CHAPTER lxii.

An Act for vesting in the Mayor, Aldermen, and Burgesses of the city and borough of Bath the Bath Commons or Freemen's Estate, and to provide compensation to the Free Citizens of the same city and borough for their interests therein, and for empowering the said Mayor, Aldermen, and Burgesses to acquire by agreement and to demise and manage Lands for a Public Park; and for other purposes. A.D. 1879.

[3d July 1879.]

WHEREAS the Mayor, Aldermen, and Burgesses of the city and borough of Bath (in this Act called "the Corporation") have for many years had the possession and management of a freehold estate situate in the parish of Walcot, within the same city and borough, (as the same is now constituted for municipal purposes by the Act passed in the fifth and sixth years of the reign of His late Majesty King William the Fourth, intituled "An Act to provide for the regulation of Municipal Corporations in England and Wales," and in this Act called "the borough,") commonly known as the Bath Commons or Freemen's Estate, the particulars of which, so far as the same are now known, are set forth in the First Schedule to this Act; but the dry legal estate in fee simple therein is believed to be now outstanding in the representatives of the survivor of certain persons reputed to have been trustees thereof: 5 & 6 W. 4. c. 76.

And whereas the net rents and profits of the said estate belong, or have been considered to belong, and have for many years past been equally divided between a body known as the Freemen or Free Citizens of the said city and borough of Bath, or such of them as for the time being inhabit within the limits of the ancient privileges of the city, the boundaries whereof are set forth in the Second Schedule to this Act, and the district within which limits is in this Act called "the ancient city":

And whereas the said freemen or free citizens are composed partly of persons who, previously to the passing of the said Act of the fifth

A.D. 1879. and sixth years of His late Majesty King William the Fourth, purchased or were elected to the freedom of the city, and partly of persons who, whether before or after the passing of that Act, completed an apprenticeship of seven years (under indentures duly enrolled) to freemen resident within the ancient city, and who on such completion caused themselves to be duly enrolled as freemen:

And whereas the lands and hereditaments the particulars of which are set forth in the first part of the First Schedule to this Act are now demised or let to a committee of gentlemen nominated or elected by the subscribers to the maintenance of a place of public recreation known as "The Royal Victoria Park," and certain ornamental or other walks have been laid out or made through the lands, of which the particulars are set forth in the second part of the said First Schedule, and such walks are much used by the public:

And whereas it is expedient that the said Freemen's Estate should be vested in the Corporation upon the terms provided by this Act:

And whereas it is expedient that the rights of the freemen over the estate should be extinguished, and their interest therein cease, and that in lieu thereof annuities of the amounts and subject to the conditions by this Act provided should be secured to them and to their apprentices as in this Act specified:

And whereas Thomas Frederic Inman, as sole trustee of the will of the late Sir Henry Chandos Rivers, Baronet, deceased, is or claims to be seised of the lands and hereditaments situate in the said parish of Walcot, and within the borough, the particulars of which are set forth in the Third Schedule to this Act:

And whereas the lands and hereditaments of which the particulars are set forth in the first part of the said Third Schedule have been demised to Jerom Murch and Richard Poucher Whitfield as the representatives of the subscribers to the said Royal Victoria Park, and are used as an adjunct to the same park:

And whereas it is expedient that the Corporation should be empowered to acquire or purchase by agreement the said lands and hereditaments of which the particulars are set forth in the said Third Schedule:

And whereas it is expedient that the Corporation should be empowered to raise money for the purposes of this Act by borrowing or otherwise:

And whereas a plan of the lands and hereditaments of which the particulars are set forth in the First Schedule to this Act, and a book of reference to such plan, have been deposited with the clerk of the peace for the county of Somerset, the clerk of the peace for the borough, and the clerk of the parish of Walcot, and the same are herein-after called the deposited plan and book of reference:

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

And whereas an absolute majority of the whole number of the council of the borough, at a meeting held on the third day of September 1878, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Bath Chronicle," a local newspaper published or circulating in the borough, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate:

And whereas such resolution was published twice in the said "Bath Chronicle," being a newspaper circulating in the borough, and has received the approval of the Local Government Board in respect of matters within the jurisdiction of that Board, and of the Secretary of State in respect of matters within his jurisdiction:

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

And whereas the owners and ratepayers of the borough, by resolution in the manner provided in Schedule 3 of the Public Health Act, 1875, with regard to a resolution of owners and ratepayers in accordance with that Act, consented to the promotion of the Bill for this Act: 38 & 39 Vict. c. 55.

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

Preliminary.

Short title.

1. This Act may be cited as the Bath Act, 1879.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, are incorporated with and form part of this Act.

Effect of schedules.

3. The several descriptions of property contained in the schedules to this Act are there given for convenience of reference and identification only, and nothing in any of those schedules shall restrict or enlarge the effect of any enactment contained in the body of this Act.

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Interpretation of terms.

