CHAPTER ccxxvii.

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An Act to extend the Borough of Newport, in the county of Monmouth, and to enable the Mayor, Aldermen, and Burgesses thereof to improve streets and to construct a new street and other works within the same, and to make further provisions for the improvement and good government of the borough; and for other purposes.

[11th August 1876.]

WHEREAS the borough of Newport, in the county of Monmouth, is a municipal borough subject to the Acts relating to municipal corporations, and under government of the mayor, aldermen, and burgesses of the borough (herein-after referred to as "the Corporation"):

And whereas the Corporation by the council of the borough are the sanitary authority for the district of the borough, with the powers and obligations of an urban sanitary authority:

And whereas the following local and personal Acts and Provisional Orders are wholly or partly in force within the borough (which Acts and Provisional Orders are in this Act referred to collectively as "the local Acts"); that is to say,

An Act passed in the session of Parliament held in the seventh year of the reign of King George the Fourth, chapter six, intituled "An Act for lighting, watching, paving, cleansing, "and improving the streets, highways, and places within the "town and borough of Newport, in the county of Monmouth," (in this Act referred to as "the Act of 1826"); — 7 G. 4. c. vi.

A Provisional Order of the General Board of Health, bearing date the fourth day of May one thousand eight hundred and fifty, confirmed by "The Public Health Supplemental Act, 1850;"

"The Newport (Monmouthshire) Corporation Act, 1855," (in this Act referred to as "the Act of 1855"); — 18 & 19 Vict. c. xli.

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A Provisional Order for putting in force "The Lands Clauses Consolidation Act, 1845," within the district of the Newport (Monmouthshire) Local Board of Health for the purchase of lands by the said board for purposes of street improvement, confirmed by "The Local Government Supplemental Act, 1869, (No. 2)"; and another

Provisional Order to enable the Local Board of Newport in Monmouthshire to put in force the compulsory clauses of "The Lands Clauses Consolidation Act, 1845," confirmed by "The Local Government Board's Provisional Orders Confirmation Act, 1873:"

And whereas the population of certain places outside of and adjacent to the east and west sides of the borough, and situated in the parishes of Saint Woollos and Christchurch, has increased and is still increasing, and it is expedient that the boundaries of the borough should be extended in manner by this Act prescribed:

And whereas the Newport and Saint Woollos Burial Board have provided a cemetery (in this Act referred to as "The Saint Woollos Cemetery") beyond the limits of the borough as they now exist, but within the area by this Act proposed to be added to the existing borough, and it is expedient that the same be transferred to and vested in the Corporation, and that they be authorised to enlarge the same and to acquire additional lands for that purpose, and that they be constituted the burial board for the borough as extended, and that the said burial board should be dissolved:

And whereas it would be for the improvement of the borough if the Corporation were authorised to make a new street and to improve certain existing streets in the borough, and it is expedient that for such purpose they should have the powers by this Act conferred upon them:

And whereas it is expedient that the Corporation should be authorised to enlarge the Town Hall in the manner and subject to the conditions by this Act prescribed:

And whereas it is expedient that the Corporation should be empowered to acquire the lands upon which the Free Library has been erected and certain lands adjoining thereto:

And whereas there is within the borough a cemetery called the Newport Cemetery, which is the property of certain persons, subject to certain estates, rights, and easements therein vested in other persons, and it is expedient that the Corporation, upon the terms and subject to the conditions by this Act prescribed, should be authorised to accept a transfer of the said cemetery and to convert

the same into and maintain the same as an open space for the public:

And whereas by section three of the Act of 1855 the Corporation were empowered to lease certain lands known as the Newport Marshes by the said Act vested in them, or any part or parts of the same, for the purposes, in the manner, and subject to the conditions by the said section prescribed, and subject to the conditions contained in the ninety-fourth and ninety-sixth sections of an Act passed in the session of Parliament held in the fifth and sixth years of the reign of King William the Fourth, entitled "An Act to "provide for the regulation of municipal corporations in England "and Wales"; and whereas by the said ninety-sixth section of the said last-mentioned Act it is provided that the term of any building lease granted in pursuance thereof shall not exceed seventy-five years; and whereas it would render the Newport Marshes more profitable to the Corporation if they were empowered to make such building leases for terms not exceeding ninety-nine years, and it is therefore expedient to enable them to make such leases, and for such purpose to amend the said section three of the Act of 1855:

And whereas by the fifth section of the Act of 1855 it was provided that there should be paid out of the borough fund by the treasurer of the borough during the lives of the freemen of the borough, admitted to their freedom before the ninth day of September one thousand eight hundred and thirty-five, and resident within the borough or whose families resided therein, and the widows of such freemen, or of any of them, the yearly sum of two hundred pounds during the first five years after the passing of the said Act, and the yearly sum of one hundred and forty pounds during the next succeeding five years, and the yearly sum of one hundred pounds after the expiration of the said two periods of five years, free and clear of all deductions or abatements whatsoever, except any income or property tax which may be lawfully payable thereout, and that the said sums of two hundred pounds, one hundred and forty pounds, or one hundred pounds respectively, together with the rentcharge of twenty pounds three shillings and sixpence payable by the Corporation by virtue of a deed bearing date the third day of February one thousand eight hundred and forty-three, and the annual dividends of one hundred and fifty-seven pounds four shillings and twopence consols then standing in the books of the Governor and Company of the Bank of England in the names of James Brown and Thomas Hughes, and also the interest on a certain deed poll for thirty pounds, and the rent of five pounds for land paid by the Newport Turnpike Commissioners (which sums

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had been derived from the sale of small portions from time to time of the said Marshes and were then so divisible), should be divided by the said treasurer and paid by him yearly on the first day of August or within fourteen days thereafter rateably and equally among such freemen of the said borough who might then be living, and among the widows who might then be living of freemen, such persons having been entitled to participate in the rent or the profits derived from the said Newport Marshes:

And whereas it is expedient that the Corporation should be empowered to acquire the right of such freemen and of the wives and the widows of such freemen to such yearly sums as may from time to time be divisible amongst them under the said section five of the Act of 1855 in manner by this Act provided:

And whereas it is expedient that the powers herein-after contained be granted to the Corporation for the acquisition of lands, the borrowing of money, and the improving and better governing of the borough, and generally for the execution of the powers and discharge of the duties of the Corporation in their municipal and sanitary capacities and under the local Acts:

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

And whereas estimates have been prepared by the Corporation for the purchase of land for and for the execution of the following works by this Act authorised, and such estimates are as follows; (namely,)

With respect to the new street and street improvements, forty-three thousand pounds;

With respect to the cemetery, four thousand pounds;

With respect to the Town Hall, five thousand pounds;

With respect to the Free Library and the lands adjoining the same, five thousand five hundred pounds:

And whereas the several works included in such estimates are permanent works within the meaning of the two hundred and thirty-fourth section of "The Public Health Act, 1875:"

And whereas an absolute majority of the whole number of the council, at a meeting held on the tenth day of November one thousand eight hundred and seventy-five, after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the South Wales Evening Telegram, a local newspaper published or circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting), resolved that the expense in relation to promoting the Bill for this Act

should be charged on the borough fund and borough rate and on the district fund and general district rates:

And whereas such resolution was published twice in the South Wales Evening Telegram, a local newspaper circulating in the borough, and in respect of matters under the jurisdiction of the Local Government Board has received the approval of that Board, and in respect of other matters has received the approval of one of Her Majesty's Principal Secretaries of State:

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

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

And whereas plans and sections describing the lines, situations, and levels of the works authorised by this Act, and plans showing the lands to be acquired under the powers of this 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 lands in the line of those works or within the limits of deviation as defined on the plans and describing those lands, have been deposited with the clerk of the peace for the county of Monmouth, and are in this Act referred to as the deposited plans, sections, and book of reference:

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 Newport (Monmouthshire) Improvement Act, 1876."

