CHAPTER cxli.

An Act for extending the Boundaries of the Municipal Borough and City and County of the City of Exeter so as to include the Parish of Saint Leonard in the County of Devon, and for extending the operation of certain Local Acts; and for other purposes. [2d August 1877.]

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WHEREAS the city and county of the city of Exeter (in this Act called "the city") is, under the Municipal Corporations Acts, a municipal borough under the government of the mayor, aldermen, and citizens thereof (in this Act called "the Corporation"):

And whereas the city is a county of itself, and has a sheriff and a separate commission of the peace, and a separate court of quarter sessions and a recorder, with a clerk of the peace, and a coroner, and a separate police force:

And whereas the parish of Saint Leonard in the county of Devon is a populous suburb of the city and partly encircled by the city boundary:

And whereas the said parish is under the jurisdiction for sanitary purposes of the Saint Thomas Rural Sanitary Authority, and has a separate school board (herein after called "the Saint Leonard School Board"), and a separate burial board (herein-after called "the Saint Leonard Burial Board"), which school board and burial board respectively avail themselves of the schools belonging to the City School Board and of the cemetery chapels belonging to the Corporation:

And whereas, with a view to efficiency and economy of administration, it is expedient that the city be extended so as to include the said parish of Saint Leonard, and that the Corporation, acting by the Council, be constituted the sole authority for all municipal, sanitary, and local government purposes within the extended city, and it is also expedient that the Saint Leonard Burial Board be

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dissolved, and that the property, debts, and liabilities of that Board be transferred to the Corporation, and that the Corporation, acting by the Council, be constituted the burial board for the whole of the extended city, and it is also expedient that the Saint Leonard School Board be dissolved, and that one school board be elected for the whole of the extended city:

And whereas it is expedient that the parish of Saint Leonard be constituted a ward of the city, and that the number of aldermen and councillors of the city be increased:

2 & 3 W. 4. c. cvi.

And whereas an Act was passed in the year one thousand eight hundred and thirty-two, intituled "An Act for better paving, lighting, watching, cleansing, and otherwise improving the city of Exeter and county of the same city," (in this Act called "the Improvement Act of 1832,") and commissioners were appointed for carrying that Act into execution, and by a Provisional Order, made by one of Her Majesty's Principal Secretaries of State and duly confirmed by The Local Government Supplemental Act, 1867 (No. 6) (in this Act called the Order of 1867), the powers, authorities, and duties, and the property and liabilities of the said commissioners under the Improvement Act of 1832 were transferred to, vested in, and attached to the Corporation:

30 & 31 Vict. c. 123. (*Pub.*)

And whereas there is now owing by the Corporation, in respect of debts contracted by or transferred to the commissioners under the authority of the Improvement Act of 1832, a sum of seventy-three thousand eight hundred pounds, and it is expedient that provision be made for charging that sum exclusively on the area of the existing city:

And whereas the markets and fairs of the Corporation are regulated by the Local Acts enumerated in the first part of the schedule to this Act (in this Act called "the Local Market Acts"):

And whereas, under the provisions of the Local Acts enumerated in the second part of the schedule to this Act (in this Act called "the Local Poor Law Acts"), the relief of the poor in the city is administered by a body corporate, consisting of the mayor and aldermen of the city and of forty other persons qualified and elected as in the said Acts mentioned, and styled "the governor, deputy governor, assistants, and guardians of the poor of the city and county of Exon" (in this Act called "the guardians of the poor of the city"):

And whereas it is expedient that the Improvement Act of 1832, as amended by the Order of 1867, and the Local Market Acts, or so much of them as is unrepealed, be applied to and put in force throughout the extended city:

And whereas it is expedient that provisions be made by this Act

to assimilate the laws for the relief of the poor in the extended city to the general laws for the relief of the poor, and that upon such provisions taking effect so much of the Local Poor Law Acts as is inconsistent with the provisions of this Act, except as herein-after mentioned, be repealed:

And whereas doubts have for some time existed as to the proper name and style of the city and of the Corporation, which doubts it is expedient to remove:

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

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

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

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

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

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.

1. This Act may be cited as "The City of Exeter Extension Act, 1877." Short title.

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Commencement of Act.