4. 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, except where otherwise expressly provided, and unless there be something in the subject or context repugnant to such construction. The expression "borough fund" shall include the borough rate and all moneys received or to be received for the renewal of leases of any part of the corporate property, and all other moneys by law applicable in aid of the borough rate.

Acquisition of the Freemen's Estate and Compensation to Freemen.

Vesting of Freemen's Estate in Corporation.

5. The estate known as "The Bath Commons or Freemen's Estate," with the appurtenances thereto, shown on the deposited plan and described in the deposited book of reference, and of which the particulars are set forth in the First Schedule to this Act, and all the estate and interest therein of the freemen or free citizens and of the body corporate formed by the said freemen or free citizens and their successors, and any person or persons in trust for them, shall, from and after the passing of this Act, become and be and the same are hereby absolutely vested in the Corporation for such estate or interest as the freemen or free citizens, as well future as present, or any person or persons in trust for them, have or would or might have therein, and free from any trusts in favour of the freemen or free citizens, whether present or future: Provided always, that within three months from the passing of this Act the Corporation shall produce to the Commissioners of Inland Revenue a deed of conveyance signed by one or more of the persons beneficially interested in the said Bath Commons or Freemen's Estate, in which the purchase or consideration money for the acquisition of the said estate 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 vesting; and if the Corporation shall not within the said period 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 such passing of the Act to the day of payment, shall be recoverable from the Corporation with full costs of suit and all costs and charges attending the same.

Annuities to freemen.

6. The Corporation shall pay an annuity of twenty-five pounds sterling each, free from all deductions except income tax, to the persons and during the periods following:

(A.) To every person who is at the date of the passing of this Act duly enrolled as a freeman, and who then inhabits within

the borough, so long as he lives and is from time to time so inhabiting:

(B.) To every person who is at the date of the passing of this Act duly enrolled as a freeman, and who is not then inhabiting within the borough, but who shall hereafter come to inhabit within the limits of the ancient city, so long as he lives and is from time to time so inhabiting:

(C.) To every person who before the thirty-first day of July one thousand eight hundred and seventy-eight has been duly enrolled as the apprentice of a freeman, and who shall afterwards be duly enrolled as a freeman, from the date of such last-mentioned enrolment, so long as he lives and is from time to time inhabiting within the borough.

Such annuities shall accrue de die in diem, and shall be paid at the office of the treasurer in the Guildhall, Bath, by equal half-yearly payments on the twenty-fifth day of March and the twenty-ninth day of September in each year.

Definition of "inhabiting."

7. No person shall be deemed to inhabit within the borough or the ancient city (as the case may be) within the meaning of the previous section unless his ordinary place of abode is situate within such borough or ancient city (as the case may be): Provided that inhabiting within the borough or ancient city (as the case may be) shall (except with regard to freemen who may be so inhabiting at the time of the passing of this Act) commence only from the date on which a written notification of such inhabiting is left at the office of the town clerk of the borough, and such notification shall state the full postal address of the freeman in respect of whom it is given, and so that no proportionate part of any of the said annuities shall be payable in respect of a period of inhabiting of less than three months.

Remedy on non-payment of annuities.

8. If any of the said annuities shall be unpaid in the whole or in part for thirty days after the day by this Act appointed for payment thereof, and after demand thereof in writing, the person to whom the same is payable may recover the same annuity or the part thereof so in arrear, by proceedings in any court of competent jurisdiction, or by distress of the goods and chattels of the Corporation, and any such distress shall be made in the same manner as for rent service in arrear.

Corporation may buy up annuities.

9. The Corporation may, by agreement with the persons or any of the persons entitled or who may become entitled (and whether before or after such title shall have accrued in possession), purchase their or his annuity or contingent right to receive an annuity.

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No person not enrolled as an apprentice before 31st July 1878 to be entitled to share in estate.

10. No person who was not duly enrolled as an apprentice to a freeman previously to the thirty-first day of July one thousand eight hundred and seventy-eight, and who has not subsequently served an apprenticeship of seven years to a freeman, and been duly enrolled as a freeman, shall be entitled to any share, estate, or interest in the Bath Commons or Freemen's Estate, or in the annuities or other rights by this Act vested in the freemen, or the apprentices of freemen.

Purchase of the Royal Avenue and Lawn, and Gardens and Cottages adjoining.

Corporation may purchase by agreement the Royal Avenue and land adjacent.

11. The Corporation, by agreement with the said Thomas Frederic Inman, or other the person or persons for the time being owning or having power of sale over the same, may purchase the Royal Avenue and Lawn, the gardens known as "The Park Gardens" or "Crescent Fields," the cottages in Marlborough Lane and the Upper Bristol Road, the paddock in the rear of the Queen's Parade, and the paddock between the lawn in front of the Royal Crescent, and the walk from Marlborough Buildings to Queen's Parade Place, known as "The Gravel Walk" (the particulars of which are set forth in the Third Schedule to this Act), or any of such lands and hereditaments.

