CHAPTER xxxi.

An Act for extending the Boundaries of the Borough and County of the Town of Nottingham, and for providing for the execution of the Nottingham and Leen District Sewerage Act, 1872, by the Corporation; and for other purposes. A.D. 1877.

[11th June 1877.]

WHEREAS the borough of Nottingham is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough:

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

And whereas the borough is a county of itself, and has a sheriff and a separate commission of the peace, and a separate court of quarter sessions, and a recorder with a clerk of the peace, and a borough court of record, and a coroner, and a separate police force:

And whereas by the Nottingham Improvement Act, 1874, powers were conferred on the mayor, aldermen, and burgesses in relation to the management of streets in the borough, and to sewerage, and to markets and fairs, and to police, and other matters of local government: 37 & 38 Vict. c. cxciv.

And whereas there are adjacent to the borough five districts of Local Boards (namely), the district of Sneinton, the district of Lenton, the district of Radford, the district of Basford, and the district of Bulwell, and the following parishes or portions of parishes or places (namely), the parish of Standard Hill and the limits of the Castle of Nottingham, the parish of Brewhouse Yard, portions of the parishes of Wilford and West Bridgford, and a portion of the parish of Gedling:

And whereas it is expedient that the borough be extended so as to include the said districts of Local Boards (exclusive of the portions

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of the district of Lenton herein-after specified) and the said parishes and portions of parishes or places, and that the said Local Boards be dissolved, and their powers, rights, duties, liabilities, and property be transferred to the mayor, aldermen, and burgesses acting by the Council of the borough, and that the said parishes and portions of parishes or places be detached from the jurisdiction of the rural sanitary authorities thereof, so that the mayor, aldermen, and burgesses acting by the Council may be constituted the sole authority for all municipal and sanitary purposes within the extended borough:

And whereas it is expedient that provision be made for dividing the extended borough into wards, and for defining the names and boundaries of the wards, and for increasing the number of councillors and aldermen:

And whereas the Basford Burial Board is the only Burial Board now existing within the area of the extended borough, and it is expedient that the said Burial Board be dissolved, and that the mayor, aldermen, and burgesses acting by the Council be constituted the Burial Board for the whole of the extended borough, and that the cemetery and other property acquired by the Basford Local Board, and the debts and liabilities incurred under the Burial Acts by that Board, be transferred to the mayor, aldermen, and burgesses:

And whereas under the Elementary Education Act, 1870, School Boards have been elected for the borough and for each of the districts of the said Local Boards (except Bulwell), and it is expedient that the School Boards for Basford, Radford, and Sneinton be dissolved, and that one School Board be elected for the whole of the extended borough, and no one of the said School Boards has expressed dissent to such dissolution:

35 & 36 Vict. c. cv.

And whereas by the Nottingham and Leen District Sewerage Act, 1872, a district was formed called the Nottingham and Leen District, comprising as its constituent parts the borough and the districts of the said Local Boards, and the said parish of Standard Hill and limits of the Castle of Nottingham, and the said parish of Brewhouse Yard, and a corporate body called the Nottingham and Leen District Sewerage Board was constituted of representatives of the said constituent districts for the purposes of the execution and maintenance of the sewerage and other works by the said Act authorised, and for the other purposes therein expressed:

39 & 40 Vict. c. cxcviii.

And whereas by a provisional order made by the Local Government Board, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Bingley, &c.) Act, 1876, (in this

Act referred to as the Order of 1876,) further borrowing powers were conferred on the Nottingham and Leen District Sewerage Board for the purposes of the Nottingham and Leen District Sewerage Act, 1872, and that Act was in certain respects altered and amended:

And whereas the whole of the said Nottingham and Leen district (with the exception of the portions of the district of Lenton hereinafter specified) will be included in the extended borough, and it is expedient that such provision as in this Act contained be made for the execution of the said Act and the Order of 1876 by a committee of the Council of the borough, and that the Nottingham and Leen District Sewerage Board be dissolved:

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

And whereas an absolute majority of the whole number of the Council, at a meeting held on the eleventh day of September 1876, after ten clear days notice by public advertisement of such meeting, and of the purpose thereof, in the Nottingham and Midland Counties Daily Express, 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 Nottingham and Midland Counties Daily Express, 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 eighth day of January 1877, 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,)

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I.—Preliminary.

Short title.

1. This Act may be cited as the Nottingham Borough Extension Act, 1877.

Commencement of Act.

2. For the purposes of proceedings preliminary to the municipal elections of 1877 this Act shall take effect on its passing, and except for those purposes this Act shall commence and take effect from and immediately after the 31st day of October 1877 (which last-mentioned time is in this Act referred to as the commencement of this Act).

Interpretation of terms.

