CHAPTER lxxiii.

An Act for extending the Boundaries of the Municipal Borough of Grantham; and for other purposes. A.D. 1879.

[3d July 1879.]

WHEREAS by virtue of the following charters, namely, a charter granted by His Majesty King Edward the Fourth, dated the eighth day of March one thousand four hundred and sixty-four; a charter granted by His Majesty King Richard the Third, dated the third day of March one thousand four hundred and eighty-three; a charter granted by His Majesty King Edward the Sixth, dated the twenty-eighth day of March one thousand five hundred and fifty-three; a charter granted by His Majesty King James the First, dated the eighth day of June one thousand six hundred and five; a charter granted by His Majesty King Charles the First, dated the thirteenth day of November one thousand six hundred and thirty-two; a charter granted by His Majesty King Charles the Second, dated the tenth day of June one thousand six hundred and sixty-six; and a charter granted by His Majesty King James the Second, dated the fifteenth day of September one thousand six hundred and eighty-nine, the borough of Grantham therein described was declared to be a free town, and was incorporated:

And whereas the said town is a municipal borough under the government of the mayor, aldermen, and burgesses thereof, subject and according to the Acts relating to municipal corporations:

And whereas the borough is not divided into wards for municipal purposes:

And whereas the mayor, aldermen, and burgesses, herein-after called the Corporation, by the Council of the borough, are the sanitary authority for the district of the borough, with the powers and obligations of an urban sanitary authority:

And whereas the borough has a separate commission of the peace and a separate court of quarter sessions, and a recorder, with a clerk of the peace, and a separate police force:

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And whereas it would be of great advantage to the town and to the neighbourhood thereof if the limits of the borough were extended as in this Act provided, and it is expedient that provision be made for dividing the extended borough into wards, and for defining the names and boundaries of the wards, and that the further powers herein-after contained should be conferred:

And whereas it is expedient that the Corporation, acting by the Council, be constituted the sole authority for all municipal, sanitary, and local government purposes within the extended borough, and it is also expedient that the Spittlegate, Houghton, and Walton School Attendance Committee be dissolved, and that one school attendance committee be elected for the whole of the extended borough, and the property, debts, and liabilities of the Spittlegate, Houghton, and Walton School Attendance Committee be transferred to the school attendance committee so to be elected for the extended borough:

And whereas it is expedient that the local boards for the several districts of Spittlegate, Houghton, and Walton, and Little Gonerby, and the committee appointed under the Marston drainage agreement herein-after in this Act mentioned, be dissolved, and the Harrowby and Somerby special drainage district constituted by the rural sanitary authority of the Grantham Union be abolished, and that the powers, rights, duties, liabilities, and property of those boards and committee and of the said rural sanitary authority in respect of the said drainage district respectively be, subject to the provisions of this Act, transferred to the Corporation:

And whereas it is expedient to provide for the payment of certain moneys borrowed and now due and owing by the Corporation and the local boards of the districts of Spittlegate, Houghton, and Walton, and Little Gonerby, in manner herein-after provided:

And whereas it is expedient that the Corporation be empowered to acquire certain market rights in the borough, and that further powers with respect to markets and fairs in the borough be conferred upon them:

And whereas it is expedient that the Corporation be authorised to raise money for the purposes of this Act:

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

And whereas an absolute majority of the Council (the whole number being sixteen), at a meeting held on the eleventh day of December one thousand eight hundred and seventy-eight, after ten clear days notice by public advertisement of such meeting, and of the purpose thereof, in the Grantham Journal newspaper (a local

newspaper published and circulating in the borough), such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate and general district rate:

And whereas such resolution was published twice in the Grantham Journal newspaper (a newspaper circulating in the borough), 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 fifth day of February one thousand eight hundred and seventy-nine, in pursuance of 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: 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,)

Short title.

1. This Act may be cited as the Grantham Extension Act, 1879.

Incorporating 10 & 11 Vict. c. 14.

2. The Markets and Fairs Clauses Act, 1847, is, except where expressly varied by this Act, incorporated with and forms part of this Act.

Interpretation of terms.

3. In this Act—

"The existing borough" means the borough of Grantham as existing at the passing of this Act:

"The added part of the borough" means the district added to the existing borough by this Act:

"The borough" used without qualification, or "the extended borough," means the existing borough with the added part of the borough:

"The Corporation" and "the Council" means the mayor, aldermen, and burgesses of the existing borough or extended borough (as the case may require):

"The Spittlegate Local Board" means the local board for the district of Spittlegate, Houghton, and Walton:

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"The Little Gonerby Local Board" means the local board for the district of Little Gonerby:

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

"The Sanitary Acts" means the Acts so described in the Public Health Act, 1875, and any Act for the time being in force amending or extending the same:

"The Marston drainage agreement" means an agreement, dated twenty-ninth April one thousand eight hundred and seventy-eight, made under the powers of the Public Health Act, 1875, between the Corporation, the Spittlegate Local Board, and the Little Gonerby Local Board, with reference to the construction of an outfall sewer to and other drainage and irrigation works at and near Marston:

"The Marston Drainage Committee" means the committee appointed under the Marston drainage agreement:

Words and expressions to which by the Act 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 the 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:

"Person" includes a body corporate.

Commencement of Act.

4. For the purposes of proceedings preliminary to the municipal elections of November one thousand eight hundred and seventy-nine, this Act shall take effect on its passing, and except for those purposes this Act shall commence and take effect from and immediately after the thirty-first day of October one thousand eight hundred and seventy-nine (which last-mentioned time is in this Act referred to as the commencement of this Act).

