



CHAPTER cxix.

An Act for amending the Stourbridge Improvement Act 1866 and conferring further powers on the Stourbridge Improvement Commissioners and for other purposes. A.D. 1891.

[21st July 1891.]

WHEREAS an Act was passed in the sixth year of the reign of His late Majesty King George the Fourth intituled “ An Act “ for better lighting cleansing watching paving and otherwise “ improving the township of Stourbridge in the parish of Old “ Swinford in the county of Worcester for regulating the market “ and building a market place within and for the said township “ and for removing and preventing nuisances and annoyances “ therein ” whereby certain persons were appointed Commissioners for the purposes of that Act and various powers were conferred upon them :

And whereas by the Stourbridge Improvement Act 1866 (herein-after called “ the Act of 1866 ”) such Commissioners were reconstituted and incorporated under the name of the Stourbridge Improvement Commissioners and the aforesaid Act was (except in certain respects) repealed :

And whereas it is expedient that the number of Commissioners should be reduced and that the provisions herein-after contained with respect to the election and otherwise affecting the Commissioners should be made :

And whereas by the Act of 1866 provision was made for the adoption of the said Act by neighbouring townships and for the corresponding extension of the boundaries of the Commissioners’ district and it is expedient that such provision should be amended :

And whereas the Commissioners are the urban sanitary authority for the Improvement Act District of Stourbridge with all the powers duties and obligations of an urban sanitary authority :

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sioners Act, 1891.

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And whereas the Stourbridge Waterworks Company were incorporated by the Stourbridge Waterworks Act 1854 and are authorised to supply and are now supplying water within limits which comprise the township of Stourbridge and several townships and parishes in the vicinity thereof and provision was made by the Act of 1866 for the purchase of the undertaking of that company by the Commissioners by agreement :

And whereas the Stourbridge Gas Company were incorporated by the Stourbridge Gas Act 1855 and under the powers of that Act and other Acts in that behalf enabling them are supplying gas within limits which comprise the township of Stourbridge and other townships and parishes in the vicinity thereof :

And whereas provisions are contained in the said Act of 1855 and the herein-before recited Acts affecting the Commissioners with respect to the purchase by the Commissioners of the undertaking of the said Gas Company and the supply of gas :

And whereas by the Act of 1866 the Commissioners are empowered to borrow money for the purpose of effecting the purchase of either of the said undertakings but such borrowing powers do not come into operation unless the said Act of 1866 has been adopted by the townships in that Act empowered to adopt the same as aforesaid and it is expedient that the said provision should be amended and that the Commissioners should be empowered to borrow money for the purpose of effecting the purchase of the aforesaid undertakings respectively :

And whereas the Commissioners are by the Act of 1866 empowered to levy rates respectively called the highway rate and the improvement rate for the purposes of that Act and such rates are levied in addition to the general district rates leviable by the Commissioners as a sanitary authority under the Public Health Acts and it is expedient that the rating powers of the Commissioners should be consolidated and simplified as by this Act provided :

And whereas it is expedient that the powers of the Commissioners with respect to markets and other matters should be extended and that further provision be made for the good government of the township :

And whereas it is expedient that the Commissioners be empowered to borrow moneys for the purposes herein-after mentioned and estimates have been prepared of the moneys required for the purposes for which such borrowing powers are sought and such estimates are as follows :—

Stabling and other highway purposes . . . £1,500 :

And whereas an absolute majority of the whole number of the Commissioners at a meeting held on the fourth day of December one thousand eight hundred and ninety after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the "Stourbridge Brierley Hill and County Express" 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 Act should be charged on the highway rate : A.D. 1891.

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 Commissioners at a further special meeting held in pursuance of a similar notice on the fifteenth day of January one thousand eight hundred and ninety-one being 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 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 (that is to say) :—

PART I.—PRELIMINARY.

1. This Act may be cited for all purposes as the *Stourbridge Improvement Commissioners Act 1891.* Short title.

2. This Act is divided into parts as follows (that is to say) :—

Act divided
into parts.

Part I.—Preliminary.

Part II.—Election of Commissioners.

Part III.—Adoption of Acts.

Part IV.—Markets.

Part V.—Rates and Finance.

Part VI.—Miscellaneous.

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Incorporation of Acts.

3. The provisions of the Commissioners Clauses Act 1847 (except sections seventeen nineteen twenty twenty-one twenty-three twenty-four twenty-eight twenty-nine thirty thirty-one and eighty-nine to ninety-five which shall not be incorporated with this Act nor after the commencement of this Act be deemed to be incorporated with the Act of 1866 and except sections seventy-five to eighty-eight of the said Act of 1847) are so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act incorporated with and form part of this Act.

Interpretation of terms.

4. In construing this Act the following words and expressions shall have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction (that is to say):—

- “Commissioners” means the Stourbridge Improvement Commissioners as for the time being constituted ;
- “Clerk” means the clerk to the Commissioners ;
- “Existing township” means the township of Stourbridge in the county of Worcester as existing at the passing of this Act ;
- “Township” used without qualification or “township of Stourbridge” means the township of Stourbridge in the county of Worcester as for the time being existing including any township which in accordance with the provisions of the Act of 1866 as amended by this Act has adopted the said Act of 1866 or otherwise become part of the district under the jurisdiction of the Commissioners ;
- “Water Company” means the Stourbridge Waterworks Company ;
- “Gas Company” means the Stourbridge Gas Company ;
- “District fund” and “general district rates” mean respectively the district fund and general district rates of the township ;
- “Old debt” means the debt incurred in respect of the building of the old town hall corn exchange and market hall amounting on the first day of January one thousand eight hundred and ninety-one to sixteen thousand and seventy pounds and at present secured by the mortgages numbered 1 to 47 in the register of mortgages of the Commissioners or such part thereof as may for the time being be unpaid :

Words expressions and terms to which meanings are assigned by the Public Health Acts or by the Act of 1866 or by any Act wholly or partially incorporated with this Act have the same respective meanings unless varied by this section or unless there be

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something in the subject or context repugnant to such construction and in this Act and for the purposes of this Act in any Act incorporated with this Act the expressions "court of competent jurisdiction" "superior courts" or any other like expression shall have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute and shall include any court of competent jurisdiction.