3. In this Act,—

"The existing borough" means the municipal borough and county of the town of Nottingham as existing immediately before the passing of this Act:

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

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

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

"The Municipal Corporations Acts" means the Act of the session of the fifth and sixth years of King William the Fourth (chapter seventy-six), "to provide for the regula-" tion 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:

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

"Person" includes a body corporate.

Act to be executed by the Council.

4. This Act shall be carried into execution by the Corporation acting by the Council, and according to the Municipal Corporations Acts and the Acts for the time being affecting the Corporation as a municipal body and a sanitary authority respectively, and with all the rights, powers, privileges, exemptions, and authorities conferred by those Acts respectively on the Corporation and on the Council and committees of the Council, and the officers, agents, and servants of the Corporation, with respect to matters provided for by or comprised in the Municipal Corporations Acts and the Public Health Act, 1875, respectively, and (subject to the provisions of this Act) as nearly as may be in all respects as if the powers, duties, exemp-

tions, and property vested in, imposed on, or enjoyed by the Corporation by or under this Act were vested in, imposed on, or enjoyed by them by or under the Municipal Corporations Acts and the Public Health Act, 1875, respectively; and the Corporation acting by the Council shall be the Burial Board for the extended borough, with all the powers, duties, and obligations of a Burial Board under the Burial Acts.

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 or of the Nottingham and Leen District Sewerage Act, 1872, and the Order of 1876, 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.

Validity of meetings.

6. 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.

II.—Dissolution of Local Boards, &c.

Local Boards, &c. dissolved.

7. From and after the commencement of this Act, the Local Boards for the several districts of Sneinton, Lenton, Radford, Basford, and Bulwell, and the Burial Board for the district of Basford, shall be dissolved.

Transfer to Corporation of powers, duties, and

8. From and after the commencement of this Act, all powers, rights, duties, liabilities, and obligations which immediately before the commencement of this Act were exerciseable by or attached to

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liabilities of Local Boards, &c.

any of the said Local Boards in respect of the districts and portion of district respectively by this Act included within the borough, or to the said Burial Board, shall be transferred and attach to the Corporation, and may be exercised and enforced and shall be discharged and performed accordingly.

Transfer to Corporation of property of Local Boards, &c.

9. From and after the commencement of this Act, all such property, real and personal (including all interests, rights, and easements in, to, and out of property real and personal, and including things in action), as immediately before the commencement of this Act belonged to or was vested in any of the said Local Boards or the said Burial Board, or any person on their behalf respectively, shall belong to and be vested in the Corporation, and may be held, recovered, and enjoyed accordingly.

Conveyances, &c. to remain in force.

10. Subject to the provisions of this Act, all conveyances, leases, deeds, appointments, contracts, agreements, mortgages, bonds, covenants, securities, orders, notices, resolutions, and proceedings made or entered into before the commencement of this Act to, with, in favour of, or by, for, or on behalf of any of the said Local Boards or the said Burial Board, as the case may be, or any person on their behalf, and now in force, shall be and remain as valid and effectual in favour of, against, and with reference to the Corporation, and may be proceeded on and enforced in like manner to all intents and purposes as if the Corporation, instead of the said Local Boards or the said Burial Board, as the case may be, had been party or privy thereto.

Actions, &c. not to abate.

11. Any action, suit, prosecution, or other proceedings whatsoever commenced either by or against any of the said Local Boards or the said 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 the Corporation, instead of the said Local Boards or the said Burial Board, as the case may be, were parties to such action, suit, prosecution, or proceeding.

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

12. 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 any of the said Local Boards or the said Burial Board shall from and after the commencement of this Act be payable to and may be collected and recovered by the Corporation in like manner as any rates under this Act may be collected and recovered by the Corporation.

Debts due to and by Local Boards or Burial Board to be paid to and by Corporation.

13. All persons who immediately before the commencement of this Act owe any sum of money to any of the said Local Boards or the said Burial Board, or to any person on their behalf respectively, shall pay the same, with all interest (if any) due or to accrue due for the same, to the Corporation; and all debts and moneys which immediately before the commencement of this Act are due or owing by or recoverable from any of the Local Boards or the said Burial Board, or for the payment whereof either of the said Local Boards or the said Burial Board respectively 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, &c. to remain in force.

14. All byelaws, rules, regulations, and orders duly made and in force within the districts of any of the said Local Boards or the said Burial Board immediately before the commencement of this Act may be repealed, altered, or varied by the Corporation as if they had been made under the powers of the Public Health Act, 1875, or the Burial Acts, as the case may be, and shall continue in force unless they are so repealed, altered, or varied; and such bye-laws, rules, regulations, and orders, and all penalties and forfeitures thereby respectively imposed, and all penalties and forfeitures incurred, may be enforced, recovered, and applied in like manner in all respects as the same respectively might be enforced, recovered, and applied in case the same had been made and imposed respectively by the Corporation.