Act to be executed by the Council.

5. 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 borough.

6. Subject to the provisions of this Act, the boundaries of the existing borough are hereby extended so as to comprise, and the borough shall accordingly comprise, in addition to the existing borough, the several parts of parishes and other places described in the First Schedule to this Act, except (until transferred to the Corporation in manner by this Act provided) the police station and other houses, buildings, and lands situate in Spittlegate aforesaid, and now vested in the justices of the peace of the parts of Kesteven or in the clerk of the peace of the said parts on their behalf.

Jurisdiction of Corporation extended.

7. The jurisdiction, powers, rights, authorities, and duties of the Corporation as a municipal body, and of the Corporation acting by the Council as the urban sanitary authority for the district of the existing borough or otherwise, and of all officers and servants of the Corporation, shall extend throughout the extended borough.

Jurisdiction, &c. of justices, &c. extended.

8. The jurisdiction, powers, authorities, rights, privileges, and duties of the recorder, clerk of the peace, and coroner of the existing borough, and of the justices of the peace appointed for the existing borough, whether acting in petty sessions or out of sessions, or otherwise, and of the police constables of the existing borough and other peace officers of the existing borough, shall extend throughout the extended borough to the exclusion of the jurisdiction, powers, authorities, rights, and duties of any other recorder, clerk of the peace, justices, coroner, constables, and peace officers.

Lands added to be deemed part of borough for all purposes.

9. The lands, houses, buildings, roads, and works, precincts and places, by this Act added to the existing borough, and included within the limits of the borough, shall, except as aforesaid, henceforth be and be deemed part of the borough to all intents and purposes whatsoever as if they had been comprised in the existing borough, and shall be severed from and cease to be included within the limits of the district of any local board or other local authority, other than and except the guardians of the Grantham Union for poor law purposes; and, subject to the provisions of this Act, all the powers and provisions of the Sanitary Acts and the Public Health Act, 1875, now applicable to the existing borough or any

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part thereof shall respectively apply to the same lands, houses, buildings, roads, and works, precincts and places, and to the extended borough and the inhabitants thereof, and other persons therein, and shall henceforth be exercised and put in force throughout the same.

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

10. The lands, houses, buildings, roads, and works, precincts and places, in the added part of the borough shall be exempt from and shall not be liable to be rated or be rated to any county rate, county police rate, or highway or sanitary rate made after the commencement of this Act in and for the parts of Kesteven, in the county of Lincoln, or within the several parishes, townships, and districts of Spittlegate, Houghton, and Walton, Somerby, Harrowby, and Manthorpe-cum-Little Gonerby, or any part thereof respectively, but orders of county justices respecting rates and matters connected therewith made before the commencement of this Act, and arrears of county, and county police, and highway or sanitary rates existing at the commencement of this Act, shall be executed in and with respect to the added part of the borough, and may be collected and recovered therein as if this Act had not been passed.

Parts of parishes not added to be under jurisdiction of Grantham rural sanitary authority.

11. From and after the commencement of this Act those portions of the parishes and townships of Spittlegate, Houghton, and Walton, Somerby, Harrowby, and Little Gonerby which are not included within the borough shall be and remain under the jurisdiction of the rural sanitary authority of the Grantham Union.

Part of Somerby to be annexed to Harrowby.

12. From and after the commencement of this Act that portion of the parish of Somerby which is situate between the eastern boundary of the extended borough and the road known as the High Dyke, leading from Colsterworth to Lincoln, and between the township of Harrowby and the parish of Spittlegate, Houghton, and Walton, shall for highway purposes be annexed to and form part of the township of Harrowby.

Deposit of borough plan.

13. A plan of the borough as extended by this Act, showing the boundaries of the several wards and districts into which the borough is by this Act divided, and also showing the roads and the points A and B referred to in the agreement by this Act confirmed, signed in duplicate by Henry Cecil Raikes, Esquire, the Chairman of the Committee of the House of Commons 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 Commons, and with the town clerk of the borough at his office.

Copies of deposited borough

14. 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.

plan to be evidence.

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

Officers continued.

16. The borough shall be divided into two wards, having the names and boundaries set forth and described in the Second Schedule to this Act.

Division of extended borough into wards.

17. The borough shall have four aldermen, two for each ward, and twelve councillors, and each ward shall return six councillors.

Number of aldermen and councillors.

18. The several persons who on the first day of November one thousand eight hundred and seventy-nine are aldermen of the existing borough shall be eligible for election as councillors at the election of councillors to be held on that day, notwithstanding that such persons are then aldermen of the borough.

Aldermen to be eligible for election as councillors on 1st November 1879.

19. For the purposes of the burgess list, burgess roll, and other lists to be made after the passing of this Act under the Municipal Corporations Acts, and in relation to the functions and offices of the mayor and town clerk under those Acts, the added part of the borough shall be deemed to have always been part of the borough.

Burgess list.

20. The first election of councillors for the borough shall take place on the first day of November one thousand eight hundred and seventy-nine, on which day all the existing councillors of the borough shall go out of office. On the first day of November one thousand eight hundred and eighty, and in every year thereafter, one third of the number of councillors shall go out of office, and in the year one thousand eight hundred and eighty those who shall go out of office shall be the councillors who were elected by the smallest number of votes in this present year, and in the next year, one thousand eight hundred and eighty-one, those who shall go out of office shall be the councillors who were elected by the next smallest number of votes in this present year, the majority of the number present at a meeting of the Council always determining when the votes are equal, or, in the event of no more persons being nominated than there are vacancies, who shall be the persons to go out of office, and thereafter those who shall go out of office

First election of councillors.