2. For the purposes of proceedings preliminary to the municipal elections of one thousand eight hundred and seventy-seven, and the poor law elections of one thousand eight hundred and seventy-eight, and with respect to the style of the city and of the Corporation, this Act shall take effect on its passing, and for all other poor law purposes shall commence and take effect on the twenty-fifth day of March one thousand eight hundred and seventy-eight, and except as aforesaid, this Act shall commence and take effect from and immediately after the thirty-first day of October one thousand eight hundred and seventy-seven (which last-mentioned time is in this Act referred to as the commencement of this Act).

Interpretation of terms.

3. In this Act, unless the context otherwise requires—

"The existing city" means the municipal borough and the city and county of the city of Exeter:

"The added part of the city" means the area added to the existing city by this Act:

"The extended city" means the existing city with the added part of the city:

"The Corporation" and "the Council" mean the mayor, aldermen, and citizens, and the Council of the existing city or of the extended city, as the case may require:

"The Municipal Corporations Acts" means the Act of the session of the fifth and the sixth years of King William IV., chapter seventy-six, "To provide for the regulation of municipal corporations in England and Wales," and all Acts amending the same or otherwise relating to municipal corporations in England:

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

"Person" includes a corporation:

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

Act to be executed by the Council.

4. This Act shall be carried into execution by the Corporation, acting by the Council, and according to the Municipal Corporations

Acts, and the Acts for the time being affecting the Corporation as a municipal body and a sanitary authority respectively, and with all the rights, powers, privileges, exemptions, and authorities conferred by those Acts respectively on the Corporation, and on the Council and committees of the Council, and the officers, agents, and servants of the Corporation, with respect to matters provided for by or comprised in the Municipal Corporations Acts and the Public Health Act, 1875, respectively, and (subject to the provisions of this Act) as nearly as may be in all respects as if the powers, duties, exemptions, and property vested in, imposed on, or enjoyed by the Corporation by or under this Act were vested in, imposed on, or enjoyed by them by or under the Municipal Corporations Acts and the Public Health Act, 1875, respectively.

Extension of City.

Extension of city.

5. The existing city is hereby extended to, and the extended city shall accordingly comprise the parish of Saint Leonard in addition to the existing city, save and except the portions of the said parish consisting of the house, gardens, and grounds occupied as judges lodgings, and known as Larkbear, belonging or reputed to belong to the justices of the peace for the county of Devon, and of that part of the barracks called the Topsham Artillery Barracks which is situate in the said parish, which said portions shall not for any purpose form part of or be deemed to be included in the extended city, or be liable to be rated or assessed to any rate made or to be made within the extended city: Provided that if the Local Government Board, acting under the Divided Parishes and Poor Law Amendment Act, 1876, shall make an order to deal with the parts of the said parish which are separated from the principal part thereof, such first-mentioned parts shall from the date of such order cease to be parts of the said parish, and the provisions of the said Act of 1876 applicable to such orders shall take effect from such date.

Authority of Corporation extended.

6. Subject to the provisions of this Act, the powers, rights, privileges, authorities, and duties of the Corporation as a municipal body, and of the Corporation, acting by the Council, as the sanitary authority for the district of the existing city, and of the Corporation acting in the execution of the Improvement Act of 1832, as amended by the Order of 1867, or of any other Local Act in force within the existing city or otherwise, and the powers, rights, privileges, authorities, and duties of the officers and servants of the Corporation in their respective official capacities, shall extend to and throughout the extended city, and the powers, rights, privileges,

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authorities, and duties of any other sanitary or highway authority within the added part of the city shall cease.

Byelaws, &c. to apply to extended city.

7. All byelaws, orders, and regulations which at the commencement of this Act are in force within the existing city shall extend and apply to the extended city (subject to any future repeal or amendment of the same), and byelaws, orders, and regulations in force within the added part of the city at the commencement of this Act shall cease to be in force or to have any effect therein: Provided that any person may be punished for any offence against the same committed before the commencement of this Act as if this Act had not been passed.

Extension of jurisdiction of the sheriff, recorder, and other officers.