5. From and after the passing of this Act the provisions of the Act of 1866 described in the schedule to this Act are hereby repealed to the extent appearing in the second column of that schedule.

Repeal of enactments.

PART II.—ELECTION OF COMMISSIONERS.

6. The persons who at the passing of this Act are Commissioners shall notwithstanding anything in the Act of 1866 if they shall respectively so long live and not resign refuse to act or be disqualified continue in office and be Commissioners until the third Wednesday in the month of April one thousand eight hundred and ninety-two on which day they shall (unless they have been re-elected) retire from office and on and from the said third Wednesday in April the number of Commissioners shall (subject to the provisions of the Act of 1866 and this Act for the increase of the number of Commissioners on the adoption of the said Act by other townships) be eighteen and six Commissioners shall be elected on the days and in the manner by this Act provided for each of the wards into which the existing township is divided.

Reduction of number of Commissioners &c.

7. The three wards into which the existing township shall be divided shall be as follows:—

Re-description of wards.

One ward to be called the East Ward and to comprise all that part of the township of Stourbridge which lies on the east side of the High Street and Church Street and Red Hill;

Another ward to be called the West Ward and to comprise all that part of the township of Stourbridge which lies on the west side of the High Street and on the north side of New Street Lion Street Clifton Street Clifton Passage Gigmill Road and Glebe Lane;

And another ward to be called the South Ward and to comprise all that part of the township of Stourbridge which lies on the west side of the High Street and Church Street and Red Hill and on the south side of New Street Lion Street Clifton Street Clifton Passage Gigmill Road and Glebe Lane.

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Separate election for each ward.

As to election of Commissioners.

8. There shall be a separate election for each ward in the township.

9. The first election of Commissioners after the passing of this Act shall be held on the first Wednesday in the month of April one thousand eight hundred and ninety-two and the subsequent elections of Commissioners shall be held on the first Wednesday in the month of April in every third succeeding year and the Commissioners elected at such respective elections shall if they shall respectively so long live and not resign refuse to act or be disqualified come into office on the third Wednesday in the month of April of the year in which they are so elected and shall continue in office until the third Wednesday in the month of April of the third year succeeding that in which they were so elected and shall then (unless they have been re-elected) retire.

Commissioners to be nominated and qualification of Commissioners and electors &c.

10. No person shall be elected a Commissioner unless nominated in accordance with the provisions of this Act.

A person shall be entitled to subscribe the nomination paper for an election of Commissioners and to demand and receive a voting paper and to vote at such election if such person is registered under the County Electors Act 1888 as a county elector in respect of property situate in the ward in the election of Commissioners for which such person claims to vote.

No person shall subscribe a nomination paper in or for more than one ward or vote in more than one ward.

The qualification of a Commissioner shall be his being a male of full age and resident within or within five miles of the township and his being the owner of real or personal estate to the amount or value of five hundred pounds or upwards and the owner or occupier of a tenement or tenements in the township rated to the poor rate for the half-year ending in the month of March immediately preceding his election on a yearly rateable value of fifteen pounds or upwards.

Notice of election.

11. Nine days at least before the day for election the clerk shall prepare and sign a notice thereof and publish it by fixing it in some conspicuous place in each of the wards of the township.

As to nomination of candidates.

12. The nomination of candidates for the office of Commissioners shall be conducted in accordance with the rules (other than Rule 4) contained in Part II. of the Third Schedule to the Municipal Corporations Act 1882 for the nomination of candidates for the office of councillor and for the purposes of this Act and of elections under

this Act the following expressions in the said schedule shall have the meanings herein-after assigned to them respectively:— A.D. 1891.

- “Councillor” shall mean Commissioner;
- “Burgess” shall mean a person entitled to vote at the election of Commissioners under this Act;
- “Burgess roll” or “ward roll” shall mean the list of county electors in the ward in which the qualifying property is situate;
- “Town clerk” and “town clerk’s office” shall respectively mean the clerk and offices of such clerk; and
- “The mayor” shall mean the chairman for the time being of the Commissioners.

13. At the time of giving notice of any election of Commissioners the chairman of the Commissioners shall appoint some person not being a Commissioner to be the returning officer for each of the wards into which the township shall for the time being be divided and the clerk shall two days at least before each election by advertisement placards or otherwise give notice of every such appointment and in case of the death of any person so appointed or of his declining or becoming incapable to act the chairman of the Commissioners shall appoint some other person to act in his place. Returning officer.

14.—(1) If the number of valid nominations for any election exceeds that of the Commissioners to be elected for the ward the Commissioners shall be elected from among the persons nominated. Relation of nomination to election.

(2) If the number of valid nominations for any election is the same as that of the Commissioners to be elected for the ward the persons nominated shall be deemed to be elected.

(3) If the number of valid nominations for any election is less than that of the Commissioners to be elected for the ward the persons nominated shall be deemed to be elected and such of the retiring Commissioners for the ward as are selected for that purpose by the returning officer shall be deemed to be re-elected to make up the required number.

(4) If there is no valid nomination the retiring Commissioners shall be deemed to be re-elected.