Books to be evidence.

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

III.—Extension of Borough.

Extension of boundaries of borough.

16. The boundaries of the existing borough are hereby extended so as to comprise, and the borough shall accordingly comprise, in addition to the existing borough, the districts of the Local Boards of Sneinton, Lenton, (exclusive of the portion of the said district of Lenton known as Bestwood Park, and exclusive also of so much of the said district as lies to the south of the existing towing-path or footroad on the northern bank of the River Trent,) Radford, Basford, and Bulwell, and the following parishes and portions of parishes and places (namely), the parish of Standard Hill and the limits of the Castle of Nottingham, the parish of Brewhouse Yard, the

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portion of the parish of Wilford which lies to the north of the southern side of the towing-path or footroad herein-before mentioned, (but exclusive of the portion of Wilford Bridge and of its northern approach, and of the land on either side of such approach belonging thereto lying south of the junction of Wilford Road with the Clifton Colliery Road,) the portion of the parish of West Bridgford which lies north of the right or southern bank of the River Trent, and the portion of the parish of Gedling which lies between the boundary of the existing borough and a new road set out by the Corporation from Mapperley Plains Road to Thorneywood Road.

Authority of Corporation extended.

17. Subject to the provisions of this Act, the powers, rights, privileges, authorities, and duties of the Corporation as a municipal body, and of the Corporation acting by the Council as the sanitary authority for the district of the existing borough, and of the Corporation acting in the execution of the Nottingham Improvement Act, 1874, and such other Local Acts as are at the commencement of this Act in force within the existing borough, or otherwise, and of all officers and servants of the Corporation, shall extend to and throughout the extended borough.

Extension of jurisdiction of the recorder, sheriff, and other officers.

18. The jurisdiction, powers, authorities, rights, privileges, and duties of the recorder, clerk of the peace, sheriff, and coroner of the borough, and of the borough court of record, and of the justices of the peace appointed for the borough, whether acting in general or in quarter sessions, or in petty sessions, or out of sessions, or otherwise, and of the police constables, and other peace officers of the borough, shall extend throughout the extended borough.

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

19. Lands and other property in the added part of the borough shall not be liable to be rated or be rated to any county rate, county police, highway, or sanitary rate made after the commencement of this Act in or for the county of Nottingham or any part thereof, but orders of county justices respecting rates and matters connected therewith, made before the commencement of this Act, shall be executed in and with respect to the added part of the borough, and arrears of county, county police, highway, and sanitary rates existing at the commencement of this Act may be collected and recovered therein as if this Act had not been passed; and every person committing an offence in the added part of the borough before the commencement of this Act shall be tried, adjudicated on, and dealt with as if this Act had not been passed.

Property of existing Corporation to vest in Corporation.

20. All estates and property of every description vested in the Corporation at the commencement of this Act for the benefit of the existing borough shall vest in the Corporation for the benefit of the

extended borough, and the Corporation shall hold, enjoy, and exercise for the benefit of the extended borough all the powers, rights, and privileges which at the commencement of this Act are vested in the Corporation for the benefit of the existing borough, but subject to all debts, liabilities, and engagements affecting the same.

The High School.

21. The benefits and privileges of the High School of Nottingham shall (notwithstanding anything in any Act of Parliament, instrument of foundation, deed of trust, or other document,) be extended to, and be enjoyed by, ratepayers in the added part of the borough.

Sir Thomas White's loans.

22. The loans to be granted out of the funds of the Nottingham branch of Sir Thomas White's Charity shall, notwithstanding anything in any Act of Parliament, instrument of foundation, deed of trust, or other document, be extended and granted to persons of good character, resident inhabitants in the added part of the borough.

Lambley and Bilby Hospitals, and other charities.

23. All persons resident in the added part of the borough shall be qualified and eligible for admission into the Lambley Hospital and Bilby Hospital as fully and in like manner as if they were residents in the existing borough; and for the purpose of any other charitable gift or charitable trust, the position of a burgess of the extended borough shall be deemed equivalent to that of a burgess of the existing borough.

Officers of Corporation continued.

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

Deputy town clerk and deputy borough surveyor.

25. The Town Council may from time to time appoint a deputy town clerk and a deputy borough surveyor, and may delegate to a deputy so appointed the performance of all or certain of the duties of the respective offices under any Act of Parliament for the time being in force within the borough, or under any byelaw of the Corporation. Any deputy so appointed shall, within the limits of his delegation, have all the powers of the town clerk or borough surveyor, as the case may be, and the signature of any such deputy shall be for all purposes a sufficient authentication of any notice or other document which may be authenticated by the signature of the town clerk or borough surveyor, as the case may be.