Commencement of Act.

2. For the purposes of proceedings preliminary to the municipal elections of November one thousand eight hundred and seventy-six this Act shall take effect on its passing, and for all other purposes this Act shall commence and take effect from and immediately after the thirty-first day of October one thousand eight hundred and

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seventy-six (which last-mentioned time is in this Act referred to a "the commencement of this Act").

Provisions of certain general Acts incorporated.

3. The following Acts and parts of Acts, as far as they are applicable for the purposes of and are not varied by or inconsistent with this Act, are hereby incorporated with this Act; (that is to say,)

"The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," except section one hundred and twenty-seven of "The Lands Clauses Consolidation Act, 1845;"

and the said Acts shall respectively apply to the acquisition of lands for the purposes of this Act, and to the Corporation as if they were a Company.

Interpretation of terms.

4. In this Act—

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

"The existing east ward" and "the existing west ward" mean respectively the east ward and the west ward as existing at the passing of this Act:

"The added area" shall mean such parts of the parishes of Saint Woollos and Christchurch as are added to the existing borough by this Act:

"The borough" means the municipal borough of Newport as extended by this Act:

"The Corporation" means the mayor, aldermen, and burgesses of the borough:

"The council" means the council of the borough:

"The borough fund" and "the borough rate" mean respectively the borough fund and the borough rate of the borough:

"The district fund" and "the general district rates" mean respectively the district fund and general district rates for the district of the borough:

"The burial board" means the Newport and Saint Woollos Burial Board:

"The Newport Cemetery" means the cemetery known by that name, and includes the area within the existing cemetery inclosure, except such parts of the same as have been from time to time conveyed by the owners of the cemetery to any persons for the purpose of vaults, graves, tombs, tombstones, or monuments:

"The Municipal Corporations Acts" means the Act of the session of the fifth and sixth years of the reign of King William the Fourth, intituled "An Act to provide for the regulation of

"Municipal Corporations in England and Wales," and all Acts for the time being in force amending the same or otherwise relating to municipal corporations in England and Wales:

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

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

"Freemen's Annuity Fund" means the moneys from time to time to be divided amongst freemen and widows of freemen in pursuance of section five of the Act of 1855.

Terms to which meanings are assigned in enactments wholly or partially incorporated with this Act, or which have therein special meanings, have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in this Act and (for the purposes of this Act) in enactments incorporated with this Act the terms "superior courts" or "court of competent jurisdiction," or any other like term, shall have effect as if the debt or demand with respect to which it is used were a common simple contract debt, and not à debt or demand created by statute.

Extension of Borough.

Extension of borough.

5. The borough shall comprise the district described in the First Schedule to this Act annexed: Provided always, that if at any time hereafter the course of the River Ebbw mentioned in that schedule shall be altered under the powers of any Act passed or to be passed, the centre of that river as altered shall be substituted for the centre of that river as now existing as part of the boundary of the borough.

Deposit of borough plan.

6. The borough plan mentioned in the First Schedule to this Act, signed in duplicate by the Right Honourable the Earl of Dartrey, the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred, shall within one week after the passing of this Act be deposited in the Private Bill Office of the House of Commons and with the town clerk at his office.

Authority of Corporation, &c. extended.

7. 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 in the execution of such of the provisions of the local Acts as were at the commencement of this Act in force within the existing borough, and of the Corporation acting by the council as the sanitary authority for the district of the

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existing borough, and of all officers and servants of the Corporation, shall extend to and throughout the borough, and subject to the provisions of this Act all enactments, byelaws, regulations, and orders immediately before the commencement of this Act in force within or applicable to the existing borough shall extend and apply to the borough.

Jurisdiction, &c. of borough justices extended.

8. The jurisdiction, powers, authorities, rights, privileges, and duties of the justices of the peace appointed for the existing borough, whether acting in petty sessions or out of sessions or otherwise, and of all constables of the existing borough, shall extend to and throughout the borough.

The Corporation are hereby empowered to make compensation for any loss of fees which by reason of the provisions of this section will be occasioned to the person who at the commencement of this Act shall hold office as clerk to the justices for the county divisions of Newport and Christchurch, and such compensation may be either a gross sum or an annuity during his life.

Borough divided into four wards.

9. The borough shall have eight aldermen and twenty-four councillors, and shall be divided into four wards having the names and boundaries set forth and described in the Second Schedule to this Act annexed, and shown upon a plan of the wards in the borough, signed in duplicate by the said Earl of Dartrey, and deposited in the Private Bill Office of the House of Commons and with the town clerk at his office, and each ward shall return six councillors.

Copies of deposited plan showing boundaries to be evidence.

10. Copies of the borough plan and plan of the wards deposited with the town clerk, or any extract therefrom, certified by him to be true, shall be received in all courts of justice or elsewhere as primâ facie evidence of the contents of such plans respectively, and such plans 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 plans respectively, certified by the town clerk, upon payment of a reasonable fee for every such copy or extract.

Burgess list.

11. For the purpose of the burgess list, burgess roll, and other lists to be made after the commencement of this Act under the Municipal Corporations Acts, and in relation to the functions of overseers and the mayor, town clerk, and revising assessors under those Acts, the added area shall be deemed to have always formed part of the borough.

Ward Lists in extended borough.

12. To avoid delay and difficulty in making out the "ward lists" in alphabetical order in wards comprising more than one parish

or parts of different parishes, the town clerk may, if he think fit, cause the names of the persons entitled to be placed in such ward lists to be placed therein alphabetically in respect of each of such parishes or parts of such parishes instead of alphabetically in respect of such ward.

Elections of councillors for wards of borough.

13. The first election of councillors for the east ward and south ward of the borough respectively shall take place on the first day of November one thousand eight hundred and seventy-six.

No election of councillors for the central ward and north ward shall be held on the first day of November one thousand eight hundred and seventy-six, and no persons shall be elected in place of the three councillors of the existing east ward or in place of the three councillors of the existing west ward who on the first day of November one thousand eight hundred and seventy-six will respectively retire by rotation, and the remaining six councillors of the existing east ward and west ward respectively shall continue to be councillors for the central ward and north ward respectively under this Act.

On the first day of November one thousand eight hundred and seventy-seven, and in every year thereafter, one third of the number of the councillors for each ward shall go out of office, and on such day councillors shall be elected for each ward in place of the councillors who on such day will retire by rotation.

Rotation of councillors.

14. On the first day of November one thousand eight hundred and seventy-seven, and on the first day of November one thousand eight hundred and seventy-eight, one third of the councillors of the central ward and north ward in office at such times respectively shall go out of office, and such third shall be the councillors who, on such days respectively, have been the longest time in office without re-election: Provided always, that where any two or more such councillors have been an equal time in office, then of such the councillors or councillor elected by the smallest number of votes shall retire, and thereafter those who shall go out of office shall always be the councillors who have been the longest time in office without re-election.

In the year one thousand eight hundred and seventy-seven the councillors of east ward and south ward who shall go out of office shall be the councillors who were elected by the smallest number of votes in the present year, and in the next year (one thousand eight hundred and seventy-eight) those who shall go out of office shall be the councillors who were elected by the next smallest number of votes in this present year, and thereafter those who shall

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

Election and retirement of aldermen.