8. The jurisdiction, powers, rights, privileges, and duties of the sheriff, recorder, clerk of the peace, and coroner of the city, and of the justices of the peace appointed for the city, whether acting in general or in quarter sessions, or in petty sessions, or out of sessions, or otherwise, and of the police constables and other peace officers of the city, shall extend throughout the extended city to the exclusion of the jurisdiction, powers, rights, privileges, and duties of any other sheriff, recorder, clerk of the peace, coroner, justices, police constables, or peace officers: Provided always, that nothing in this Act shall be deemed to enlarge or extend the powers, customs, authorities, or jurisdiction of the City Court of Record, or Provost Court, or of the judge and officers of that court, or to enlarge or extend the area within which such powers, customs, authorities, or jurisdiction are now in force or may be lawfully exercised.

Extinction of liability to county and other rates and collection of arrears.

9. Lands and other property in the added part of the city shall not be liable to be rated, or be rated to any county rate, police, highway, or sanitary rate made after the commencement of this Act in or for the county of Devon or the poor law union of Saint Thomas or any parts thereof respectively, but such lands and property shall continue liable to be rated for the relief of the poor as part of the poor law union of Saint Thomas until the twenty-fifth day of March one thousand eight hundred and seventy-eight, and on and from that day the said lands and property shall for all purposes cease to be part of the said union, and be deemed to be part of the poor law union to be formed as herein-after provided. Orders of justices respecting poor rates and matters connected therewith made before the twenty-fifth day of March one thousand eight hundred and seventy-eight, and respecting other rates and matters connected therewith made before the commencement of this Act, shall be executed in and with respect to the added part of the city, and arrears of poor rates existing on the said twenty-fifth day of March, or of other rates existing at the commencement of this Act, may be

collected and recovered therein as if this Act had not been passed. Every person committing an offence in the added part of the city before the commencement of this Act shall be tried, adjudicated on, and dealt with as if this Act had not been passed.

Liability of added part of city with respect to contributing to gaol, &c.

10. The added part of the city shall be exempt from liability to contribute towards the expenses of any gaol or lunatic asylum other than those to the expenses of which the existing city is or may hereafter be liable to contribute, except as regards pauper lunatics, in respect of whom the added part of the city shall be liable to contribute as heretofore until the twenty-fifth day of March one thousand eight hundred and seventy-eight.

As to property of existing Corporation.

11. All estates and property of every description vested in the Corporation at the commencement of this Act for the benefit of the existing city shall vest in the Corporation for the benefit of the extended city, and the Corporation shall hold, enjoy, and exercise for the benefit of the extended city all the property, powers, rights, and privileges which at the commencement of this Act are vested in the Corporation for the benefit of the existing city, but subject to all debts, liabilities, and engagements affecting the same.

Dissolution of Saint Leonard Burial Board, and Corporation to be burial board.

12. From and after the commencement of this Act the Saint Leonard Burial Board shall be dissolved, and the Corporation, acting by the Council, shall be the burial board for the extended city, and shall have within the extended city (to the exclusion of any other authority) all the powers, rights, duties, liabilities, and obligations of a burial board under the Burial Acts.

Transfer to Corporation of powers and duties of Saint Leonard Burial Board.

13. From and after the commencement of this Act all powers, rights, duties, liabilities, and obligations which immediately before the commencement of this Act were exerciseable by or attached to the Saint Leonard Burial Board shall be transferred and attach to the Corporation, and may be exercised and enforced, and shall be discharged and performed accordingly, and all property, real and personal, of every description (including things in action) which at the commencement of this Act belongs to or is vested in the Saint Leonard Burial Board shall be transferred to and vested in the Corporation.

Actions, &c. not to abate.

14. Any action or proceeding, or cause of action or proceeding, commenced or existing either by or against the Saint Leonard Burial Board before the commencement of this Act 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 Corporation in like manner to all intents and purposes as if the Corporation instead of the said burial board were parties to such action or proceeding.

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Officers of Corporation continued.

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

Deposit of plan of extended city.

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

Copies of deposited city plan to be evidence.

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

Corporation to pay a proportionate part of the county debt.

18. Within twelve months after the passing of this Act, the Corporation shall pay to the treasurer of the county of Devon a sum of two hundred and ten pounds thirteen shillings and threepence, being a share (in proportion to the rateable value of the parish of Saint Leonard) of the debt owing by the county of Devon at the present time, and such sum shall be paid by the Corporation out of their borough fund, or out of the moneys authorised to be borrowed by them under the provisions of this Act.