As to borough gaol and lunatic asylum.

26. The gaol and lunatic asylum of the existing borough shall be the gaol and lunatic asylum of the borough, and any liability of

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the added part of the borough to contribute to the cost, charges, and expenses of any gaol or lunatic asylum, other than the gaol and lunatic asylum of the borough, shall cease.

Deposit of borough plan.

27. A plan of the borough as extended by this Act, signed in duplicate by the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred, shall, within two weeks after the passing of this Act, be deposited in the Private Bill Office of the House of Lords, and with the town clerk of the borough at his office.

Copies of deposited borough plan to be evidence.

28. Copies of the said plan deposited with the town clerk or any extract therefrom certified by him to be true shall be received by all courts of justice or elsewhere as primâ facie evidence of the contents of such plan, and such plan shall at all reasonable times be open to the inspection of the persons liable to rates imposed by the Corporation, and all persons so liable shall be entitled to a copy of or extract from such plan certified by the town clerk, on payment of a reasonable fee for every such copy or extract.

Transfer to Corporation of police stations in Lenton and Basford, &c.

29. And whereas the rateable value of the county of Nottingham will be diminished by the cesser of liability of the added part of the borough to county rates and charges, and in consideration thereof, and of the transfer herein-after authorised from the county of Nottingham to the Corporation of the police stations situate in the parishes of Lenton and Basford respectively, and in consideration of the right of user herein-after granted to the Corporation of the County Hall in Nottingham, it has been arranged that the Corporation shall pay to the treasurer of the county of Nottingham the sum of fifteen thousand pounds, and it is expedient to authorise the carrying into effect of such arrangement and payment, be it enacted as follows: The justices of the peace for the county of Nottingham are hereby authorised and required to transfer to the Corporation, and to cause to be executed, a proper deed of conveyance for vesting in the Corporation and their successors the police stations, with their fixtures, fittings, and appurtenances, situate in the parishes of Lenton and Basford in the county of Nottingham respectively, and now vested in the said justices or in the clerk of the peace of the said county on their behalf, and all their or his interest therein respectively; and the Corporation and their successors shall by virtue of this Act have a perpetual right to use the County Hall in Nottingham, and offices connected therewith, for the purposes of holding the general or quarter sessions and assizes for the borough and county of the town of Nottingham, in like manner as they have been accustomed to use the said hall and offices; and in considera-

tion of the above-mentioned transfer and right of user, and of the cesser of liability of the added part of the borough to county rates and charges, the Corporation shall, out of their district fund and general district rates, or out of moneys borrowed on the security thereof, pay to the treasurer of the county of Nottingham within six calendar months after the passing of this Act fifteen thousand pounds.

IV.—Division of Borough into Wards.

Division of the borough into wards.

30. On and from the first day of November 1877, the borough shall be divided into sixteen wards, the names or distinguishing numbers and boundaries of which shall be fixed and determined by the Local Government Board, on the report of a commissioner to be for that purpose appointed by the said Board, within three weeks after the passing of this Act.

Commissioner to report before 1st of August.

31. The commissioner shall commence and proceed with the duties of his appointment with all practicable despatch, and so as to make his report to the Local Government Board before the first day of August 1877. Such report shall be subject to revision by the Local Government Board, who shall make such order therein as they think fit.

Order of Local Government Board to be published.

32. The said order shall be published before the fifteenth day of August 1877 in the London Gazette, and in a newspaper circulating in the borough, and on and from the first day of November 1877 the names or numbers and boundaries of the wards, as set forth in such order, shall be the names or numbers and boundaries thereof for all purposes, as if they had been specially set forth in this Act.

Constitution and number of the Council.

33. After the division of the borough into wards, the Council for the borough shall consist (including the mayor) of sixteen aldermen and forty-eight councillors, and each ward shall return three councillors.

Regulations as to elections of councillors, &c.

34. The regulations contained in the schedule to this Act respecting the elections of mayor, aldermen, and councillors, and their retirement from office, and other matters, shall have effect.

Powers of commissioner, and costs of inquiry.

35. Every commissioner appointed under this Act shall have the same power with regard to the examination of witnesses and production of documents as an inspector of the Local Government Board under "The Public Health Act, 1875," and the costs of every inquiry held by any such commissioner, including the remuneration of such commissioner, under this Act, shall be fixed by the said Board, and shall be paid by the Corporation.

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V.—School Board for Borough.