Consideration may be a gross sum or rentcharge, &c.

12. The consideration for such purchase may be either a sum in gross or a perpetual or terminable rentcharge, or partly the one and partly the other, and such purchase may be made subject to such reservations as to watercourses, roads, and other easements as may be mutually agreed upon; and the Corporation may, by agreement with the person or persons now having the benefit thereof, buy up or obtain the release of any restrictive or other covenants and conditions which may now affect the said lands and hereditaments.

Management of the Royal Victoria Park.

Victoria Park to be held as a place of public resort.

13. So much of the lands and hereditaments vested in the Corporation by this Act as now forms the Royal Victoria Park (and the particulars of which are set forth in the first part of the First Schedule to this Act) shall be held in perpetuity, but subject to the provisions in this Act contained, as a park or place of public resort and recreation.

Power to Corporation to appoint keepers and to regulate hours of opening and closing park.

14. The Corporation may from time to time appoint keepers or servants and employ them in or about the lands comprised in the first part of the First Schedule to this Act, and so much of the lands comprised in the second part of the same schedule as may be laid out for public walks, at such remuneration and with such duties and

subject to such regulations as the Corporation may from time to time determine, and at pleasure may remove or dismiss such keepers or servants; and the Corporation may also fix and from time to time vary the days on and hours at which the park and walks, or any of them, are to be opened and closed, and may announce such days and hours by a placard or notice board affixed on or near to the entrances of such park and walks: Provided that nothing in this section contained shall authorise the Corporation to obstruct or interfere with any public right of way over any part of the said lands.

Power to make byelaws for regulation of park, &c.

15. The Corporation may from time to time make byelaws for all or any of the following purposes relating to the lands comprised in the first part of the First Schedule to this Act, and so much of the lands comprised in the second part of the same schedule as may be laid out for public walks; (that is to say,)

For preventing misconduct therein;

For regulating the days on and hours at which games and gymnastics are to be permitted therein, and the particular parts or places for the same;

For regulating the days on and hours at which bands of music or music of any sort are or is to be permitted therein, and for prescribing the money to be charged for admission to the portion of the said lands where any musical or other entertainment may take place;

For regulating refreshment rooms therein, and for determining the days on and hours at which they are to be opened and closed, and the nature and prices of the articles to be sold therein;

For preventing or regulating the admission therein of dogs;

For preventing or regulating the admission therein of wheel-chairs, perambulators, bicycles, velocipedes, vehicles, and horses, and the carrying of parcels or bundles;

For protecting from injury buildings, terraces, fountains, ornamental waters, bridges, walks, seats, fences, and other parts of or things belonging to the said lands, and for preventing the destruction or injury of aquatic or other birds, or of other animals, or of trees, shrubs, plants, or flowers, or the plucking of flowers or leaves therein;

For enabling the keepers or other persons in charge to exclude therefrom persons begging or guilty of a breach of any byelaw relative thereto or of any public law.

Application of certain sections of 38 & 39 Vict. c. 55.

16. Sections one hundred and eighty-two to one hundred and eighty-five (both inclusive) of the Public Health Act, 1875, (except so much of section one hundred and eighty-five as applies

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exclusively to byelaws made by a rural authority), shall apply to byelaws made by the Corporation under this Act, as if they were byelaws made by a local authority under that Act, and section two hundred and fifty-four of the Public Health Act, 1875, shall apply to penalties recovered under this Act as if they were penalties recovered under that Act.

Corporation may manage park or delegate the management thereof to others.

17. The Corporation may from time to time either manage, cultivate, and maintain the lands comprised in the first part of the First Schedule to this Act by their own officers and servants or demise the same for that purpose to any persons willing to take upon themselves the management thereof, at such rent or rents and subject to such covenants, restrictions, and agreements as the Corporation may deem best: Provided that every such lease contain a covenant on the part of the lessees that the demised premises shall be properly managed, cultivated, and maintained for purposes of public recreation and resort, and in accordance with the byelaws to be from time to time made by the Corporation, and contain power for the Corporation, on breach or non-performance of any covenant, absolutely to re-enter and determine the lease. In the case of such demise the Corporation may contribute towards the expense of the management of the said lands by the lessees.

Provisions of Act cumulative.

18. The provisions of this Act shall be in addition to and shall not be construed as a limitation of the provisions of section one hundred and sixty-four of the Public Health Act, 1875.

Power for Corporation to collect subscriptions.

19. The Corporation may collect and administer voluntary subscriptions for the maintenance or embellishment of the said lands and walks, and may administer or allow to be administered by any persons to whom the said lands and walks may be demised entrance moneys which may be charged for admission to musical or other entertainments.

Royal Avenue if purchased to be held as park.