15. On the ninth day of November in the year one thousand eight hundred and seventy-six all the aldermen of the borough shall retire, and on the ninth day of November in the year one thousand eight hundred and seventy-six, and in every third succeeding year, the council for the time being of the borough shall, subject to the provisions of the Municipal Corporations Acts, elect the aldermen of the said borough or so many as shall be needed to supply the places of those who shall then go out of office according to the provisions of the Municipal Corporations Acts and this Act. Upon the ninth day of November in the year one thousand eight hundred and seventy-nine, and in every third succeeding year, one half of the number elected as aforesaid to be the whole number of the aldermen of the borough shall go out of office, and the councillors immediately after the first election of aldermen under this Act shall appoint who shall be the aldermen who shall go out of office in the year one thousand eight hundred and seventy-nine, and thereafter those who shall go out of office shall always be those who have been aldermen for the longest time without re-election.

Election of first mayor.

16. The first mayor of the borough under this Act shall be elected on the ninth day of November one thousand eight hundred and seventy-six from and out of the aldermen and councillors of the borough.

General provisions as to election, &c. of aldermen and councillors.

17. All the retiring aldermen and councillors shall, if duly qualified, be eligible for re-election.

If on the election of any councillors there was or there shall be no poll or an equality of votes, the council shall determine the order in which such councillors or any of them shall go out of office.

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

Added area exempt from highway rates, &c.

18. From and after the commencement of this Act all lands, houses, and hereditaments within the added area shall be exempt from all highway rates to be made in respect of the parishes in which the same are situate, and from the jurisdiction of and all rates to be made by the sanitary authority (as such) of such parishes.

Arrears of highway rates.

19. All arrears existing at the commencement of this Act of highway rates leviable within the added area may be levied and collected as if this Act had not been passed.

Extension of school board district.

20. For the purposes of "The Elementary Education Act, 1870," and any Act amending the same, the members of the school board for the existing borough who shall be in office at the date of the commencement of this Act shall be deemed to have been elected for the borough, and, subject to the provisions of "The Elementary Education Act, 1870," and any Act amending the same, that board shall be the school board of the borough, and all byelaws and orders of the school board made before the passing of this Act shall apply to the borough.

Dissolution of Burial Board, Transfer of Property, &c.

Burial board dissolved.

21. From and after the commencement of this Act the burial board shall be dissolved, but nothing in this section shall affect any right, title, obligation, or liability acquired or accrued before the commencement of this Act or any remedy or proceeding in respect thereof, and the same may be enforced and carried on by or against the Corporation instead of by or against the burial board as if this section had not been enacted, and as if the Corporation instead of the burial board had been parties or privy thereto.

Property of burial board transferred to Corporation.

22. Subject to the provisions of this Act, all lands, pipes, meters, lamps, lamp-posts, works, erections, buildings, rights, privileges, powers, duties, liabilities, and easements, moneys, securities, deeds, contracts, agreements, papers, books, plans, property, chattels, choses in action, effects, claims and demands, rights and remedies whatsoever which immediately before the commencement of this Act were vested in the burial board, or any person on their behalf, or of or to which the burial board, or any person on their behalf, were seised, possessed, or entitled, either at law or in equity, or otherwise howsoever, shall be and the same are hereby vested in the Corporation to the same extent and for the same estate and interest as the same respectively were immediately before the commencement of this Act vested in the burial board, or any person on their behalf, and may be held, recovered, used, and enjoyed, and shall be undertaken, exercised, and performed accordingly, and the Corporation shall thenceforth be the burial board for the borough within the meaning and for the purposes of the Burial Acts: Provided always, that notwithstanding the vesting in the Corporation of the property of the burial board in manner aforesaid or any extension of the Saint Woollos Cemetery under the authority of this Act, all persons resident within such part of the parish of Saint Woollos as shall not be within the borough shall, with respect to the Saint Woollos Cemetery and any extension of the same as aforesaid, have,

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possess, exercise, and enjoy all and the same rights of burial as they may with respect to the said cemetery as now existing have, possess, exercise, and enjoy immediately before the commencement of this Act, but subject to the same terms, payments, and conditions, and none other or different, to which at such last-mentioned time such rights were subject.

Conveyances, &c. to remain in force.

23. 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 the burial board, or any person on their behalf, and now in force, shall be and remain as good, 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 this Act were not passed, or as if the Corporation instead of the burial board had been party or privy thereto.

Actions, &c. not to abate.

24. Any action, suit, prosecution, or other proceeding whatsoever commenced either by or against the burial board 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 this Act were not passed, or as if the Corporation instead of the burial board were parties to such action, suit, prosecution, or proceeding.

Rates due at commencement of Act to be recoverable.

25. 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 burial board shall from and after the commencement of this Act be payable to and may be collected and received by the Corporation in like manner as the general district rate may be collected and recovered by the Corporation.

Debts due to and by the burial board to be paid to and by the Corporation.

26. All persons who immediately before the commencement of this Act owe any sum of money to the burial board, 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 moneys which immediately before the commencement of this Act are due or owing by or recoverable from the burial board, or for the payment whereof the burial board 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.

Byelaws, rules, regulations, &c. to remain in force.

27. All byelaws, rules, regulations, notices, and orders made by the burial board under any Act of Parliament, and in force immediately before the commencement of this Act, may be repealed, altered, or varied by the Corporation as if they had been made by them under the powers of the Burial Acts, and shall apply to the added area, and shall continue in full force in the borough until the same be so repealed, altered, or varied, and such regulations, rules, notices, orders, and all penalties and forfeitures thereby imposed, shall be enforced, recovered, and applied in like manner and in all respects as the same respectively might be enforced, recovered, and applied in case the same had been made and imposed respectively by or under those Acts.

Books to be evidence.

28. All books and other documents directed or authorised to be kept by the burial board by any Act of Parliament, and which immediately before the commencement of this Act would be receivable in evidence, shall, notwithstanding the dissolution of that board, be admitted as evidence in all courts of justice and elsewhere accordingly.

Compensation to officers of burial board.

29. The Corporation may, with the consent of the Local Government Board, make compensation to every person who by reason of the dissolution of the burial board shall be wholly or in part superseded in his office, or who shall at any time within the space of two years next after the commencement of this Act be removed from office and not be employed in any office of equal value under the Corporation, and such compensation may be either a gross sum or an annuity during the life of such person.

Execution of Act.

Limits of Act.

30. This Act shall apply exclusively to the borough.

Act to be executed by council.

31. 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 Burial Acts, and other Acts respectively for the time being affecting the Corporation as a municipal body, a sanitary authority, and a burial board respectively, and with all the rights, powers, privileges, exemptions, and authorities conferred by those Acts respectively on the Corporation or 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, Burial Acts, and other Acts respectively, and (subject to the provisions of this Act) as nearly as may be in all respects as if the powers, duties, exemptions, and property vested in, imposed on, or

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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, Burial Acts, and other Acts respectively.

Validity of meetings.

32. Every meeting of the council or of any committee of the council shall be presumed to have been duly convened and held, and all members attending any such meeting shall be presumed to have been duly qualified, and every question at any such meeting shall be determined by a majority of votes of the members attending such meeting and actually voting on the question, or in case of an equality of votes, by the casting vote of the chairman of such meeting.

Proof of debt in bankruptcy.

33. If any person against whom the Corporation have any claim or demand becomes bankrupt, the town clerk in all proceedings in relation to the estate of such bankrupt may represent the Corporation and act in their behalf in all respects as if such claim or demand had been the claim or demand of the town clerk and not of the Corporation.