15. If an election of Commissioners is not contested the returning officer shall publish a list of the persons elected not later than eleven in the morning on the day of election. Publication of uncontested election.

16.—(1) If an election of Commissioners is contested the poll shall as far as circumstances admit be conducted by ballot as the poll at a contested election of councillors for a borough is by the Municipal Corporations Act 1882 directed to be conducted and the provisions Mode of conducting poll at contested election.

A.D. 1891. for the time being applicable to a poll at a contested election of councillors for a borough shall with such modifications as are necessary to make them applicable to elections of the Commissioners extend and apply to a poll at such elections provided that the names of the persons so elected shall be published by the returning officer who shall also send a notice to each person so elected informing him of his election.

(2) Every person entitled to vote at any election of the Commissioners may vote for any number of candidates not exceeding the number of Commissioners to be elected at such election but shall not be entitled to give more than one vote for any one candidate.

(3) The poll shall commence at noon and close at eight o'clock in the afternoon of the same day.

(4) Where an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected the returning officer whether entitled or not to a vote in the first instance may give such additional vote by word of mouth or in writing.

Questions
which may
be put to
voters.

17.—(1) At an election of Commissioners the presiding officer shall if required by a candidate or his agent put to any person offering to vote at the time of his presenting himself to vote but not afterwards the following questions or either of them:—

(A) Are you the person entered in the register for the electoral division of the county of _____ as a county elector in the _____ ward of the Stourbridge District as follows:—

[Read the whole entry from the register.]

(B) Have you already voted at the present election in this or any other ward?

(2) The vote of a person required to answer either of these questions shall not be received until he has answered it.

(3) If any person wilfully makes a false answer thereto he shall be guilty of a misdemeanour.

(4) Save as by this Act authorised no inquiry shall be permitted at an election of Commissioners as to the right of any person to vote.

Notices as to
elections.

18. Any notice required to be given in connexion with an election of Commissioners may comprise matter necessary for several wards.

Non-com-
pliance with
rules.

19. An election shall not be invalidated by non-compliance with the rules in the Third Schedule of the Municipal Corporations Act 1882 or mistake in the use of the forms prescribed by the Eighth

Schedule of that Act (which so far as applicable may be used for the purposes of elections under this Act and shall be sufficient in law) if it appears to the court having cognisance of the question that the election was conducted in accordance with the principles laid down by the said Act and this Act and that such non-compliance or mistake did not affect the result of the election. A.D. 1891.

20. Every election not called in question within six months after the election either by election petition or by information in the nature of a quo warranto shall be deemed to have been to all intents a good and valid election. Election valid unless questioned within six months.

21.—(1) If any person forges or fraudulently defaces or fraudulently destroys any nomination paper or delivers to the clerk any forged nomination paper knowing it to be forged he shall be guilty of a misdemeanour and shall be liable to imprisonment for any term not exceeding six months with or without hard labour. Offences in relation to nomination papers.

(2) An attempt to commit any such offence shall be punishable as the offence is punishable.

22. On a casual vacancy in the office of Commissioner an election shall be held in the same manner as a triennial election of Commissioners and the provisions relating to the nomination and election of Commissioners at such triennial elections shall apply to elections on a casual vacancy provided that such election shall be held on such day as the chairman of the Commissioners may appoint and the person elected shall continue in office until the time when the Commissioner in whose place he is elected would regularly have gone out of office and shall then (unless re-elected) retire. Provided always that it shall not be obligatory to hold any such election for the purpose of filling a casual vacancy occurring within the six months immediately preceding the date of a triennial election of Commissioners. Filling of casual vacancies

23.—(1) A person shall not be disqualified from being a Commissioner or from being an officer of the Commissioners or be deemed to be concerned or participate in any manner in any contract or in the profit thereof or of any work to be done under the authority of the Act of 1866 and this Act or of either of those Acts or of the Public Health Act 1875 or any Act amending the same or any other Acts by reason only of his having any share or interest in— Certain contracts not to disqualify Commissioners.

(A) Any lease sale or purchase of land or any agreement for the same or for compensation for damage to land; or

(B) Any agreement for the loan of money or any security for the payment of money only; or

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- (c) Any newspaper in which any advertisement relating to the affairs of the Commissioners is inserted; or
- (d) Any Company incorporated by Act of Parliament or Royal Charter or under the Companies Acts 1862 to 1886; or
- (e) Any agreement for the use or hire of any of the premises or property of the Commissioners or for the employment of any of the officers or servants of the Commissioners.

(2) Provided that no Commissioner shall vote or take part in discussion on any question relating to any contract or work in which he is concerned by reason of his having directly or indirectly by himself or his partner any share or interest as last aforesaid and if he shall so vote his vote shall not be counted and he shall be liable to a penalty not exceeding twenty pounds.

As to annual meeting of Commissioners.

24. The annual meeting of the Commissioners shall be held on the third Wednesday in the month of April in each year and at the annual meeting in every year a chairman shall be elected for the ensuing year as provided by the Commissioners Clauses Act 1847.

Amendment of section forty-three of Commissioners Clauses Act 1847.

25. Notwithstanding anything in section forty-three of the Commissioners Clauses Act 1847 the notice by that section required to be given of any extraordinary business or any new rule or regulation proposed to be transacted or adopted at a monthly meeting of the Commissioners need not be given at a prior meeting of the Commissioners but shall be sent to each Commissioner not less than seven days before the date of the meeting.

PART III.—ADOPTION OF ACTS.

As to adoption of Act of 1866 by outside townships.