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shall always be the councillors who have been the longest time in office without re-election.

Present mayor to continue in office.

21. Notwithstanding anything in the last preceding section contained, the mayor of the borough who shall be in office on the thirty-first day of October one thousand eight hundred and seventy-nine shall continue to be the mayor until a new mayor is elected.

First election of aldermen.

22. The first election of new aldermen for the borough shall take place on the ninth day of November one thousand eight hundred and seventy-nine, on which day, immediately after the election of the mayor, all the existing aldermen shall go out of office.

Retirement of aldermen.

23. On the ninth day of November one thousand eight hundred and eighty-two, and in every third succeeding year, one half of the whole number of aldermen shall go out of office. The aldermen who shall go out of office in the year one thousand eight hundred and eighty-two shall be those who were elected by the smallest number of votes at the election to be held in the month of November one thousand eight hundred and seventy-nine, and thereafter those aldermen shall go out of office who have been aldermen for the longest time without re-election.

Present auditors to continue.

24. The present auditors of the existing borough shall remain in office until the first day of March one thousand eight hundred and eighty, and shall be the auditors of the borough.

Mode of election.

25. Subject to the foregoing provisions of this Act, such elections and all vacations of office and rotations shall be governed by the Municipal Corporations Acts and other laws for the time being affecting the Corporation.

Provision for equality of votes.

26. If at the election of aldermen or of councillors to be held in the month of November one thousand eight hundred and seventy-nine there is an equality of votes between any two or more aldermen, or between any two or more councillors, or in case of such councillors being elected without a poll, the Council shall at their meeting on the ninth day of the said month of November, or at some adjournment thereof, determine the order of retirement of such persons.

Extension of district of school attendance committee.

33 & 34 Vict. c. 75,

27. For the purposes of the Elementary Education Act, 1870, and the Acts amending the same, the members of the school attendance committee for the existing borough in office at the commencement of this Act shall be deemed to have been elected for the extended borough, and the said school attendance committee shall be the school attendance committee for the extended borough,

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 Spittlegate School Attendance Committee.

28. From and after the commencement of this Act the Spittlegate, Houghton, and Walton School Attendance Committee shall by virtue of this Act be dissolved, and the books and other property (if any) of that attendance committee shall be transferred to and become the property of the school attendance committee for the extended borough, and all debts, liabilities, contracts, and engagements of the Spittlegate, Houghton, and Walton School Attendance Committee existing at the commencement of this Act shall be transferred to and be discharged, satisfied, and performed by the school attendance committee for the extended borough.

Pending actions, &c.

29. If at the commencement of this Act any action or proceeding, or cause of action or proceeding, is pending or existing by or against the said Spittlegate, Houghton, and Walton School Attendance Committee, the same shall not be in anywise prejudicially affected by anything in this Act contained, but the same may be prosecuted and enforced by or against the school attendance committee for the extended borough as and when it might have been prosecuted and enforced by or against the Spittlegate, Houghton, and Walton School Attendance Committee if this Act had not been passed, but not further or otherwise.

As to byelaws of school attendance committee.

30. From and after the commencement of this Act all byelaws and regulations made by the school attendance committee of the existing borough, and then in force, shall apply to and be in force within the extended borough (subject to any future repeal or amendment of the same), and all byelaws and regulations made by the Spittlegate, Houghton, and Walton School Attendance Committee, the Little Gonerby School Attendance Committee, and the Harrowby and Somerby School Attendance Committee, or any other school attendance committee, shall cease to be of any force or effect in the added part of the borough.

As to Spittlegate School Committee's byelaws.

31. Notwithstanding the dissolution of the Spittlegate, Houghton, and Walton School Attendance Committee, all byelaws and regulations previously made by that committee or the school authority shall continue in force in respect of that portion of the district of the said school attendance committee which is not included within the extended borough, subject to such byelaws and regulations being revoked or altered in respect of that portion of that district by the school authority in pursuance of section seventy-four of the Elementary Education Act, 1870.

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Audit of accounts.

32. The accounts of the said Spittlegate, Houghton, and Walton School Attendance Committee up to the time of the commencement of this Act shall be audited by the proper officer of the Local Government Board in like manner and subject to the like right of appeal as if this Act had not been passed.

Local boards, &c. dissolved.

33. From and after the commencement of this Act the Spittlegate Local Board, and the Little Gonerby Local Board, and the Marston Drainage Committee shall be dissolved, and the Harrowby and Somerby Special Drainage District constituted by the rural sanitary authority of the Grantham Union shall be abolished.

Transfer to Corporation of powers, duties, and liabilities of local boards, &c.

34. 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 either of the said local boards, or the said Marston Drainage Committee, or the said rural sanitary authority in respect of the said special drainage district, in respect of the districts or portion of districts respectively by this Act included within the borough (except the power of requiring contributions for special drainage rates in the said special drainage district), shall, subject to the provisions of this Act, be transferred and attach to the Corporation, and may be exercised and enforced, and shall be discharged and performed accordingly.

Transfer to Corporation of property of local boards, &c.

35. From and after the commencement of this Act all such property, real and personal (including all interest, rights, and easements in, to, and out of property, real and personal, and including things in action), as immediately before the commencement of this Act belonged to or was vested in either of the said local boards, or the said Marston Drainage Committee, or the said rural sanitary authority in respect of the said special drainage district, or any person on their behalf respectively, shall, subject to the provisions of this Act, belong to and be vested in the Corporation, and may be held, recovered, and enjoyed accordingly.

