CHAPTER clxxxiv.

A.D. 1878.

An Act for extending the boundaries of the borough of Newbury, in the county of Berks; for empowering the Corporation to acquire the undertaking of the Borough of Newbury Gaslight and Coke Company; and for other purposes.

[22d July 1878.]

WHEREAS the borough of Newbury, in the county of Berks, is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough:

And whereas the mayor, aldermen, and burgesses 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, a separate court of quarter sessions, a recorder, a clerk of the peace, and a coroner:

And whereas it is expedient that the borough be extended, and that provision be made for dividing the borough, when so extended, into wards:

And whereas in pursuance of the provisions of a certain contract or agreement in writing dated the sixteenth day of August one thousand eight hundred and sixty-four, under the respective common seals of the said mayor, aldermen, and burgesses, and of the Borough of Newbury Gaslight and Coke Company, the borough of Newbury has been for many years past, and now is, lighted with gas by the said Borough of Newbury Gaslight and Coke Company (hereinafter referred to as "the gas company"):

And whereas the lands upon which the gas company manufacture gas for lighting the borough as aforesaid, and some of the buildings thereon, are the property of the said mayor, aldermen, and burgesses, but the gasworks and plant upon such lands, and the mains, pipes, and other plant and apparatus used by the gas company for lighting the said borough, are the property of the gas company:

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And whereas the term of years during which it was stipulated that the said agreement in writing should continue in force will expire on the twenty-ninth day of September one thousand eight hundred and seventy-eight:

And whereas it was provided by the said agreement in writing that the said mayor, aldermen, and burgesses should, at the expiration thereof, purchase and take to and pay to the gas company for the said gasworks, mains, and other apparatus and plant such sum of money as the same should be estimated to be worth, without reference to the business attached thereto, such amount to be determined by arbitration in case of any difference of opinion with respect thereto:

And whereas it is expedient that provisions such as are in this Act contained should be made for carrying into effect the said agreement in writing, and for determining the sum of money or other consideration to be paid by the said mayor, aldermen, and burgesses to the gas company, and for vesting the said gasworks in the said mayor, aldermen, and burgesses, and enabling them to make and supply gas within the borough of Newbury as proposed to be extended by this Act:

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

And whereas such resolution was published twice in the said "Newbury Weekly News," and has received the approval of the Local Government Board in respect of matters within the jurisdiction of that board, and the approval of one of Her Majesty's Principal Secretaries of State in respect of other matters:

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 of the borough at a further special meeting held in pursuance of a similar notice on the eighth day of January one thousand eight hundred and seventy-eight, being held no less than fourteen days after the deposit of the Bill in Parliament:

38 & 39 Vict. c. 55.

And whereas the owners and ratepayers of the borough, by resolution in the manner provided in the Third Schedule of the

Public Health Act, 1875, consented to the promotion of the Bill for this Act: A.D. 1878.

And whereas estimates have been prepared by the Corporation showing that they may from time to time require to borrow for the purchase of the gas company's works and undertaking, and for other the purposes of this Act, the sum of twenty-five thousand pounds:

And whereas such works are permanent works within the meaning of the 234th section of the Public Health Act, 1875: 38 & 39 Vict. c. 55.

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

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

Preliminary.

1. This Act may be cited as the Newbury Borough Extension Act, 1878. Short title.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, except the provisions of those Acts "with respect to the purchase "and taking of lands otherwise than by agreement," and "with "respect to the entry upon lands by the promoters of the under- "taking," are incorporated with this Act. Provisions of general Acts incorporated. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c 18.

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

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

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

"The commissioners" means the commissioners for the improvement of the hamlet of Speenhamland, in the parish of Speen, in the county of Berks:

"The borough rates" means the borough fund and the watch rate of the borough levied under the Municipal Corporation Acts:

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"The district rate" means the general district rate of the borough levied pursuant to the provisions of the Public Health Act, 1875:

38 & 39 Vict. c. 55.

"The town clerk" means the town clerk of the borough:

"The borough auditors" mean the auditors of the borough:

"The Municipal Corporations Acts" means the Act of the session of the 5th and 6th years of King William IV. (chapter 76), "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:

38 & 39 Vict. c. 55.

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

6 G. 4. c. lxxiii.

"Local Acts" means an Act passed in the sixth year of the reign of His late Majesty George IV., intituled "An Act for "lighting, watching, paving, cleansing, and improving the "streets, highways, and places within the borough, town, and "parish of Newbury, and the tithing or hamlet of Speenham-"land, in the parish of Speen, in the county of Berks," and the 15th and 16th Vict. cap. 69, intituled "An Act to confirm "certain Provisional Orders of the General Board of Health:"

"Person" includes a corporation:

"Undertaking," as applied to the gas company, means the gas-works, gasometers, mains, pipes, plant, machinery, and apparatus belonging to the gas company, as well within as without the limits of the existing borough, but exclusive of the business attached to such works within the limits of the existing borough and now carried on by the company:

The several 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 in the Acts wholly or partially incorporated with this Act the expression "superior court" or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Act to be executed by Council.