20. If and when the lands comprised in the first part of the Third Schedule to this Act shall be acquired by the Corporation, the same shall be subject to and be deemed to be comprised within the provisions in this Act contained with reference to the lands comprised in the first part of the First Schedule.

Additions may be made to park.

21. It shall be lawful for the Corporation to lay out any part of the lands comprised in the second and third parts of the First Schedule to this Act, and also (if and when the same shall be acquired) any part of the lands comprised in the second and third parts of the Third Schedule to this Act, and also to purchase by agreement and lay out any other lands not exceeding five acres as a public park, and from time to time to manage, maintain, or demise

the same in the same manner as is in this Act provided with respect to the said lands comprised in the first part of the First Schedule to this Act: Provided that it shall be lawful for the Corporation at any time or from time to time to discontinue any of the lands comprised in the second and third parts of the First and Third Schedules to this Act, or any other lands to be purchased as aforesaid under the power contained in this section, as a park, and to use the same for any purpose consistent with the provisions of this Act.

Corporation may sell the piece of land near Marlborough Lane and the Park Gardens.

22. The Corporation may sell, demise, or grant in fee-farm, free from incumbrances, either for building or other purposes, the piece of land, containing 1A. 2R. 35P. or thereabouts, situate on the west side of Marlborough Lane, and comprised in the third part of the First Schedule to this Act; and also the whole or any part of the said Park Gardens or Crescent Fields and cottages comprised in the second and third parts of the Third Schedule to this Act, and also the lands which may be purchased under the power contained in the previous section; but this section shall not operate to release any restrictive or other covenants or conditions as to building or otherwise which may be now subsisting with respect to the said lands comprised in the said Third Schedule to this Act.

Power to demise Freemen's Estate and to accept surrenders of leases.

23. The Corporation may demise and lease the lands and hereditaments vested in them by virtue of this Act, other than the lands comprised in the first part of the First Schedule to this Act, at such rents and subject to such covenants and conditions as they think fit. The Corporation may also accept surrenders of leases and tenancies, whether granted by them or otherwise, and affecting any of the lands and hereditaments vested in or to be acquired by them by virtue of this Act, on such terms and conditions as may be agreed upon, and provide any money required for such purpose out of the borough fund.

Application of purchase moneys.

24. All purchase moneys or other sums in gross which may be received by the Corporation on the occasion of any such sale, grant, or demise shall be applied in improving the lands vested in or acquired by the Corporation under this Act, or paying off incumbrances, or obtaining the release of covenants affecting the same, or in purchasing or extinguishing the annuities created by this Act, or any perpetual or terminable rentcharge which may be reserved or made payable on the occasion of any purchase being made by the Corporation under the authority of this Act.

Restrictions on building on Freemen's Estate.

25. No building shall be erected on the lands comprised in the first and second parts of the First Schedule to this Act except in substitution for existing buildings which may be removed or for the reasonable enlargement of existing buildings, and except lodges,

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kiosks, greenhouses, hothouses, or other ornamental buildings of a similar nature. The Corporation may build any lodges, kiosks, greenhouses, hothouses, or other ornamental buildings, and may repair and improve the same, and may also repair and improve all other buildings from time to time standing on the lands vested in or to be acquired by them under this Act, and may provide the money necessary for any such purposes out of the borough fund.

Borrowing of Money, and Sinking Fund.

Power to borrow.

26. For the purposes of this Act the Corporation, in addition to any money which they are already authorised to borrow, may from time to time under the authority of this Act, and with the sanction of the Local Government Board, borrow at interest on the security of the borough fund and corporate property of the borough such sums as they think fit, not exceeding in the whole the sum of twenty-eight thousand pounds, and may grant mortgages of the said fund and property. Sections 236 to 239 (both inclusive) of the Public Health Act, 1875, shall apply to mortgages under this Act as if they were mortgages under that Act.

Application of income from lands &c. acquired.

27. The income to be derived by the Corporation in respect of the lands and hereditaments vested in or to be acquired by them in pursuance of this Act shall be applied as part of the borough fund.

Expenses and annuities to be paid out of borough fund.

28. The annual or other expenses and outgoings of the Corporation by virtue of this Act, and the annuities created by this Act, shall be paid by the Corporation out of the borough fund.

Sinking fund.

29. The money required for the purchase or acquisition of the lands and hereditaments the particulars of which are set forth in the Third Schedule to this Act, or any other lands or hereditaments which may be purchased under the authority of this Act, may be borrowed for a period not exceeding sixty years, and the money which may be required for the purchase or extinguishment of the annuities by this Act created may be borrowed for a period not exceeding thirty years, and the Corporation shall either pay off the moneys so borrowed by equal annual instalments of principal, or of principal and interest, or they shall in every year set apart as a sinking fund, and accumulate in the way of compound interest by investing the same in or upon such securities as may from time to time be allowed by law to trustees for the investment of trust funds, such sum as will, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the respective periods prescribed; and the Corporation may at any time apply the whole or any part of a sinking fund set apart under this Act in or towards the discharge of the moneys for the

repayment of which the fund has been established, provided that they pay into the fund in each year, and accumulate until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied.