Conveyances, &c. to remain in force.

36. Subject to the provisions of this Act, all conveyances, leases, deeds, appointments, contracts, agreements, mortgages, bonds, covenants, securities, orders, notices, resolutions, and proceedings made or entered into before the commencement of this Act to, with, in favour of, or by, for, or on behalf of, either of the said local boards, or the said Marston Drainage Committee, or the said rural sanitary authority in respect of the said special drainage district, or any person on their behalf, and now in force, shall be and remain as valid and effectual in favour of, against, and with reference to the Corporation, and may be proceeded on and enforced in like

manner to all intents and purposes, as if the Corporation, instead of the said local boards, or the said Marston Drainage Committee, or the said rural sanitary authority in respect of the said special drainage district, had been party or privy thereto.

Actions, &c. not to abate.

37. Any action, suit, prosecution, or other proceeding whatsoever commenced either by or against either of the said local boards, or the said Marston Drainage Committee, or the said rural sanitary authority in respect of the said special drainage district, before the commencement of this Act, shall not abate or be discontinued or prejudicially affected by this Act, but, on the contrary, may be maintained, prosecuted, 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 local boards, or the said Marston Drainage Committee, or the said rural sanitary authority in respect of the said special drainage district, were parties to such action, suit, prosecution, or proceeding.

Rates due at commencement of Act to be recoverable by Corporation.

38. All rates, tolls, dues, rents, and moneys which immediately before the commencement of this Act are due and payable or accruing due and payable to either of the said local boards, or the said Marston Drainage Committee, or the said rural sanitary authority in respect of the said special drainage district, shall, from and after the commencement of this Act, be payable to and may be collected and recovered by the Corporation in like manner as any rates under this Act may be collected and recovered by the Corporation.

Debts due to and by local boards, &c. to be paid to and by Corporation.

39. All persons who immediately before the commencement of this Act owe any sum of money to either of the said local boards, or the said Marston Drainage Committee, or the said rural sanitary authority in respect of the said special drainage district, or to any person on their behalf respectively, shall pay the same, with all interest (if any) due or to accrue due for the same, to the Corporation, and all debts and moneys which immediately before the commencement of this Act are due or owing by or recoverable from either of the local boards, or the said Marston Drainage Committee, or the said rural sanitary authority in respect of the said special drainage district, or for the payment whereof either of the said local boards, or the said Marston Drainage Committee, or the said rural sanitary authority in respect of the said special drainage district, are or but for this Act would be liable, shall, except as herein-after provided, be paid, with all interest (if any) due or to accrue thereon, by or be recoverable from the Corporation.

Byelaws, &c. to remain in force.

40. All byelaws, rules, regulations, and orders duly made and in force within the districts of either of the said local boards imme-

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diately before the commencement of this Act shall continue in force within so much of the districts of those local boards as are by this Act added to the borough, and may be repealed, altered, or varied by the Corporation as if they had been made under the powers of the Public Health Act, 1875, and such byelaws, rules, regulations, and orders, and all penalties and forfeitures thereby respectively imposed, and all penalties and forfeitures incurred, may be enforced, recovered, and applied in like manner in all respects as the same respectively might be enforced, recovered, and applied in case the same had been made and imposed respectively by the Corporation.

Books to be evidence.

41. All books and other documents directed or authorised to be kept by either of the said local boards by any Act of Parliament, and which at the passing of this Act would be receivable in evidence, shall, notwithstanding the dissolution of those boards, be admitted as evidence in Her Majesty's High Court of Justice and all other courts accordingly.

Audit of local boards accounts.

42. The accounts of the said local boards up to the time of the commencement of this Act shall be audited by the proper officer of the Local Government Board in like manner and subject to the like right of appeal as if this Act had not been passed.

As to Marston drainage agreement.

43. For the purposes of the Marston drainage agreement there shall be a committee of the Corporation, to consist of six members of the Corporation, of whom three shall be a quorum; and the clerk to the committee appointed under the Marston drainage agreement shall be the clerk to the said committee of the Corporation, upon the same terms and conditions as he held the office of clerk to the Marston Drainage Committee.

All expenses of Corporation to be defrayed out of district fund.

44. The Corporation shall, except as herein-after in this Act provided with respect to the Corporation old loan rate, the Corporation old sewage rate, the Spittlegate loan rate, and the Little Gonerby rate, defray all costs and expenses incurred by them in the execution of the Municipal Corporations Acts out of the district fund and general district rates leviable by them under the powers of the Public Health Act, 1875, and of this Act, and all sums which it is proposed to defray out of the general district rates in pursuance of this section shall be included in the estimate which is required by the Public Health Act, 1875, to be prepared before making a general district rate.

Power of Corporation to levy general district rates.

45. All sums which are by this Act required or authorised to be defrayed out of the district fund and general district rates shall be raised and levied by the Corporation as part of the general district rates throughout the extended borough, subject and according to the provisions of the Public Health Act, 1875, and of this Act.

As to payment of certain loans and debts.