4. This Act shall be carried into execution by the Corporation acting by the Council, and according to the Municipal Corporations Acts, Public Health Acts, and local Acts respectively for the time being affecting the Corporation as a municipal body and a sanitary

authority respectively, and with all the rights, powers, privileges, 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, Public Health Acts, and local Acts respectively, and (subject to the provisions of this Act) as nearly as may be in all respects as if the powers, duties, 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, Public Health Acts, and local Acts respectively.

Effect of schedules.

5. The schedules to this Act shall be read and have effect as part of this Act.

Extension of Borough.

Extension of borough.

6. The existing borough is hereby extended to, and the borough shall accordingly comprise, the area described in the First Schedule to this Act in addition to the existing borough, and in the event of any disagreement between the description contained in such First Schedule and the borough plan herein-after referred to the description in the First Schedule shall prevail.

Deposit of plan of borough.

7. A plan of the borough as extended by this Act, signed 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 one month 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 borough plan to be evidence.

8. Copies of the said borough 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.

Commissioners dissolved.

9. From and after the commencement of this Act the commissioners shall be and are hereby dissolved.

Transfer to Corporation of property of commissioners.

10. From and after the commencement of this Act all such property, real and personal (including all interests, rights, claims, 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 the commissioners

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or any person on their behalf, shall belong to and be vested in the Corporation, and may be held, recovered, and enjoyed accordingly.

Conveyances, &c. to remain in force.

11. 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 any of the commissioners, 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 commissioners had been party or privy thereto.

Actions, &c. not to abate.

12. Any action, suit, prosecution, or other proceedings whatsoever commenced either by or against the commissioners 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 commissioners were parties to such action, suit, prosecution, or proceeding.

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

13. 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 the commissioners 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 the commissioners to be paid to and by Corporation.

14. All persons who immediately before the commencement of this Act owe any sum of money to the commissioners, or to any person on their behalf, shall pay the same with all interest (if any) due or to accrue due for the same to the Corporation, and all debts and sums of money which immediately before the commencement of this Act are due or owing by or recoverable from the commissioners, or for the payment whereof the commissioners are or but for this Act would be liable, shall be paid with all interest (if any) due or to accrue thereon by or be recoverable from the Corporation.

Audit of accounts of commissioners.

15. The accounts of the commissioners up to the time of the passing 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.

Powers, &c. of Corporation extended.

16. 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 borough, and of the Corporation acting in the execution of any local Acts in force within the existing borough, or otherwise, shall extend to and throughout the extended borough to the exclusion of the powers, rights, authorities, and duties of any other municipal or urban or rural sanitary or other local authority.

Byelaws, &c. to apply to extended borough.

17. All byelaws, orders, and regulations which at the commencement of this Act are in force within the existing borough shall extend and apply to the extended borough, and byelaws, orders, and regulations in force within the added part of the borough 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.

Jurisdiction of recorder and justices of the peace, &c. extended.

18. The jurisdiction, powers, authorities, rights, privileges, and duties of the recorder, and of the clerk of the peace of the borough, and of the borough coroner, and of the Commissioners of Land Tax, and the Commissioners of Property and Income Tax, and of the justices of the peace appointed for the borough, 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 borough, shall extend throughout the extended borough to the exclusion of the jurisdiction, powers, rights, and duties of any other recorder, clerk of the peace, coroner, justices, police constables, or peace officers.

Extension of civil privileges to added district.

19. All civil rights, privileges, benefits, and advantages now held, used, or enjoyed by the burgesses and inhabitants of the existing borough, as such burgesses or inhabitants, shall be and the same are hereby extended to the burgesses and inhabitants of the extended borough.

Exemption of added district from certain rates.

20. Lands and other property in the added part of the borough shall not be liable to be rated for payment of principal or interest of a debt of two thousand one hundred pounds, part of an original debt of three thousand five hundred pounds owing by the Corporation on bonds for paving and lighting the existing borough, or of a debt of three thousand five hundred and eighty-two pounds owing by the Corporation on bonds for money borrowed by the Corporation for the building of the Lunatic Asylum at Moulsford,

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which before-mentioned debts of two thousand one hundred pounds and three thousand five hundred and eighty-two pounds, and interest thereon respectively, shall be paid by a special borough rate to be called the "Old Borough Rate," to be levied only on property within the existing borough.

Part of added district not to pay full rates for five years.