Corporation to execute works of road making and drainage within the parish of St. Leonard.

19. Within three years from the passing of this Act the Corporation shall expend or procure to be expended upon roads and sewers within the parish of Saint Leonard the sum of five thousand pounds; (that is to say,) in the improvement and repair of roads and lighting two thousand pounds, and in the laying down of new sewers and the repair or reconstruction of existing sewers three thousand pounds; and until such sum of five thousand pounds shall have been so expended (of which expenditure the joint certificate of the city surveyor and of the treasurer for the time being of the general district fund shall be conclusive evidence), the inhabitants of the said parish of Saint Leonard shall not be assessed or be liable to contribute to the poor rate, borough rate, general district rate, and any other rate now leviable in the city, a greater aggregate sum in any year than three shillings in the pound on the rateable value for the time being of all hereditaments in the said parish.

WARDS, ALDERMEN, COUNCILLORS.

As to wards.

20. The wards of the existing city shall retain their existing names and boundaries, and the added part of the city shall form one ward to be called the Saint Leonard Ward.

Number of aldermen and councillors.

21. The extended city shall have fourteen aldermen and forty-two councillors, and each ward shall return six councillors.

Election and retirement of councillors for Saint Leonard Ward.

22. On the first day of November one thousand eight hundred and seventy-seven, six councillors shall be elected for the Saint Leonard Ward. The two councillors in that ward who were elected by the smallest numbers of votes shall go out of office on the first day of November one thousand eight hundred and seventy-eight, the two councillors who were elected by the next smallest numbers of votes shall go out of office on the first day of November one thousand eight hundred and seventy-nine, and the remaining two councillors shall go out of office on the first day of November one thousand eight hundred and eighty; and in the case of an equality of votes between any two or more persons, or if there was no poll, the Council shall determine the order in which those persons shall go out of office.

Election and retirement of aldermen.

23. On the ninth day of November one thousand eight hundred and seventy-seven, two aldermen, in addition to the existing number of aldermen, shall be elected by the councillors, and on the ninth day of November one thousand eight hundred and eighty such one of the two additional aldermen as was elected in the year one thousand eight hundred and seventy-seven by the smallest number of votes, or as in the case of an equality of votes or of there being no poll may be determined by the Council, shall go out of office.

Application of Municipal Corporations Acts to elections.

24. Subject to the regulations of this Act, all elections, vacations of office, and rotations shall be governed by the Municipal Corporations Acts.

Saving for 22 & 23 Vict. c. 35.

25. Notwithstanding anything in this Act, sections one, two, and three of the Municipal Corporation Act, 1859, (relating to the division of boroughs into wards,) and any enactment substituted for or amending the same, shall continue to apply to the city.

MARKETS.

General provision as to markets of Corporation.

26. The Markets and Fairs Clauses Act, 1847, (except the provisions with respect to slaughter-houses, and with respect to the byelaws to be made by the undertakers, and with respect to the receipts and expenditure of the undertakers, and with respect to access to the special Act,) is hereby incorporated with this Act, and shall apply to the existing markets and fairs of the Corporation

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as if those markets and fairs were authorised by the Local Markets Act and this Act as the special Act, and the limits of the markets and fairs of the Corporation shall be the same as the limits of the extended city, and those limits shall be the prescribed limits within section thirteen of the said Markets and Fairs Clauses Act.

Byelaws as to markets.

27. The Corporation may from time to time make byelaws for all or any of the purposes mentioned in section forty-two of the Markets and Fairs Clauses Act, 1847, and printed copies of the byelaws so made shall be conspicuously exhibited in the markets. The provisions of the Public Health Act, 1875, with respect to byelaws, shall apply to all byelaws made under the authority of this section.

Application of Local Market Acts to added part of city.

28. The Local Market Acts, or so much thereof as is unrepealed, shall apply to, and the Corporation shall execute the provisions thereof in, the added part of the city as fully to all intents and purposes as they may or can do within the existing city.

Local Poor Law Acts.

Number of elective guardians extended.