26. Notwithstanding anything in the Act of 1866 the said Act shall not at any time after the passing of this Act be adopted by any of the townships empowered by the said Act to adopt the same without the approval of the Commissioners passed at a special meeting of the Commissioners and it shall not be obligatory on the Commissioners unless such approval shall have been given as aforesaid to convene any meeting of owners and ratepayers of rateable property in any of the said townships for the purpose of the adoption of the said Act.

Election of Commissioners to represent townships adopting Act of 1866.

27. The first election of Commissioners for a ward formed of any of the townships empowered by the Act of 1866 to adopt the said Act shall take place within one month after such adoption shall have taken effect and the provisions of this Act with respect to the nomination and election of Commissioners shall extend and apply to

the election of Commissioners to represent such ward provided that the date of such first election shall be subject to the provisions of this section be fixed by the chairman of the Commissioners and the Commissioners elected at such election shall if they shall so long live and not resign or refuse to act or be disqualified remain in office until the third Wednesday in the month of April of the year in which the next election of Commissioners held in accordance with the foregoing provisions of this Act shall take place and shall then (unless re-elected at such last-mentioned election) retire. A.D. 1891.

28. From and after the adoption of the Act of 1866 by any township taking effect this Act as well as the Act of 1866 as amended by this Act shall be in force within such township and all the jurisdiction powers rights privileges authorities and duties of the Commissioners for all purposes whatsoever whether as improvement commissioners or as an urban sanitary authority and whether acting in the execution of the Act of 1866 or this Act or the Public Health Act 1875 or otherwise howsoever and of all officers and servants of the Commissioners shall extend and apply throughout the township so adopting the said Act and all orders byelaws rules and regulations at the date of such adoption taking effect in force within the township of Stourbridge shall (subject to any future repeal or amendment thereof) extend and apply to the said township and the said township shall for all purposes cease to be included in or to form part of any other sanitary district and all houses lands and hereditaments within such township shall be exempt from all highway rates to be made by any authority other than the Commissioners in respect of such township and from all rates to be made by any sanitary authority other than the Commissioners therein and all jurisdiction powers rights privileges authorities and duties of and all byelaws rules and orders made by any other sanitary authority or highway authority in force or exerciseable within such township shall cease to be in force or exerciseable therein Provided that all arrears of rates existing at the time of such adoption taking effect may be levied and collected as if this Act had not been passed. Extension of authority of Commissioners.

29. The Local Government Board are hereby empowered on the application of the Commissioners or any sanitary or highway authority having jurisdiction within any township so adopting the Act of 1866 to apportion any debts and to adjust all accounts and apportion any rates leviable or in hand and any debts liabilities and obligations incurred and any property acquired by any sanitary or highway authority respectively which by reason of the provisions of this Act may require to be adjusted or apportioned and may Accounts to be adjusted by Local Government Board.

A.D. 1891. — make such order as they deem expedient for effecting the objects of this section Any order of the Local Government Board made under this section shall be conclusive.

Dissolution
of authorities.

30. From and after the date of the adoption of the Act of 1866 by any township taking effect any sanitary or highway authority the whole of whose district shall by such adoption be included within the township of Stourbridge shall be dissolved and all property real and personal of every description and all rights interests and easements whatsoever which immediately before such adoption were vested in enjoyed or exercised by any such authority or any persons on their behalf shall belong to and become vested in the Commissioners and shall be exercised held and enjoyed by the Commissioners accordingly but subject to all debts liabilities or engagements attaching to or affecting same and all rates tolls dues rents and moneys which immediately before that date are due and payable or accruing due and payable to any such authority shall from and after such date be payable to and may be collected and recovered by the Commissioners in like manner as general district rates may be collected and recovered by the Commissioners and all persons who immediately before such date owe any sum of money to any such authority shall pay the same with all interest (if any) due or to accrue due for the same to the Commissioners and all debts and moneys which immediately before such date are due or owing by or recoverable from any such authority or for the payment whereof such authority but for this Act would be liable shall be paid with all interest (if any) due or to accrue due thereon by or be recoverable from the Commissioners and any action or proceeding or cause of action or proceeding commenced or existing by or against any such authority before such date shall not abate or be prejudicially affected by this Act but on the contrary may be prosecuted maintained or continued by in favour of or against the Commissioners in like manner to all intents and purposes as if the Commissioners instead of the respective authority were parties to such action or proceeding and all deeds contracts agreements mortgages bonds and securities notices orders and resolutions made or entered into given or passed prior to such date by with in favour of or on behalf of any such authority 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 Commissioners and may be proceeded on and enforced in like manner to all intents and purposes as if the Commissioners instead of such authority had been party or privy thereto The accounts of any such authority up to the time of the dissolution

thereof shall be audited by the proper officer in like manner in all respects as if this Act had not been passed. A.D. 1891.

31. If at the time of the adoption of the Act of 1866 by any township the old debt shall be outstanding then after and notwithstanding such adoption the town hall corn exchange market hall and markets shall continue vested in the Commissioners upon trust for the inhabitants of the existing township (and are in this Act referred to as the separate property of the existing township) and the old debt shall not be a charge upon any such township adopting the said Act or the rates or revenues thereof and the interest thereafter to accrue upon the old debt and all instalments or payments thereafter made to the sinking fund in respect of such debt shall be paid by the Commissioners out of the separate property of the existing township or the revenues thereof or out of the general district rates to be from time to time as occasion requires assessed and levied within the existing township by the Commissioners. Provided always and be it enacted that the Local Government Board shall on the application at any time of the Commissioners and of any twenty owners or ratepayers of property situate in any township adopting the Act of 1866 appoint a Commissioner who shall inquire and report to the said Board whether any and if any what part of the separate property of the existing township ought to become the property of the township as extended in consideration of an equivalent amount of old debt being made a debt of the township as extended and also to ascertain and fix for the purposes of the arrangement the value of the separate property to be so dealt with. Provided that after the old debt shall have been extinguished all separate property of the existing township shall if not already so vested vest in the Commissioners for the benefit of the township of Stourbridge generally.

