CHAPTER clxxii.

An Act for extending the Boundaries of the Borough of Newcastle-under-Lyme, in the County of Stafford; for empowering the Corporation to acquire the Undertaking of the Newcastle-under-Lyme Gaslight Company; and for other purposes. [2d August 1877.]

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WHEREAS the borough of Newcastle-under-Lyme, in the county of Stafford, 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 and a separate court of quarter sessions, and a recorder with a clerk of the peace, and a separate police force:

And whereas it is expedient that the borough be extended, and that provision be made for altering the boundaries of the wards in the borough:

And whereas it is expedient that the jurisdiction and powers of the mayor, aldermen, and burgesses, in their capacity of burial board for the borough, be extended throughout the extended borough:

And whereas it would be of local advantage if the power of making and supplying gas, and the control of gas supply throughout the borough, were vested in the mayor, aldermen, and burgesses, and if for that purpose the mayor, aldermen, and burgesses were empowered to acquire the undertaking of the Newcastle-under-Lyme Gaslight Company:

And whereas it is expedient that further powers for the improvement of streets, and further borrowing and other powers, be conferred on the mayor, aldermen, and burgesses, as in this Act mentioned:

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And whereas plans and sections showing the lines, situations, and levels of the works by this Act authorised, and plans showing the lands to be acquired under the powers of the Act, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the said lands, have been deposited with the clerk of the peace for the county of Stafford, and are herein-after referred to as the deposited plans, sections, and book of reference:

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.

Short title.

1. This Act may be cited as "The Newcastle-under-Lyme Corporation Act, 1877."

Commencement of Act.

2. For the purposes of proceedings preliminary to the municipal elections of November one thousand eight hundred and seventy-seven 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-seven (which last-mentioned time is in this Act referred to as the commencement of this Act).

Provisions of certain general Acts herein named incorporated.

3. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, as far as they are applicable for the purposes of and not varied by or inconsistent with this Act, are incorporated with this Act.

Interpretation of terms.

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

"The existing borough" means the municipal borough of Newcastle-under-Lyme 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 borough fund" and "the borough rate" mean the borough fund and the borough rate 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:

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

"Person" includes a corporation:

"The Burial Act, 1854," means the Act of the session of the 17th and 18th years of Her present Majesty (chapter 87), "To make further provision for the burial of the dead in "England and beyond the limits of the metropolis:"

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.

5. 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.

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Effect of schedules.

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

EXTENSION OF BOROUGH.

Extension of borough.

7. 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.

Authority of Corporation extended.

8. 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.

9. 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 extended.

10. The jurisdiction, powers, authorities, rights, privileges, and duties of the recorder and of the clerk of the peace of the borough, 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, justices, police constables, or peace officers.

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

11. 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 poor rate) 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.

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

Division of borough into wards.

13. The borough shall be divided into two wards, to be called respectively "the East Ward" and "the West Ward."

The East Ward shall consist of so much of the borough as lies to the east of a line drawn from a point in the centre of the turnpike road or highway, called the Newcastle-under-Lyme and Darlington turnpike road, where the south-east boundary of the borough is cut by the said turnpike road or highway, such line being produced and extended in a direction leading from the said point towards Liverpool along the centre of the said turnpike road or highway, passing through and along London Road, Penkhull Street, High Street, Red Lion Square, Bridge Street, Liverpool Street, and Liverpool Road to that point in the centre of the said turnpike road or highway where the northern boundary of the borough is cut by the said turnpike road or highway.

The West Ward shall consist of the remaining portions of the borough.

Number of aldermen and councillors.

14. The borough shall have as heretofore six aldermen and eighteen councillors, and each ward shall return nine councillors.

Deposit of borough plan.

15. A plan of the borough as extended by this Act, signed in duplicate by the Right Honourable the Earl of Redesdale, the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred, shall, within one month after the passing of this Act, be deposited in the office of the Clerk of the Parliaments and with the town clerk of the borough at his office.

Copies of deposited borough plan to be evidence.

16. Copies of the said borough plan, or any extract therefrom, certified by the town clerk to be true, shall be received in 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.

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Saving for 22 Vict. c. 35.

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

Corporation to be burial board for the borough.

