



CHAPTER lviii.

An Act to confirm a Scheme made by a Committee of the Lords of Her Majesty's Privy Council under the Municipal Corporations Act, 1882, relating to Higham Ferrers.

A.D. 1886.

[25th June 1886.]

WHEREAS under the authority of the Municipal Corporations Act, 1882, a Committee of the Lords of Her Majesty's Privy Council have settled the scheme set out in the schedule to this Act, and by reason of a petition against such scheme having been received by the said Committee, such scheme requires the confirmation of Parliament :

45 & 46 Vict.
c. 50.

And whereas it is expedient that such scheme should be confirmed by Parliament in manner and form as set out in the schedule to this Act :

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

1. The scheme set out in the schedule to this Act is hereby confirmed, and all the provisions thereof, in manner and form as set out in the said schedule, shall have full force.

Confirmation
of scheme in
schedule.

2. This Act may be cited as the Municipal Corporations (Scheme Confirmation) Act, 1886.

Short title.

A.D. 1886.

SCHEDULE.

SCHEME FOR HIGHAM FERRERS.

WHEREAS by the Municipal Corporations Act, 1882, it is enacted that where a petition for a charter of incorporation is referred to the Committee of Her Majesty's most Honourable Privy Council, and it is proposed by the charter to extend the Municipal Corporations Acts to the municipal borough to be created by the charter, the said Committee of Council may settle a scheme for the purposes in the said Act named, and containing such provisions as are in the said Act particularised :

And whereas certain inhabitant householders of the parish of Higham Ferrers have petitioned Her Majesty the Queen praying for the grant of a charter of incorporation :

And whereas the said petition for a charter has been referred to the Committee of Council, and it is proposed to create the said district a municipal borough and to incorporate the inhabitants thereof, and by the charter to extend the Municipal Corporations Acts to the municipal borough to be created by the charter :

And whereas Higham Ferrers is a place named in the schedule to the Municipal Corporations Act, 1883, and the area of the said place is not co-extensive with the area of the municipal borough proposed to be created by the said charter :

And whereas by the Municipal Corporations Act, 1883, it is enacted that nothing in that Act shall prevent the application to any place of any charter applying the Municipal Corporations Acts which Her Majesty may be pleased to grant or affect anything done in pursuance of those Acts or any scheme thereunder, and shall not affect the operation of any such charter, thing, or scheme, save that nothing in the said Acts or scheme shall authorise the establishment or continuance of any court for the trial of civil actions, and that nothing in that Act shall affect the right to the benefit of any charity, or shall alter or confer any power of altering the defined charitable purposes (if any) to which any property was by law applicable at the passing of that Act :

And whereas the mayor, aldermen, and burgesses of the borough and parish of Higham Ferrers are a local authority within the meaning of Part XI. of the Municipal Corporations Act, 1882 :

And whereas the said mayor, aldermen, and burgesses are a body corporate under and by virtue of certain royal or other charters :

And whereas previous to the commencement of this scheme the parish of Higham Ferrers formed part of the district of the rural sanitary authority of the Wellingborough Union, and the said sanitary authority is a local authority within the meaning of Part XI. of the Municipal Corporations Act, 1882, and

[49 & 50 VICT.] *Municipal Corporations (Scheme Confirmation) Act, 1886.* [Ch. lviii.]

it is expedient that all property and liabilities vested in or attaching to the said rural sanitary authority should, so far as the same relate to the parish of Higham Ferrers, be transferred to the new corporation in the manner hereinafter provided:

A.D. 1886.

And whereas there is in existence a school board for the parish of Higham Ferrers, and it is expedient to make such provisions with respect to the continuance of the present school board and such other provisions in relation thereto as are in this scheme contained:

And whereas the school board for the parish of Higham Ferrers is a local authority within the meaning of Part XI. of the Municipal Corporations Act, 1882, as amended by the School Boards Act, 1885.

And whereas it is expedient, right, and just that a scheme should be settled, pursuant to Part XI. of the Municipal Corporations Act, 1882, as amended by the School Boards Act, 1885, containing the provisions herein-after contained:

Now, therefore, the said Committee of Council have settled a scheme containing the provisions herein, and do hereby order and declare as follows:

1. This scheme may be cited for all purposes as the Borough of Higham Ferrers Scheme, 1885.

2. This scheme shall come into operation on the day of the first meeting of the council of the municipal borough created by the charter above referred to, or at the date of its confirmation by Parliament, whichever is later. This date is herein mentioned as the "commencement of this scheme."

3. The mayor, aldermen, and burgesses of the borough and parish of Higham Ferrers are herein referred to as the "old corporation." The corporation of the municipal borough created by the charter above-mentioned is herein referred to as the "new corporation."

4. The municipal borough created by the charter above referred to shall be placed immediately on, from, and after the day of the first meeting of the council of the municipal borough aforesaid within the jurisdiction of the council of the said municipal borough as the sanitary authority, and shall no longer be within the jurisdiction, authority, or district of the rural sanitary authority of the Wellingborough Union.

5. Immediately from and after the commencement of this scheme the old corporation shall be and the same is hereby abolished, and shall thenceforth be dissolved and cease to exist, together with all the franchises, rights, privileges, powers, jurisdiction, authority, and exemptions of the said old corporation, and its members and officers as such of what kind soever they may be which have no pecuniary value.

