CHAPTER ccxii.

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An Act to vest in the Corporation of the Borough of Northampton the race ground or freemen's commons; to extinguish the freemen's rights of pasturage in certain other lands of the Corporation; to empower the Corporation to form public parks, and to make new street improvements; and for other purposes. [10th August 1882.]

WHEREAS by the Local Act 18 Geo. 3rd chapter 77 intituled "An Act for dividing and inclosing the open and common "fields common pastures common meadows and other commonable "lands and grounds within the parishes of Saint Giles Saint "Sepulchre Saint Lawrence and Saint Andrew in or near the town "of Northampton in the county of Northampton some or one of "them and which are commonly called or known by the name of "'Northampton Fields'" it was enacted (among other things) that the commissioners thereby appointed should set out and award one plot or parcel of ground at upon or near the lands whereon the races for the town of Northampton were commonly run and commonly called the new course and to contain the same or near the same number of acres which plot should for ever thereafter be left open and undivided (except the fence therein mentioned) and be vested in the persons therein mentioned as trustees for the use of the freemen being inhabitants of the said town of Northampton and for a race ground and to be subject to such stints rules orders regulations and restrictions as the said trustees or the major part of them should from time to time find necessary to make and appoint And by the award dated the twenty-fourth day of June 1779 and made in pursuance of the said Act by the Commissioners thereby appointed the piece or parcel of land described in the first part of the First Schedule to this Act annexed was set out and assigned and thereby vested in the said trustees for the purposes mentioned in the said Act:

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And whereas the freemen of the borough of Northampton (herein-after mentioned as the freemen) claim to be entitled to common of pasture and other rights and interests in certain enclosed lands described in the second part of the said First Schedule of which lands the mayor aldermen and burgesses of the borough of Northampton (herein-after called the Corporation) are the owners:

And whereas it is expedient that the said piece of land described in the first part of the said First Schedule should be transferred to and vested in the Corporation free from all rights and interests therein of the said trustees and the freemen and widows of freemen and that the pieces of land described in the second part of the said First Schedule should be freed and discharged from all rights of common and other rights and interests therein of the said freemen and widows of freemen and that such compensation should be paid by the Corporation as by this Act is provided:

And whereas it is expedient that the said race ground and the meadows herein-after specified being parts of the lands described in the said schedule be appropriated for public parks and recreation grounds subject to the existing right of holding public races on the said race ground and for the purposes of such parks and recreation grounds that the Corporation be authorised to construct walks fences buildings and conveniences and that the Corporation be authorised to sell or let the remainder of the lands described in the second part of the said First Schedule and not so appropriated:

And whereas it is expedient that the Corporation be authorised to make and maintain the new street and footpath and the widening of street in this Act respectively mentioned:

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

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

And whereas an estimate has been prepared by the Corporation of the expense of the undertakings authorised by this Act and such estimate is as follows, viz.:—

For the acquisition of lands for the improvement of the intended public parks walks and recreation grounds ten thousand pounds;

For the construction of public parks walks and recreation grounds and works connected therewith twenty thousand pounds;

For the construction of the intended new street and footpath and widening of street twenty-five thousand pounds:

And the said undertakings consist of permanent works within the meaning of section 234 of the Public Health Act 1875:

38 & 39 Vict. c. 55.

And whereas plans of the lands described in the said First Schedule and plans and sections showing the situation and levels of the new street and works authorised by this Act and books of reference

to those plans respectively containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands shown on those plans have been deposited with the clerk of the peace for the county of Northampton and are in this Act referred to as the deposited plans sections and books of reference:

And whereas an absolute majority of the whole number of the council at a meeting held on the nineteenth day of October one thousand eight hundred and eighty-one after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Northampton Herald 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 whereas such resolution was published twice in the said Northampton Herald and in respect of matters under the control of the Local Government Board has received the approval of that Board and in respect of other matters has received the approval of one of Her Majesty's Principal Secretaries of State:

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

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

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

PART I.

Preliminary.

1. This Act may be cited as the Northampton Corporation Act 1882. Short title.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 (as far as they are applicable for the purposes of and are not varied by or inconsistent with this Act) are incorporated with this Act And in the construction of those Acts for the purposes of this Act Provisions of certain general Acts incorporated. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.

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the terms the promoters of the undertaking and the undertakers respectively mean the Corporation.

Interpretation.

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

"The borough" means the borough of Northampton :

"The Corporation" "the council" and "the town clerk" mean the mayor aldermen and burgesses the council and the town clerk of the borough respectively :

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

"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 :

"Freemen" means the freemen of the town of Northampton whose names appear on the freemen's roll for the time being of the borough :

"Freemen's trustees" means the trustees for the freemen acting in pursuance of the said Act 18 Geo. 3rd at the time of the passing of this Act :

"New trustees" means the trustees appointed by this Act :

"Person" includes a corporation.

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

Act to be executed by council.

4. This Act shall be carried into execution by the Corporation acting by the council and according to the Municipal Corporations Acts the Public Health Acts and the Acts for the time being affecting the Corporation as a municipal body and a sanitary authority respectively and with all the rights powers privileges and authorities conferred by those Acts respectively on the Corporation and on the council and committees of the council and the officers agents and servants of the Corporation with respect to matters provided for by or comprised in the Municipal Corporations Acts and the Public

Health Acts 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 those Acts respectively.