18. From and after the commencement of this Act, the Corporation shall be the burial board for the extended borough, and shall have within the extended borough (to the exclusion of any other authority) all the powers, rights, duties, capacities, liabilities, and obligations of a burial board, as if they had been constituted the burial board for the extended borough by Order in Council under "The Burial Act, 1854," and the Acts amending the same.

Gas.

Newcastle-under-Lyme Gaslight Company, on requisition of Corporation, to sell their undertaking.

19. The Corporation may at any time within three years after the passing of this Act, by writing under their common seal addressed and sent to the secretary, or delivered at the principal office of the Newcastle-under-Lyme Gaslight Company, (herein-after called "the Gas Company,") require the Gas Company to sell their undertaking, (which expression in this Act includes all the property, real and personal, and all the rights, powers, and privileges of the Gas Company,) to the Corporation, and thereupon the Gas Company shall sell to the Corporation, and the Corporation shall purchase from the Gas Company, their undertaking for such consideration in gross or by annuities, 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.

Arbitration to be according to Railway Companies Arbitration Act, 1859.

20. The arbitration between the Corporation and the Gas Company under this Act shall be subject to "The Railway Companies Arbitration Act, 1859," as if the Corporation and the Gas Company were railway companies, and that Act shall come into operation and apply in the case on either party giving to the other notice in writing under their common seal to proceed to arbitration.

Transfer of Gas Company's undertaking to Corporation.

21. A time shall be settled by agreement or in the arbitration for this purpose, and at and from that time the Gas Company's undertaking shall be by virtue of this Act transferred to and vested in the Corporation, subject to all debts and liabilities of the Company, and to the terms of any agreement or award made or to be made (which transfer and vesting is in this Act referred to as the gas transfer): Provided always, that within three months from such vesting the Corporation shall produce to the Commissioners of Inland Revenue a copy of this Act printed by Her Majesty's Printer,

and duly stamped with the ad valorem stamp duty of the same amount as would have been payable if the transfer of the undertaking had been by a deed of conveyance; and if the said Corporation shall not within the said period of three months produce to the said Commissioners such copy of this Act duly stamped as aforesaid, the ad valorem stamp duty, with interest thereon at the rate of five pounds per centum per annum from the vesting period to the day of payment, shall be recoverable from the Corporation with full costs of suit, and all costs and charges attending the same.

Application of Gas Company's Act to Corporation.

22. From and after the gas transfer, all the powers and authorities of the Gas Company under "The Newcastle-under-Lyme Gaslight Act, 1855," shall be by virtue of this Act transferred to and vested in the Corporation, and that Act shall be read and have effect as if the Corporation had been therein named instead of the Gas Company, subject nevertheless and according to the following exceptions and provisions; (that is to say,)

(1.) The provisions of "The Companies Clauses Consolidation Act, 1845," incorporated with that Act shall not extend to the Corporation:

(2.) The provisions of "The Gasworks Clauses Act, 1847," incorporated with that Act shall not apply to the Corporation as far as regards the provisions with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit:

(3.) None of the provisions of that Act in any manner relating to the constitution or to the share or loan capital of the Gas Company shall apply to the Corporation:

(4.) "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.

Power to make and supply gas.

23. Subject to the provisions of this Act, the Corporation may after the gas transfer alter and enlarge the existing gasworks of the Gas Company, and may in and upon the lands of the Gas Company which 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 prescribed in and by "The Newcastle-under-Lyme Gaslight Act, 1855," 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

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from time to time think fit: Provided always, that the Corporation shall not manufacture gas, or the products arising therefrom, or store gas on any land other than the lands described in the said Second Schedule to this Act; and provided also, that the Corporation shall, if required by any urban sanitary authority for the time being supplying gas within any part of the district of such authority, sell to such authority all the mains, pipes, and other gasworks of the Corporation within the district of such authority (except such mains, pipes, and works, if any, as are used for service beyond that district), at such price as, in default of agreement between the Corporation and such authority, may be determined by arbitration.

Pressure of gas.

24. 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.

Quality and testing of gas.

25. 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 rgand Aburner.

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

26. 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 be paid, discharged, settled, and satisfied by the Corporation.