21. For a period of five years from the passing of this Act the amount to be levied in respect of the borough rates and the district rate on lands and hereditaments, and on buildings completed and occupied at the time of the passing of this Act in that part of the parish of Greenham which by this Act is included within the extended borough, shall be less by two shillings in the pound in each year than the amount of the said rates levied in respect of lands, hereditaments, and buildings in other parts of the borough, but this reduction shall not extend or apply to buildings erected after the passing of this Act.

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

22. Lands and other property in the added part of the borough shall not be liable to be rated, or be rated to any county rate or county police rate made after the commencement of this Act, or to any highway or other rate (except rates made for the relief of the poor) made after the commencement of this Act by any authority other than the Council of the borough, but all orders of justices respecting 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 borough, and arrears of rates existing at the commencement of this Act may be collected and recovered therein as if this Act had not been passed, and every person committing an offence in the added part of the borough before the commencement of this Act shall be tried, adjudicated on, and dealt with as if this Act had not been passed.

Officers of Corporation continued.

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

Division of borough into wards.

24. The borough shall be divided into two wards, to be called respectively the "North Ward" and the "South Ward."

The North Ward shall consist of so much of the borough as lies north of the Kennet and Avon Canal.

The South Ward shall consist of so much of the borough as lies south of the Kennet and Avon Canal.

Number of aldermen and councillors.

25. The borough shall after the elections in November 1878 have six aldermen and eighteen councillors; that is to say, the North Ward and South Ward shall each have three aldermen and nine councillors.

Somerset and others to be councillors of North Ward.

26. Francis Flower Somerset, Barron Fielder, David Rogers Jones, John Withers, and James Benjamin Stone (five members of the Town Council of the existing borough) shall be councillors of the North Ward. The said Francis Flower Somerset, Barron Fielder, and David Rogers Jones shall remain councillors of the North Ward until the first day of November one thousand eight hundred and seventy-eight, and the said John Withers and James Benjamin Stone until the first day of November one thousand eight hundred and seventy-nine.

Election of councillors for part of North Ward.

27. On the first day of November one thousand eight hundred and seventy-eight the burgesses of that part of the North Ward which lies north of the Kennet and Avon Canal and south of the parish of Speen shall elect three councillors in succession to the said Francis Flower Somerset, Barron Fielder, and David Rogers Jones, whose term of office will then expire, and such three councillors shall go out of office as follows; that is to say, the councillor who shall be elected by the fewest number of votes shall go out of office on the first day of November one thousand eight hundred and eighty, and the two other elected councillors on the first day of November in the year one thousand eight hundred and eighty-one; and the election provided for by this enactment shall be presided over by Edward Wilson, the alderman for the North Ward, or, failing him, by some other councillor to be appointed by the mayor for the time being of the borough of Newbury.

Election of councillors for other part of North Ward.

28. On the first day of November one thousand eight hundred and seventy-eight the burgesses of that part of the North Ward which lies within the parish of Speen shall elect four councillors of and from the burgesses of such part of the North Ward, and such four councillors shall go out of office as follows; that is to say, the councillor who shall be elected by the fewest number of votes shall go out of office on the first day of November one thousand eight hundred and seventy-nine, the two councillors next lowest on the poll shall go out of office on the first of November one thousand eight hundred and eighty, and the councillor elected by the largest number of votes shall go out of office on the first day of November one thousand eight hundred and eighty-one. The election provided for by this enactment shall be presided over by a councillor of the North Ward, to be nominated and appointed by the mayor for the time being of the borough of Newbury.

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First councillors for North Ward and duration of office.

29. For the year beginning the first day of November one thousand eight hundred and seventy-eight the said John Withers and James Benjamin Stone, together with the seven councillors to be elected for the North Ward in manner provided by this Act, shall be the nine councillors of the North Ward; and at every election for the North Ward subsequent to the first day of November one thousand eight hundred and seventy-eight the burgesses of the whole North Ward shall elect three councillors, who shall hold office for three years.

Slocock and others to be councillors of South Ward.

30. Charles Samuel Slocock, Thomas Edward Hawkins, William Henry Booth, Henry Dolton, William George Adey, Thomas Fidler, and James Henry Lucas (seven members of the Town Council of the existing borough) shall be councillors of the South Ward. The said Charles Samuel Slocock shall remain in office until the first day of November one thousand eight hundred and seventy-eight, the said Thomas Edward Hawkins, William Henry Booth, and James Henry Lucas shall remain in office until the first day of November one thousand eight hundred and seventy-nine, and the said Henry Dolton, William George Adey, and Thomas Fidler shall remain in office until the first day of November one thousand eight hundred and eighty.

Election of councillors for South Ward.

31. On the first day of November one thousand eight hundred and seventy-eight the burgesses of the South Ward shall elect three councillors, who shall remain in office until the first day of November one thousand eight hundred and eighty-one, and at every election subsequent to the first day of November one thousand eight hundred and seventy-eight the burgesses of the South Ward shall elect three councillors, who shall hold office for three years.