46. The following sums and debts, or so much thereof as shall not have been paid off at the commencement of this Act, shall be a charge on the general district rate throughout the extended borough; (that is to say,)

1. The sum of eight hundred and fourteen pounds borrowed by the Corporation under the Prisons Act, 1877, from the Public Works Loan Commissioners for the purpose of re-purchasing the borough prison, together with all interest due thereon: 40 & 41 Vict. c. 21.
2. The sum of one thousand three hundred and eighty-four pounds nineteen shillings, part of the sum of one thousand nine hundred pounds borrowed by the Little Gonerby Local Board under the Local Government Act, 1858 (herein-after called "The Little Gonerby Loan"), together with all interest due thereon: 21 & 22 Vict. c. 98.
3. All sums (if any) borrowed, together with all interest thereon, and all debts (if any) incurred by the Marston Drainage Committee.

Formation of separate districts.

47. In order to assess and levy rates on various constituent parts of the borough for the purposes of this Act applicable thereto, the borough shall be and is hereby divided into four districts, of the respective names and descriptions following; (that is to say,)

1. The Old Borough District, comprising the existing borough:
2. The Spittlegate District, comprising so much of that parish of Spittlegate, Houghton, and Walton as is included in the extended borough:
3. The Harrowby and Somerby District, comprising those portions of the parishes of Harrowby and Somerby which are included within the extended borough:
4. The Little Gonerby District, comprising that portion of the township of Little Gonerby which is included within the extended borough.

Rate for paying off Corporation old loans, &c.

48. For the purpose of paying off the sum of nine hundred and fifty pounds borrowed by the Corporation under an Act of the ninth and tenth Victoria, chapter seventy-four, intituled "An Act to encourage the establishment of Public Baths and Washhouses," and the Acts amending the same, and the sum of four thousand five hundred pounds borrowed by the Corporation under the Municipal Corporations Acts, together with all interest due or to accrue due on those sums respectively, and all other debts of the Corporation as a Municipal Corporation (other than those for the payment of which special provision is made by this Act), or so much of those sums, interest, and debts as shall not have been paid at the commencement of this Act (herein-after called "The Corporation Old

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Loan"), the Corporation shall in the first place apply any cash in hand to the credit of the borough fund account and any borough rates uncollected at that time, and shall thereafter from time to time assess and levy a distinct and separate rate, to be called "The Corporation Old Loan Rate," upon all lands, houses, and other property now liable to a borough rate in the Old Borough District, in the same manner as borough rates are raised and levied under the Municipal Corporation Acts, and the provisions of those Acts with respect to borough rates shall, so far as applicable, apply to and in the case of the Corporation old loan rate.

Rate for paying off Corporation sewage loan, &c. 11 & 12 Vict. c. 63.

49. For the purpose of paying off the sum of six thousand two hundred and sixty-six pounds borrowed by the Corporation under the Public Health Act, 1848, the Local Government Act, 1858, and the Public Health Act, 1875, together with all interest due or to accrue due thereon, and all other debts of the Corporation as a local board or urban sanitary authority (other than those for the payment of which special provision is made by this Act), or so much of that sum, interest, and debts as shall not have been paid off at the commencement of this Act (herein-after called "The Corporation Old Sewage Loan"), the Corporation shall in the first place apply any cash in hand to the credit of the Grantham Local Board account and any district rates uncollected at that time, and shall thereafter from time to time assess and levy a distinct and separate rate, to be called "The Corporation Old Sewage Loan Rate," upon all lands, houses, and other property now liable to a general district rate in the Old Borough District.

Rate for paying off Spittlegate loan, &c.

50. For the purpose of paying off the sum of one thousand five hundred pounds borrowed by the Spittlegate Local Board under the Public Health Act, 1875, together with all interest due or to accrue due thereon, and all other debts of the said local board, or so much of that sum, interest, and debts as shall not have been paid off at the commencement of this Act (herein-after called "The Spittlegate Loan"), the Corporation shall in the first place apply any cash in hand and rates uncollected belonging at that time to the said local board, and shall thereafter from time to time assess and levy a distinct and separate rate, to be called "The Spittlegate Loan Rate," upon all lands, houses, and other property liable to a general district rate in the Spittlegate District.

Rate for paying off Little Gonerby debts.

51. For the purpose of paying off all debts, other than those for the payment of which special provision is made by this Act, owing by the Little Gonerby Local Board, or so much of those debts as shall not have been paid at the commencement of this Act, the Corporation shall in the first place apply any cash in hand and

rates not collected belonging at that time to the said local board, and shall thereafter from time to time assess and levy a distinct and separate rate, to be called "The Little Gonerby Rate," upon all lands, houses, and other property liable to a general district rate in the Little Gonerby District.

Mode of levying loan rates.

52. Subject to the provisions of this Act, the Corporation old sewage loan rate, and the Spittlegate loan rate, and the Little Gonerby rate shall be raised and levied by the Corporation in the same manner as general district rates are raised and levied under the Public Health Act, 1875, and the provisions of that Act with respect to general district rates shall, so far as applicable, apply to and in the case of such rates respectively.

Separate accounts to be kept.

53. The Corporation shall keep separate and distinct accounts of receipts and expenditure in respect of the Corporation old loan rate, the Corporation old sewage loan rate, the Spittlegate loan rate, and the Little Gonerby rate.

Provisions as to paying off loans.

54. Notwithstanding anything in this Act contained, the Corporation old loan, and the Corporation old sewage loan, and the Spittlegate loan, and Little Gonerby loan shall be repaid by the Corporation within the same time and in the same manner in all respects as those loans would have been required to be repaid by the Corporation, or by the Spittlegate Local Board, or by the Little Gonerby Local Board if this Act had not been passed.

As to rating Harrowby and Somerby.