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36. For the purposes of the Elementary Education Act, 1870, and the Acts amending the same, the extended borough shall be a school district, and the School Board for the existing borough shall be the School Board for the said school district, and the members of the School Board for the existing borough who are in office at the commencement of this Act, with the addition of the members of the several School Boards for Basford, Radford, Sneinton, and Lenton who are in office at the commencement of this Act, shall constitute the School Board for the said school district, and shall be deemed to have been elected therefor, and shall hold office, subject to the provisions of the said Acts and this Act, and to any order for holding a new election or otherwise which may be made by the Education Department.

Dissolution of School Boards for Basford, Radford, and Sneinton.

37. From and after the commencement of this Act, the several School Boards for Basford, Radford, and Sneinton shall be dissolved, and the property (if any) of those several Boards shall be transferred to and vest in the School Board for the extended borough; and all the debts, liabilities, contracts, and engagements of the said several Boards existing at the commencement of this Act shall be transferred to and be discharged and satisfied and performed by the School Board for the extended borough.

As to the School Board of Lenton.

38. All the jurisdiction, rights, powers, liabilities, and obligations of the School Board for the district of Lenton, in respect of that part of the same district which is by this Act included within the area of the extended borough, shall at the commencement of this Act cease and be transferred to the School Board for the extended borough.

As to School Board bye-laws.

39. From and after the commencement of this Act, all byelaws and regulations made by the School Board for the existing borough, and then in force, shall apply to and be in force within the extended borough (subject to any future repeal or amendment of the same), and all byelaws and regulations made by the several School Boards for the districts of Basford, Radford, Sneinton, and Lenton shall cease to be of any force or effect in the added part of the borough.

Order for election of new School Boards.

40. At such time after the commencement of this Act as the Education Department shall think fit, that Department shall issue an order for the election of fifteen persons to serve as members of the School Board of the extended borough in the place of the persons who at the time of the making of such order are members of the said School Board. And at such time after the commencement of this Act as the Education Department shall think fit, that Department shall issue an order for the election of five persons to serve as

members for the School Board for that portion of the district of Lenton known as Bestwood Park, which is not by this Act included within the extended borough, in the place of the persons who at the time of the making of such order shall be members of the said School Board for Lenton. A.D. 1877.

VI.—As to the Execution of the Nottingham and Leen District Sewerage Act, 1872.

Dissolution of Sewerage Board, and transfer of powers to Corporation.

41. From and after the commencement of this Act, the Nottingham and Leen District Sewerage Board (herein-after called "the Board") shall be dissolved, and there shall be transferred, attach to, and vest in the Corporation,—

First. All the powers, rights, duties, and liabilities of the Board (except the power of making calls of money on the several constituent sewer authorities) under the Nottingham and Leen District Sewerage Act, 1872, and the Order of 1876:

Secondly. All the lands, sewerage works, and other property, real and personal, of every description (including things in action), which now belong to or are vested in, or which would but for this Act have belonged to or been vested in the Board.

Debts of Board to be paid by Corporation.

42. All debts (including the mortgage and bond debt of the Board), and all rents, rates, charges, and sums of money, and all contracts and engagements which at the commencement of this Act are due or owing from or binding on the Board, shall be paid, discharged, satisfied, and performed by the Corporation.

Actions, &c. not to abate.

43. If at the commencement of this Act any action or proceeding, or cause of action or proceeding, is pending or existing against the Board, the same shall not abate or be prejudicially affected by the dissolution of the Board, but may be continued, prosecuted, and enforced against the Corporation as and when it might have been continued, prosecuted, or enforced against the Board if this Act had not been passed, but not further or otherwise.

Calls of money due from constituent authorities to Board recoverable by Corporation.

44. All sums of money which at the commencement of this Act are due or payable to the Board from any constituent sewer authority in respect of any call made by the Board, or otherwise, shall be payable to and may be recovered by the Corporation in like manner as they might have been recovered by the Board if this Act had not been passed.

Expenses of execution of Sewerage Act to be

45. The Corporation shall defray all costs and expenses incurred by them in the execution of the Nottingham and Leen District Sewerage Act, 1872, out of the district fund and general district

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defrayed by Corporation.

rates leviable by them under the powers of the Public Health Act, 1875, and of this Act, and all sums which it is proposed to defray out of the general district rates in pursuance of this section shall be included in the estimate which is required by the Public Health Act, 1875, to be prepared before making a general district rate.

Audit of accounts.

46. The accounts of all moneys received and expended by the Corporation for the purposes of the Nottingham and Leen District Sewerage Act, 1872, shall be audited in like manner in all respects as their accounts of moneys received and expended under the Public Health Act, 1875, are audited.

VII.—Rating and Borrowing Powers.—Miscellaneous.

All expenses of Corporation to be defrayed out of district fund and general district rates.