Nine councillors for South Ward.

32. The three councillors who shall be elected for the South Ward on the first day of November one thousand eight hundred and seventy-eight, together with the said Thomas Edward Hawkins, William Henry Booth, James Henry Lucas, Henry Dolton, William George Adey, and Thomas Fidler, shall be the nine councillors for the South Ward for the year beginning the first day of November one thousand eight hundred and seventy-eight; and at every election for the South Ward subsequent to the first day of November one thousand eight hundred and seventy-eight the burgesses of the whole South Ward shall elect three councillors, who shall hold office for three years.

Aldermen for South Ward.

33. Joseph Frederick Hickman, James Porteus Jackson, and James Absalom (three of the aldermen of the existing borough) shall be the three aldermen of the South Ward. The said Joseph

Frederick Hickman shall remain in office until the ninth day of November one thousand eight hundred and eighty-three, and the said James Porteus Jackson and James Absalom shall remain in office until the ninth day of November one thousand eight hundred and eighty.

Wilson to be one of the aldermen for North Ward.

34. Edward Wilson (one of the aldermen of the existing borough) shall be one of the aldermen of the North Ward, and shall remain in office until the ninth day of November one thousand eight hundred and eighty-three.

Election of two additional aldermen for North Ward.

35. On the ninth day of November one thousand eight hundred and seventy-eight the Council of the borough shall elect two additional aldermen for the North Ward; the aldermen elected by the largest number of votes of the Council shall hold office until the ninth day of November one thousand eight hundred and eighty; and in the event of an equality of votes it shall be determined by the casting vote of the mayor or other the chairman of the Council meeting at which such election shall take place as aforesaid which of such aldermen shall hold office until the ninth day of November one thousand eight hundred and eighty-three.

Municipal Corporations Acts to apply to other elections, &c.

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

Burgess list for part of North Ward.

37. On the first day of September one thousand eight hundred and seventy-eight the overseers of that part of the North Ward which lies within the parish of Speen shall make out an alphabetical list, to be called "The Burgess List for that part of the "North Ward lying within the said parish of Speen," according to the form No. 1 in the Schedule D. to the Act 5th and 6th William IV., chapter 76, of all persons who shall be entitled to be enrolled on the burgess roll of the year one thousand eight hundred and seventy-eight in respect of property within that part of the North Ward which lies within the said parish of Speen, and the overseers of that part of the North Ward shall sign such burgess list, and deliver the same to the town clerk on the said first day of September one thousand eight hundred and seventy-eight, and shall keep a true copy of such list, to be perused by any person, without payment of any fee, at all reasonable hours between the first and fifteenth days of September in the said year one thousand eight hundred and seventy-eight, and the town clerk shall forthwith cause copies to be printed of such

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list so delivered to him, and shall deliver a copy of such list to any person requiring the same on payment of a reasonable price for each copy, and shall cause a copy of such list to be fixed on or near the outer door of the Town Hall of the borough of Newbury, or in some public and conspicuous situation within the borough, on every day during the week next preceding the fifteenth day of September in the said year.

Burgess list for remaining part of North Ward.

38. On the said first day of September one thousand eight hundred and seventy-eight the overseers of that part of the North Ward which lies north of the Kennet and Avon Canal and south of the parish of Speen shall in like manner make out an alphabetical list, to be called "The Burgess List for that part of the "North Ward lying north of the Kennet and Avon Canal and south "of the parish of Speen," according to the form No. 1 in the Schedule D. to the Act 5th and 6th William IV., chapter 76, of all persons who shall be entitled to be enrolled in the burgess roll of the year one thousand eight hundred and seventy-eight in respect of property within that part of the North Ward which lies north of the Kennet and Avon Canal and south of the parish of Speen, and the overseers of that part of the North Ward shall sign such burgess list, and deliver the same to the town clerk on the said first day of September one thousand eight hundred and seventy-eight, and shall keep a true copy of such list, to be perused by any person, without payment of any fee, at all reasonable hours between the first and fifteenth days of September in the said year one thousand eight hundred and seventy-eight, and the town clerk shall forthwith cause copies to be printed of such list so delivered to him, and shall deliver a copy of such list to any person requiring the same on payment of a reasonable price for each copy, and shall cause a copy of such list to be fixed on or near the outer door of the Town Hall of the borough of Newbury, or in some public and conspicuous situation within the borough, on every day during the week next preceding the fifteenth day of September in the said year.

Saving for 22 Vict. c. 35.

39. Notwithstanding anything in this Act, sections 1, 2, and 3 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 borough.

GAS.

Gas company to sell undertaking to Corporation.

40. On the twenty-ninth day of September one thousand eight hundred and seventy-eight the gas company shall sell to the Corporation, and the Corporation shall purchase from the gas company, their undertaking for such consideration, in gross and on

such terms and conditions, as the gas company and the Corporation agree on, or as, in default of agreement, shall be settled by arbitration.