NEW STREET AND STREET IMPROVEMENTS.

Power to make new street and improvements.

34. Subject to the provisions of this Act and to the powers of deviation hereby given, the Corporation may, if they think fit, in the lines and situation and upon the lands in that behalf delineated on the deposited plans and described in the deposited book of reference, and according to the levels in that behalf shown on the deposited sections, make and maintain the works and improvements and do the things following; (that is to say,)

(A.) A new street commencing by a junction with the High Street, Newport, at or near the point at which that road is crossed by bridges over the Monmouthshire Railway and Canal, and terminating in Dock Street at a point about one hundred feet southward from its junction with Llanarth Street:

(B.) The widening of the street or road known as Pentonville on the southern side thereof, such widening to commence at or near the junction of the road known as Goldtops Road with Pentonville, and to terminate at or near the house numbered 2 on the east side of Pentonville:

(C.) The widening of the said street or road known as Pentonville on the north side thereof, such widening to commence at or near the west side of the house numbered 19 in Pentonville, and to terminate at or near the east side of

the house numbered seventeen in Pentonville, and known as the Horse and Jockey Inn:

(D.) A widening of Baneswell Road from the north-eastern corner of the open ground of Baneswell Square to the western side of the Black Horse Inn, numbered twenty-one in that square.

Power to stop up parts of certain streets.

35. The Corporation may stop up—

(A.) So much of Market Street as lies between the intended new street above described and the Monmouthshire Railway;

(B.) So much of Upper Merchant Street as lies between the intended new street and Market Street;

(C.) So much of Union Lane as lies between the intended new street and Canal Parade;

and thereupon the site and soil of the same shall vest in the Corporation, and all rights of way over the same shall be extinguished: Provided always, that no part of Union Lane shall be stopped up under the powers of this Act without the consent in writing of the owner or owners for the time being of the land now belonging or reputed to belong to Tom Benjamin Batchelor which abuts upon the said lane.

Power to make subsidiary works.

36. Subject to the provisions of this Act and within the limits defined on the deposited plans, the Corporation, in connexion with the said works and improvements by this Act authorised or any of them, and for the purposes thereof, may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said works or improvements or any of them, and may make diversions, widenings, or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said works or improvements or any of them, or of crossing under or over the same or any of them or otherwise.

Power to deviate vertically or laterally.

37. In making the said works and improvements the Corporation may deviate vertically to any extent not exceeding five 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: Provided always, that no deviation shall be made either from the line or from the levels (as shown upon the deposited plans and sections) of so much of the new street (A) as will be made through the lands now belonging or reputed to belong to Tom Benjamin Batchelor without

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the consent in writing of the owner or owners for the time being of those lands.

Power to alter and divert sewers, &c.

38. The Corporation from time to time may alter and divert, either temporarily or permanently, all sewers, drains, mains, and pipes within the borough which they find it necessary or convenient for any of the purposes of this Act so to interfere with, making to all persons who sustain any damage thereby compensation in that behalf, such compensation, in case of dispute, to be ascertained in manner prescribed by "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," with respect to the settlement of questions of disputed compensation for lands.

Alterations consequent on changing levels of streets to be made at expense of Corporation.

39. Where by reason of the execution of any of the works by this Act authorised the level of any street is raised or otherwise changed, or any alteration of any step, door, or entrance into any house or building, or of any pavement, sewer, drain, or culvert adjoining or belonging to any premises in the street, is rendered necessary, the alteration shall be made by and at the expense of the Corporation out of the moneys applicable under this Act to street improvements.

Damage to buildings to be compensated for by Corporation.

40. Where by reason of the alteration of the level of any street or the execution of any other work by this Act authorised, any house, building, or premises be damaged or otherwise injuriously affected, the Corporation shall out of the moneys applicable under this Act to street improvements make good the damage done, and pay to the owner and occupier of the house, building, or premises such compensation as shall be agreed on between the owner and occupier and the Corporation, or failing their agreement, such compensation as shall be ascertained in manner prescribed by "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," with respect to the settlement of questions of disputed compensation for lands.

Alterations of gas and water pipes, &c.

41. In executing any works by this Act authorised the Corporation may raise, sink, or otherwise alter the position of any water-course, water pipe, or gas pipe belonging to or connected with any building adjoining or near to the site of any such work, and also any main or other pipe laid down or used for carrying a supply of water or gas, and also any pipe, tube, wire, or apparatus laid down for telegraphic or other purposes, and may remove any other obstruction, causing as little detriment and inconvenience as circumstances admit, and making full compensation for damage caused by any such alteration.

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Streets disused vested in Corporation for sale.

42. Where any street or ground abutting on any street, and dedicated to public use, or open to the passage of the public, becomes in consequence of any improvement effected by the Corporation under the powers of this Act, and shown on the deposited plans, no longer required for public use or for approach to any property adjoining thereto, the same is hereby vested in the Corporation freed and discharged from the public use thereof: Provided that if any land be injuriously affected by such street or ground being so vested in the Corporation, the Corporation shall pay to the owner and occupier of such land such compensation as shall be agreed on between such owner and occupier respectively and the Corporation, or failing their agreement such compensation as shall be ascertained in manner prescribed by "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," with respect to the settlement of questions of disputed compensation for lands.

Elevation of buildings fronting streets to be as Corporation approve.

43. All buildings from time to time erected in any street made, widened, or improved under the powers of this Act, or in any new street made after the passing of this Act, and all buildings the front whereof towards any such street may be taken down, shall be erected or altered or rebuilt, as the case may be, in such line to the street and in accordance with such elevation fronting to or towards the street as the Corporation approve, and if the owner, lessee, or occupier of any building which, on the making of any such new street or on the widening or improving of any such street, acquires a frontage to the street, make any door or entrance opening upon or communicating with the street, or any wall or fence by the side of the street, every such owner, lessee, or occupier shall make the building, wall, or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Corporation: Provided that the Corporation shall make to every person who shall suffer any damage or loss by reason of his being deprived of any land or of any house or building being diminished in size or otherwise under the provisions of this section, such compensation therefor as shall be agreed on between such person and the Corporation, or failing their agreement such compensation as shall be ascertained in manner prescribed by "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," with respect to the settlement of questions of disputed compensation for lands: Provided further, that nothing in this section shall apply to any building or buildings of or connected with any railway or station now or hereafter belonging to the Great Western Railway Company or the Monmouthshire Railway and Canal Company within the borough of Newport.

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ENLARGEMENT OF TOWN HALL.

Power to Corporation to enlarge or improve Town Hall.

44. Subject to the provisions of this Act, the Corporation may, upon the lands in that behalf delineated on the deposited plans and described in the book of reference, from time to time enlarge and improve the Town Hall in such manner as they shall think fit, and the Corporation may stop up that part of Merchant Street upon which the Town Hall abuts, and thereupon all rights of way over that part of that street shall be extinguished.

FREE LIBRARY.

Site of Free Library to be held for certain purposes.

45. The Corporation shall hold the site of the Free Library and the lands adjoining thereto delineated on the deposited plan and described in the deposited book of reference, when they have acquired the same under the authority of this Act, for the purpose of such library and such other purposes connected therewith as they shall think fit.

ENLARGEMENT OF ST. WOOLLOS CEMETERY.

Corporation may enlarge cemetery.

46. The Corporation, for the purpose of enlarging the St. Woollos Cemetery, by this Act transferred to and vested in them, may add thereto all or any part of the lands in that behalf delineated on the deposited plans and described in the deposited book of reference, and described in the Third Schedule to this Act, and the lands so added shall thenceforth form part of the said cemetery and be under the jurisdiction and control of the Corporation accordingly.