Redemption of perpetual rentcharges.

30. In case the Corporation shall purchase any lands or hereditaments wholly or partially in consideration of a perpetual rentcharge, the Corporation shall each year subsequently to the creation of such rentcharge set aside as a sinking fund, and accumulate in the way of compound interest by investing the same in or upon such securities as may from time to time be allowed by law to trustees for the investment of trust funds, such sum as will, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, at the expiration of sixty years after the creation of such rentcharge to yield an annual income equal to the amount of the same rentcharge, and the fund thus set aside and constituted shall be retained, and the income thereof shall be applied in payment of the said rentcharge until the same rentcharge shall be purchased; but the same fund, or so much thereof as may for the time being have been set aside or accumulated, shall be applicable in or towards purchase of the said rentcharge.

Moneys borrowed to be applied to purposes of the Act.

31. All money borrowed under the authority of this Act shall be applied to the purposes of this Act to which capital is properly applicable, and to no other purpose.

Priority of existing mortgages.

32. All mortgages granted by the Corporation before the passing of this Act, in pursuance of any Act of Parliament, subsisting at the passing of this Act, shall during the continuance thereof have priority over all mortgages and charges (other than annuities to freemen) granted under this Act.

Power to levy rates.

33. All expenses and other moneys by this Act directed to be charged upon or paid out of the borough fund, and all moneys borrowed under this Act on the credit of the borough fund and corporate property, and the interest thereon, shall be raised by and paid and satisfied out of the borough fund, as if the same were expenditure necessarily incurred in executing with reference to the borough the Municipal Corporation Act, 1835, or any Act amending that Act.

Accounts and audit.

34. The Corporation shall cause to be kept proper accounts, distinguishing moneys paid on account of capital and income respectively, of all moneys received and paid by virtue of this Act, and such accounts shall be audited in the same manner as the accounts of the Corporation under the said Act of the fifth and sixth years

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of His late Majesty King William the Fourth, or any Act amending that Act.

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

35. The Corporation may, if they think fit, borrow any moneys which they are by this Act authorised to borrow, and which they have not borrowed and secured in manner herein-before provided, or which having been so borrowed and secured have been paid off otherwise than by means of annual instalments or the sinking fund as by this Act provided, 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. All moneys borrowed in manner by this section authorised shall be a charge upon and shall be paid out of the rates, funds, and revenue herein-before respectively mentioned in that behalf: Provided always, that every such loan raised for and applied for the purchase or acquisition of the lands and hereditaments the particulars of which are set forth in the Third Schedule to this Act, or any other lands or hereditaments which may be purchased under the authority of this Act, shall be discharged within sixty years from the date thereof, and that every such loan raised for and applied for the purchase or extinguishment of the annuities by this Act created shall be discharged within thirty years from the date thereof; and in either case such discharge or any part thereof shall be effected by means of a sinking fund, if the Corporation shall so think fit: Provided further, that if the Corporation at any time think fit to form any such sinking fund, the first payment to be made into the same need not be made until the expiration of one year from the date of the loan in respect of which such sinking fund is formed.

Power to re-borrow.

36. The Corporation, for the purpose of paying off any moneys borrowed by them by way of mortgage under this Act, or raised by them by the issue of debentures or debenture stock under the powers and subject to the provisions of the Local Loans Act, 1875, may from time to time, during the period prescribed by this Act for the repayment of the moneys so borrowed, re-borrow such moneys as they may require either by way of mortgage as provided by this Act or by the issue of debentures or debenture stock under the powers and subject to the provisions of the Local Loans Act, 1875, or partly in one mode and partly in the other: Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in respect of which such re-borrowing has been made, and that the moneys originally borrowed, and any moneys from time to time re-borrowed under the foregoing provisions for the repayment of such moneys, shall for the purposes of sections 14

and 15 of the Local Loans Act, 1875, be deemed to form the same loan, and the obligations of the Corporation with respect to the sinking fund to be set aside in respect of such moneys, and (save as herein-after provided) with respect to the appropriation and application of a fixed annual sum for the repayment of such moneys, shall not in any way be affected by reason of such re-borrowing.

Provisions supplementary to section 14 of 38 & 39 Vict. c. 83.

37. If the Corporation elect to pay off any moneys borrowed by them under this Act by the appropriation of an annual sum as provided by section 14 of the Local Loans Act, 1875, the following provisions shall have effect; (that is to say,)

(1.) The amount of the annual sum shall be an annuity which (calculated at the rate of interest payable by the Corporation on the money borrowed) will repay the money borrowed and the interest thereon within the prescribed period:

(2.) If in any year any part of such annual sum remains at any time unapplied in payment of principal and interest, the amount to be appropriated by the Corporation in the ensuing year shall be the annuity, together with a sum equal to the interest on such part for the time during which such part has remained unapplied, at the rate of interest at which the annuity is calculated:

(3.) Whenever any moneys in respect of which the annual sum is appropriated are paid off by means of moneys re-borrowed at a different rate of interest than that payable on the moneys so paid off, the annual sum shall be reduced or, as the case may be, increased by the subtraction therefrom or the addition thereto of a sum equivalent to the decrease or increase of the interest payable by the Corporation in consequence of such repayment and re-borrowing.