Power of council to appoint committees.

5. The council from time to time may appoint out of their own body such and so many committees consisting of such number of persons as they think fit for the execution of any of the purposes of this Act which in the opinion of the council would be better regulated and managed by means of such a committee and may delegate to any such committee such of the powers and duties of the Corporation in relation to the purposes aforesaid as they think fit and the acts and proceedings of every such committee within the limits of such delegation shall be deemed to be acts and proceedings of the council and the acts of every such committee shall if required by the council but not otherwise be submitted to the council for their approval and the quorum of any such committee shall be such as the council direct and the council may from time to time make such regulations as they think fit for the guidance of any such committee and may from time to time remove any members of any such committee and appoint in the stead of them or any of them other members of the council Provided that a committee so appointed shall in no case be authorised to borrow any money or make any rate.

Expenses of execution of Act charged on general district rate and fund.

6. The costs charges and expenses from time to time incurred by the Corporation in or about the execution of this Act shall be a charge on the general district rate and district fund.

Errors and omissions in plans to be corrected.

7. If any omission misstatement or erroneous description shall have been made of any lands required for the purposes of this Act or of the owners lessees or occupiers of any such lands in the deposited plans or books of reference the Corporation may after giving ten days notice to the owners lessees and occupiers of the lands affected by such proposed correction apply to two justices for the correction thereof and if it shall appear to such justices that such omission misstatement 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 and in what respect any such matter shall have been misstated or erroneously described and such certificate shall be deposited with the clerk of the peace for the county in which such lands shall be situated and such certificate shall be kept by such clerk of the peace along with the other documents to which it relates and thereupon the deposited plans or books of reference shall be deemed to be corrected accord-

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ing to such certificate and the Corporation may take any lands or property required by them in accordance with such certificate.

PART II.

The Commons.

Vesting of freemen's commons or race ground in the Corporation.

8. The lands and hereditaments commonly known as the Northampton freemen's commons or race ground which are shown on the deposited plans and are described in the first part of the First Schedule annexed to this Act and all the estate and interest therein of the freemen's trustees and of the freemen and widows of freemen of the borough of Northampton and of any other persons or person in trust for or for the benefit of the said freemen and widows are hereby transferred to and absolutely vested in the Corporation and their successors free from all trusts and incumbrances in favour or for the benefit and all rights and interests present and future of the said trustees freemen and widows of freemen and all rights of the public except those reserved or granted by this Act of and in the said commons or race ground but subject and without prejudice to all leases occupations and contracts legally existing of or relating to the said commons or race ground Provided always that nothing in this Act contained shall authorise the Corporation to take away diminish or restrict the right of holding races upon that part of the freemen's commons or race ground which by the award made in pursuance of the Local Act 18 Geo. 3 chapter 77 for the inclosure of the open and common fields of Northampton was allotted (among other purposes) for the holding of public races.

Old and new commons freed from rights of freemen.

9. The meadows which are shown on the deposited plans and described in the second part of the First Schedule to this Act annexed are hereby absolutely freed and released from all rights of common of pasture and other rights (if any) belonging or reputed to belong to the freemen or widows of freemen of the borough and all rights of the public therein except those reserved or granted by this Act.

Deed of conveyance stamped to be produced to Commissioners of Inland Revenue.

10. Within three months after the passing of this Act the Corporation shall produce to the Commissioners of Inland Revenue a deed of conveyance signed by two or more of the said freemen's trustees or sealed by the Corporation duly stamped and truly stating the consideration which deed may be in the form set forth in the Second Schedule to this Act or to the like effect with such variations and additions as circumstances may require and if the Corporation shall not within the said period produce to the said commissioners

such deed of conveyance duly stamped as aforesaid the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from such passing of the Act to the day of payment shall be recoverable from the Corporation with full costs of suit and all costs and charges attending the same.

Moneys transferred to Corporation.

11. The following moneys paid into the Bank of England in pursuance of the provisions of the Lands Clauses Consolidation Act 1845 or invested or ordered by any court of law or equity to be invested viz.

(1.) The balance now remaining of a sum of six hundred and three pounds eight shillings Bank Three per Cent. Annuities standing to the credit of ex parte the Northampton Gas Company in the matter of the Northampton Gasworks Act 1858; 21 & 22 Vict. c. ciii.

(2.) The sum of two hundred pounds residue of a sum of one thousand six hundred and fifty pounds paid by the London and North-western Railway Company into the Bank of England to the credit of ex parte the London and North-western Railway in the matter of the London and North-western Railway (Bletchley Northampton and Rugby) Act 1875 in respect of land belonging to the mayor aldermen and burgesses of the borough of Northampton or now invested or ordered to be invested in Consolidated Three per Cent. Annuities to the credit of ex parte the London and North-western Railway Company to the account of the mayor aldermen and burgesses of the borough of Northampton: and 38 & 39 Vict. c. cii.

(3.) All moneys in the hands of the treasurer of the borough or in the hands of any other person or persons or in any other way invested being the proceeds of sales of parts of the old commons with the dividends and interest of all such moneys and all arrears of such dividends and interest:—

Are hereby vested in the Corporation and they are hereby authorised to receive such moneys and apply the same to any of the purposes of this Act or to pay the same into the district fund.