47. The Corporation shall defray all costs and expenses incurred by them in the execution of the Municipal Corporations Acts, and all other costs and expenses charged or chargeable on the borough fund or borough rate under any Act of Parliament, or otherwise, out of the district fund and general district rates leviable by them under the powers of the Public Health Act, 1875, and of this Act, and all sums which it is proposed to defray out of the general district rates in pursuance of this section, shall be included in the estimate which is required by the Public Health Act, 1875, to be prepared before making a general district rate.

Power of Corporation to levy general district rates.

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

Power of Corporation to exercise borrowing powers of Local Boards, &c.

49. The Corporation may exercise all the borrowing powers of the existing Corporation and of the Local Boards whose powers and duties are by this Act transferred to the Corporation, and of the Nottingham and Leen District Sewerage Board, as those powers respectively exist at the commencement of this Act; but the moneys raised by the exercise of the borrowing powers of any of the said Local Boards, or of the Nottingham and Leen District Sewerage Board, shall be applied only to purposes to which such moneys would have been applicable if this Act had not been passed, and shall be repaid within the respective periods fixed for repayment of the same.

Power of Corporation to borrow for purposes of Act.

50. The Corporation may from time to time, with the previous approval of the Local Government Board, borrow and re-borrow in manner provided by and subject to the provisions of the Local

Loans Act, 1875, so much money as they deem necessary for defraying the expenses of the execution by them of this Act, and may mortgage the borough fund and borough rate or district fund account and general district rate to secure repayment thereof with interest accordingly. A.D. 1877.

Repayment of sums borrowed.

51. All sums borrowed by the Corporation for defraying the expenses of the execution by them of this Act shall be repaid within thirty years after the same were 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.

Sums borrowed by Local Boards, by Sewerage Board, and by School Boards, to be charged on district fund and general district rates.

52. All sums borrowed or re-borrowed before the commencement of this Act by the Local Boards whose powers are by this Act transferred to the Corporation, or by the Nottingham and Leen District Sewerage Board, and all sums borrowed or re-borrowed by the Corporation in the exercise under this Act of the borrowing powers of any of those Boards respectively, and all sums borrowed or re-borrowed by any School Board dissolved in pursuance of the provisions of this Act, and owing at the time of the dissolution of such School Board, shall be charged on the district fund and general district rates leviable by the Corporation under the powers of the Public Health Act, 1875, and of this Act, but the original securities for all such sums shall remain valid and in force unless and until the holders thereof shall agree to accept and shall receive new securities in lieu thereof from the Corporation. Such sums shall rank next after the charges on the district fund and general district rates existing at the commencement of this Act, and as between themselves shall have priority according to the date of the respective loans.

Compensation to clerk of peace for county of Nottingham and others.

53. Full compensation shall be paid by the Corporation to the clerk of the peace for the county of Nottingham, and to the clerk to the justices of the peace, and to the coroner for the Nottingham division of the county of Nottingham, and to any officer of any of the said Local Boards, and to all other persons, in respect of the loss of the whole or part of the emoluments of office by reason of the passing of this Act. Such compensation may be by way of annuity or otherwise, and shall be paid by the Corporation out of their district fund and general district rates, and the amount of such compensation shall be determined by agreement, or in the event of dispute, by the Local Government Board: Provided that any clerk or officer of any of the said Local Boards or School Boards who shall accept employment in any office of equal value under the

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Corporation, shall be deemed to waive all claim for compensation under this Act.

Power to sell surplus lands and property.

54. The Corporation may from time to time sell or lease and dispose of any part of the buildings, works, lands, and property transferred to them by or under this Act, and they shall apply the proceeds of any sale in the first place in paying off any debt of the Local Board or other body to whom such property belonged, and subject thereto in paying off money borrowed by the Corporation, and until such application such proceeds shall form part of the borough fund.

Provisions for protection of the Nottingham Park estate.

55. And whereas that part of the parish of Standard Hill and the limits of the Castle of Nottingham which comprises the lands bounded on the south by the Leen, on the west by the parish of Lenton, on the north by the parishes of Lenton and Radford, and on the east by the existing borough, the parish of Standard Hill and Brewhouse Yard, with other property in the district, belongs or is reputed to belong in fee to the trustees under the will of His Grace the Duke of Newcastle, deceased, (which said trustees and their successors in title are herein-after called "the trustees,") and divers building leases have been granted of portions of such property, and divers arrangements exist between the trustees and the leaseholders with reference to the cost of making and maintaining streets, roads, and ways, and with reference to the cost of sewerage, and otherwise: And whereas the streets upon the said property are at present private streets, and are not highways repairable by the inhabitants at large: And whereas it is expedient that special provisions should be enacted for the protection of the trustees and of their leaseholders for the time being, herein-after called "the leaseholders:" Therefore the following special provisions shall accordingly apply and take effect with reference to the said part herein-before defined of the parish of Standard Hill and the limits of the Castle of Nottingham, which part is herein-after referred to as "the district;" that is to say,