Annual return as to sinking fund, &c. to be made to Local Government Board.

38. The town clerk shall, within twenty-one days after the twenty-fifth day of March in each year during which any sum is required to be appropriated to the discharge of the moneys borrowed under this Act or to be set aside for a sinking fund in respect of such moneys, 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 appropriated and applied to the discharge of such moneys and the amount which has been invested or applied for the purpose of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the amount appropriated, or of the sinking fund or investment, or of the sums accumulated by way of interest, has

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been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and in the event of any wilful default in making any such return, such town clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to appropriate the amount required to be appropriated, or to set apart the sum required for the sinking fund, or have applied any portion of the money so appropriated or set apart, or of the sums accumulated by way of interest, to any purposes other than those authorised, they may by order direct that a sum not exceeding double the amount in respect of which default has been made shall be appropriated to the discharge of the moneys borrowed or, as the case may be, set apart and invested or applied as part of the sinking fund; and such order shall be enforceable by writ of Mandamus, to be obtained by the Local Government Board out of the High Court of Justice.

The Costs of this Act.

Expenses of Act.

39. The costs, charges, and expenses preliminary and of and incidental to the preparing, applying for, obtaining, and passing of this Act, including the costs, charges, and expenses preliminary to and connected with the obtaining of the resolution of owners and ratepayers aforesaid, shall, subject to the provisions of the Act thirty-five and thirty-six Victoria, chapter ninety-one, section six, be paid by the Corporation out of the moneys to be borrowed under the authority of this Act, or out of the borough fund.

SCHEDULES.

FIRST SCHEDULE,

Comprising the Bath Commons or Freemen's Estate.

Part 1.

All that piece or all those pieces of land situate in the parish of Walcot in the city and borough of Bath, containing 13A. 3R. 30P. or thereabouts, and used as a place of public recreation and resort known as the Royal Victoria Park, which said lands are numbered 20 and 21 on the deposited plans, and are now in the occupation or subject to a tenancy in favour of the committee of the subscribers to the said Royal Victoria Park, as yearly tenants, at the rent of 77*l.* 8*s.* 0*d.* And also so many and such part of the foot or carriage ways adjoining or adjacent to the said park as now belong to the freemen or free citizens of Bath, and are in the occupation or subject to a tenancy in favour of the said committee.

Part 2.

All that farm known as the Park Farm, situate in the said parish of Walcot in Bath aforesaid, with the several pieces of land thereto belonging; namely,

Description of Property.	No. on deposited Plan.	Quantity.		
		A.	R.	P.
Farmhouse, yards, and gardens, known as "Park Farmhouse" or "The Common House."	45, 46, 47, 48, and 49 -	1	0	38
Paddock in rear of Marlborough Buildings, called "Ring Common Paddock."	39 and 40 - -	3	2	6
The High Common - - -	29, 30, 31, and 32 -	39	2	13
The Ring or Middle Common, comprising parts of closes formerly known as "Ring Common," "Middle Common," and "Quarry Common."	22 and 23 - -	20	1	30
The Lower Common - - -	19 - - -	11	1	0
Paddock abutting on Weston Road and Park Lane, called "Quarry Common Paddock."	28 - - -	1	2	28
	A.	77	2	35

All which farm and lands, together with the lands and hereditaments men-

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tioned in the third part of this schedule, are in the occupation of Mr. Charles Henry Pyatt, as lessee thereof, at the yearly rent of 440*l.*

Also all that dwelling-house, with the gardens and pleasure grounds thereto adjoining and belonging, containing 3A. 0. 13P. or thereabouts, known as "The Park Cottage," numbered 24, 25, 26, and 27 on the deposited plans, and now in the occupation of Ann Barlow, her under-tenants or assigns, as lessee thereof, at the yearly rent of 100*l.*

Also all those waterworks known as the "Freemen's Waterworks," with the springs, streams, pipes, aqueducts, reservoirs, and appliances thereto belonging, and all easements and rights of laying down, taking up, repairing, cleansing, and renewing reservoirs, pipes, and aqueducts, and all rents and payments for the supply of water, and which said waterworks and premises are now worked by the Corporation for their own profit, under a lease for 1,000 years from the 21st December 1876, at the yearly rent of 10*l.*