Transfer of gas company's undertaking to Corporation.

41. The sale of the undertaking shall be carried into effect by a deed, duly stamped, and truly stating the consideration, which deed may be in the form set forth in the Second Schedule to this Act, or to the like effect, with such variations and additions as circumstances require, and on the execution of that deed by the company their undertaking, and all causes of action, suit, or proceeding belonging to them, shall, by virtue of that deed and of this Act, thenceforth be transferred to and vested in the Corporation, subject and according to the provisions of this Act, and subject to all contracts, obligations, debts, and liabilities affecting the same, and thenceforth the Corporation shall have and hold the undertaking, and may in the name of the Corporation enforce the causes of action, suit, or proceeding aforesaid (which transfer and vesting is in this Act referred to as "the gas transfer").

Application of general Acts to Corporation.

42. From and after the gas transfer—

(1.) The provisions of the Gasworks Clauses Act, 1847, shall, so far as the same are applicable, apply to the Corporation; but the provisions of that Act, with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit, shall not apply to the Corporation, nor shall any of the provisions of that Act in any manner relating to the constitution or to the share or loan capital of the gas company apply to the Corporation: 10 & 11 Vict. c. 15.

(2.) The Gasworks Clauses Act, 1871, shall apply to the undertaking of the gas company in the hands of the Corporation as if the same were hereby authorised. 34 & 35 Vict. c. 41.

Power to make and supply gas.

43. Subject to the provisions of this Act, the Corporation may, after the gas transfer, maintain, alter, and enlarge the existing gasworks of the gas company, and may in and upon the lands of the Corporation now used by the gas company for the manufacture of gas, and which lands are described in the Second Schedule to this Act, erect, maintain, alter, enlarge, and discontinue such gasworks, retorts, gasometers, gas meters, mains, pipes, apparatus, works, and conveniences, and such houses, buildings, and approaches, and do all such acts as they think proper for making and storing gas, and for supplying gas within the limits of the extended borough, and may make, store, and supply gas accordingly, and may sell the gas, coal tar, and ammoniacal liquor, coke, and other products of the manufacture of gas as they from time to time think fit.

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Pressure of gas.

44. All gas supplied by the Corporation to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch, and from sunset to midnight not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer; and any gas examiner appointed under the Gasworks Clauses Act, 1871, may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority, and the provisions of the Gasworks Clauses Act, 1871, with reference to testing of gas and to penalties, shall, mutatis mutandis, apply to such testing of pressure: Provided that on each occasion of such testing sufficient notice in writing of the time and place at which the same is to be conducted shall be given to the Corporation to enable them to be represented.

34 & 35 Vict. c. 41.

Quality and testing of gas. 34 & 35 Vict. c. 41.

45. With reference to section 12 of the Gasworks Clauses Act, 1871, the prescribed number of candles shall be fourteen, and with reference to section 28 of the same Act the prescribed place shall be the gasworks of the Corporation; the prescribed time shall be twelve months from the passing of this Act, and the prescribed burner shall be Sugg's London Argand Burner No. 1, or such other burner as shall for the time being be approved by the Board of Trade.

Gas company's debts, &c. to be paid by Company.

46. All debts (including the bond or mortgage debt of the gas company) and all rents, rates, charges, and sums of money, actions, suits, and proceedings, and causes of action, suit, or proceeding, which at the time of the gas transfer are due, or owing from or pending or existing against the gas company, shall, as between the gas company and the Corporation, be paid, discharged, settled, and satisfied by the gas company.

Actions, &c. not to abate.

47. If at the time of the gas transfer any action, suit, or proceeding is pending against the gas company the same shall not abate or be discontinued by reason of the gas transfer or of anything in this Act, but the same may be continued and prosecuted against the gas company as and when it might have been continued and prosecuted against the gas company if this Act had not been passed.

Receipt of three directors to be a discharge.

48. The receipt of three directors of the gas company for the purchase money of their undertaking shall discharge the Corporation from the same, and from being bound to see to the application or being answerable for misapplication or nonapplication thereof.

Limiting price of gas.

49. The maximum price of gas supplied by the Corporation within the limits prescribed by this Act shall not, from and after the gas transfer, exceed five shillings and sixpence per one thousand cubic feet.

Power to purchase lands by agreement. Gas not to be manufactured, &c. except on lands scheduled.

50. The Corporation may, for the purposes of this Act, purchase, take, and hold (by agreement, but not otherwise), in addition to the lands described in the Third Schedule to this Act, any lands and hereditaments, not exceeding in the whole ten acres, which the Corporation may from time to time require for the purposes of their gas undertaking, but no lands shall be used by the Corporation for the purpose of manufacturing gas or residual products, or for storing gas, except the lands described in the Third Schedule to this Act.