Property of Commissioners to be the separate property of the existing township and debts to be paid by the existing township.

32. The Commissioners and their officers shall give every assistance and information in their power to any Commissioner appointed for the purposes aforesaid to enable him to arrive at a just and fair conclusion and shall produce to him all such books and documents as he may require or as may be necessary or useful to assist him in the objects of his inquiry.

Commissioners to assist Commissioner in his inquiry.

33. When the Commissioner has completed his inquiry he shall make his report in writing to the Local Government Board and that Board may make such order in the matter as they think fit which order shall be conclusive and binding on all parties and to the extent of such order the separate property of the existing township shall become the property of the township as extended and the separate

Commissioner to report to Local Government Board and their order to be final.

A.D. 1891. — debt or portion of the separate debt of the existing township shall become the debt of the township as extended.

Powers of
Commis-
sioner and
costs of
inquiries.

34. Every Commissioner appointed under this Act shall have the same powers with regard to the examination of witnesses and production of documents as an inspector of the Local Government Board under the Public Health Act 1875 and the costs of every inquiry held by any such Commissioner under this part of this Act shall be paid by the Commissioners and shall include all costs incurred by the Local Government Board not exceeding three guineas a day as that Board may determine for the services of such Commissioner.

PART IV.—MARKETS.

Power of
Commis-
sioners to
close
markets.

35.—(1) It shall be lawful for the Commissioners from time to time by a resolution to declare that it is desirable to close any public market or fair within the township belonging to or vested in them as being unnecessary for public accommodation and after the expiration of twenty-eight days from the date on which public notice of such resolution has been given by posting a copy of the same on the principal entrances to such market or place for holding such fair the said market or fair as the case may be shall from that date cease to be open to the public as a market or fair and the site thereof (if at the date of such closing vested in the Commissioners) shall thereupon continue to be vested in the Commissioners but free and discharged from all market rights and privileges and from all other rights and privileges (if any) of the public in or over the same.

(2) No such resolution shall be passed unless notice of the intention to move such a resolution shall have been given in writing by the clerk to each Commissioner at least twenty-one days before the meeting of the Commissioners at which such resolution shall be considered.

(3) Nothing in this section shall interfere with or affect any of the powers orders or regulations of the Board of Agriculture or of the local authority under the Contagious Diseases (Animals) Acts 1878 to 1890 relating to markets or fairs within the township.

Provisions as
to weighing
and measur-
ing goods.

36. The Commissioners may on any land for the time being belonging to them or of which they may be the occupiers for the time being weigh or measure goods articles matters and things or any carts containing the same whether such land forms part of any market or fair or not and notwithstanding anything contained in section forty-seven of the Act of 1866 or in the Schedule B thereto annexed the Commissioners may demand and take any tolls for the weighing and measuring of goods articles matters or things or carts

not exceeding the tolls mentioned in that behalf in the said schedule notwithstanding that such goods article or thing may not have been weighed by them in a market or a fair.

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PART V.—RATES AND FINANCE.

37. The Commissioners shall defray all costs charges and expenses incurred by them and in accordance with the provisions of the Act of 1866 or otherwise charged or chargeable on the highway rate and the improvement rate by the said Act of 1866 authorised to be levied by the Commissioners or either of those rates or on any rate leviable under any Act incorporated with the Act of 1866 and all costs charges and expenses incurred by them in the execution of this Act not otherwise specially provided for out of the district fund and general district rates leviable by them under the powers of the Public Health Act 1875 and of this Act and all such costs charges and expenses shall be deemed to be expenses incurred by the Commissioners in the execution of the said Public Health Act 1875 and the purposes of the Act of 1866 and of this Act shall be deemed to be purposes of the said Public Health Act 1875 and all sums which it is proposed to defray out of the general district rates in pursuance of this section shall be included in the estimate which is required by the Public Health Act 1875 to be prepared before making a general district rate.

Expenses of Commissioners to be defrayed out of district fund and general district rates.

38. As from the passing of this Act the sections of the Towns Improvement Clauses Act 1847 with respect to the rates directed by that Act to be made for sewers drains and private improvements shall cease to be incorporated with the Act of 1866 and that Act shall be read and have effect as if those sections had been expressly excepted from incorporation therein.

Provisions of Towns Improvement Clauses Act as to rates not to be deemed incorporated with Act of 1866.

39. On the passing of this Act the powers of the Commissioners under the Act of 1866 of making the highway rate shall cease and all moneys standing to the credit of the highway account or outstanding on account of the then current rate shall be transferred to the credit of the district fund And it shall not be obligatory on the Commissioners to keep a separate highway account as provided by the said Act but the township shall be deemed to be an urban district where the expenses are charged on and defrayed out of the district fund and general district rates and in which no other mode of providing for the repair of highways is directed and the whole of the district is rated for paving water supply and sewerage.

Abolishing highway rate.

40. On the passing of this Act the powers of the Commissioners under the Act of 1866 of making the improvement rate shall cease

Abolishing improvement rate.

A.D. 1891. and all sums then standing or under that Act required to be carried to the credit of the improvement account or outstanding on account of the then current improvement rate shall be transferred to the credit of the district fund and it shall not be obligatory on the Commissioners to keep a separate improvement account.

Arrears of highway and improvement rates may be collected.