(1.) No street or road within the district shall become a highway repairable by the inhabitants at large, under the provisions of the 152nd section of the Public Health Act, 1875, unless and until the trustees, and also two thirds at least of the leaseholders, shall have assented in writing to such street or road becoming a highway as aforesaid: Provided that in ascertaining such two thirds joint leaseholders shall be reckoned as one leaseholder:

(2.) The putting into force by the Corporation as against the leaseholders of the powers of the 150th section of the

Public Health Act, 1875, shall not prejudice or affect any right on the part of the leaseholders, under their leases or agreements for the same, to have the roads and streets and sewers within the district made, repaired, and maintained by the trustees, or any corresponding right on the part of the trustees against the leaseholders:

(3.) Nothing in this Act contained shall prejudice or affect a certain agreement as to sewerage, dated the first day of June 1876, and made between the trustees of the first part, and the several persons whose names are thereunder written as being original tenants of the Nottingham Park estate, under building leases, or the assignees of such original tenants, of the second part; and the Corporation, when and as often as they impose a general district rate, shall specify in the notice or demand papers relating to such rate, and in the receipts therefor, the proportion thereof which is imposed in respect of costs and expenses in the execution of the Nottingham and Leen District Sewerage Act, 1872, or any Act amending that Act; and it shall be a condition precedent to the right of the Corporation to recover such rate that such proportion shall have been specified in such notice or demand papers as aforesaid, and such proportion so specified shall be considered to be fixed and ascertained in any question between the person or persons paying such rate and the trustees:

(4.) So long as the several roads and streets in the district shall remain repairable otherwise than by the Corporation, then the Corporation shall not be entitled to demand, receive, or recover in the district any more than four fifth parts of the general district rate which may from time to time be imposed within the borough generally; but whenever such roads and streets shall have become repairable by and vested in the Corporation as streets within the meaning of the 149th section of the Public Health Act, 1875, then the full amount of such general district rate may be demanded, received, and recovered by the Corporation:

(5.) Unless and until any road or street now or hereafter existing within the said district shall become a highway under the provisions of the 152nd section of the Public Health Act, 1875, the clauses and provisions contained in the Public Health Act, 1875, or the Nottingham Improvement Act, 1874, or any other Acts or any byelaws made or to be made under the said Acts, or any of them, so far as the

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same relate to the frontages, height, levels, construction, internal arrangements, or other matters (other than sewerage and drainage, and matters relating to water-closets, earth-closets, privies, ash-pits, and cesspools,) connected with buildings and erections, or to the levels, width, materials, formation, paving, construction, alterations, diversions, or other matters connected with streets, roads, or ways, shall not nor shall any of the same apply to or be in force as respects such road or street, or any buildings, erections, or messuages thereon or thereto adjoining; and all powers under the said Acts and byelaws shall always be exercised by the Corporation within the district, subject to the rights, privileges, and advantages of the trustees and their leaseholders respectively under their several existing leases or agreements for leases.

Special provisions as to the added part of the parish of Wilford.

56. The following provisions shall have effect in and with respect to that portion of the parish of Wilford which is by this Act added to the borough; (that is to say,)

Provision as to certain roads in Wilford.

(1.) The Clifton Colliery Road (leading from Wilford Road to the Clifton Colliery), and so much of the northern approach of Wilford Bridge (known as Wilford Road) as lies between the southern boundary of the existing borough and the junction of the said Wilford Road and Clifton Colliery Road, shall upon the passing of this Act become and be highways repairable by the inhabitants at large:

Operation of the Nottingham Improvement Act in Wilford.

(2.) With regard to the operation within the said portion of the parish of Wilford of any of the provisions of the Nottingham Improvement Act, 1874, the following provisions shall have effect; namely,

(A.) So much of section 19 as relates to the position or direction of streets shall not apply:

(B.) Sections 28 and 29 shall not apply to or be enforced with reference to any street or court which shall not be a highway repairable by the inhabitants at large:

(C.) Nothing in section 85 shall prejudice or affect any rights which the tenants of Henry Robert Clifton may under their respective agreements or leases have acquired of erecting or establishing public weighing machines:

(D.) The powers of the Corporation under or by virtue of sections 88 to 93, inclusive, shall within the

portion aforesaid of the parish of Wilford be subject always to the rights and privileges of the lord or lady of the manor of Wilford as by this Act saved.

As to bathing places in Wilford and Lenton.

57. No bathing places shall under section 66 of the Nottingham Improvement Act, 1874, be established on the River Trent in the parishes of Wilford and Lenton, or either of them, unless with the consent of the riparian owner for the time being upon or opposite to whose land such bathing places are to be placed.