Pending actions, &c. against Gas Company.

27. 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 Corporation as and when it might have been continued and prosecuted against the Gas Company if this Act had not been passed, but not further or otherwise, without prejudice to any remedy over against the Gas Company under any security given by them to the Corporation, or otherwise.

Receipt of three directors a discharge.

28. 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 non-application thereof.

Application of purchase money by Gas Company.

29. The Gas Company shall hold the purchase money of their undertaking when paid, if the same is a sum in gross, and all other money for the time being belonging to them on trust, to pay and discharge thereout all their debts and liabilities, and to distribute the residue among the shareholders of the Gas Company, their executors, administrators, or assigns, rateably and according to their priorities; and the directors of the Gas Company may exercise all powers necessary for paying and discharging the debts and liabilities, distributing the assets, and winding up the affairs of the Gas Company.

Mortgage debt to continue first charge on undertaking.

30. If the consideration for the gas transfer is by annuities, the mortgage debt of the Gas Company at the time of such transfer, and the interest thereon, shall after such transfer continue to be a first charge on the gas undertaking of the Corporation, and shall further be a charge on the general district rates of the Corporation in priority to all charges made thereon subsequent to such transfer.

Grant of annuities to shareholders.

31. If the consideration for the transfer is by annuities, the Corporation shall grant to the holders of all shares in the capital of the Gas Company perpetual annuities of the amount agreed on or fixed by arbitration in respect of each share. Such annuities shall be a charge on the revenues of the gas undertaking of the Corporation and on the general district rates.

Books of Gas Company evidence as to shareholders.

32. The persons who appear in the books of the Gas Company to be proprietors of shares in the capital of the Gas Company shall, unless the contrary is proved to the satisfaction of the directors of the Gas Company, be considered to be shareholders of the Gas Company for the purposes of the distribution of the Gas Company's assets.

Vesting annuities in shareholders.

33. The annuities shall be computed from the time of the gas transfer, and shall vest in and belong to the several persons who then are shareholders, in proportion to the number of their shares.

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Annuities to represent shares in Gas Company.

34. The annuities shall in all respects at law and in equity be substituted for and represent the shares in the capital of the Gas Company, and the several persons in whom the annuities vest shall hold them on and subject to the same trusts, powers, and liabilities as those on and to which their shares in the capital of the Gas Company were held, and so as to give effect to and not to defeat any testamentary disposition.

Corporation to issue certificates for annuities.

35. The Corporation shall issue to every person in whom an annuity vests, or to his representatives, on demand and on delivery of his or their share certificate, or proof of its loss or destruction, a certificate of the annuity, free of expense, to the annuitant, and the certificate may be in the form in the Third Schedule to this Act, or to the like effect, and by agreement one certificate may include any number of annuities.

Provisions as to shares, &c. to apply to annuities.

36. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the distribution of the capital of the Company into shares and with respect to the transfer or transmission of shares, are hereby incorporated with this Act, and shall (except as expressly varied by this Act) apply to the Corporation and the annuities and the annuitants as if the Corporation were the Company and the annuities were shares in the Company's undertaking and the annuitants were shareholders, but the form of transfer of an annuity may be according to the form in the Third Schedule to this Act, or to the like effect

Recovery of arrears of annuities.

37. If within thirty days after any instalment of an annuity becomes payable it is not paid the annuitant may, subject to the provisions of this Act, recover it against the Corporation in any court of competent jurisdiction.

Receiver for annuitants.

38. The annuitants, without prejudice to their other remedies, may enforce payment of arrears of their annuities by the appointment of a receiver as if they were mortgagees of the Corporation, and for that purpose the provisions in that behalf applicable of "The Companies Clauses Consolidation Act, 1845," shall apply, mutatis mutandis, to the Corporation and the annuitants and the receiver.

Purchase of annuities by Corporation.

39. The Corporation may from time to time purchase any of the annuities at such price as the annuitants and the Corporation agree on, and every annuity purchased by the Corporation shall thereupon be extinguished.