Annuity to be paid by Corporation to new trustees.

12. The Corporation from and after the passing of this Act and subject to the provisions thereof shall pay a perpetual annuity of eight hundred pounds to the trustees appointed by this Act and their successors (who are in this Act mentioned as the new trustees) and such annuity shall be held by the new trustees for the purposes and subject to the conditions and provisions in this Act contained respecting the said annuity.

Times for payment of annuity.

13. The annuity payable under this Act (hereafter in this Act mentioned as "the annuity") shall be payable by equal quarterly pay-

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ments on the twenty-fifth day of March the twenty-fourth day of June the twenty-ninth day of September and the twenty-fourth day of December in every year without any deduction whatsoever except in respect of income tax and the first payment shall be made on whichever of those days shall happen next after the passing of this Act.

Security for annuity.

14. The annuity shall be a charge upon the general district rate and district fund upon which they shall rank next after the charges upon the said rate and fund subsisting at the date of this Act.

Remedy for non-payment of annuity.

15. If any instalment of the annuity shall be unpaid in the whole or in part for thirty days after any day upon which the same shall become payable under this Act and after demand thereof in writing the new trustees may recover such instalment or the part thereof so unpaid by proceeding in any court of competent jurisdiction.

Receiver for annuitants.

16. The new trustees without prejudice to their other remedies may enforce payment of arrears of the annuity 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 new trustees and the receiver and the amount in arrear to authorise an application for a receiver shall be one hundred pounds.

Power to sell or exchange parts of the meadows and invest proceeds.

17. The Corporation may from time to time sell exchange or otherwise dispose of any part of the meadows shown on the deposited plans and described in the second part of the said First Schedule except such parts thereof as under the provisions of this Act are to be appropriated as public parks walks or recreation grounds and may manage and use the meadows so authorised to be sold or exchanged with all powers belonging to owners of land in fee simple and the Corporation may from time to time stop up and discontinue or divert any footpath or way in or over the said meadows which may appear to the Corporation necessary or desirable to be stopped up to facilitate the sale thereof and all purchase moneys received by the Corporation on any sale or for equality of exchange under this Act shall be distinguished as capital in the separate account by this Act directed to be kept by the Corporation and shall be applied towards the expenses of carrying into effect the provisions of this Act with respect to public parks walks and recreation grounds or be invested by them upon such and the like securities as the Corporation may at the time of receiving such moneys be authorised to invest capital moneys upon under any Act of Parliament.

Power to lease parts of meadows.

18. The Corporation when and as they shall think fit from time to time may demise and lease the meadows or lands by this Act

authorised to be sold or exchanged or such part or parts thereof as the Corporation shall think it expedient to lease for any term not exceeding ninety-nine years and subject to such rents covenants and conditions as the Corporation shall think fit.

Accounts and property in commons to be kept separate.

19. The Corporation shall keep a separate account of all receipts credits payments and liabilities in respect of the freemen's commons or race ground by this Act vested in the Corporation and the said meadows or lands which shall be a separate property distinct from the other estates and property of the Corporation and the surplus rents profits and income of the said freemen's commons or race ground and the said meadows or lands after payment out of the same of all charges and outgoings shall be applied and expended by the Corporation in payment of the said annuity of eight hundred pounds and subject thereto shall form part of the borough fund.

Rents due at passing of Act to be recoverable by Corporation.

20. All rents dues and moneys which immediately before the passing of this Act are due and payable or accruing due and payable to the freemen's trustees shall from and after the passing of this Act be payable to and may be collected and recovered by the Corporation in like manner as any rates may be collected and recovered by the Corporation.

Debts due to and by freemen's trustees to be paid to and by Corporation.

21. All persons who immediately before the commencement of this Act owe any sum of money to the freemen's trustees 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 freemen's trustees or for the payment whereof the freemen's trustees 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.

Power for Corporation to manage race ground.

22. From and after the passing of this Act and subject to the provisions thereof and to any lease or other right or interest not belonging to the freemen's trustees or freemen or widows of freemen which may be legally subsisting of or in the said freemen's commons or race ground it shall be lawful for the Corporation to exercise and carry into effect all powers rights and privileges by the said Act 18th Geo. 3 chapter 77 or the award of the Commissioners under the same Act or otherwise granted to or vested in the freemen's trustees or the clerk of the course or any other person or persons for the purposes or with respect to the race ground therein mentioned and the Corporation may manage and regulate the said race ground and the stands refreshment rooms buildings and conveniences for the time being thereon and receive fees and charges for the same and for those purposes may employ all such persons and may make all such

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rules and regulations as they shall think necessary or desirable and may pay out of the receipts arising therefrom and out of the district rate all expenses incurred by them with respect to such race ground stands rooms buildings and conveniences.

Power for Corporation to purchase property of Northampton Race Stand Company.