29. And whereas it is expedient to increase the number of elective guardians of the said city, to alter and amend the mode of their election, and to shorten their term of office: Be it therefore enacted:

(1.) The guardians of the poor of the city shall consist of ex officio and elective members:

(2.) The ex officio members shall, as heretofore, consist of the mayor and aldermen of the said city for the time being:

(3.) The elective members shall be forty-two in number, six guardians being returned for each municipal ward, and after the first election each guardian shall hold office for three years.

Time for first election of guardians.

30. The first election of guardians under this Act shall take place on the twenty-fifth day of March one thousand eight hundred and seventy-eight, and thereupon the present elective guardians shall go out of office.

Election and retirement of guardians.

31. On the said twenty-fifth day of March one thousand eight hundred and seventy-eight, six guardians shall be elected for each ward, and in each ward the two guardians who were elected by the smallest number of votes shall go out of office on the twenty-fifth day of March one thousand eight hundred and seventy-nine, the two guardians who were elected by the next smallest numbers of votes shall go out of office on the twenty-fifth day of March one thousand eight hundred and eighty, and

the remaining two guardians shall go out of office on the twenty-fifth day of March one thousand eight hundred and eighty-one; and in case of an equality of votes between any two or more persons, or if there was no poll, the court of guardians shall determine the order in which those persons shall go out of office.

Subsequent elections of guardians.

32. On the twenty-fifth day of March one thousand eight hundred and seventy-nine, and on every succeeding twenty-fifth day of March, (except when that day shall fall on a Sunday, in which case the election shall take place on the following day,) two guardians shall be elected for each ward.

Persons by whom guardians are to be elected.

33. The guardians shall be elected by the persons whose names are on the roll of citizens in force within the said city for the time being; and subject to the regulations of this Act, all elections, vacations of office, and rotations shall be governed by the Municipal Corporations Acts, which, mutatis mutandis, are hereby to that extent made applicable to the guardians of the poor of the city.

Annual court of guardians.

34. The annual court for the election of governor, deputy governor, and treasurer, and for the appointment of standing committees for the ensuing year, shall be held on the first Thursday in April, as prescribed in and by the Act of Incorporation of the guardians of the poor of the city.

As to poor law union for Exeter.

35. Subject to the provisions of this Act, the several parishes and precincts within the extended city shall be and the same are hereby constituted and formed into a poor law union under the provisions of the Poor Law Amendment Act, 1834.

Partial repeal of Local Poor Law Acts.

36. So much of the Local Poor Law Acts as is inconsistent with or contrary to the provisions of this Act shall be and the same is hereby repealed, except in regard to acts of the guardians of the poor of the city incomplete, and in regard to all rates and other moneys due and owing under the authority of the Local Poor Law Acts, or any of them, and to all debts owing by the guardians of the poor of the city, and to all claims and demands then outstanding.

Corporation of guardians of poor continued.

37. Notwithstanding anything in the Poor Law Amendment Act, 1834, or this Act, or otherwise to the contrary, the guardians of the poor of the city shall continue to be and be in name and fact the same body politic and corporate in law to all intents and purposes as was incorporated by the Act 9 and 10 William 3, cap. 33., mentioned in the schedule hereto, and shall continue to have and have perpetual succession and a common seal, and shall retain and be called by the name of "the governor, deputy

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governor, assistants, and guardians of the poor of the city and county of Exon."

Continuity of corporation of guardians not to be affected.

38. Nothing in this Act contained shall solve or operate or be construed to solve the continuity of the guardians of the poor of the city as a corporation, or alter or in any manner prejudicially affect the tenure of any lands, tenements, and hereditaments now vested in them, but such lands, tenements, and hereditaments shall continue to be and be held by the said guardians upon the trusts and to and for the ends, intents, and purposes for which the same now are held and enjoyed by them.

Compensation to officers of guardians.

39. In case the guardians of the poor of the city shall not continue in their offices their chaplain, clerk, master, matron, and relieving and other officers and servants, compensation may be paid to them out of the poor rates in respect of the loss of the whole or part of the emoluments of their respective offices; such compensation may be by way of annuity or otherwise, and the amount thereof shall be determined by the Local Government Board.

School Board.

Extension of district of Exeter School Board.