Sinking fund for annuities and debt of

40. The Corporation shall at the expiration of five years from the gas transfer, out of the revenue of the gas undertaking or out of

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the general district rates, make provision for the extinction of the annuities and of the bond or mortgage debt of the Gas Company, either by instalments or by means of a sinking fund appropriated and invested, and with the accumulations thereof (if any) from time to time applied for that purpose, so as in either case to extinguish or be in a position to extinguish the said annuities and debt within sixty years from the passing of this Act; and if at the end of that time the said annuities, or any of them, or the said debt, are or is not wholly extinguished, then the Corporation shall, so long as they are liable to pay the same, apply in or towards that payment the annual income arising from the sinking fund provided under this section, and the amounts of the instalments and the amounts to be from time to time appropriated for such sinking fund shall be such as the Local Government Board shall, having regard to the provisions of this section, approve.

Any sums paid into any sinking fund under this section shall, as soon as may be, be invested in any securities in which trustees are by law for the time being authorised to invest trust moneys.

Whenever any gas annuities have been extinguished by means of a sinking fund under this section the Corporation shall thenceforward, until all such annuities are extinguished, pay into such sinking fund every year, in addition to the amounts herein-before required to be appropriated, a sum equal to the annual interest which would have been produced by the part of the fund applied in extinguishing such annuities.

Provided that whenever the annual income of the sinking fund is not less than the amount of the annuities, or of so many of them as have not been extinguished, the annual sums required by this section to be paid into the sinking fund may cease to be paid.

Winding up and dissolution of Gas Company.

41. When and as soon as the affairs of the Gas Company have been wound up the Company shall be by virtue of this Act dissolved.

Price of gas.

42. Notwithstanding anything contained in "The Newcastle-under-Lyme Gaslight Act, 1855," to the contrary, the maximum price of gas supplied by the Corporation within the limits prescribed by that Act shall not, from and after the gas transfer, exceed four shillings and threepence per one thousand cubic feet, and the price to be charged by the Corporation for gas shall at all times be the same for the time being throughout such limits.

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IMPROVEMENT OF CHURCH STREET.

Power to widen and improve Church Street.

43. Subject to the provisions of this Act, the Corporation may, if they think fit, in the lines and on the lands in that behalf delineated on and described in the deposited plans and book of reference, and according to the levels shown on the deposited sections, make and maintain a widening and improvement of the street in the borough called Church Street, commencing at the east corner of St. Giles' churchyard, and terminating at a point about seven feet north-west of the south corner of that churchyard: Provided, however, that it shall not be lawful for the Corporation to take or interfere with or acquire the site of the vault or brick grave in the said churchyard in which are interred the family of Mason, whose representative is now Victoria, the wife of William Henry Dutton, and which vault or grave is numbered 228 on the block plans of the churchyard of Saint Giles prepared on the restoration of that church, and now in the possession of the rector and churchwardens of the parish of Saint Giles, until they shall have made due provision for the proper and decent removal and re-interment in consecrated ground of any bodies which may have been interred in the said vault or brick grave, and such bodies shall be re-interred in a brick grave, to be provided by the Corporation, of a character as nearly similar to the existing vault or grave as place and circumstances will permit, and such vault or grave shall be so constructed as to permit the placing of a stone with an inscription thereon; and all the expenses connected with the removal and re-interment of such bodies, and the acquisition and construction of the vault or brick grave, shall be borne and paid by the Corporation, and the said vault or brick grave shall become and be the property of the said Victoria, the wife of William Henry Dutton, her heirs, executors, or administrators, as the present representative of the Mason family, and such removal and re-interment shall be carried out in accordance with her or their reasonable directions and to her or their reasonable satisfaction.

Power to deviate.

44. In making the said improvement the Corporation may deviate vertically to any extent not exceeding two feet from the levels defined on the deposited sections, and may deviate laterally to any extent within the limits of deviation defined on the deposited plans, and the Corporation may deviate beyond the last-mentioned limits with the consent of the persons through whose lands any such deviation is proposed to be made.

Period for completion of improvement.

45. If the said improvement is not completed within five years after the passing of this Act, then on the expiration of that period

the powers by this Act granted to the Corporation for executing the same shall cease, except as to so much thereof as is then completed.

LANDS.

Power to take lands referenced.

46. Subject to the provisions and for the purposes of this Act, the Corporation may enter on, purchase, take, and use the lands delineated on the deposited plans and described in the deposited book of reference.