Also all that piece of land abutting on No. 1, Marlborough Buildings, in the said parish of Walcot, and upon part of which the porch of that house is erected, and also all that piece of garden ground on the other side of the road, and used as the garden of No. 1, Marlborough Buildings aforesaid, which said pieces of land contain together 0A. 1R. 29P., or thereabouts, and are numbered 43 and 44 on the deposited plans, and are in the occupation of Miss Louisa Palmer Norman, her under-tenants or assigns, as lessee thereof, at the yearly rent of 8*l.* 8*s.* 0*d.*

Also all that piece of garden ground now occupied with No. 6, Marlborough Buildings aforesaid, containing 16 perches or thereabouts, numbered 41 on the deposited plans, and now in the occupation of Henry Bosanquet, Esquire, his under-tenants or assigns, as yearly tenant, at the yearly rent of 2*l.* 2*s.* 0*d.*

Also all that small strip of land numbered 42 on the deposited plans, and now used as an entrance or right of way to Numbers 3, 4, and 5, Marlborough Buildings aforesaid.

Also all those strips or pieces of garden ground, situate in the said parish of Walcot, next herein-after mentioned; namely,

Number on deposited Plan.	Occupied with.	Occupied by or let to.	Yearly rent.
Part 38	No. 4, Park Street -	Occupied by Miss Eliza De Blaquiere.	No rent has been claimed or paid for many years.
„ 38	Small piece used as a reservoir.	The mayor, aldermen, and burgesses of Bath.	Included with rent of waterworks.
37	No. 5, Park Street -	Miss Hester Ann Meyrick.	£1 0 0
36	„ 6, do. -	Rev. Arthur N. Buckeridge.	1 0 0
35	„ 7, do. -	The Misses Halkett -	1 4 0
34	„ 8, do. -	Edwin Hancock -	1 6 0
33	„ 9, do. -	Mrs. Mary Ann Warden	1 8 0

Also all those rents or payments for the right of entering the piece of land in the rear of Marlborough Buildings from the houses there, as follows:—

House in respect of which Payment is made.	Person paying same.	Amount.
		£ s. d.
7, Marlborough Buildings -	Madame Colville - - - -	0 10 0
8, do. do. -	Revd. Thomas Hayes - - -	0 10 0
9, do. do. -	Mrs. Edith Baker - - - -	0 10 0
10, do. do. -	Mrs. Emma Pennefather - - -	0 10 0
11, do. do. -	Admiral William Ellis - - -	0 10 0
12, do. do. -	General Henry A. Carleton - -	0 10 0
13, do. do. -	David Johnston - - - -	0 10 0
14, do. do. -	Revd. Richard England Brooke - -	0 10 0
15, do. do. -	Richard Oliver Heywood - - -	0 10 0
16, do. do. -	Mrs. Bayley - - - -	0 10 0
17, do. do. -	Mrs. Sproule - - - -	0 10 0
18, do. do. -	Herbert George Smith, Thomas Hastings Smith, and Francis Wilkinson.	0 10 0
19, do. do. -	Mrs. Ann Leechman - - -	0 10 0
20, do. do. -	Admiral Matthew Connolly - -	0 10 0
21, do. do. -	H. D. Daniel - - - -	0 10 0
22, do. do. -	H. Digby Serrell - - - -	0 10 0
23, do. do. -	Mrs. Cross - - - -	0 10 0
24, do. do. -	Mrs. Anna Maria Spencer - -	0 10 0
25, do. do. -	Deacon's executors - - -	0 10 0
26, do. do. -	Mrs. Ellen Peel - - - -	0 10 0
27, do. do. -	Mrs. Elizabeth Seymour - - -	0 10 0
28, do. do. -	T. W. Gibbs (tenancy determined).	
29, do. do. -	Thomas Kerl (no rent paid now).	
30, do. do. -	John Robert Miller - - -	0 10 0
31, do. do. -	Henry Holland Burne - - -	0 10 0
32, do. do. -	Mrs Dyer - - - - -	0 10 0
33, do. do. -	John Chandler (no rent paid now).	

PART 3.

All that blacksmith's shop, cottage, yard, and premises, and also all that piece of land now let out in garden allotments, situate on the west side of the road leading from Marlborough Buildings to the Upper Bristol Road, in the said parish of Walcot, numbered 1 to 18 on the deposited plans, and now forming part of the premises of which the said Charles Henry Pyatt is lessee, which hereditaments and premises contain 1A. 2R. 35P. or thereabouts.

The lands and hereditaments described in this schedule are subject to a quit-rent of 6*l.* per annum payable to the trustee of the will of the late Sir Henry Chandos Rivers, Baronet, deceased.

SECOND SCHEDULE,

BEING A STATEMENT OF THE BOUNDARIES OF THE ANCIENT CITY.