41. Notwithstanding anything in this Act the highway rate and improvement rate current at the passing of this Act so far as the same respectively are unpaid at that date and all arrears of any previous highway rate or improvement rate and all debts or sums due to the Commissioners on highway account or improvement account may be collected by the Commissioners and the payment thereof enforced after such date as if this Act had not been passed.

Existing debts charged on district and general district rates.

42. All sums borrowed or re-borrowed or otherwise owing by the Commissioners before the passing of this Act and charged either primarily or collaterally upon the highway rate and the improvement rate or either of those rates shall from the passing of this Act to the extent of such charge and subject so far as regards the old debt to the provisions of this Act as to the division of the district into parts be charged on the district fund and general district rates leviable by the Commissioners under the powers of the Public Health Act 1875 and this Act but the existing securities for all such sums shall remain valid and in force unless and until the same are paid off or the holders thereof shall agree to accept and shall receive new securities in lieu thereof from the Commissioners.

As to division of township into parts.

43. In the event of the adoption of the Act of 1866 by any township under the powers of the Act of 1866 and this Act then if and so long as the old debt is charged solely upon the existing township and the general district rates therein the Commissioners shall in accordance with the provisions of section two hundred and eleven of the Public Health Act 1875 divide their district into parts for the purpose of providing the sums necessary to pay the interest on and any instalments or payments to the sinking fund in respect of the old debt or so much thereof as shall for the time being be charged solely on the existing township and the existing township shall for that purpose form a separate part of such district and such purpose shall be deemed to be one of the purposes of the Public Health Act 1875.

Amendment of borrowing powers for water and gas.

44. If under the powers of the Act of 1866 or otherwise the Commissioners purchase all or any part of the undertaking property and powers of the Water Company or if under the Stourbridge Gas Act 1855 or any Act amending the same or otherwise the Commissioners purchase the undertaking property and powers of the

A.D. 1891.

Gas Company the Commissioners may in addition to any other moneys which they are by the Act of 1866 or this Act authorised to borrow borrow at interest on the credit of the revenue of the undertaking or undertakings so to be transferred and of the district fund and general district rate such sum or sums of money as may be required by the Commissioners to complete such respective purchase notwithstanding that the said Act of 1866 may not at the time of such respective purchase have been adopted by the townships of Amblecote Lye and Wollaston or any of them Provided always that in case further moneys may be required for the purposes of the water undertaking or gas undertaking if and when respectively acquired by the Commissioners the Local Government Board may from time to time at the request of the Commissioners authorise them to borrow such further sums for the purposes of both or either of such undertakings and on such terms and conditions as the Local Government Board may from time to time think fit and subject to such terms and conditions the provisions of this Act shall apply mutatis mutandis to the further sums so borrowed.

45. Notwithstanding anything in section thirty-one of the Act of 1855 it shall not after the expiration of the period of five years from the first day of January one thousand eight hundred and ninety-two be lawful for the Commissioners to purchase the undertaking property and powers of the Gas Company under the provisions of that section otherwise than by agreement.

Limiting time for compulsory purchase of Gas Company's undertaking.

46. The Commissioners may also from time to time borrow at interest on the following securities and for the following purposes such sums as they see fit not exceeding the following (that is to say) :—

Power to borrow.

(1) On the security of the district fund and general district rates—

(A) For stables sheds cottages and buildings to be erected under the powers of this Act one thousand five hundred pounds ;

(B) For payment of the costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and obtaining and passing of this Act such sums as may from time to time be required :

(2) On the security of the market tolls and rates and other market revenue of the Commissioners and on the security of the district fund and general district rates—

For the purpose of redeeming the securities at present constituting the old debt sixteen thousand and seventy pounds :

A.D. 1891. Provided that the borrowing powers conferred by this section and section 44 of this Act shall not be restricted by any of the regulations contained in the Public Health Act 1875 and that in calculating the sum which the Commissioners may borrow under the Public Health Act 1875 or any other enactment any sums they may borrow or which are charged upon the district fund and general district rate under or by virtue of this Act shall not be reckoned.

Provisions of
Public
Health Act
to apply to
mortgages.

47. The provisions contained in sections two hundred and thirty-six to two hundred and thirty-nine of the Public Health Act 1875 with respect to the mortgages to be executed by a local authority shall apply in the case of all mortgages granted under this Act as if they were with necessary modifications re-enacted in this Act.

Period for
discharge of
loans &c.

48. All moneys borrowed by the Commissioners on mortgage under the authority of this Act may be borrowed for any term not exceeding the terms herein-after respectively mentioned from the date on which the same are originally borrowed under this Act (that is to say):—

- (A) As regards moneys borrowed for the purpose of purchasing the undertaking of the Water Company sixty years ;
- (B) As regards moneys borrowed for the purpose of redeeming the old debt fifty years ;
- (C) As regards moneys borrowed for the purpose of purchasing the undertaking of the Gas Company and for stables sheds cottages and buildings to be erected under the powers of this Act forty years ;
- (D) As regards moneys borrowed for the purpose of paying the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act fifteen years :

And all moneys borrowed by the Commissioners under the authority of this Act with the consent of the Local Government Board may be borrowed for such term and on such conditions as the Local Government Board may prescribe And all moneys borrowed under this Act shall be repaid by yearly or half-yearly instalments or by means of a sinking fund Provided that when the payment shall not be made by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part shall in every year amount to the same sum.

A.D. 1891.
Regulations
as to sinking
fund.