Correction of errors, omissions, &c.

47. If any omission, misstatement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands described or intended to be described in the deposited plans or book of reference, the Corporation may apply to two justices for the correction thereof, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by the proposed correction; and if it appears to the justices that the same arose from mistake they shall so certify, stating the particulars thereof, and their certificate shall be deposited (as regards both the county and the parish or extra-parochial place) as if the same had originally formed part of the deposited plans or book of reference (as the case may be), and shall be kept therewith and shall be deemed to be part thereof, and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Corporation may enter on, purchase, take, hold, and use the lands to which the certificate relates accordingly.

Period for compulsory purchase of lands.

48. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years after the passing of this Act.

Power to take easements, &c. by agreement.

49. 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.

50. The Corporation may from time to time, with the consent of the Local Government Board, borrow in manner provided by the Local Loans Act, 1875, as follows; (that is to say,)

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For gas purposes such sums as may be required for the purchase of the undertaking of the Gas Company pursuant to the provisions of this Act; and

For all or any of the other purposes of this Act such sums as they may from time to time think requisite, not exceeding in the whole five thousand pounds;

and the Corporation may mortgage the general district rates, and all or any rates or rate leviable by them within the borough, to secure repayment of the sums borrowed with interest accordingly.

Power to issue debenture stock.

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

Period for repayment of moneys borrowed.

52. The Corporation shall pay off all moneys borrowed by them under the authority of this Act for the purposes of this Act, other than gas purposes, within fifty years after the same were borrowed.

Sinking fund for gas purposes.

53. The Corporation shall provide for the discharge, within sixty years from the passing of this Act, of all moneys borrowed by them for gas purposes, and may, if they think fit, provide for such discharge by the creation of a sinking fund, to be called the Gas Sinking Fund, and for the purposes of that fund (if created) they shall at the expiration of five years from the gas transfer, out of the revenue of their gas undertaking, or if that revenue shall be insufficient, then out of the general district rates, annually set apart such sums as shall be required in pursuance of the provisions of the Local Loans Act, 1875.

Separate gas account.

54. 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.

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

55. The treasurer of the borough 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 as an instalment under this Act, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amount which has been invested for the purpose of such sinking fund or paid as an instalment during the year preceding the making of such return, and the description of the securities upon which the same

has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year, and in the event of any wilful default in making such return such treasurer shall be liable to a penalty 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 apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum, not exceeding double the amount in respect of which such default shall have been made, shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus.

Miscellaneous.

Mode of arbitration.

56. Except in cases where other provisions are made by this Act, sections 25 to 37 (both inclusive) of "The Lands Clauses Consolidation Act, 1845," shall apply for the determination of any question authorised or directed by this Act to be determined by arbitration.

57. With respect to the Post Office telegraph system the following provisions shall take effect :

Restriction on works affecting Post Office telegraph system.

(A.) The Corporation shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Corporation have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Corporation, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him : Provided always, that this section shall not be deemed to prevent the Corporation executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Corporation

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shall forthwith give notice to the Postmaster General of any such interference, and the reason for the same:

Power for Postmaster General to annex conditions.

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Corporation shall observe and perform the same:

Power of entry for Postmaster General.

(C.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the highways, lands, and works of the Corporation for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon:

Compensation by Corporation to Postmaster General, and penalty.

(D.) The Corporation shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Corporation by any work or thing executed or done by them interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Corporation shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues, and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Corporation to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Corporation:

Provisions to remain in force for one year and to the end of the then next session of Parliament.

(E.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

Saving for general rights and remedies of Corporation.

58. Nothing in this Act shall take away, abridge, or prejudicially affect any right, power, privilege, exemption, or benefit which the Corporation have or may enjoy under the Municipal Corporations Acts or otherwise independently of this Act.

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Expenses of Act.