Power to take easements, &c. by agreement. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106.

51. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act, and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Corporation any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Borrowing.

Power to borrow.

52. The Corporation may from time to time borrow at interest, on the security of their district fund and general district rate, or upon either of such securities, and of the revenue of their gas undertaking, as follows; (that is to say,)

For the purpose of acquiring the undertaking of the gas company and for the other purposes of this Act, twenty-five thousand pounds,

and may mortgage the district fund and general district rate and the revenue of their gas undertaking as a security for the repayment of the money so borrowed, with interest, accordingly: Provided always, that the powers of borrowing moneys by this Act conferred shall not be restricted by any of the regulations contained in the Public Health Act, 1875, and that in calculating the sum the Corporation may borrow under the Public Health Act, 1875, or any other enactment, any sums they may borrow under this Act shall not be reckoned.

38 & 39 Vict. c. 55.

Form of mortgage.

53. Every mortgage made by the Corporation under this Act shall be by deed under their common seal, duly stamped, and truly

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stating the consideration, and may be in the form given in the Fourth Schedule to this Act, or to the like effect.

Corporation may issue coupons for interest on mortgage.

54. The Corporation may issue to holders of their mortgages under this Act coupons for interest thereon in such form as they think fit, so as every coupon do refer to the mortgage to which it relates, and do specify the amount and time of payment of one half year's interest to fall due on the principal moneys secured by the mortgage, and be authenticated in such manner as the Corporation shall from time to time direct (which authorisation shall be presumed until the contrary is shown); and on presentation of a coupon to the treasurer of the borough he shall pay to the presenter the amount of interest thereon expressed and thereby appearing to be then due and payable, and on audit of the treasurer's accounts a coupon shall be accepted as a sufficient warrant for payment of the amount for which it was issued; but the treasurer shall not be bound, unless he sees fit, to make any payment of interest beyond the amount of the money of the Corporation then in his hands and applicable in that behalf.

As to appointment of a receiver.

55. The mortgagees of the Corporation may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one tenth of the amount which the Corporation has under the provisions of this Act borrowed on mortgage.

As to repayment of money borrowed by instalments or sinking fund.

10 & 11 Vict. c. 16.

56. The sections of the Commissioners Clauses Act, 1847, with respect to mortgages to be executed by the commissioners, shall be applicable to the mortgages to be made by the Corporation under this Act: Provided that the Corporation shall pay off any money borrowed by them under this Act, and the mortgage debt of the company, either by equal annual instalments of principal and interest, or by means of a sinking fund appropriated and invested in any securities authorised by law for investment by trustees, and with the accumulation thereof (if any) from time to time applied for that purpose, as follows; (namely,)

As regards any money borrowed before the expiration of three years from the passing of this Act, and the mortgage debt of the company, within fifty-two years after the expiration of such three years; and,

As regards any money borrowed after the expiration of such three years, within fifty-two years after the same is borrowed.

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Application of sinking fund.

57. The Corporation may at any time apply the whole or any part of the sinking fund set apart under this Act in or towards the discharge of the moneys for the repayment of which the fund has been established: Provided that they pay into the fund in each year, and accumulate until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied.

Power to re-borrow.

58. The Corporation may from time to time re-borrow any amount borrowed by them under this Act, and paid off otherwise than by instalments or by means of a sinking fund, but no money shall be re-borrowed for any period exceeding the unexpired term of the original loan.

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

59. The Corporation, if they think fit, may borrow the moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act, 1875, by means of a loan or loans to be raised by the issue of debentures, debenture stock, or annuity certificates, or partly in one way and partly in another. Any moneys borrowed in manner by this Act authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the fund, rate, or revenue upon which the costs, charges, and expenses from time to time incurred by the Corporation in the execution of such purpose are made a charge by this Act, and such fund, rate, or revenue shall be the local rate within the meaning and for the purposes of the Local Loans Act, 1875. Every such loan shall be discharged within fifty-two years from the date thereof, and such discharge, or any part thereof, shall be effected by means of a sinking fund if the Corporation shall so think fit, and if the Corporation at any time think fit to form any such sinking fund all sums paid into the same shall, as soon as may be, be invested by the Corporation in any manner in which trustees are by law for the time being authorised to invest trust moneys.

38 & 39 Vict. c. 83.

Protection of lenders from inquiry.

60. A person lending money to the Corporation shall not be bound or entitled to inquire as to the observance by the Corporation of any provision of this Act, or be bound to see to the application or be answerable for any loss, misapplication, or non-application of the money lent by him, or of any part thereof.

Existing mortgages to have priority.

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 and debenture stock granted or issued under this Act.

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Application of revenue.