40. For the purposes of the Elementary Education Act, 1870, and the Acts amending the same, the extended city shall be a school district, and the members of the school board for the existing city in office at the commencement of this Act shall be deemed to have been elected, and the said board shall be the school board for that district, subject to the provisions of the above-mentioned Acts and to any Order which may be made by the Education Department in pursuance thereof.

Dissolution of Saint Leonard School Board.

41. From and after the commencement of this Act, the Saint Leonard School Board shall by virtue of this Act be dissolved, and the books and other property (if any) of that board shall be transferred to and become the property of the school board for the extended city, and all debts, liabilities, contracts, and engagements of the Saint Leonard School Board existing at the commencement of this Act shall be transferred to and be discharged, satisfied, and performed by the school board for the extended city.

Act not to affect pending actions, &c.

42. If at the commencement of this Act any action or proceeding, or cause of action or proceeding, is pending or existing against the Saint Leonard School Board, the same shall not be in any wise prejudicially affected by anything in this Act contained, but the same may be prosecuted and enforced against the school board for the extended city as and when it might have been prosecuted and enforced against the Saint Leonard School Board if this Act had not been passed, but not further or otherwise.

As to bye-laws of school board.

43. From and after the commencement of this Act, all byelaws and regulations made by the school board of the existing city and then in force shall apply to and be in force within the extended city (subject to any future repeal or amendment of the same), and all byelaws and regulations made by the Saint Leonard School Board shall cease to be of any force or effect in the added part of the city.

Borrowing and Miscellaneous.

Power to borrow.

44. The Corporation may from time to time, with the consent of the Local Government Board, borrow, in manner provided by the Local Loans Act, 1875, for the purposes of the execution by them of the Improvement Act of 1832, as amended by the Order of 1867, and of this Act, such sums as may be found necessary for those purposes, and the Corporation may mortgage the general district rate leviable by them within the extended city to secure repayment of the sums so borrowed with interest accordingly.

Power to issue debenture stock.

45. The Corporation may raise all or any money which they are by this Act authorised to raise by the creation and issue, subject to the provisions of the Local Loans Act, 1875, of debenture stock, to be called Exeter Corporation Debenture Stock.

Repayment of moneys borrowed.

46. All moneys borrowed by the Corporation under the authority of this Act shall be repaid by them within fifty years after the same were respectively borrowed, by such one or more of the methods (including a sinking fund) provided by the Local Loans Act, 1875, as the Corporation may, with respect to any loan or part of a loan, determine.

Charge of debts transferred.

47. All debts charged on any property or rate which are by this Act transferred to the Corporation shall by virtue of this Act be charged on the general district rates of the extended city next after the charges existing on the general district rates of the existing city at the commencement of this Act, and shall be paid by the Corporation within the same periods and in the same manner as they are now required to be paid.

Provision for debt owing by Corporation under Improvement Act.

48. The sum of seventy-three thousand eight hundred pounds now owing by the Corporation in respect of debts contracted by or transferred to the Commissioners under the Improvement Act of 1832, and the interest thereon, shall continue to be charged exclusively on so much of the general district rates for the extended city as is leviable within the area of the existing city, and in every estimate for a general district rate the Corporation shall specify as a separate item the amount required to be raised on account of the interest or any instalment of principal of the sum so charged, and

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shall levy such amount from the occupiers of property within the area of the existing city, together with and as part of the general district rates.

Repayment of sum of 73,800*l.*

49. The said sum of seventy-three thousand eight hundred pounds shall be repaid by the Corporation within seventy-five years after the passing of this Act by such one or more of the methods (including a sinking fund) provided by the Local Loans Act, 1875, as the Corporation may determine.

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

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

Power to sell surplus lands and property.

51. The Corporation may from time to time sell and dispose of any part of the lands and property transferred to them by or under this Act, and they shall apply the proceeds of any sale in paying off any debt transferred to or money borrowed by them, and until such application such proceeds shall form part of the borough fund.

Style of city and Corporation.

52. From and after the passing of this Act the municipal borough and city and county of the city of Exeter shall for all purposes continue to be styled or be styled, "the city and county

of the city of Exeter," and shall continue to have or have such rank, liberties, privileges, and immunities as are incident to a city and a county of a city; and the name of the body corporate of the city and county of the city of Exeter shall continue to be or be "the mayor, aldermen, and citizens of the city and county of the city of Exeter," and that body corporate shall continue to bear or bear that name accordingly, and by that name shall have perpetual succession, and shall be capable in law by the Council of the city to do and suffer all acts which for the time being they and their successors may lawfully do and suffer by any name or title of incorporation.