49. The Commissioners in case they borrow any moneys on mortgage under this Act repayable by means of a sinking fund shall within twelve months after the borrowing of the same and thenceforth annually on the same or some earlier day set apart as a sinking fund for payment of such moneys out of the revenue fund or rate or funds or rates on which such moneys shall be secured such equal yearly sums as being accumulated in the way of compound interest at a rate not exceeding three and a half per centum will suffice to discharge the principal moneys for the discharge whereof such sinking fund was created within such periods not exceeding the periods respectively prescribed by this Act as the Commissioners may in each case determine All sums so set apart and the income thereof shall from time to time be invested in any securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures debenture stocks or other securities duly created and issued by any local authority (other than the Commissioners) defined by the Local Loans Act 1875 :

The Commissioners may from time to time apply the whole or any part of the sinking fund in or towards the repayment of the principal moneys for the repayment whereof it was created in such order and manner as they deem proper :

Whenever any of such principal moneys have been so paid off the Commissioners shall thenceforward until the whole of such principal moneys have been paid off pay into the sinking fund which has been so applied every year in addition to the other sums required to be set apart and appropriated a sum equal to the annual interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate per centum on which the payments to the sinking fund are based :

Provided that whenever and so long as the securities constituting the sinking fund shall be not less in value at the market price of the day than the principal moneys then due and outstanding for the payment or redemption of which the sinking fund was created the Commissioners 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 required to be paid thereto.

50. The clerk shall within twenty-one days after the first day of May of each year during which any sum is required to be set apart for a sinking fund or to be paid as an instalment in respect of moneys borrowed 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

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

[Ch. cxix.] *Stourbridge Improvement Commis-* [54 & 55 VICT.]
sioners Act, 1891.

A.D. 1891. showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund or any interest thereof 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 such clerk shall be liable to a penalty of not exceeding twenty pounds which shall be recoverable in a summary manner on the prosecution of the Local Government Board and not otherwise.

If it appear to the Local Government Board by such return or otherwise that the Commissioners have failed to pay any instalment or to set aside the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

The provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Power to
reborrow.

51. The Commissioners may from time to time reborrow any amount borrowed by them under this Act and paid off otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of lands or other property or out of fines or premiums on leases but all moneys so reborrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Commissioners with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished or altered by reason of such reborrowing.

Protection of
lenders from
inquiry.

52. A person lending money to the Commissioners shall not be concerned to inquire as to the observance by the Commissioners of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent by him or of any part thereof.

Power to
borrow under
Local Loans
Act 1875.

53. The Commissioners if they think fit in lieu of borrowing on the security of mortgages as herein-before provided may borrow the

moneys which they are by this Act authorised to borrow or any part thereof 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. A.D. 1891.

Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon the same security fund and rate as they would be charged upon if raised by mortgage under this Act and such security fund or rate shall be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

Every such loan shall be discharged within the respective periods prescribed by this Act.

54. All moneys borrowed by the Commissioners under the powers of this Act shall be applied only to the purposes of this Act to which capital is properly applicable and for which they are authorised to be borrowed. Application of money borrowed under Act.

55. The Commissioners shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Commissioners shall from time to time be a sufficient discharge to the Commissioners in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Commissioners have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register and the Commissioners shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money. Commis-sioners not to regard trusts.

56. If the rural sanitary authority for the rural sanitary district of Stourbridge part of whose district is within the limits of supply of the Gas Company herein-after referred to as the local authority at any time within five years after the purchase of the gas undertaking by the Commissioners have become invested with the powers rights duties capacities liabilities and obligations of an urban authority under the Public Health Act 1875 with reference to the supply of gas and desire to purchase so much of the undertaking property rights and privileges of the Commissioners in the gas undertaking as is situate within and relates to the district of the local authority and obtain the consent to such purchase of the Local Government Power to rural sanitary authority to purchase portions of undertakings.

A.D. 1891. Board and give the Commissioners notice in writing under their common seal of their desire so to purchase the Commissioners shall at the expiration of three months from the receipt of such notice sell and transfer and the local authority shall buy and acquire so much of the said gas undertaking property rights and privileges of the Commissioners as aforesaid and the price which the local authority shall pay for such portion of the said undertaking shall be the price which the Commissioners have had to pay for the acquisition of such undertaking including goodwill and the cost of any extensions improvements or renewals of such undertaking situate within the said district less the usual allowance for depreciation thereof Such purchase shall be exclusive of the gasworks and other plant necessary for the supply of other parts of the area within which the Commissioners may for the time being supply gas From and after such sale the portion of the undertaking so purchased and all the property rights and privileges of the Commissioners in respect thereto shall subject to any contracts for the supply of gas then existing be vested in and held and enjoyed by the local authority and the Commissioners shall be free from all obligation to supply gas within such district except as herein-after provided Such transfer shall be evidenced by a deed duly stamped and within three months from the vesting of the undertaking the local authority shall produce such deed duly stamped to the Commissioners of Inland Revenue and in default of production the ad valorem stamp duty together with interest at the rate of five pounds per centum per annum from the date of vesting to the date of payment shall be recoverable from the local authority together with full costs of suit and all costs and charges attending the same.

In the event of such purchase as aforesaid being completed the Commissioners shall supply and the local authority shall buy and take from the Commissioners in bulk all the gas required by them for supply within their said district and such gas shall be of the quality and be supplied at the pressure at which the Commissioners are bound to supply gas in the township of Stourbridge and shall be supplied in such quantity as the local authority may reasonably require and for such remuneration and upon such terms and conditions as may from time to time be agreed upon between the Commissioners and the local authority or failing agreement as may be determined by an arbitrator to be appointed upon the application of either party by the Local Government Board.