62. The Corporation shall keep accounts, and shall apply all money from time to time received by them in respect of the gas undertaking, 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 gas rents and rates, and of the borrowing of money under this Act;

Secondly, in payment of the working and establishment expenses, and cost of maintenance of their gas undertaking;

Thirdly, in providing the moneys required to pay the interest on moneys borrowed by them under this Act;

Fourthly, in providing the requisite instalments or sinking fund under this Act;

Fifthly, in providing a reserve fund, if they think fit, by setting aside such money as they from time to time think reasonable, and investing the same and the resulting income thereof in any securities in which trustees are or may be authorised to invest trust moneys, and accumulating the same at compound interest until the fund so formed amounts to three thousand pounds, which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their gas undertaking, or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the sum of three thousand pounds, and so from time to time as often as such reduction happens;

and any balance remaining in any one year shall be paid to the district fund.

Separate gas account to be kept.

63. The Corporation shall keep a separate account, to be called the Gas Account, of all receipts, credits, payments, and liabilities under this Act in respect of the execution of the provisions thereof which relate to gas purposes, and the account to be so kept shall be subject to the same provisions as to audit, examination, report, inspection, copies, and extracts, and production of vouchers as other accounts of the Corporation.

As to audit of accounts.

64. The accounts of the receipts and expenditure of the Corporation under this Act shall be audited and examined once in every year as soon as may be after the twenty-fifth day of March by the borough auditors, and within fourteen days after the completion of the said audit such auditors shall report on the accounts audited and examined, and shall deliver such report to the town clerk, and the Corporation shall cause the same to be deposited

in their town hall, and shall publish an abstract of such accounts in some one or more of the local newspapers circulating in the borough. A.D. 1878.

Application of money borrowed.

65. All money borrowed under this Act shall be applied only for the purposes of this Act to which capital is properly applicable.

Annual return to Local Government Board with respect to sinking fund in respect of moneys borrowed on mortgage.

66. The town clerk shall, within twenty-one days of the first day of January of each year, during which any sum is required to be set apart for a sinking fund, or to be paid as an instalment in respect of moneys borrowed on mortgage 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 such 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, and the interest thereon, have been applied during the same period, and the total amount remaining invested at the end of 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 pay any instalment, or to set aside the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice.

Miscellaneous.

Reserving common rights.

67. The common rights at the passing of this Act enjoyed by the inhabitants of the added part of the borough, or any part thereof, shall not be affected by the passing of this Act.

Compensation to clerk to improvement commissioners of Speenhamland.

68. Full compensation shall be paid by the Corporation to John Tanner, the clerk to the improvement commissioners of Speenhamland, in respect of the loss of the emoluments of his office by reason of the passing of this Act; such compensation shall be by way of a sum in gross, and shall be paid by the Corporation out of the district fund or general district rate, or out of money

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borrowed under the powers of this Act, and the amount of such compensation shall be determined by agreement, or, in the event of dispute, by the Local Government Board.

Expenses of Act.

69. 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 shall be paid by the Corporation out of the district fund or district rate, or out of money borrowed under the powers of this Act, and such costs shall include the sum of thirty guineas agreed to be paid by the Corporation to the Speenhamland improvement commissioners towards their costs as petitioners against the Bill for this Act on the withdrawal of such petition, and the like sum of thirty guineas agreed to be paid for the like purpose by the Corporation to the owners and occupiers of lands and houses in the parish or tithing of Greenham, and shall also include the costs incurred by the Corporation in or with the object of complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, with respect to the Bill for this Act, and all matters relating thereto, as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons.

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The SCHEDULES to which the foregoing Act refers.

THE FIRST SCHEDULE.

Description of Area added to the Borough.

So much and such portions of the several parishes, townships, and places of Speen (including Speenhamland, Woodspeen, and Churchspeen) and Greenham, all in the county of Berks, as adjoin the present borough, and are or will be situate within the following boundaries or limits; that is to say,