23. For the purposes of enabling the Corporation to exercise the powers by this Act given to them with respect to the said race ground the Corporation may purchase by agreement and hold the race stand and any other property rights and interests now vested in or belonging to the Company for building and managing the Northampton race stand. Provided always that the transfer to the Corporation of any property so purchased shall be effected by a deed truly stating the consideration for the purchase and the Corporation shall within three months from the date of such purchase produce the deed duly stamped with ad valorem duty to the Commissioners of Inland Revenue and in default of such production the stamp duty with interest thereon at the rate of five pounds per centum per annum shall be recoverable from the Corporation together with full costs of suit and all costs and charges attending the same.

Number of new trustees.

24. The new trustees under this Act shall be twelve in number and shall be qualified and elected by the freemen in manner in this Act mentioned and such new trustees are hereby incorporated by the name of "The Northampton Freemen's Trustees" and shall have perpetual succession a common seal powers to sue and be sued and such other powers as are by this Act conferred upon them.

First trustees.

25. The first new trustees under this Act shall be William Jeffery George Heap Robert Sergeant Charles William Fox and Samuel Cosford Jelley together with seven other persons to be elected within three months after the passing of this Act in manner herein-after provided Provided always that until such seven persons shall be elected the persons hereby appointed as the first new trustees shall have all powers rights authorities and duties by this Act vested in the full number of twelve trustees.

Voting for trustees.

26. The new trustees shall be elected by the freemen in manner in this Act provided and at such election if a poll shall be taken each freeman shall have as many votes as there are vacancies to be filled up in the number of trustees but such votes shall not be cumulative.

Nomination of trustees.

27. Every candidate for election as a new trustee shall be a freeman and shall be nominated in writing The writing shall be subscribed by two freemen as proposer and seconder and shall be delivered by the candidate or his proposer or seconder at such time and place and to such person as shall be appointed by the new trustees. If the number so nominated shall be the same or less than

the number to be elected such candidates shall be deemed to be elected but if the number so nominated shall exceed the number to be elected the nominations shall be submitted to a general meeting of freemen and the election shall be taken by a show of hands as to which the decision of the chairman shall be final Provided always that any candidate or in his absence his proposer or seconder shall be at liberty to demand a poll.

As to a poll. 35 & 36 Vict. c. 33.

28. If a poll is required the votes shall be given in the manner prescribed by section 2 of the Ballot Act 1872 or in such other manner as the majority of the new trustees shall from time to time determine and the trustees shall fix the time and place of the poll and may appoint such persons not of their own number as they shall think necessary to manage the election.

No new trustee to be in receipt of an annuity.

29. No freeman shall be eligible to be elected a new trustee who shall within twelve months previous to the date of his election have been in receipt of any such annuity or other sum as by this Act is directed to be paid and no freeman shall receive any such annuity or other sum while he continues to be a new trustee.

Election of seven trustees to make up full number.

30. An election of seven new trustees shall take place within three months after the passing of this Act at such time and place as the five new trustees hereby nominated shall determine and such seven new trustees when elected shall with the last-mentioned five new trustees constitute the first set of new trustees and shall hold office until the 24th day of June 1883.

Retirement of trustees.

31. On the 24th day of June 1883 and on the 24th day of June in every subsequent year one third of the new trustees for the time being shall retire The one third to retire on the 24th day of June 1883 and on the 24th day of June 1884 shall (unless the new trustees otherwise agree among themselves) be determined by ballot among the first set of trustees or so many of them as shall then be in office without having been re-elected and in every subsequent year the one third who have been longest in office without re-election shall retire and a retiring trustee shall be eligible for immediate re-election.

Filling up of vacancies from retirement.

32. The election of new trustees to fill the vacancies caused by the retiring trustees shall be held at such date between the last day of May and the 23rd day of June as the majority of the new trustees shall determine and the new trustees shall give notice of the day fixed for the election by advertising the same once in each of three successive weeks in two at least of the newspapers published in the borough the last of such advertisements to be published not less than ten days before the election.

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Filling up of other vacancies.

33. If any vacancy shall be occasioned in the office of new trustee from any other cause than that of going out of office by rotation the continuing new trustees within one month shall appoint from the freemen duly qualified to be new trustees a person to supply such vacancy and every person so appointed shall hold office until the time at which the person in room of whom he was appointed would regularly have gone out of office and he shall then retire but be capable of immediate re-election if then duly qualified.

Meetings of trustees.

34. The new trustees shall hold a meeting at least once in every quarter of a year and at all meetings of trustees five shall be a quorum with power to do all business not required to be done by a majority of the new trustees At such meetings a chairman shall be elected by the meeting and in every case of votes being equally divided the chairman shall have a casting vote.

Notice of meetings.

35. The clerk to the new trustees shall give to every new trustee not less than three clear days notice of every such meeting by leaving such notice at his usual or last known place of abode and such notice shall state the business to be transacted at such meeting.

Delegation by trustees.

36. It shall be lawful for the new trustees to appoint three of their number to whom they may delegate such of the duties hereby imposed upon them as they shall from time to time determine except such as are by this Act required to be performed by a majority of the new trustees.

Appointment of clerk.

37. It shall be lawful for the majority of the new trustees to appoint as clerk any person not one of their own number at such salary and with such duties as they shall from time to time determine.

Investment by trustees of moneys in their hands.