If the local authority part of whose district is within the limits of supply of the Water Company at any time within five years after the purchase of the water undertaking by the Commissioners' desire to

purchase so much of the undertaking property rights and privileges of the Commissioners in the water undertaking as is situate within and relates to the district of the local authority and give the Commissioners notice in writing under their common seal of their desire so to purchase the Commissioners shall at the expiration of three months from the receipt of such notice sell and transfer and the local authority shall buy and acquire so much of the said water undertaking property rights and privileges of the Commissioners as aforesaid and the price which the local authority shall pay for such portion of the said undertaking shall be the price which the Commissioners have had to pay for the acquisition of such undertaking including goodwill and the cost of any extensions improvements or renewals of such undertaking situate within their said district less the usual allowance for depreciation thereof Such purchase shall be exclusive of the waterworks and reservoirs and other plant necessary for the supply of other parts of the area within which the Commissioners may for the time being supply water From and after such sale the portion of the water undertaking so purchased and all the property rights and privileges of the Commissioners in respect thereto shall subject to any contracts for the supply of water then existing be vested in and held and enjoyed by the local authority and the Commissioners shall be free from all obligation to supply water within such district except as herein-after provided Such transfer shall be evidenced by deed duly stamped and within three months from the vesting of the undertaking the local authority shall produce such deed duly stamped to the Commissioners of Inland Revenue and in default of production the ad valorem stamp duty together with interest at the rate of five pounds per centum per annum from the date of vesting to the date of payment shall be recoverable from the local authority together with all costs of suit and all costs and charges attending the same In the event of such purchase as aforesaid being completed the Commissioners shall supply and the local authority shall buy and take from the Commissioners in bulk all the water required by them for supply within their said district and such water shall be of the quality which the Commissioners are bound to supply in the township of Stourbridge and shall be supplied in such quantity as the local authority may reasonably require and for such remuneration and upon such terms and conditions as may from time to time be agreed upon between the Commissioners and the local authority or failing agreement as may be determined by an arbitrator to be appointed upon the application of either party by the Local Government Board Provided always that it shall not be lawful for the local authority

A.D. 1891. — to exercise the right of purchase herein contained of the said portion of either of the said undertakings without at the same time exercising the like right of purchase of the said portion of the other undertaking if both undertakings are at that time vested in the Commissioners but if at the time of such purchase by the local authority either of the said undertakings shall not be vested in the Commissioners then the local authority shall (whenever requested so to do by the Commissioners and after purchase by the Commissioners of the other undertaking) purchase from the Commissioners such portion of the other undertaking as the local authority are entitled to purchase under this Act.

Separate accounts to be kept as to gas.

57. The Commissioners shall keep the accounts in respect of their gasworks undertaking if and when acquired separate from all their other accounts distinguishing therein capital from revenue and such accounts shall be subject to the same provisions as to audit as other accounts of the Commissioners.

PART VI.—MISCELLANEOUS.

Definition of street.

58. The definition of street in the Act of 1866 shall include any public bridge not being a county bridge.

Extending provisions of sections forty and forty-six of Act of 1866.

59. The provisions of sections forty and forty-six of the Act of 1866 shall extend to and include the town hall and corn exchange and the works fittings and conveniences thereof respectively as existing at the passing of this Act and also any future buildings for the time being belonging to the Commissioners of a like nature and the Commissioners may on the land already acquired by them for the purposes erect maintain and use such stables sheds cottages and buildings as may be required by them for sanitary (including highway) purposes and for the accommodation of their workmen and servants but the Commissioners shall not create or permit any nuisance on any such lands.

As to signature of minutes.

60. Any entry in a book by section fifty-five of the Commissioners Clauses Act 1847 required to be signed shall be deemed to have been duly signed if signed by the chairman of the meeting next subsequent to that at which the proceeding to which such entry relates took place.

Declaration of Commissioners may be made before clerk.

61. Notwithstanding anything in section twelve of the Commissioners Clauses Act 1847 the declaration by that section required to be made by a Commissioner before acting as a Commissioner may be made before the clerk or a justice of the peace.

62. All accounts of the receipts and expenditure of the Commis- A.D. 1891.
sioners whether under this Act or the Act of 1866 or the Commis- Audit of
sioners Clauses Act 1847 shall be audited in like manner and with accounts.
the same consequences as the accounts of the receipts and expenditure
of the Commissioners under the Public Health Act 1875 are audited
under that Act and the Acts amending the same and the provisions
with respect to audit of the Commissioners Clauses Act 1847 shall
cease to apply to the Commissioners.

63. All the costs charges and expenses preliminary to and of and Expenses of
incidental to the preparing applying for obtaining and passing of Act.
this Act or otherwise in relation thereto as taxed and ascertained by
the Taxing Officer of the House of Lords or of the House of
Commons shall be paid by the Commissioners out of the funds and
rates under the control of the Commissioners or out of moneys
borrowed under the powers of this Act and such costs charges and
expenses shall include the costs charges and expenses incurred by
the Commissioners in complying with the provisions of the Act of
the session of Parliament held in the thirty-fifth and thirty-sixth
years of the reign of Her present Majesty (chapter ninety-one) with
respect to the Bill for this Act and all matters relating thereto.

A.D. 1891.

SCHEDULE referred to in the foregoing Act.

PROVISIONS OF THE STOURBRIDGE IMPROVEMENT ACT 1866 REPEALED.

No. of Section.	Extent of Repeal.
24	The whole section.
25	So much of the section as prescribes the manner in which Commissioners elected thereunder are to be elected and their going out of office and rotation.
27 to 32	The whole of the sections.
38	The whole of the section.
71	So much of the section as relates to the highway account and the improvement account.
72 to 75	The whole of the sections.
79 and 81	The whole of the sections.

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