General saving for Corporation.

58. 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.

Saving rights of lords of manors of Lenton, Radford, Sneinton, and Wilford.

59. Nothing in this Act contained shall take away, abridge, or prejudice the right, title, privilege, power, or interest of the present or any future lady or lord, ladies or lords, of the manors of Lenton, Radford, Sneinton, and Wilford respectively, in and to the seigniories, franchises, rights, royalties, and services incident or belonging to such manors respectively; but every such lady or lord, ladies or lords, and all persons claiming or to claim under or in trust for her, him, or them as lady or lord, ladies or lords, of the said manors respectively, shall and may from time to time, and at all times hereafter, hold and enjoy all rents, services, franchises, rights, royalties, courts, perquisites and profits of courts, and all other royalties, privileges, and jurisdictions to the said manors respectively, or to the said lady or lord, ladies or lords, thereof respectively belonging, in as full, ample, and beneficial a manner to all intents and purposes as she, he, or they respectively might have held or enjoyed the same in case this Act had not been passed.

Saving rights of freemen of Nottingham.

60. Nothing in this Act shall take away, extend, abridge, or prejudicially affect any right, power, authority, estate, interest, benefit, or privilege of the freemen and widows of freemen of the existing borough, and every such right, power, authority, estate, interest, benefit, and privilege may be had, enjoyed, and exercised by those freemen and widows of freemen as fully and effectually and to the same extent as if this Act had not been passed, save that all statutes, charters, customs, and usages with regard to

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admission to the freedom of the existing borough, and all rights, powers, authorities, estates, interests, benefits, and privileges attached thereto, and now enjoyed and exercised by freemen or widows of freemen when resident within the existing borough, shall be extended to the added part of the borough, and shall affect, be possessed, enjoyed, and exercised by freemen and widows of freemen when resident therein, in like manner as they now affect and are possessed, enjoyed, and exercised by freemen and widows of freemen when resident within the existing borough.

Expenses of Act.

61. 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, subject to the provisions of the Act 35 and 36 Vic. cap. 91, s. 6, be paid by the Corporation out of the borough fund or any other funds under their control, or out of any moneys borrowed on the security thereof.

The SCHEDULE referred to in the foregoing Act.

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

Added part of borough to be deemed to have always been part of borough.

2. The several persons who on the first day of November 1877 are councillors of the existing borough shall on that day go out of office, and the several persons who on the ninth day of November in the same year are aldermen of the existing borough shall on that day go out of office; and on the first day and on the ninth day of the said month of November respectively, an election of councillors for the sixteen wards into which the borough is to be divided under the authority of this Act, and an election of aldermen, shall be held according to the provisions of the Municipal Corporations Acts.

First election of Council.

3. The several persons who on the first day of November 1877 are aldermen of the existing borough shall be eligible for election as councillors at the election of councillors to be held on that day, notwithstanding that such persons are then aldermen of the borough.

Aldermen to be eligible for election as councillors on 1st of November 1877.

4. On the ninth day of November in the year 1880, and in every third succeeding year, one half of the whole number of aldermen shall go out of office. The aldermen who shall go out of office in the year 1880 shall be those who were elected by the smallest numbers of votes at the election to be held in the month of November 1877, and thereafter those aldermen shall go out of office who have been aldermen for the longest time without re-election.

Order of retirement of aldermen.

5. On the first day of November 1878 one third of the councillors shall go out of office, and on the first day of November 1879 another third of the councillors shall go out of office, and on the first day of November 1880 the remaining third of the councillors shall go out of office. The councillors who shall go out of office on the first of November 1878 shall be those who were elected by the smallest numbers of votes at the election of councillors to be held in the month of November 1877, and the councillors who shall go out of office on the first of November 1879 shall be those who were elected at the said election by the next smallest numbers of votes, and thereafter those councillors shall go out of office who have been longest in office without re-election.

Order of retirement of councillors.

6. If at the election of aldermen or of councillors to be held in the month of November 1877 there is an equality of votes between any two or more aldermen, or between any two or more councillors, or in case of such councillors being elected without a poll, the Council shall at their meeting on the ninth day of the said month of November, or at some adjournment thereof, determine the order of retirement of such persons.

Provision for equality of votes.

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First meeting of new Council.

7. The first meeting of the new Council shall be held on the ninth day of November 1877, at which the first business shall be the election of a mayor, who shall hold office until the following ninth day of November, or until his successor shall have taken upon himself the office: Provided that at such election the aldermen going out of office shall be entitled to vote, and shall be eligible for the office of mayor.

Municipal Corporations Acts to apply to other elections.

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

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