38. All funds and moneys remaining in the hands of the new trustees after the passing of this Act shall be invested by the new trustees as soon as may be upon such security being a security upon which trustees are by law allowed to invest trust moneys as the new trustees shall think fit with power from time to time to vary any of such securities and the income arising from all such moneys and investments shall be applied by the new trustees in the same way as the annuity to be paid to them by the Corporation under this Act.

Application of income by trustees.

39. The income coming to the hands of the new trustees from whatever source shall be applied in the following manner (that is to say)—

(*a*) In the first place in payment of all costs charges and expenses attending the management of the trust the election of new

trustees and otherwise of and incidental to the carrying out of the objects for which the new trustees are appointed.

(*b*) In paying an annuity of twelve pounds to each of sixteen freemen who shall prove to the satisfaction of the new trustees that he is of the age of seventy years or upwards and who shall give notice in writing to the new trustees of his claim at such time and in such manner as such trustees shall from time to time determine.

(*c*) In paying an annuity of ten pounds to each of sixteen freemen who shall prove to the satisfaction of the new trustees that he is of the age of sixty years or upwards and who shall give such notice as last herein-before mentioned.

(*d*) In paying an annuity of eight pounds to each of sixteen freemen who shall prove to the satisfaction of the new trustees that he is of the age of fifty years or upwards and who shall give such notice as last herein-before mentioned.

(*e*) In paying an annuity of six pounds to each of sixteen freemen who shall prove to the satisfaction of the new trustees that he is of the age of forty years or upwards and who shall give such notice as last herein-before mentioned.

(*f*) In paying an annuity of ten pounds to each of sixteen widows of freemen who shall give such notice as last herein-before mentioned.

Provided always that in all cases where there shall be a greater number of persons who shall be entitled to claim and shall claim any of the aforesaid annuities than there shall be annuities in the hands of the new trustees available for allotment those persons shall have the better right to annuities who or whose husbands shall have been longest on the roll of freemen.

Trustees may apply balance in their hands for extra payments to freemen.

40. It shall be lawful for the new trustees in any year in which there shall be a balance remaining in their hands after making the payments herein-before directed to employ such balance or any part of it in making to a limited number of freemen who shall prove to the satisfaction of the new trustees that they are of the age of thirty-five years or upwards and who shall give notice in writing to the new trustees of their claim at such time and in such manner as the new trustees shall from time to time determine grants of such sum not exceeding six pounds as the majority of the new trustees shall think proper having regard to the number of applicants and the amount of funds at their disposal Provided that if there are more applicants for such grants than the funds in the hands of the new trustees shall be sufficient to provide for then those freemen who have been longest on the roll shall be preferred or instead of making

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such grants as are by this section authorised it shall be lawful for the new trustees to invest the whole or any part of such balance upon any security upon which trustees are by law permitted to invest trust funds and to apply the income arising from such investments in the manner directed by this Act with respect to income Provided also that it shall be lawful for the new trustees in any future year to realise any moneys so invested and to apply the same towards making the grants herein-before directed to be made but the new trustees shall not be bound to resort to such investments although there may be more persons entitled to claim annuities than there shall be annuities at the disposal of the new trustees.

Power to increase annuities rateably.

41. If the number of the freemen and widows of freemen who may become entitled to annuities and grants under the provisions of this Act shall at any time or from time to time become diminished so that the income for the time being in the hands of the new trustees and applicable for such annuities and grants shall be more than sufficient for the payment of the annuities and grants herein-before specified it shall be lawful for the new trustees from time to time to increase rateably the amounts of such annuities but so that no annuity shall at any time be more than twenty-four pounds.

Provision for reduction or cesser of annuity in certain events.

42. In case at any time and from time to time hereafter the annuities to be paid under the provisions of this Act shall be increased to the prescribed limit and the annuity of eight hundred pounds a year by this Act directed to be paid by the Corporation shall be more than sufficient for the payment of such increased annuities and the said grants the new trustees may establish other classes of annuitants from the freemen or their widows either with or without any limitation as to the age of the annuitants or the date of admission to the roll of freemen but subject to the limitations in this Act mentioned but so that no such annuitant shall receive more than twenty-four pounds per annum and in case after all such payments the said annuity of eight hundred pounds shall not be exhausted the said annuity of eight hundred pounds shall be reduced to such an amount as will be sufficient for the time being to provide for annuities as so increased and such other annuities as are lastly above-mentioned and such other payments as the new trustees are authorised by this Act to make And in case at any time hereafter there shall be no freeman or widow of a freeman entitled to an annuity or grant under this Act the payment by the Corporation of the said annuity of eight hundred pounds a year shall cease to be payable until there shall be some freeman or widow of a freeman entitled to receive an annuity or grant under the provisions of this Act.

Provisions as to annuitants.