55. The general district rate in the Harrowby and Somerby District shall be levied in the manner and proportions following; (that is to say,)

So long as the rateable value chargeable to the said rate of the lands, houses, and property in the Harrowby and Somerby District shall be less than four thousand pounds the said rate shall be levied in that district in the proportion of threepence for every fivepence of the general district rate levied in the extended borough, and so long as the said rateable value shall be four thousand pounds and less than seven thousand pounds the said rate shall be levied in the proportion of fourpence for every fivepence of the general district rate levied in the extended borough, and when the said rateable value amounts to seven thousand pounds the said rate shall be levied in the said district equally and in the same manner as in the other portions of the extended borough.

As to purchase or lease of markets.

56. The Corporation may purchase or take on lease from the Right Honourable the Earl of Dysart, his heirs, executors, and administrators, or others the lord or lords for the time being of the

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manor of Grantham, all their market rights, and rights to levy, collect, and receive tolls, dues, duties, rents, stallage, pickage, and poundage within the borough, on such terms and conditions as may be mutually agreed on, and from and after such purchase, or during the continuance of any such lease, the Corporation may exercise all such market rights, and rights of levying, collecting, and receiving tolls, dues, duties, rents, stallage, pickage, and poundage.

Power of Corporation to borrow for purposes of Act. 38 & 39 Vict. c. 83.

57. The Corporation may from time to time, with the previous approval of the Local Government Board, borrow on mortgage or in any manner provided by and subject to the provisions of the Local Loans Act, 1875, so much money as they deem necessary for defraying the expenses of the execution by them of this Act, and may charge the revenue of the market undertaking of the Corporation and the district fund and general district rate, or any of them, as security for the repayment of such money with interest.

Repayment of sums borrowed.

58. All sums borrowed by the Corporation for defraying the expenses of the execution by them of this Act shall be repaid by such one or more of the methods (including a sinking fund) prescribed by the Local Loans Act, 1875, as the Corporation may see fit, and within fifty years after the same is borrowed.

Power to re-borrow.

59. The Corporation may from time to time re-borrow any amount borrowed by them and paid off otherwise than by instalments or by means of a sinking fund: Provided that the time for repayment of money so re-borrowed shall not extend beyond the unexpired part of the period for which the original loan was sanctioned.

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

60. 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 or to be paid off by instalments 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 paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which any investment has been made, and also showing the purposes to which any portion of the moneys invested for the sinking fund, and all interest thereon, 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 the 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 set apart the sum required by this Act for

the sinking fund or to pay any instalment, or have applied any portion of the money set apart for that fund, or any interest thereon, to any purposes other than those authorised by this Act, the Local Government Board may, if they think fit, by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice, and the provisions of this section shall, mutatis mutandis, apply to annual instalments and appropriations.

Priority of existing mortgages.

61. All mortgages granted by the Corporation, subsisting at the passing of this Act, shall, during their continuance, have priority of charge on the security therein comprised over all mortgages, debenture stock, and annuities granted or issued under this Act.

Application of revenue of market undertaking.

62. The Corporation shall keep accounts, distinguishing capital and revenue, in respect of their market undertaking, separate from all their other accounts, and shall (subject to the provisions of this Act) apply all money from time to time received by them in respect thereof, except borrowed money, as follows; (that is to say,)

First. In payment of their costs, charges, and expenses of and incidental to the collecting and recovering of market tolls, dues, duties, rents, stallage, pickage, and poundage, and of the working and establishment expenses and cost of maintenance of the markets;

Secondly. In payment of the interest on moneys borrowed for the purposes of their market undertaking;

Thirdly. In providing the requisite instalments or sinking fund for their market undertaking;

Fourthly. In improving their markets, and in payment of any charges or expenses for the time being paid out of the general district rate in respect thereof;

Fifthly. In such manner as the Corporation think best for the improvement of the borough and the public benefit of the inhabitants.

Application of money borrowed.

63. The money borrowed under this Act shall be applied for the purposes for which it was borrowed, and for alteration, improvement, extension, and enlargement of works, and generally for objects to which capital money is properly applicable, and for no other purposes.

Confirmation of agreement between Corporation and Earl of Harrowby.

64. The agreement between the Corporation and the Right Honourable Dudley Earl of Harrowby, which (with the exception of the plan annexed thereto) is set forth in the Third Schedule to this Act, shall be and is hereby confirmed.

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Compensation to clerk of the peace for the parts of Kesteven and others.

65. Full compensation shall be paid by the Corporation to the clerk of the peace for the said parts of Kesteven, and to the clerk to the justice of the peace of the petty sessional division of Spittlegate in the said parts, and to the coroner for the Grantham division of the county of Lincoln, and to any officer of any of the said local boards or school attendance committees, and to all other persons, in respect of the loss of the whole or part of the emoluments of office by reason of the passing of this Act. Such compensation may be by way of annuity or otherwise, and shall be paid by the Corporation out of their district fund and general district rates, and the amount of such compensation shall be determined by agreement, or, in the event of dispute, by the Local Government Board: Provided that any clerk or officer of any of the said local boards or school attendance committees who shall accept employment in any office of equal value under the Corporation shall be deemed to waive all claim for compensation under this Act.

Payment by Corporation for county lunatic asylum.

