle and proceeds along the centre of the said Shottery Brook, in a south-eastwardly direction, to the north-westward side of the before-named Warwick Way or King's Lane; then turns at an angle and proceeds in a northwardly direction along the line of the boundary fence on the north-westward side of the said Warwick Way or King's Lane to and across the Stratford-upon-Avon Railway, and continues along the before-named fence by lands belonging or reputed to belong to William and Francis Henstock to the eastward end of the public highway leading into the village of Bishopton at its junction with the said Warwick Way or King's Lane; then crosses the said highway at the centre of the watercourse which is crossed by the said highway to the angle of the opposite fence of lands belonging or reputed to belong to the representatives of the late John Stokes Foster, and continues along the said fence on the north-westward side of the said Warwick Way or King's Lane to the angle of a public highway leading from Stratford-upon-Avon to Birmingham, and known as the Birmingham Road, at a place called Bishopton Flat; then turns at an angle and proceeds 343 yards in a northwardly direction along the fence on the westward side of the said highway to a point opposite a fence dividing lands on the eastward side of the said highway belonging or reputed to belong to the representatives of the late Matthew Mills and Edgar Flower; then turns at an angle and passes across the said highway and continues along the last-named fence in a north-eastwardly direction to the boundary of the eastward angle of land belonging or reputed to belong to the said Edgar Flower; then turns at an angle and continues in a north-westwardly direction along the fence dividing lands belonging or reputed to belong to the said Edgar Flower and Arthur Hodgson to the boundary fence on the north-westward side of the estate belonging or reputed to belong to the said Arthur Hodgson; then turns at an angle and proceeds in a north-eastwardly direction along the last-named fence where it divides lands belonging or reputed to belong to the said Arthur Hodgson and Joseph Smith; then turns at an angle and continues in a south-eastwardly direction along the fence dividing lands belonging or reputed to belong to the Bishopton Vicarage and the said Arthur Hodgson, and thence follows round in an eastwardly, north-eastwardly, and northwardly direction the last-named boundary fence up to and terminating at the first herein-named parish boundary stone on the westward side of the said Warwick Way or King's Lane.

A.D. 1879.

THE FOURTH SCHEDULE.

NAMES, DESCRIPTIONS, AND BOUNDARIES OF WARDS.

THE GUILD WARD.

To start from the Market Cross, down the centre of Bridge Street, taking in the right-hand side, continuing along the road to and along the Clopton Bridge to a point which forms the boundary of the parish of Old Stratford and also of the proposed extended borough, then proceeding along the said boundary up the public highway leading from Stratford-upon-Avon to Banbury, then continuing along the said boundary to a point on the Heath Farm, and still continuing along the same boundary up to and crossing the Shipston Road; and still following the said boundary to the mill at Ryon Clifford, then following the same boundary to a point in the river opposite the Weir Brake, still continuing along the same boundary down the centre of the River Avon to a point opposite Shottery Brook (from which point the said boundary of the extended borough will diverge from the boundary of the parish of Old Stratford), then turning at an angle and proceeding along the proposed new boundary of the said extended borough, viz., up the centre of Shottery Brook to the public highway known as the Evesham Road, at which point it forms a junction with the Market Hall Ward, then turns at an angle and proceeds in a north-eastwardly direction along the centre of the said Evesham Road to the south-west end of Rother Street, then turns at an angle and continues in a south-eastwardly direction along the centre of Chestnut Walk, then turns at an angle and proceeds along the centre of Church Street, Chapel Street, and High Street, and terminates at the Market Cross.

THE MARKET HALL WARD.

To start from the Market Cross, down the centre of High Street, taking the right-hand side, and continuing along the boundary line of the Guild Ward, viz., High Street, Chapel Street, Church Street, and Chestnut Walk, to and along Evesham Road to Shottery Brook, at which point its connexion with the Guild Ward terminates; from this point it continues for a distance of four hundred and three yards or thereabouts up the said road, then turns at an angle and proceeds in a northwardly direction along the line of the said proposed extended borough to and across the public highway known as the Alcester Road, then turns at an angle down the said Alcester Road, along the line of fence forming the boundary of the proposed extended borough, to, across, and down Warwick Way or King's Lane to and round the Bishopton Spa property, to and then along the said Warwick Way or King's Lane to the Birmingham Road at Bishopton Flat, where it joins the New Town Ward (the whole of the before-described part of this ward from Shottery Brook to Bishopton Flat being the line of the proposed extended boundary), then turns at an angle and passes in a south-eastwardly direction along the centre of the said Birmingham Road to the northward end of Arden Street, then passes along the centre of Arden Street, to and down the centre of Mansell Street, into and along the centre of Windsor Street, to and along the northward end of Rother Street, to and along Meer Street, into and along Henley Street, and terminates at the Market Cross.

NEWTOWN WARD.

A.D. 1879.

To start from the Market Cross, along the centre of Henley Street, taking the right-hand side and continuing along the boundary line of Market Hall Ward, namely, Henley Street, Meer Street, into and along the north end of Rother Street, along the centre of Windsor Street, to and up the centre of Mansell Street, into and along the centre of Arden Street into the Birmingham Road, and continues along the centre of the said Birmingham Road to Bishopton Flat (at which point its connexion with the Market Hall Ward terminates); from this point it continues along the proposed boundary of the extended borough, by and including lands belonging or reputed to belong to the representatives of the late Matthew Mills and Arthur Hodgson, to the parish boundary stone on the westward side of Warwick Way or King's Lane; from this point it follows the boundary of the parish of Old Stratford, which is also the line of the proposed extended boundary of the borough, to the centre of the River Avon at or near Rhine or Ryon Hill, and from thence down the centre of the said River Avon to the Clopton Bridge, where it forms a junction with the Guild Ward, then continues along the line of the said Guild Ward, namely, along the said Clopton Bridge, along the road leading to and up Bridge Street, and terminates at the Market Cross.

THE FIFTH SCHEDULE.

REGULATIONS FOR ELECTIONS OF MAYOR, ALDERMEN,  
 AND COUNCILLORS, &c.

1. For the purposes of the burgess lists, 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-eight. Added part of borough to be deemed to have been part of borough since 1st January 1878.
2. The several persons who on the first day of November one thousand eight hundred and seventy-nine 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 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-nine 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 November 1879.
4. On the ninth day of November in the year one thousand eight hundred and eighty-two, and in every third succeeding year, one half of the whole Order of retirement of aldermen.

A.D. 1879. number of aldermen (one for each ward) shall go out of office. The aldermen who shall go out of office in the year one thousand eight hundred and eighty-two 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-nine, and thereafter those aldermen shall go out of office who have been aldermen for the longest time without re-election.

Order of retirement of councillors.

5. On the first day of November one thousand eight hundred and eighty, one third of the councillors (two for each ward) shall go out of office, and on the first day of November one thousand eight hundred and eighty-one another third of the councillors (two for each ward) shall go out of office, and on the first day of November one thousand eight hundred and eighty-two the remaining third of the councillors (two for each ward) shall go out of office. 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 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-nine, and the councillors who shall go out of office on the first day of November one thousand eight hundred and eighty-one 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-nine 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-nine, 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 Corporation 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.