BUILDING LEASES OF MARSH LANDS.

Extension of leasing powers under Act of 1855.

47. The leasing powers conferred upon the Corporation by section three of the Act of 1855 shall be construed to extend to authorise the granting by the Corporation of building leases for terms not exceeding ninety-nine years, and for such purpose section ninety-six of the Act of the fifth and sixth years of the reign of King William the Fourth, intituled "An Act to provide for the regulation of Municipal Corporations in England and Wales," shall be construed as if the term for which building leases are thereby authorised to be made had been a term not exceeding ninety-nine years.

THE NEWPORT CEMETERY.

Power to Corporation to acquire by agreement the Newport Cemetery.

48. The Corporation may, subject to the provisions of this Act, by agreement acquire the Newport Cemetery.

Terms and conditions of

49. For the purpose of arranging the terms and conditions of the acquisition by the Corporation of the Newport Cemetery, a

majority of the owners of the same may, by writing under their respective hands and seals, appoint from amongst themselves a committee not exceeding five in number.

acquisition of Newport Cemetery.

The committee so appointed shall publish a notice of their appointment once at least in each of two consecutive weeks in some newspaper circulating within the borough, and at any time after three months after the last of such publications may enter into an agreement with the Corporation as to the consideration, terms, and conditions of such acquisition by the Corporation, and they may by deed convey the Newport Cemetery to the Corporation, and thereupon the same shall vest in the Corporation (subject as herein-after mentioned) for the purposes of this Act in relation thereto, and they shall be entitled to immediate possession thereof.

The provisions of "The Lands Clauses Consolidation Act, 1845," with respect to the purchase of lands by agreement, shall, so far as the same are applicable, apply to such acquisition.

Saving rights of heirs, &c. of persons interred in burial ground.

50. Such conveyance shall be subject and without prejudice to the rights, privileges, or easements which any person immediately before the making of the same had, or his heirs or personal representatives may hereafter have, in, to, or in respect of any vault, grave, tomb, tombstone, or monument, or the maintenance thereof, or the access thereto respectively in the Newport Cemetery.

Power to Corporation to acquire estates and rights, &c. reserved in conveyance.

51. The Corporation may from time to time, by agreement, acquire any right, privilege, or easement in, to, or in respect of any vault, grave, tomb, tombstone, or monument, or the maintenance thereof, or the access thereto respectively in the Newport Cemetery reserved in any such conveyance as aforesaid.

Burial ground to be kept open.

52. Subject to the provisions of this Act, the Newport Cemetery when acquired by the Corporation under this Act shall at all times be kept in a good and decent state and open to the public.

Power to make bye-laws.

53. The Corporation may from time to time make byelaws, and when made may repeal, amend, or alter such byelaws as they may think fit for all or any of the following purposes with respect to the Newport Cemetery:

For appointing and regulating keepers or servants employed therein or thereabout:

For the prevention of the posting of bills or placards, and the writing, stamping, cutting, printing, drawing, or marking in any manner of any word or character, or of any representation of any object on any building, erection, monument, tombstone,

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wall, railing, fence, tree, lamp post, walk, pavement, or seat, or elsewhere in the said cemetery :

For the preservation of order and good conduct among persons frequenting the said cemetery :

For regulating times of admission thereto :

For the prevention or restraint of acts or things tending to the injury or disfigurement of the said cemetery or anything in or on the same, or to interference with the use thereof by the public :

For preventing or regulating the admission of dogs to the said cemetery.

The Corporation may by any byelaw impose penalties for offences against the same, not exceeding in respect of any offence five pounds.

Purchase of Freemen's and Widows Rights in the Freemen's Annuity Fund.

Corporation may purchase freemen's and widows rights in the Freemen's Annuity Fund.

54. The Corporation may at any time after the commencement of this Act, by advertisement to be published once at least in each of two consecutive weeks in some newspaper circulating in the county of Monmouth, and to be posted upon the Town Hall, give notice of their intention to acquire the rights of participation in the Freemen's Annuity Fund of the freemen and widows of freemen entitled thereto, and the Corporation may, after the expiration of three months after the last publication of such advertisement, by notice to be published and posted in like manner as such first-mentioned notice, require the freemen and widows of freemen then entitled to rights of participation in the Freemen's Annuity Fund to sell, and thereupon such freemen, on their own behalf and that of their wives, and such widows shall sell their respective rights, and for such sums by way of compensation as may be ascertained in manner prescribed by "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," with respect to the ascertainment of the compensation payable for the commonable or other rights in or over common lands, and sections one hundred and one to one hundred and seven (both inclusive) of "The Lands Clauses Consolidation Act, 1845," incorporated with this Act, shall for such purpose be construed as if for the commonable and other rights therein mentioned the rights to be acquired under this Act were substituted, and as if the meeting to be convened by the promoters under section one hundred and two of the said Act were directed to be convened by the mayor.

Provision for regulating places for dancing, music, and other public entertainments.

55. No house, room, garden, or place within the borough shall be kept or used for public dancing or music without a license first had and obtained from the justices of the peace for the borough (which said license such justices are hereby authorised and empowered at their discretion to grant) on their general annual licensing day, and under the hands and seals of a majority of the justices then assembled; and any house, room, garden, or place kept and used for any such purposes as aforesaid without such license first had and obtained shall be deemed a disorderly house, and the person occupying or rated as the occupier of the same shall, on conviction before any two justices, be liable to a penalty not exceeding ten pounds for every day on which he shall so offend: Provided always, that in order to give public notice what places are licensed pursuant to this Act, there shall be affixed and kept up in some conspicuous place on the door or entrance of every house, room, garden, or place kept or used for any of the said purposes and so licensed as aforesaid an inscription in large capital letters of such dimensions as shall be prescribed in such license in the words following, "Licensed pursuant to Act of Parliament," and no such house, room, garden, or place kept or used for any of the said purposes, although licensed as aforesaid, shall be opened for any of the said purposes except between the hours stated in the license, and the affixing and keeping up of such inscription as aforesaid and the said limitation in point of time shall be inserted in and made conditions of every such license; and in case of any breach of any of the said conditions of any such license, such license shall be liable to be forfeited and revoked by the justices of the peace for the borough at any general annual licensing day or some adjournment therefrom: Provided also, that it shall be lawful for every person who shall think himself aggrieved by any order of such justices to appeal therefrom to the High Court of Justice (which court shall have power to hear and determine the same), whose order therein shall be final.

Byelaws.

56. The Corporation from time to time may make, and when made may repeal, amend, or alter, such byelaws as they may think fit—

For the good government and management of any house, room, garden, or place licensed under this Act for public dancing or music; and

For the prevention of disorderly conduct therein;

and may impose penalties for the breach or non-observance thereof, not exceeding five pounds for each offence.

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BYELAWS.

As to byelaws under this Act.

57. Nothing in this Act contained shall authorise the making of any byelaw repugnant to law or to this Act.

All byelaws made by the Corporation under this Act shall be so framed as to allow of part only of the maximum penalty thereby imposed being inflicted.

All byelaws made by the Corporation under this Act shall be made and confirmed subject to the provisions of the Public Health Acts with respect to byelaws.

ACQUISITION OF LANDS.

Power to take lands.

58. Subject and according to the provisions of this Act, the Corporation may from time to time enter upon, take, and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference, and any easement, right, or privilege in or over the same: Provided always, that nothing in this Act shall authorise the Corporation to enter upon, take, or use any of the lands shown on the deposited plans in or adjoining Mill Parade.