43. An annuity which has been allotted by the new trustees under the provisions herein-before contained shall be retained by the annuitant for life or until

(*a*) Such annuitant shall leave the borough to reside elsewhere: or

(*b*) Shall be allotted an annuity of an increased amount under the provision herein-before contained: or

(*c*) Shall be guilty of such conduct as in the opinion of a majority of two thirds of the new trustees for the time being shall disqualify the annuitant in which case it shall be lawful for the new trustees to give to such annuitant a notice in writing stating that the annuity hitherto paid to him or her will be discontinued from the time mentioned in such notice and thereupon such annuity shall cease as from the time stated in the notice for the discontinuance of the annuity and the annuitant shall have no claim for any proportionate part of the annuity accruing due since the last instalment shall have been paid: or

(*d*) Shall become bankrupt or do any act whereby the annuity shall become payable to any other person; Provided that in this case the majority of the new trustees may if they please allow the annuitant from time to time any sums not exceeding in the whole the amount he or she would have been receiving as annuity but the annuitant shall not be entitled to claim any such sums:

(*e*) Or such annuitant being a widow shall marry again:

Provided always that at the expiration of three years after an annuitant shall have been deprived of any annuity under sub-section (*c*) of this section and upon a majority of two thirds of the new trustees passing a resolution stating that in their opinion such annuitant ought no longer to be disqualified as therein mentioned such deprived annuitant shall again become entitled to claim an annuity in the same manner as if he or she had then attained the age entitling him or her to the annuity.

Mode of payment of annuities.

44. It shall be lawful for the new trustees to pay the annuities by this Act directed to be paid in such manner at such time and by such instalments periodical or other payments as the new trustees shall from time to time determine.

Annuitant dying before payment of any instalment to be entitled to whole thereof.

45. In case an annuitant shall die at any time between two days appointed by the new trustees for such periodical payments as aforesaid the representatives of such annuitant shall be entitled on the next of such days to the whole of the instalment which would have become due to such annuitant on the next of such days if he or she had not so died.

Balance-sheet to be prepared by trustees.

46. A balance sheet shall be prepared by the new trustees in the month of April in every year and shall be open to the inspection of all freemen and widows of freemen.

Time for which annuitant's name must have been on roll.

47. No freeman of whatever age or widow of a freeman shall be entitled to any annuity or other payment until the name of such freeman or of the husband of such widow shall have been on the roll of freemen for ten years at least.

PART III.

Public Parks &c.

Power for Corporation to make and maintain public parks &c.

48. Subject to the provisions of this Act the freemen's commons or race ground the Cow Meadow the Midsummer Meadow the Foot Meadow and the Miller's otherwise Gates' Meadow are hereby appropriated and dedicated for ever as and for public parks and recreation grounds and the Corporation thereon from time to time may construct enlarge maintain repair or take down and remove such walks walls fences places for cricket and other games gymnasiums refreshment rooms buildings works and conveniences as they think proper and for the purposes of such parks walks and recreation grounds may stop up and discontinue and divert any footpath road or way in through or over the said commons meadows or lands or any part thereof and may level drain sewer light pave flag gravel plant or otherwise improve all or any part of the commons meadows or lands so appropriated for public parks walks or recreation grounds and may do such other acts and things as appear to the Corporation necessary for the proper formation maintenance improvement and use of every such public park walk or recreation ground Provided always that nothing herein contained shall take away diminish or interfere with the rights privileges powers or authorities of the Nene Valley Drainage and Navigation Improvement Commissioners (Second District) or of persons navigating the River Nene to the free use of the haling way or towing path as heretofore enjoyed along the said river and passing in through or over the said commons meadows or lands or some part thereof but that all such rights privileges powers and authorities of the said Commissioners shall remain in as full force to all intents and purposes as if this Act had not been passed.

Use of parks &c. by public.

49. Every such park walk and recreation ground shall be open for the use of the public free of charge for admission (except as herein-after provided) during the whole year on every day of the week Sundays included except during necessary repairs or alterations Provided always that the Corporation may from time to time

let any part of such parks or recreation ground for agricultural exhibitions or shows or fêtes or musical or other entertainments or amusements and may from time to time upon any public occasion or the giving of any entertainment therein or on fête or gala days close the entrance gates of such part of the said parks and recreation grounds as may be so let and may demand and receive a sum in gross in respect of all persons or a fee from every person for admission to the same or part thereof on any such occasions or days as the Corporation think fit and may let the exclusive right of supplying refreshment in such parks and recreation grounds upon such terms and conditions as the Corporation think fit but the Corporation shall not so let any part of such parks and recreation grounds for a number of days exceeding in the whole twenty-eight in any year And the Corporation may also from time to time let for the grazing or agistment of cattle horses and sheep any part or parts of such parks and recreation grounds which they may think suitable to be let for those purposes and may exclude the public from such part or parts as may be so let during the time they are so let.

Parks &c. not to be used for certain purposes without consent.

50. Such parks and recreation grounds shall not without the consent of the Corporation be used for any entertainments or exhibitions but the Corporation may permit the same to be used for all such games or pastimes and at such times and in such parts thereof and under and subject to such conditions restrictions and regulations as they shall think proper.

Power to Corporation to appoint keepers for parks &c.

51. The Corporation may from time to time appoint and dismiss officers keepers and servants for such parks and recreation grounds and pay fix and regulate their respective salaries duties services and conduct.

Power to make bye-laws for regulation of parks &c.