A boundary line commencing from and out of the present boundary line of the borough at the south-west corner of a park or meadow called or known as "Goldwell," the property or reputed property of Philip Kemp, and proceeding thence in a northerly direction along the western fence or boundary of the said park or meadow as far as the north-west corner of the said park or meadow; thence in a northerly direction across a road or highway called the Back Speen Road to the east corner or angle of a small triangular plot of land belonging or reputed to belong to Charles Samuel Slocock; thence in a westerly or north-westerly direction along the south side or boundary of the London and Bath turnpike road for a distance of 350 yards or thereabouts; thence in a northerly direction across the said turnpike road to the southern end of the western fence or boundary of land belonging or reputed to belong to the trustees of a certain charity in the said borough called Saint Bartholomew's Charity; thence in a northerly direction along the said last-mentioned fence or boundary till the same reaches the road or highway called the "Grove Road;" thence in a northerly direction across the said Grove Road; thence in an easterly direction along the north side or boundary of the said Grove Road to the point where the said Grove Road joins the turnpike road leading from Newbury to Oxford; thence in a northerly direction along the western side or boundary of the said Newbury and Oxford turnpike road as far as the centre of the bridge which carries the said turnpike road across the Lamborne river or stream or a tributary thereof; thence in a south-easterly direction along the middle of the said river or stream or tributary to the point where the same joins the main river or stream aforesaid or another tributary thereof, and the two become the boundary between the parishes of Speen and Shaw-cum-Donnington; thence along the centre of the said stream and its tributaries, where the same form the boundary between the said parishes of Speen and Shaw-cum-Donnington, as far as the centre of the bridge which carries the road or highway leading from Newbury to Hermitage across the said stream or tributary; thence in an easterly and south-easterly direction along the centre of the said Lamborne river or stream to a point where the same joins a tributary or stream which is the boundary between the parishes of Speen and Thatcham; thence in a southerly direction along the centre of the said last-named tributary or stream to the point where the same is crossed by the said London and Bath turnpike road; thence across the said last-named turnpike road to the north-east corner of a

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certain public-house called or known as the "White House," belonging or reputed to belong to Messieurs W. and T. E. Hawkins; thence in a south or south-easterly direction across an occupation road to the centre of the River Kennet; thence in a southerly direction along the centre of the said river to the point where the same joins the Kennet and Avon Canal; thence in a westerly direction along the centre of the said canal to the point where the same is crossed by a swing bridge connecting the towing-path of the said canal with the road leading to a common field called Stroud Green; thence in a southerly direction across the said swing bridge to the south bank of the said canal; thence in a southerly direction along the eastern side of the said last-mentioned road leading to Stroud Green, across the Berks and Hants Railway to and as far as the northern fence or boundary of the said Stroud Green; thence in a westerly direction, following the said last-mentioned fence or boundary, to the north-west corner or angle of Stroud Green aforesaid; thence in a southerly direction, still following the said last-mentioned fence or boundary, for the distance of 80 yards or thereabouts; thence in a westerly direction, still following the said last-mentioned fence or boundary, to the extreme west end or angle of the said Stroud Green, where the same joins the road or highway leading from Newbury to Greenham Common; thence in a south or south-easterly direction along the north or north-eastern side or boundary of the last-mentioned road or highway to a point opposite to the centre of an occupation road and footpath leading from the said Newbury and Greenham Common road to the Newbury Union Workhouse; thence in a westerly direction across the said Newbury and Greenham Common road; thence in a westerly direction along the centre of the said occupation road and footpath to a stile between a certain arable field or ground belonging or reputed to belong to the trustees of Cowslade's Charity, and a certain field or ground called Steel Hill, belonging or reputed to belong to the dean and canons of St. George's Chapel, Windsor; thence in a westerly direction along the north side of the said field belonging to the trustees of Cowslade's Charity to the north-western corner or angle of the said last-mentioned field, where it joins the present municipal boundary line of the borough on the eastern side thereof.

THE SECOND SCHEDULE.

Form of Deed of Conveyance of Undertaking.

In pursuance of and subject to the provisions of the Newbury Borough Extension Act, 1878, and in consideration of
the Borough of Newbury Gaslight and Coke Company do hereby convey and assign their undertaking unto the Corporation of Newbury, to hold the same unto them, their successors and assigns, and the Corporation of Newbury do hereby accept the same accordingly.

In witness whereof the parties hereto have hereto set their respective common seals this day of one thousand eight hundred and seventy-

THE THIRD SCHEDULE.

Gas Lands.

A piece of land situate within the borough and belonging to the Corporation, abutting on the north side upon Gas House Lane, south upon lands belonging or reputed to belong to the trustees of Saint Mary's Charity, east upon lands belonging or reputed to belong to Francis Comyns, and west upon lands belonging or reputed to belong partly to John Turk, and partly to the said trustees of Saint Mary's Charity, and containing in the whole two roods or thereabouts, which piece of land is now in the occupation of and used by the gas company.

THE FOURTH SCHEDULE.

Mortgage of Rates.

The Newbury Borough Extension Act, 1878.

Mortgage No. £

By virtue of the above-mentioned Act, and subject to the provisions thereof relating to priorities of charges, the mayor, aldermen, and burgesses of the borough of Newbury, in consideration of pounds paid to them by of grant to him, his executors, administrators, and assigns, the revenues of the gas undertaking of the Corporation of the borough, and as a collateral security the district fund and general district rate of the borough, to hold until the said sum be repaid to him or them with interest at the yearly rate of in the hundred by equal half-yearly payments on the day of and the day of in every year from the date hereof, the principal to be repaid on the day of at the option of either party, and all payments to be made at the office of the treasurer of the borough of Newbury.

Given under the seal of the mayor, aldermen, and burgesses this day of eighteen hundred and

L.S.

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