For the protection of the property of William Evans.

59. For the protection of the property belonging or reputed to belong to William Evans, be it enacted as follows:

1. The Corporation shall, in the construction of the new street, use their best endeavours to avoid taking any portion of the offices and warehouses now belonging or reputed to belong to William Evans, numbered 11 on the deposited plans relating to the new street:

2. The Corporation shall not, without the consent in writing of the said William Evans, his heirs or assigns, or other the owner or owners for the time being of the offices and warehouses numbered 11 on the deposited plans of the new street take, appropriate, or use for the purpose of the new street, or for any other purpose of this Act, nor shall the Corporation be required to take, any further or other portion of the said offices and warehouses than the south-eastern corner thereof shown within and to the east of the line of frontage of the new street on the said deposited plans, and coloured brown on a certain plan (A) signed by Thomas Woollett and Thomas Colborne on the part of the Corporation and the said William Evans respectively, nor shall the Corporation, without the like consent in writing, take, appropriate or use for the purpose of the new street, or of any subsidiary works in connexion therewith, any portion of the

property belonging or reputed to belong to the said William Evans numbered 12, 17A, 13, 15, and 16, and coloured pink on the said plan (A):

3. The Corporation shall not, without the like consent in writing, take, appropriate, or use, nor shall the Corporation be required to take, for the purpose of the enlargement of the Town Hall, or for any other purpose of this Act, any portion of the property belonging or reputed to belong to the said William Evans numbered on the deposited plans for the Town Hall extension 18, 19, and 19A, and coloured pink on a certain plan (B) signed by the said Thomas Woollett and Thomas Colborne, nor any part of that portion of the property numbered 20 on the said deposited plans which lies to the northward of an imaginary line drawn in direct extension eastward of the northern wall of the present Town Hall, and which northern portion of the said property is also shown on the said plan (B) by the colour pink, and is thereon numbered 20, the portion of the said property southward of the said imaginary line being on the last-mentioned plan numbered 20A:

4. The Corporation shall not, without the like consent in writing, enter upon, take, appropriate, or use for any other purpose than for the enlargement and improvement of the Town Hall any portion of the property of the said William Evans numbered 20A and 21 on the said plan (B) lying to the west of the line of frontage of the new street on the deposited plans:

5. The said William Evans, his heirs or assigns, or other the owner or owners aforesaid, shall be entitled to receive compensation for the compulsory purchase of such portion of his or their property as shall in accordance and conformity with this section be taken by the Corporation for the purpose of the new street or for the enlargement and improvement of the Town Hall, and also compensation for the damage to be sustained by him or them by severance or injury to his or their adjoining property or otherwise, and such compensation shall be settled by arbitration in accordance with the provisions of "The Lands Clauses Consolidation Act, 1845," with respect to the purchase and taking of lands otherwise than by agreement.

Errors and omissions in plan, &c. to be corrected.

60. If any omission, mis-statement, or erroneous description shall have been made of any lands or of the owners, lessees, or occupiers of any lands described in the deposited plans or books

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of reference, it shall be lawful for the Corporation, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by such proposed correction, to apply to two justices for the correction thereof, and if it shall appear to such justices that such omission, mis-statement, or erroneous description arose from mistake, they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission, mis-statement, or erroneous description, and in what respect any such matter shall have been mis-stated or erroneously described, and such certificate shall be deposited with the clerk of the peace for the county of Monmouth and with the parish clerk of every parish in which any lands affected by such certificate shall be situate, and shall be kept by such clerk of the peace along with the documents to which they relate, and thereupon the said plan and book of reference shall be deemed to be corrected according to such certificate, and it shall be lawful for the Corporation to make the works by this Act authorised in accordance with such certificate.

Copies of plan, &c. to be evidence.

61. True copies of the deposited plans and books of reference, or of any alteration or correction thereof, or extracts therefrom, certified by the clerk of the peace for the time being for the said county of Monmouth (which certificate such clerk of the peace shall give to all parties interested when required), shall be received in all courts of justice or elsewhere as evidence of the contents thereof.

Corporation may extinguish rights of way over streets and footpaths.

62. The Corporation may discontinue and stop up any and every street and footpath in or over lands acquired by them under the powers of this Act and described in the deposited books of reference, and thereupon all rights of way over such streets and footpaths shall be extinguished.

Corporation to give notice before taking dwellings of labouring classes.

63. The Corporation shall, not less than eight weeks before they take in the borough fifteen houses or more occupied either in whole or in part by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Corporation shall not enter upon, take, or use any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Corporation have in manner required by this section made known their intention to take the same.

Corporation to procure accommoda-

64. Before taking fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as

tenants or lodgers who may for the time being be the occupier or occupiers of any house or part of any house which the Corporation are by this Act authorised to acquire, the Corporation shall (unless the Corporation and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons: Provided always, that if any question shall arise as to the sufficiency of such accommodation, the same shall be determined by a justice, and the Corporation may apply for the purposes of this section any moneys they may have already raised or are authorised to raise, and which are not required for the purposes for which they were raised.

Provision for persons of the labouring class to be displaced.

65. And whereas in the construction of the works by this Act authorised it may happen that portions only of the lands, buildings, or manufactories shown on the deposited plans will be sufficient for the purposes of the same, and it may happen that such portions may be severed from the remainder of the said properties without material detriment thereto: Therefore, notwithstanding section ninety-two of "The Lands Clauses Consolidation Act, 1845," the owners of and persons interested in any lands, buildings, or manufactories described or referred to in the Fourth Schedule to this Act, and whereof parts only are required for the purposes of this Act, may, if such portions can in the judgment of the jury, arbitrator, or other authority assessing or determining the compensation under that Act be severed from the remainder of the said properties without material detriment thereto, be required to sell and convey to the Corporation the portions only of the premises so required, without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof, the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof by severance or otherwise: Provided always, that in the event of the Corporation under this section not being obliged or compellable to purchase the whole of the lands, buildings, and premises now belonging or reputed to belong to Tom Benjamin Batchelor, it shall not be lawful for them, without the consent in writing of the owner or owners for the time being of the said lands, buildings, and premises, to enter upon, take, use, occupy, or appropriate for the purposes of the new street or for any other purpose of this Act any further or other portion of the said lands, buildings, and premises than the portion (not exceeding fifty feet in width) required for and intended to be laid into the site of the new street.

Owners may be required to sell part only of certain premises.

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Limitation of time for compulsory purchase of lands, &c.

66. The powers of the Corporation for the compulsory purchase of lands or any estate in lands for the purposes of this Act shall not be exercised after the expiration of the following periods; (that is to say,)

For the purposes of the new street and roads and street and road improvements, after the expiration of five years from the commencement of this Act;

For any other purpose, after the expiration of three years after the commencement of this Act.

Power to acquire additional lands by agreement.

67. The Corporation may (in addition to the lands they are authorised to acquire and hold by the other powers of this Act) from time to time, for all or any of the purposes of this Act, by agreement, acquire in fee, either by purchase or by way of exchange or otherwise, any land not exceeding in the whole five acres, or any easement, power, or privilege therein, thereunder, thereover, or thereupon (not being an easement or privilege of water) which shall be deemed necessary by the Corporation, and may appropriate all or any part thereof for all or any of the purposes of this Act.

Consideration for such acquisition

68. The consideration for any such acquisition may be either money or land, or any yearly sum or rentcharge or other rent, or a mixed consideration of money and land, and on any exchange the Corporation may give or take any money for equality of exchange.

Power to take easements, &c. by agreement.

69. 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.