52. Subject to the provisions of this Act the Corporation may from time to time make byelaws for all or any of the following purposes relating to any public park walk or recreation grounds formed by the Corporation under the powers of this Act (that is to say) :—

For appointing and regulating keepers or servants employed therein ;

For regulating the hours at which the same are to be opened and closed ;

For fixing the payment to be made for admission to any building or for the use of a cricket ground or gymnasium therein ;

For regulating the conduct of persons frequenting the same ;

For regulating the days on and hours at which games and gymnastics are to be permitted therein and the particular parts or places for the same ;

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For regulating the days on and hours at which bands of music or music of any sort are or is to be permitted therein;

For regulating refreshment rooms therein and for determining (subject to the Licensing Acts 1872 to 1874) the days on and hours at which they are to be opened and closed and the nature and prices of the articles to be sold therein;

35 & 36 Vict. c. 94.
37 & 38 Vict. c. 49.

For preventing or for regulating by time or otherwise the smoking of tobacco in any building or part of a building therein;

For preventing or regulating the admission therein of dogs;

For preventing males from intruding on or using playgrounds or other places therein set apart for the use of females and vice versâ;

For preventing or regulating the admission therein of vehicles and horses;

For protecting from injury buildings terraces fountains bridges walks seats fences and other parts of or things belonging to any such park walk or recreation ground and for preventing the destruction or injury of aquatic or other birds or of other animals or of trees shrubs plants or flowers or the plucking of flowers or leaves therein;

For enabling the constables and servants of the Corporation to remove therefrom persons guilty of a breach of any byelaw or of any public law relative thereto.

Penalty for breach of byelaws.

53. The Corporation may fix a penalty not exceeding five pounds for any and every breach of such byelaws but so that every byelaw fixing any penalty be so framed as to allow of part only of the maximum penalty being inflicted and any person in any public park walk or recreation ground offending against any such byelaw may also be removed therefrom.

Byelaws to be posted in parks &c.

54. A printed copy or a sufficient abstract of the byelaws relating to any public park walk or recreation ground formed under the powers of this Act shall be put up at every entrance thereto and at such other convenient places at or near to the same as the Corporation think fit.

Byelaws to be according to Public Health Acts.

55. All the provisions of the Public Health Acts which may for the time being be in force relating to byelaws made by a local authority shall extend and apply to all byelaws from time to time made by the Corporation under this Act.

Power to exchange and purchase lands for purposes of parks &c.

56. For the purposes of straightening and improving the boundaries of or making roads for the intended parks and recreation grounds or otherwise improving the same the Corporation may exchange such parts as they think fit of the meadows and lands

which by this Act are appropriated for public parks walks and recreation grounds and for those purposes may also purchase by agreement and hold such other lands as they require not exceeding in the whole twenty acres.

How expenses of forming parks &c. are to be charged.

57. Subject to the provisions of this Act the expenses of carrying this Act into execution with respect to public parks and recreation grounds shall from time to time be paid out of the proceeds of the sale of such part or parts of the meadows as may be sold under the powers of this Act or out of the district fund and general district rate and the same shall be a charge upon the said fund and rate and shall be provided for as part of the expenses necessarily incurred by the Corporation in carrying into effect the provisions of the Municipal Corporations Acts and the Public Health Acts respectively.

PART IV.

New Street &c.

Power for Corporation to make new street &c.

58. Subject to the provisions of this Act the Corporation may in the lines shown on the deposited plans and upon the levels shown on the deposited sections make and maintain the new street and footpath and widening of street herein-after mentioned together with all necessary and convenient approaches bridges drains sewers works and conveniences connected therewith and for those purposes may enter upon purchase take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as shall be necessary for such new street and footpath and street widening and works The works herein-before referred to and authorised by this Act are:—

(1) A new street running from east to west or thereabouts commencing in the Horsemarket at or about one hundred feet from Marefair measuring northward and terminating in Pike Lane at or about eighty feet from Marefair measuring northward;

(2) A new footpath commencing in the Guildhall Road at or near the junction of that road with St. John's Street and terminating in the Victoria Promenade at or near the New Cattle Market;

(3) A widening and improvement of the north side of Marefair commencing in the Horsemarket at or near the junction of Marefair with the Horsemarket and terminating in Pike Lane at or near the junction of Marefair with Pike Lane;

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All the above mentioned works will be situate in the parish of All Saints in the borough of Northampton.

Limit of lateral and vertical deviation.

59. In the construction of the said new street and widening of street the Corporation may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and may deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding three feet upwards or three feet downwards.

Period for compulsory purchase of lands.

60. The powers of the Corporation for the compulsory purchase of lands for the purposes of the new street and footpath and widening of street authorised by this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of new street &c.

61. If the new street and footpath and widening of street authorised by this Act shall not be completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for making the said new street and footpath and widening of street or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

For protection of Midland Railway Company.

62. In constructing and maintaining the new footpath authorised by this Act where the same will pass under the railway and works of the Midland Railway Company the Corporation shall be subject to the following conditions viz. :—

1. So much of the said new footpath as passes under the Company's property shall be executed at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the principal engineer of the Midland Railway Company and in such manner as not to interfere with the piers abutments or arch of the Midland Railway station.
2. The said new footpath shall be used only by foot passengers and no vehicles or cattle shall be permitted to use the same.
3. The Corporation shall not acquire any estate or interest in the lands and property of the Midland Railway Company other than an easement or right of constructing or maintaining therein the new footpath by this Act authorised.

PART V.

Financial &c.

Power to borrow for purposes of Act.