66. And whereas the existing borough is liable to the payment, under the contract of union dated the seventh day of July one thousand eight hundred and forty-nine, of one-eightieth part of the expense of providing and maintaining the Lincolnshire County Lunatic Asylum, and the parts of Kesteven are liable to the payment of eighteen-eightieth parts of the cost of such maintenance, and it is expedient that the payment by the Corporation should be increased: Therefore, from and after the commencement of this Act, the Corporation shall pay to the treasurer of the said parts of Kesteven a further one-eightieth part towards the eighteen-eightieth parts now contributed by the parts aforesaid.

As to proceeds of sale of militia store buildings.

67. And whereas at the time of the building of the Royal South Lincoln Militia storehouses in Harrowby the existing borough contributed one-fiftieth part of the expense of such buildings: Therefore, in case of the sale of such buildings and a division of the money between the parts of Kesteven and the borough, the borough shall receive one-fiftieth part of such proceeds of sale, and shall apply such one-fiftieth part in aid of the Corporation old loan rate.

Cost of maintaining children in reformatory to be paid by Corporation.

68. The cost of any child who at the time of the passing of this Act shall be confined in any reformatory convicted of an offence committed in any part of the added part of the borough shall be borne by the Corporation in exoneration of the liability of the said parts.

Permissive sale of county buildings.

69. The justices of the peace for the parts of Kesteven, in the county of Lincoln, are hereby authorised at any time, by order

of quarter sessions, to transfer to the Corporation, and the Corporation are authorised to purchase, the police station, and other houses, buildings, and lands, and their fixtures, fittings, and appurtenances, situated in Spittlegate aforesaid, and now vested in the said justices or in the clerk of the peace for the said parts of Kesteven on their behalf, and all their or his interest therein respectively, on such terms and conditions as may be mutually agreed upon, or, failing agreement, as may be determined by arbitration in the manner provided by the Companies Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration, and upon and from such transfer the said police station, houses, buildings, and lands shall be comprised within the borough.

8 & 9 Vict. c. 16.

Expenses of Act.

70. 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, and the costs of the award, dated the nineteenth day of November one thousand eight hundred and seventy-eight, with reference to the promotion of the Bill for this Act, 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 borough fund, general district fund, general district rate, or any other funds under their control, or out of any money borrowed on the security thereof.

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SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Municipal Limits of Borough as extended.

The existing municipal borough and the added part of the borough; (namely,) so much of the parishes of Spittlegate, Houghton, and Walton, Somerby, Harrowby, and Manthorpe-cum-Little Gonerby, and the place called "The Grange," all in the parts of Kesteven, in the county of Lincoln, except (until transferred to the Corporation) the police station and other houses, buildings, and lands situate in Spittlegate aforesaid, and now vested in the justices of the peace of the parts of Kesteven, or in the clerk of the peace of the said parts on their behalf, as is situated without the existing borough, and included within the boundaries herein-after defined; (that is to say,)

A boundary line commencing at the north-west corner of the present boundary of the borough of Grantham in Earle's Fields; thence proceeding in a northerly direction along the boundary between the township of Little Gonerby and the parish of Barrowby until it meets the boundary between the parish of Great Gonerby and the township of Little Gonerby; thence proceeding in an easterly direction along the last-mentioned boundary, and passing the boundary stone on the east side of the Great North Road leading from Grantham to Newark, to the north-west corner of a field belonging or reputed to belong to and in the occupation of William Ostler; thence in a south-easterly direction in a straight line for a distance of one thousand one hundred and eighty-seven yards or thereabouts to the north-east corner of a field belonging or reputed to belong to Sir William Earle Welby-Gregory, Baronet, and in the occupation of the Corporation of Grantham (in which field the sewage tanks of the Corporation are situate), and thence in a south-easterly direction for a distance of two hundred and eighty-eight yards or thereabouts along the eastern side of the occupation road leading from Belton Lane to the said sewage tanks, to the point in that lane where the said occupation road joins that lane; thence in a south-easterly direction for a distance of three hundred and eighty-seven yards or thereabouts till it meets the north side of Harrowby Lane, at a point in that lane four hundred and seventy-seven yards or thereabouts, measured in an easterly direction along that lane, from a point where the said Harrowby Lane joins the before-mentioned road called Belton Lane; thence in a straight line in a southerly direction for a distance of two thousand two hundred and eighty yards or thereabouts till it meets the southern side of the Bridge End Road, at the point where the western side of Salter's Ford Road joins the Bridge End Road; thence in a south-westerly direction in a straight line for a

distance of one thousand one hundred and fifty yards or thereabouts to the south side of Gorse Lane, at the point where Gorse Lane joins the Great North Road from Grantham to Colsterworth; thence in a north westerly direction in a straight line for a distance of one thousand six hundred and seventy yards or thereabouts until it meets the boundary of the borough of Grantham in Earle's Fields, at a point in that boundary three hundred and twenty-four yards or thereabouts, measured along that boundary in a south-westerly direction, from the point where the western side of Hollis Lane intersects that borough boundary; thence continuing along the said borough boundary in a westerly and northerly direction along the south and west sides of Earle's Fields to the point herein-before described as the commencement of the boundary line.

THE SECOND SCHEDULE.

Names and Description of Wards.

WEST WARD.

The West Ward shall be so much of the extended borough as is situate to the southward and westward of a line drawn from the northern boundary of the extended borough to the eastern boundary, such line commencing on the said northern boundary at a point in the centre of the Great North Road opposite the boundary stone there dividing the parish of Great Gonerby from Little Gonerby, and proceeding thence in a southerly direction along the centre of the said Great North Road, Watergate, High Street, Saint Peter's Hill, and London Road, to a point in that road where the Bridge End Road joins London Road, thence in an eastwardly direction along the centre of the Bridge End Road to the easternmost point of the extended borough.