Corporation may use their own lands for purposes of Act.

70. The Corporation from time to time may appropriate and use for any of the purposes of this Act, other than for the purposes of a cemetery, any lands from time to time vested in them, and being part of their corporate estates or vested in them as a sanitary authority.

Corporation may sell or lease lands not required

71. Subject to the provisions of this Act, the Corporation from time to time, if and when they think fit, may sell or exchange all or any part of any lands vested in them at the commencement of

this Act, or acquired by them under the authority and not required for the purposes of this Act, or they may lay out the same for building purposes, and sell or exchange the same, or otherwise at their option they may demise or grant upon lease for any yearly rent, with or without fine, for such estate, term, or interest, not exceeding a term of ninety-nine years, and to such persons, and with, subject to, on, and under such reservations, covenants, terms, and conditions, as the Corporation think fit (and in case of sale in consideration of a gross sum or of an annual rent, or of both, or of any payment in any other form), all or any part of such lands, and the Corporation may make any such sale or lease by public auction, public tender, or private contract, and with or without special conditions and stipulations as to evidence or commencement of title or otherwise, and may fix reserved biddings and prices, buy in at auctions, and alter or rescind on terms or gratuitously any contract or agreement for sale or lease, and the consideration or rent fixed thereby, and accept surrender of any lease, and either before or after such conveyance or lease is granted may in like manner sell and dispose of any rent reserved or agreed to be reserved for any such lands, and the reversion and inheritance in fee simple in possession (subject to any such lease or agreement of or concerning such lands) of any such lands, and execute and do all deeds and things necessary to effect the several purposes aforesaid.

for purposes of Act.

72. No sale or exchange nor any lease of any lands now vested in the Corporation shall be made without the consent of the Commissioners of Her Majesty's Treasury after due notice in accordance with the provisions of the Municipal Corporations Acts, except such leases as the Corporation are authorised to grant by virtue of the Municipal Corporations Acts, Local Acts, and this Act without such consent.

Consent of Treasury to sale, &c. of lands.

FINANCIAL.

73. All costs, charges, and expenses from time to time incurred by the Corporation in or about the execution of the purposes of this Act with respect to the new street and street improvements shall be a charge on the general district rates or district fund, and all other costs, charges, and expenses from time to time incurred by the Corporation in or about the execution of the other purposes of this Act shall be a charge on the borough fund or borough rate, or the general district rates or district fund, at the discretion of the Corporation.

Costs of execution of Act.

74. The Corporation may from time to time borrow at interest (not exceeding the rate of five pounds per centum per annum) such

Power to borrow.

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moneys as they may think requisite for the purposes of this Act to an amount not exceeding in the aggregate the amounts by this Act authorised.

Limitation of borrowing powers.

75. The moneys to be borrowed by the Corporation under the authority of this Act shall not in connexion with the following purposes exceed the following sums; (that is to say,)

With respect to new streets and street improvements, forty-three thousand pounds;

With respect to the enlarging the cemetery, four thousand pounds;

With respect to the enlarging the Town Hall, five thousand pounds;

With respect to the Free Library and adjoining lands, five thousand five hundred pounds;

And with respect to the other purposes of this Act, such sum as the Local Government Board shall approve, not exceeding two thousand five hundred pounds:

Provided always, that in case further moneys shall be required for any of the aforesaid purposes, the Local Government Board may, at the request of the Corporation, authorise them to borrow such further sums as the Local Government Board may from time to time think fit.

Mortgages.

Power to mortgage.

76. For securing the repayment of moneys borrowed under the authority of this Act for any of the purposes of this Act, the Corporation may mortgage the rate or fund or rates or fund 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 in case the Corporation shall secure the repayment of such moneys by mortgage, the provisions of "The Commissioners Clauses Act, 1847," with respect to mortgages to be executed by the Commissioners, shall apply, except where the same are herein-after expressly altered or varied, and for the purposes of such application the term Commissioners in the said provisions shall be construed to mean the Corporation:

Coupons for interest on mortgages.

(1.) The Corporation may from time to time, if they think fit, issue to holders of their mortgages coupons for the interest from time to time to fall due thereon, in such form as the Corporation 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 money secured by the mortgage,

and be authenticated by the signatures of two persons thereunto expressly authorised by the Corporation (which authorisation shall be presumed until the contrary is shown), and on presentation to the treasurer of a coupon he shall pay to the person presenting it the amount of interest thereon expressed and thereby appearing to be payable, and on audit of the treasurer's accounts the coupon shall be accepted as a sufficient warrant for his payment of the amount for which it was issued, but the treasurer shall not be bound to make any payment of interest beyond the amount of the money of the Corporation then in his hands and applicable in that behalf:

Money borrowed on mortgage may be paid by instalments.

(2.) All moneys borrowed or reborrowed by the Corporation by mortgage under the authority of this Act may be borrowed and reborrowed for any term not exceeding sixty years, and, subject as aforesaid, shall be repaid by yearly or half-yearly instalments or by means of a sinking fund: Provided that when the payment shall not be made by equal instalments, the instalment or instalments payable in each year, together with the interest payable in such year in respect of the principal moneys owing, of which such instalment or instalments form part, shall in every year amount to the same sum:

Sinking fund for payment of money borrowed on mortgage.

(3.) The Corporation, in case they borrow any moneys repayable by a sinking fund, shall, on the first day of January one thousand eight hundred and seventy-eight, and thenceforth annually on the same day, set apart as a sinking fund for the payment of moneys borrowed on mortgage under this Act out of the rate or fund or the rates or fund upon the security of which such moneys have been borrowed, such a sum as will be sufficient to pay within the period stipulated with the lender (not exceeding sixty years from the time of borrowing) such proportion of the principal moneys so borrowed as shall not be repayable by yearly or half-yearly instalments (after giving credit for moneys received in respect of the sales of land acquired under the powers of this Act), to be accumulated in the way of compound interest by investing in Exchequer bills or Government securities, and the Corporation shall from time to time apply the said sinking funds respectively in repayment of such portion of those respective principal moneys until thereby or otherwise the whole of

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such portions have been fully paid: Provided always, that whenever any of such principal moneys have been so paid off, the Corporation shall thenceforward, until the whole of such principal moneys have been paid off, pay into the sinking fund every year, in addition to the other sums herein-before required to be set apart and appropriated, a sum equal to the annual interest of the principal money so paid off: Provided further, that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding, the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest, and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto:

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

(4.) The town clerk shall, within twenty-one days after 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 have been applied during the same period, and the total amount remaining invested at the end of the year, and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to 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

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be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice:

Power to mortgagees to obtain a receiver.

(5.) With respect to a receiver the following provisions shall have effect; (namely,)

The mortgagees of the Corporation under this Act may enforce payment of arrears of interest or principal, or principal and interest, 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 be not less than one tenth of the whole amount for the time being due on mortgages made under this Act:

Power to borrow.

(6.) If the Corporation pay off any part of any money borrowed by them under this Act, or under any former Act, and remaining unpaid at the commencement of this Act, otherwise than by instalments or by means of a sinking fund, they may reborrow the same, and so from time to time: Provided always, that all moneys so reborrowed shall be repaid within the same time as the moneys originally reborrowed were required to be repaid:

Protection of lenders from inquiry.

(7.) A person lending money to the Corporation secured by mortgage shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

Loans under Local Loans Act, 1875.

Power to borrow under Local Loans Act, 1875.