63. In addition to any moneys which they are now authorised to borrow the Corporation may from time to time borrow at interest for the purposes of this Act such sums of money as they require not exceeding the sums following (that is to say) :—

For the purposes of this Act so far as they relate to the acquisition of lands for the improvement of the intended parks and recreation grounds by the Corporation ten thousand pounds;

For the purposes of this Act so far as they relate to the construction of public parks walks and recreation grounds and works connected therewith twenty thousand pounds;

For the purposes of this Act so far as they relate to the construction of the new street and footpath and widening of street authorised by this Act twenty-five thousand 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 moneys and on such conditions as to redemption and otherwise as the Local Government Board may from time to time think fit.

Mode of borrowing.

38 & 39 Vict. c. 83.

64. The Corporation may raise all moneys which they are by this Act authorised to borrow or raise by mortgage of all or any part of the lands which by this Act the Corporation are authorised to sell or by mortgage or debentures debenture stock or annuity certificates under and subject to the provisions of the Local Loans Act 1875 and the Corporation may charge the district fund and general district rate or either of them as security for repayment of the moneys so borrowed with interest.

Mortgages to be by deed.

65. Every mortgage made by the Corporation shall be by deed under their common seal duly stamped and truly stating the consideration.

Priority of existing mortgages.

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

Repayment of sums borrowed.

67. All sums borrowed by the Corporation under the provisions of this Act shall be repaid within sixty years after the same are respectively borrowed by such one or more of the methods (including a sinking fund) prescribed by the Local Loans Act 1875 as the Corporation may see fit.

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Power to re-borrow.

68. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments or appropriations or by means of a sinking fund or out of the proceeds of the sale of land acquired under the powers of this Act they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made and that the moneys originally borrowed and any amounts from time to time re-borrowed under the foregoing provisions for the repayment of such moneys shall for the purpose of section 15 of the Local Loans Act 1875 be deemed to form the same loan and the obligations of the Corporation with respect to the sinking fund to be set aside in respect of such moneys shall not be in any way affected by reason of such re-borrowing.

Application of money borrowed.

69. The moneys borrowed under this Act shall be applied for the purposes for which they are borrowed and for alteration improvement extension and enlargement of works and in every case for objects to which capital money is properly applicable and for no other purposes.

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

70. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any other methods of repayment under this Act and the Local Loans Act 1875 or either of them 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 off by appropriations or otherwise 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 and all interest thereon have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to make any appropriation or other payment 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 or any interest thereon 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 Manda-

mus to be obtained by the Local Government Board out of the High Court of Justice.

Power to sell surplus lands and property.

71. The Corporation may from time to time sell or lease and dispose of any part of the buildings lands and property purchased by them for the purposes of the new street and road and widening of street authorised by this Act which shall not be required for those purposes and they shall apply the proceeds of any such sale in paying off money borrowed by the Corporation and until such application such proceeds shall form part of the district fund.

General saving for Corporation.

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

Expenses of Act.

73. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid shall be paid by the Corporation out of the borough fund.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Part I.

The freemen's commons or race ground situate in the parishes of Saint Sepulchre and Saint Giles in the borough of Northampton containing ninety-one acres one rood and twenty-nine perches or thereabouts.

Part II.

The meadows commonly known as the old and new commons consisting of the Cow Meadow situate in the parish of Saint Giles in the borough of Northampton containing seventeen acres and twenty-three perches or thereabouts the Calves Holme situate in the

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said parish and borough containing five acres and twenty-three perches or thereabouts the Midsummer Meadow situate in the said parish and borough containing nineteen acres two roods and six perches or thereabouts the Baulmsholme situate in the parish of All Saints in the said borough containing nineteen acres one rood and ten perches or thereabouts the Foot Meadow situate partly in the said parish and partly in the parish of St. Peter in the said borough containing four acres three roods and twenty-nine perches or thereabouts Miller's otherwise Gates' Meadow situate in the parish of St. Andrew in the said borough containing six acres and four perches or thereabouts Peach's Meadow situate in the parish of St. Giles in the said borough containing eighteen acres one rood and three perches or thereabouts and the meadows commonly called the new commons situate in the parish of St. Giles in the said borough containing fifteen acres one rood and three perches or thereabouts.

THE SECOND SCHEDULE.

FORM OF DEED OF CONVEYANCE OF NORTHAMPTON FREEMEN'S COMMONS.

In pursuance of the Northampton Corporation Act 1882 and in consideration of the payments by that Act authorised the freemen's trustees constituted by the Local Act 18 Geo. 3 chapter 77 do hereby convey unto the mayor aldermen and burgesses of the borough of Northampton their successors and assigns the Northampton freemen's commons or race ground and all lands and hereditaments vested in the freemen's trustees by virtue of the same Act and all rights of pasturage and other rights and interests (if any) of the Northampton freemen and widows of freemen in the freemen's commons and the meadows and lands commonly called the old and new commons of the town of Northampton to hold the same unto the said mayor aldermen and burgesses their successors and assigns and the said mayor aldermen and burgesses do accept the same accordingly.

In witness whereof the said freemen's trustees have hereto set their hands and the said mayor aldermen and burgesses have hereto affixed their common seal this day of 1882.

LONDON: Printed by GEORGE E B. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1882.