EAST WARD.

The East Ward shall be so much of the extended borough as is situate to the eastward and northward of the line before described.

THE THIRD SCHEDULE.

Articles of Agreement made the fourteenth day of April one thousand eight hundred and seventy-nine between the Mayor, Aldermen, and Burgesses of the Borough of Grantham, in the county of Lincoln (herein-after styled the Council), of the one part, and the Right Honourable Dudley Earl of Harrowby, K.G. (herein-after called the Earl), of the other part.

Whereas the Town Council is promoting in the present session of Parliament a Bill for extending the boundaries of the municipal borough of Grantham, and for other purposes; and it is proposed to include in such extended boundaries

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portions of the parishes of Harrowby and Somerby, both in the said county (such portions being herein-after called the added district):

And whereas the Earl is or claims to be owner in fee simple of a large portion of the land in such added district, and especially of certain roads partly formed and completed which have not yet been dedicated to the public, and which are named and described in the First Schedule hereunder written and shown and delineated upon the plan hereto annexed:

And whereas the Earl has made and constructed in and under the said roads, or some portions of them, certain sewers and surface drains, which remain his private sewers and surface drains:

And whereas no provision has been made for the main sewerage of the added district:

And whereas the Earl has presented his petition to the House of Commons against the said Bill:

And whereas the Town Council and the Earl have agreed respecting such roads, sewers, and surface drains, and main sewerage, as follows; (that is to say,)

1. From and after the first day of November one thousand eight hundred and seventy-nine the said roads named and specified in the First Schedule, and the materials now thereon, together with the sewers and surface drains therein, shall vest in and become the property of the Town Council, and be repaired and kept in repair by the Town Council for ever thereafter as public roads in the extended borough.

2. That the Town Council shall within one year from the first day of November one thousand eight hundred and seventy-nine make and complete the said roads, subject to the limitation in clause 4 herein-after mentioned.

3. That on the first day of November one thousand eight hundred and seventy-nine the Earl shall pay to the Council the sum of three hundred and fifty pounds, and shall permit the Council to take free of cost such stone and gravel from the pits of the Earl in Harrowby as they may deem necessary for completing the roads, and the said roads, sewers, and surface drains shall from the date hereof up to the said first day of November one thousand eight hundred and seventy-nine be kept in their present state of repair and condition by the Earl, but that it shall not be obligatory upon him during such period to put any material upon the said roads beyond that now lying thereon.

4. That the Council shall not be required by the Earl in completing the said roads to make and construct the works mentioned in the Second Schedule hereto, and if at any time after the said first day of November one thousand eight hundred and seventy-nine the Earl shall desire to make the said works the same shall be made and constructed by the Earl at his own expense and cost, and the Earl, his successors and assigns, shall have power at all times hereafter to construct sewers across the Harrowby Road and Dudley Road from the east side thereof to the west side thereof for the purpose of connecting the land on the east side of such roads with the main drains.

5. The necessary main sewerage of the added district shall be provided, constructed, and made by the Council in such manner as they may deem best, but if required by the Earl at any time, it shall include a main sewer from the point A in the plan hereto annexed to the point B in Beacon Lane also shown upon the said plan, along the east side of the River Witham, and the cost and expense of all such main drainage shall be borne and paid by the Council out of the general district rates of the extended borough.

6. The Council shall on and after the said first day of November one thousand eight hundred and seventy-nine exercise and put in force in the added district the powers of lighting given to them by the Public Health Act, 1875.

7. The Council shall pay to the Earl the sum of three hundred pounds towards the expenses incurred by him in connexion with the said Bill, such sum to be deducted, if required by the Earl, from the sum of three hundred and fifty pounds herein-before agreed to be paid by the Earl to the Council.

8. This agreement is entered into subject to the approval of Parliament, and to such alterations as Parliament may think fit to make therein, but if the Committee on the Bill make any material alteration in this agreement it shall be competent to the Earl or the Council to withdraw the same.

In witness whereof the mayor, aldermen, and burgesses have hereunto caused their common seal to be affixed, and the said Earl of Harrowby hath hereunto set his hand and seal, the day and year first above written.

The First Schedule above referred to.

Harrowby Road from the Cemetery entrance gates to the Bridge End Road.

Sandon Road from Saint Katherine's Road to the north-east corner of property belonging to Mr. White.

Dudley Road	-	-	the whole.
Granville Street	-	-	ditto.
Cecil Street	-	-	ditto.
Saint Ann's Street	-	-	ditto.
Stuart Street	-	-	ditto.
Bridge Street	-	-	ditto.

The Second Schedule above referred to.

1. A sewer drain along Harrowby Road from the Cemetery entrance gates to Saint Ann's Street.

2. A sewer drain along Dudley Road from the point in the said road in the plan hereto annexed marked G to Saint Katherine's Road.

3. A footpath on the east side of Dudley Road from Saint Katherine's Road to Granville Street.

4. A footpath on the west side of Harrowby Road from the Cemetery entrance gates to Granville Street.

5. A footpath on the east side of Harrowby Road from the Bridge End Road to Saint Ann's Street.

6. A footpath other than that now constructed along Sandon Road.

F. D. Fisher, (L.S.)
Mayor.
Harrowby. (L.S.)

Signed, sealed, and delivered by the above-named Earl of Harrowby in the presence of

A. D. Ryder,
of 39, Grosvenor Square,
Barrister-at-Law.

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