6. All property of any kind whatsoever possessed by or vested in the old corporation, or any person or body in trust for it, or any of its members as such, or applicable for the benefit or under the direction of the old corporation, or any of its members as such, which property is within the meaning of the second subsection of section 4 of the Municipal Corporations Act, 1883, applicable to charity or applicable to defined charitable purposes at the passing of that Act, shall immediately from and after the commencement of this scheme vest in the following persons (to be designated "The Trustees of Municipal

[Ch. lviii.] *Municipal Corporations (Scheme [49 & 50 Vict.] Confirmation) Act, 1886.*

A.D. 1886. Charities in the borough of Higham Ferrers"); viz., John Crew, surgeon, Edward Brown Randall, farmer, John William Higgins, draper, George Shelton, shoe manufacturer, and George Wyman, farmer, all of Higham Ferrers, jointly to be by them applied in the manner in which and for the purposes for which such property, or the income thereof, was before and at the passing of that Act applicable.

7. All market property possessed by or vested in the old corporation, and all liabilities attaching to the old corporation in respect of the same, shall vest in and attach to the mayor, aldermen, and burgesses of the said municipal borough acting by the council as the sanitary authority.

8. The town well, situate on the east side of the highway known as the High Street, and immediately opposite to and on the north side of the Higham Ferrers market-place and the town pump constructed by the old corporation, and situate on the west side of the said highway and opposite to the said well, which said well and pump were possessed by or vested in the old corporation, and all liabilities attaching to the old corporation in respect of the same, shall vest in and attach to the mayor, aldermen, and burgesses of the said municipal borough acting by the council as the sanitary authority.

9. All property, other than that in paragraphs 6, 7, and 8 hereof referred to, possessed by or vested in the old corporation, or any person or body in trust for it, or any of its members as such, or applicable for the benefit or under the direction of the old corporation, or any of its members as such, shall vest in the new corporation, and (save as is herein-after expressly directed) shall by the new corporation be held and applied exclusively for the municipal purposes of the municipal borough created as aforesaid, and the public benefit of the inhabitants of the said borough.

10. All liabilities which immediately before the commencement of this scheme attached to and were enforceable against the old corporation, or the property thereof, shall attach to and be enforceable against the new corporation so far only as the property vested in it under paragraph 9 may extend to satisfy such liabilities, and no further.

11. Any investigation, legal proceeding, or remedy in respect of any property, debt, liability, penalty, or forfeiture due to or incurred by or on behalf of the old corporation before the commencement of this scheme may be continued, prosecuted, or enforced by the new corporation, or against the new corporation, so far only as the property vested in it under paragraph 9 may extend to satisfy such liabilities, and no further.

12. All sewers, drains, culverts, pipes, or other sanitary works situate within the parish of Higham Ferrers, being the property of the rural sanitary authority of the Wellingborough Union, and used by them for the purpose of the drainage, water supply, or cleansing of the said parish, or the sanitary purposes of the said parish, and all liabilities (if any) attaching to the said rural sanitary authority in respect of the said parish, and charged on or payable out of the rates to be levied in the said parish, shall immediately from and after the commencement of this scheme vest in and attach to the mayor, aldermen, and burgesses of the said municipal borough acting by the council as the sanitary authority, and

[49 & 50 VICT.] *Municipal Corporations (Scheme Confirmation) Act, 1886.* [Ch. lviii.]

such liabilities shall be a charge upon and shall be defrayed out of the district fund and general district rate of the said borough. A.D. 1886.

13. Notwithstanding the creation of the said municipal borough, the school board for the parish of Higham Ferrers shall be and continue to be the school board for the municipal borough of Higham Ferrers by the name of the school board of the borough of Higham Ferrers in all respects to the same extent and in the same manner as if at the time of the formation of the school board for the said parish of Higham Ferrers by the Education Department the said borough of Higham Ferrers had been created a municipal borough and the school board of the parish of Higham Ferrers had been formed and created for the said borough by the name of the school board of the borough of Higham Ferrers, and as if the local rate and the rating authority had been the borough fund or rate and the council of the said borough respectively, and everything in connexion with the said board and school district shall be done and had accordingly.

14. All liabilities and assets attaching to and vested in the school board for the parish of Higham Ferrers immediately before the commencement of this scheme shall be and continue attached to and vested in the school board for the borough of Higham Ferrers, and all charges charged on the poor rate and school fund of the said parish immediately before the commencement of this scheme shall be a charge upon the school fund of the school board for the borough of Higham Ferrers and the borough rate or fund respectively.

15. Any byelaws made by the school board for the parish of Higham Ferrers and in force at the date of this scheme shall continue in force.

16. Any act or omission done or made by the Education Department or the said school board for the parish of Higham Ferrers, or the council of the said borough, or any justice, since the date of the said charter, shall be deemed to have been lawfully done or made if it might have been lawfully done or made by the said Department, school board, council, or justice if no charter had been granted or the said school board had been the school board for the borough of Higham Ferrers.

17. The term property in this scheme means and includes all property, real and personal, and all things in action, and all rights of common or commonable rights, and rights to toll, and all franchises, privileges, and rights which have any pecuniary value, and all charters, records, deeds, books, and documents, and all rights and all claims to relief, and all rights to avoid contracts or otherwise, and includes any estate or interest, legal or equitable, in or in respect of any property so defined.

18. The term market property in this scheme means and includes rights to market tolls and all franchises, liberties, privileges, and rights relating to markets and fairs, and all lands and premises used for the purpose of markets or fairs.