59. 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 borough fund or general district rates, or out of money borrowed under the powers of this Act, and such costs shall 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 portion of the township of Clayton-Griffith in the parish of Trentham, in the county of Stafford, as adjoins the existing borough, and is or will be situate within the following boundaries or limits; (that is to say,)

A boundary line commencing from and out of the boundary line of the existing borough on the south side thereof, near to the Newcastle-under-Lyme Lower Canal, at a point forming the junction of the three several parishes of Newcastle-under-Lyme, Stoke-upon-Trent, and Trentham, and running thence in a south-westerly direction along a fence for about fifteen yards to the Lyme Brook, thence in a south-easterly direction along the centre of that brook to the east corner of the fence which divides the properties or reputed properties of the Duke of Sutherland and Sir Lionel Milborne Swinnerton Pilkington, Baronet, then in a south-westerly direction along that fence till it joins the turnpike road from Newcastle-under-Lyme to Eccleshall, thence along the east side of that turnpike road in a northerly direction for the distance of ninety-five yards or thereabouts, thence across that turnpike road in a westerly direction to and across a plantation, the property or reputed property of the said Sir Lionel Milborne Swinnerton Pilkington, Baronet, for a distance of eighty yards or thereabouts to the fence on the south-east side of Clayton Ley, the property or reputed property of the said Sir Lionel Milborne Swinnerton Pilkington, Baronet, thence in a westerley direction along the fence on the south side of Clayton Ley for a distance of three hundred and one yards or thereabouts to a post and rail fence which intersects Clayton Ley, thence in a northerly direction along that fence to the south-west corner of the field, the property or reputed property of the Corporation, on which now stands the Contagious Diseases Hospital, thence along the boundary line of the existing borough till the same reaches the south-east corner of Friars Wood, thence along the fence forming the boundary of the southern and western side of Friars Wood till that fence reaches the boundary line of the existing borough.

THE SECOND SCHEDULE.

Gas Lands.

First. A close of land situate in the borough, containing by admeasurement two acres or thereabouts, heretofore forming (with other small pieces of land

sold and separated therefrom), one close of land called Barnsford Meadow, and formerly two closes of land called the Further Barnsford Meadow and Near Barnsford Meadow.

Secondly. A piece of land situate within the borough abutting on the west side upon a branch line of the North Staffordshire Railway leading from Silverdale to the lower canal, and having a frontage thereto of 99 feet 9 inches, bounded on the south side partly by the land first before described and partly by land of Messieurs Tittensor, on the north side by land lately demised to the Corporation to be used as a cattle market, and on the east side by lands and buildings forming a part of Goose Street, and containing by admeasurement 3 roods and 15 perches or thereabouts, and originally forming part of the field called the Friars Meadow.

THE THIRD SCHEDULE.

Form of Certificate of Gas Annuity.

The Newcastle-under-Lyme Corporation Act, 1877.

Certificate of Annuity No. £

By virtue of the Newcastle-under-Lyme Corporation Act, 1877, the mayor, aldermen, and burgesses of the borough of Newcastle-under-Lyme, in the county of Stafford, certify that *A.B.* of is under that Act entitled to perpetual annuity (*or* annuities) of £ charged on the revenue of the gas undertaking of the Corporation and the general district rates, and substituted for the share (*or* shares) of £ (each) in the Newcastle-under-Lyme Gaslight Company, numbered (respectively) , and such annuity (*or* annuities) is (*or* are) payable to him, his executors, administrators, or assigns, in perpetuity at the office in Newcastle-under-Lyme of the treasurer of the Corporation by equal half-yearly payments on the day of and the day of yearly, the first payment to be made on the day of 18 .

Given under the seal of the Corporation this day of in the year of our Lord 18 .

Form of Transfer of Gas Annuity.

The Newcastle-under-Lyme Corporation Act, 1877.

I, *A.B.*, of , in consideration of £ paid to me by *C.D.*, of , transfer to him, his executors, administrators, and assigns, the annuity (*or* annuities) Number of £ charged by the Newcastle-under-Lyme Corporation Act, 1877, on the revenue of the gas undertaking of the Corporation and the general district rates, and substituted for the share or shares of £ (each) in the Newcastle under-Lyme Gaslight Company, numbered (respectively) , and

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payable at the office in Newcastle-under-Lyme of the treasurer of the Corporation by half-yearly payments on the day of and the day of yearly, and all my rights and interests therein and thereto.

As witness my hand and seal, this day of in the year of our Lord 18 .

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1877.