Saving for operation of past acts, deeds, &c.

53. Nothing in this Act shall affect any act, deed, matter, or thing done or suffered, before the passing of this Act, by or in relation to the city and Corporation by any name or title of incorporation whatsoever, and every such act, deed, matter, or thing shall be as valid as if this Act had not passed, and shall operate in favour of or against (as the case may require) the city and Corporation and their successors for the time being, and all other parties as fully and effectually as if the said city had at the time of the doing or suffering of such act, deed, matter, or thing been lawfully styled the city and county of the city of Exeter, and as if the said Corporation had at the time of the doing or suffering of such act, deed, matter, or thing lawfully taken and borne the name of the mayor, aldermen, and citizens of the city and county of the city of Exeter, and accordingly been so styled in or in relation to such act, deed, matter, or thing.

Armorial bearings of Corporation.

54. The Corporation may have and use the seal, armorial bearings, and other devices now used by the existing Corporation.

Power to compensate officers.

55. Compensation may be paid by the Corporation out of their borough fund and borough rate to the clerk of the Saint Leonard Burial Board, and to the clerk to the magistrates of the Wonford Petty Sessional Division of the county of Devon, in respect of the loss of the whole or of part of the emoluments of their respective offices in consequence of the passing of this Act; such compensation may be by way of annuity or otherwise, and the amount thereof shall be determined by the Local Government Board.

Saving for existing charges.

56. Nothing in this Act shall prejudicially affect any charge existing at the commencement of this Act, by way of mortgage or otherwise, on the corporate property of the Corporation, or on the borough fund and borough rate, or on any other rates, rents, tolls, or stallages leviable or recoverable by the Corporation.

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General saving for Corporation.

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

Expenses of Act.

58. The costs, charges, and expenses preliminary to and of and incidental to the preparing of, and applying for, and the obtaining and passing of this Act, including the costs, charges, and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid, shall be paid by the Corporation out of the borough fund, or any other funds under their control, or out of money borrowed on the security thereof.

The SCHEDULE.

PART I.

Local Market Act.

1 Geo. IV. c. 78.

An Act for removing the markets held within the city of Exeter, and for providing another market place or other market places in lieu thereof.

4 Will. IV. c. 8.

An Act for removing the markets held in the High and Fore Street, and other places within the city of Exeter, and for providing other markets in lieu thereof.

3 and 4 Vict. c. 122.

An Act to alter, amend, and enlarge the powers and provisions of an Act for removing the markets held in the High and Fore Street, and other places within the city of Exeter, and for providing other markets in lieu thereof.

PART II.

Local Poor Law Acts.

9 and 10 Will. III. c. 33.

An Act for erecting hospitals and workhouses within the city and county of the city of Exon, for the better employing and maintaining the poor there.

31 Geo. II. c. 53.

An Act to explain, amend, and render more effectual an Act passed in the ninth and tenth years of the reign of His late Majesty King William the Third, intituled An Act for erecting hospitals and workhouses within the city and county of the city of Exon, for the better employing and maintaining the poor there.

14 Geo. III. c. 61.

An Act to explain and amend two several Acts of Parliament for "erecting " hospitals and workhouses within the city and county of the city of Exon, for " the better employing and maintaining the poor there," and to raise further sums of money for the more effectually carrying the purposes of the said Acts into execution.

25 Geo. III. c. 21.

An Act to render more effectual several Acts of Parliament for erecting hospitals and workhouses within the city and county of the city of Exon, for

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the better employing and maintaining the poor there, and to raise further sums of money for the better carrying the purposes of the said Acts into execution.

28 Geo. III. c. 76.

An Act for raising further sums of money for the better relief of the poor of the city and county of the city of Exon, and to explain and amend an Act passed in the twenty-fifth year of the reign of His present Majesty, for rendering more effectual several Acts of Parliament for erecting hospitals and workhouses within the said city and county, for the better employing and maintaining the poor there.

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