77. The Corporation, if they think fit, in lieu of borrowing on the security of mortgages as herein-before provided, may borrow the moneys which they are by this Act authorised to borrow, or any part thereof, 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 section authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the rate or fund or rates or fund 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 rate or fund or rates or fund shall be the local rate

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within the meaning and for the purposes of the Local Loans Act, 1875.

Every such loan shall be discharged within sixty 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.

General.

Separate account for new street and street improvements.

78. The Corporation shall keep a separate account in respect of the new street and street improvements, showing all moneys from time to time expended thereon or received in respect thereof.

Application of money borrowed.

79. All money borrowed under this Act shall be appropriated to purposes for which it is authorised to be borrowed, and shall be expended exclusively on works or objects on which capital may properly be expended, and not in defraying the expenses of maintenance of any works or other ordinary current expenses of or connected with any work or establishment. All money received by the Corporation, either as purchase moneys of lands sold, or for equality of exchange, or as consideration for a lease, shall be applied to such works or objects as aforesaid, or the same may, in the discretion of the Corporation, be applied towards the reduction of the debt owing by the Corporation or towards the increase of the sinking fund.

Saving for existing charges.

80. Nothing in this Act shall prejudicially affect any charge on the corporate estates of the Corporation, and the borough fund and borough rates, and the district fund account and general district rates, or any of them, by way of annuity, mortgage, or otherwise, subsisting at the commencement of this Act, and every annuitant, mortgagee, or incumbrancer or person for the time being entitled to the benefit of any such charge shall have the same priority of charge, and all the like rights and remedies in respect of the property subject to the charge, as if this Act had not been passed, and all such charges created before the commencement of this Act shall during the subsistence thereof have priority over any annuity certificate, mortgage, debenture, or debenture stock granted under this Act.

Expenses of Act.

81. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and obtaining and

passing of this Act shall be paid by the Corporation out of moneys borrowed under the authority of this Act and charged on the borough fund, borough rate, district fund, and general district rates, or out of any such fund, rate, or rates, and such costs shall include the costs incurred by the Corporation in 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.

Boundaries of District comprised in the Borough as extended by the foregoing Act.

The boundary between the parishes of Saint Woollos on the one side and the parishes of Malpas and Bettws on the other side from the centre of the River Usk to the point at which the said parish boundary crosses the western side of the farm road in the field numbered 37 on the tithe commutation map of the parish of Saint Woollos (herein-after referred to as "the Saint Woollos tithe map"), thence along the western side of such road and of the road numbered 36a on the Saint Woollos tithe map, thence southward along the western side of the latter road to the northern fence of the Monmouthshire Canal, thence along that fence to the south-eastern corner of the field numbered 35 on the Saint Woollos tithe map, thence across the said canal and along the eastern fences of the fields numbered 32 and 31 and of the woods numbered 143a and 143 on the said map to the south-eastern corner of the said wood numbered 143, thence westward along the north side of the road known as Barrack Road to a point opposite the north-eastern corner of the field numbered 131 on the said map, thence along the north-eastern and south-eastern fences of the last-mentioned field to the north-western corner of the field numbered 132 on the said map, thence along the northern fences of the fields numbered respectively 132, 133, 127, and 126 on the said map to the parliamentary boundary of the borough, thence southward and afterwards westward along the said parliamentary boundary to the north-western corner of the Newport and Saint Woollos Cemetery as now existing, thence along the northern and western and southern boundaries of that cemetery as by this Act authorised to be extended, thence along the southern or south-eastern boundaries of the fields or enclosures numbered respectively on the said map 139, 155, 156a, 156, 157, 166a, and 166, thence along the southern boundary of the field numbered 168 on the said map to a point therein 5½ chains or thereabouts from the south-western corner of that field, thence by an imaginary line drawn to a point in the southern fence of the field numbered 211 on the said map distant three chains or thereabouts from its south-western corner, thence eastward along the northern boundary of the Bassalleg turnpike road to the south-eastern corner of the Newport and Saint Woollos Cemetery, thence along the parliamentary boundary of the said borough to the northern side of the Cardiff turnpike road, thence along an imaginary line in continuation of such boundary to the eastern fence of the Great Western Railway, thence along that fence of the railway to the centre of the River Ebbw, thence along the centre of that river to its con-

fluence with the River Usk, thence along the centre of the River Usk to a point opposite the centre of Liswerry Pill, thence following the existing municipal boundary of the borough to the point where that boundary meets the boundary of the district of the Christchurch Local Board of Health, thence following the western boundary of that district (being also the existing municipal boundary of the borough) to the southern side of the Old Christchurch parish road, and thence eastward along the said southern side of the last-mentioned road to the north-eastern corner of the field numbered 752 on the tithe commutation map of the parish of Christchurch (herein-after referred to as "the Christchurch tithe map"), thence northward across the last-mentioned road, and along the eastern boundaries of the fields numbered on the Christchurch tithe map 438, 439, 441, and 442, and across the turnpike road from Newport to Caerleon to the angle in the eastern boundary of the field numbered 428 on the said map at the junction of an occupation road with the said turnpike road, thence along the eastern boundaries of the fields numbered 428, 423, 396, and 395 on the same map, thence along the northern boundaries of the fields numbered 395 and 394 on the same map, thence west to the centre of the River Usk, and thence northward along the centre of that river to the point of commencement as aforesaid of the boundary of the borough as above described.

The boundaries as herein-before described are shown on the borough plan signed in duplicate by the Right Honourable the Earl of Dartrey, Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred.

THE SECOND SCHEDULE.

Names and Boundaries of New Wards.

East Ward.

So much of the part of the parish of Christchurch included within the borough as by this Act extended as lies to the eastward of the centre of the River Usk, and so much of the part of the parish of Saint Woollos included within the borough as by this Act extended as lies to the northward of the centre of Newport Bridge and of High Street respectively, and to the eastward of the centre of the Eastern Valleys Railway of the Monmouthshire Railway and Canal Company.

Central Ward.

So much of the existing east ward as lies to the westward of the centre of the River Usk, together with so much of the existing west ward as lies to the eastward of the centre of Commercial Road.

North Ward.

So much of the parish of Saint Woollos included within the borough as by this Act extended as lies to the northward of the centre of Cardiff Road, and to the westward of the centres of Commercial Street and of High Street and of

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the Eastern Valleys Railway of the Monmouthshire Railway and Canal Company.

SOUTH WARD.

So much of the existing west ward as lies to the southward of the centre of Cardiff Road and westward of Commercial Road, together with so much of the part of the parish of Saint Woollos included in the added area as lies to the southward of the centre of Cardiff Road.

THE THIRD SCHEDULE.

LANDS FOR EXTENSION OF THE NEWPORT AND SAINT WOOLLOS GENERAL CEMETERY.

Certain lands in the parish of Saint Woollos, bounded on or towards the east by the existing cemetery, on or towards the south by the turnpike road from Newport to Bassalleg, on or towards the west by an imaginary line drawn parallel to the western side of the existing cemetery and at a distance westward therefrom of four hundred and seventy feet, and on or towards the north by an imaginary line drawn in direct extension westward of the northern side of the existing footpath running along and immediately to the northward of the northern side of the existing cemetery.

THE FOURTH SCHEDULE.

LANDS, BUILDINGS, AND MANUFACTORIES WHEREOF PORTIONS ONLY MAY, IN CERTAIN EVENTS, BE TAKEN BY THE CORPORATION.

The lands, buildings, and manufactories numbered respectively 9, 10a, 66, 73, 83, 83a, 102, 118, and 120 on the deposited plans for the new street, and 12, 17, 18, and 19 on the deposited plans for the widening of Pentonville, and 2 on the deposited plans for the widening of Baneswell Road.

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