From the point in the River Avon where the boundaries of the three parishes of St. James Bathwick and Lyncombe and Widcombe meet in a southerly direction, down the middle of the river through the southern arch of the Bath

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Bridge, and down the middle of the river to the point where Mud Brook discharges into the river, thence northward along Mud Brook as far as the Upper Bristol Road, across that road to a stone now or formerly marked B C, and along the watercourse as far as the hedge of the Royal Victoria Park, thence in a straight line to the stone now or formerly marked B C in the garden wall at the south end of Marlborough Buildings, thence in a straight line through the stones now or formerly marked B C in the walls of the gardens of Nos. 3, 8, 16, 24, 26, and 32, Marlborough Buildings, thence in a straight line to a point in the north wall of No. 34, Marlborough Buildings, distant 7 feet from the back wall of the Marlborough Tap public-house, thence in a straight line across the garden to a stone in the opposite wall marked B C, thence in a northerly direction across the Weston Road a distance of 34 feet, thence eastward along the highway at a distance of 6 feet from the southern walls of the premises abutting on its north side as far as the Countess of Huntingdon's burial-ground, thence along the middle of the road in front of Abingdon Buildings, Julian Road, and Montpellier, across the road at the top of Belmont, and down the middle of Guinea Lane and along the road in front of Somerset Buildings as far as the north side of where Walcot Cock formerly stood, thence in a straight line through the stone in the front of No. 14, Cornwell Buildings, marked B C to the stone in the back of the same house marked B C, thence to a stone in the north wall of Walcot burial-ground now or formerly marked B C, thence in a straight line to the stone in the south wall of the same burial-ground now or formerly marked B C, thence across the River Avon to the stone on the Bathwick side thereof now or formerly marked B C, thence in a straight line through stones in 3 several gardens or in the Henrietta Park, now or formerly marked B C, to the stone in the coach-house of No. 33, Pulteney Street, now or formerly marked B C, thence in a straight line through the stone in the front of that house marked B C across Pulteney Street through the stones in the front and back of No. 48 in that street marked B C, thence in a straight line through the garden and through stones in the back and front of a coach-house and stable now or formerly marked B C, thence in a straight line in a south-easterly direction to a stone now or formerly marked B C distant 60 feet from the said stable, thence to a stone in No. 12, Darlington Street, marked B C, thence across the road to the eastern boundary of Barnard Villas, thence in a southerly direction along the eastern fences of the premises abutting on the western side of the Pulteney Road as far as the boundary between the parishes of Bathwick and Lyncombe and Widcombe, thence westward along that boundary to the point where it meets the boundary of the parish of St. James.

The boundaries before mentioned are delineated in an old plan in a book containing memoranda of perambulations of the same boundaries deposited in the office of the town clerk of the borough.

THIRD SCHEDULE,

A.D. 1879.

BEING LAND FORMING PART OF THE ESTATE OF THE LATE SIR HENRY CHANDOS RIVERS, BARONET.

PART 1.

All and singular the piece or pieces of land situate in the said parish of Walcot, now known as the Royal Avenue and Lawn, and which are used as an adjunct to the Royal Victoria Park, containing 9A. 2R. 30P., or thereabouts, together with the footpath leading therefrom to the Upper Bristol Road; and also all that park-keeper's lodge or cottage abutting on the said Upper Bristol Road and at the southern end of the footpath; all which said pieces of land and premises, together with the pieces of land specified in the second part of this schedule, are now subject to a lease granted to Jerom Murch and Richard Poucher Whitfield at the yearly rent of 153*l.*

PART 2.

All that piece of land, containing 3A. 2R. 25P. or thereabouts, situate in the said parish of Walcot, and bounded on the north and north-east by the said Royal Avenue, on the south partly by the gardens in the rear of the houses in Charlotte Street and partly by Charlotte Street, on the south-east by the gardens in the rear of houses in Queen's Parade, and on the west by the gardens described in the third part of this schedule, which said piece of land is now occupied by John Mansfield, his under-tenants or assigns.

All that piece of land situate in the parish of Walcot aforesaid, bounded on the north partly by the semicircular field in the front of the Royal Crescent and partly by the road in front of the Royal Crescent, on the south by the gravel walk leading from Marlborough Buildings to Queen's Parade Place, on the east by the footpath leading from the gravel walk aforesaid to the Royal Crescent aforesaid, and on the west by Marlborough Buildings aforesaid, which said piece of land contains 4A. 2R. 25P. or thereabouts, and is now in the occupation of Jacob Smith, junior.

The soil of the footpath known as the Gravel Walk aforesaid.

PART 3.

All those pieces of garden ground situate in the said parish of Walcot, bounded on the north in a curved line by the hereditaments and premises of which the particulars are set forth in Part 1 of this schedule, on the south by the Upper Bristol Road aforesaid, on the east partly by the paddock in the rear of Queen's Parade, of which the particulars are set forth in Part 2 of this schedule, and partly by houses in Charlotte Street, and gardens or premises in the rear thereof, and on the west by the road leading from the Upper Bristol Road to Marlborough Buildings, which said hereditaments and premises contain in the whole

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