CHAPTER xcviii.

An Act to extend the Limits of the City of St. Alban in the County of Hertford; and for other purposes. A.D. 1879.

[3d July 1879.]

WHEREAS by letters patent under the Royal Sign Manual, bearing date the twenty-eighth day of August in the year one thousand eight hundred and seventy-seven, Her Majesty the Queen was pleased to constitute the borough of St. Alban a city, and to order that the same should ever thereafter be called the City of St. Alban in the County of Hertford:

And whereas the said city is a municipal borough under the government of the mayor, aldermen, and citizens thereof (in this Act referred to as the Corporation), acting under the authority of divers Royal Charters and of the Act passed in the fifth and sixth years of the reign of His late Majesty King William the Fourth, intituled "An Act to provide for the regulation of municipal cor- " porations in England and Wales," and of the Acts for the time being in force altering, amending, or affecting the same: 5 & 6 W. 4. c. 76.

And whereas the Corporation by the Council are the sanitary authority for the district of the city of St. Alban, with the powers and obligations of an urban sanitary authority:

And whereas the population of certain places outside of and adjacent or near to the said city, and situated in the parishes and townships of St. Michael, Sandridge, St. Peter's, and St. Stephen's, in the county of Hertford, has increased and is still increasing, and it is expedient that the boundaries of the said city should be extended in manner by this Act prescribed:

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 of the said city, at a meeting held on the nineteenth day of September one thousand eight hundred and seventy-eight, after ten days clear notice by public advertisement of such meeting and of the purposes thereof in the "Hertfordshire Standard," a local news-

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paper published or circulating in the said city (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 city fund and city rate:

And whereas such resolution was published twice in the said "Hertfordshire Standard," a local newspaper circulating in the said city, and in respect of matters under the jurisdiction of the Local Government Board has received the approval of that Board, and in respect of other matters has received the approval of one of Her Majesty's Principal Secretaries of State:

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

And whereas the owners and ratepayers of the city, 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:

38 & 39 Vict. c. 55.

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,)

Short title.

1. This Act may for all purposes be cited as the St. Alban City Improvement Act, 1879.

Interpretation of terms.

2. In this Act—

"The existing city" means the city of St. Alban as it exists immediately before the passing of this Act:

"The added area" means the district added to the existing city by this Act:

"The city" used without qualification means the existing city with the added area:

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

"The Municipal Corporations Act" means the Act passed in the fifth and sixth years of the reign of His late Majesty King William the Fourth (chapter seventy-six), intituled "An Act "to provide for the regulation of municipal corporations in "England and Wales," and all Acts for the time being in force altering, amending, or affecting the same, or otherwise relating to municipal corporations in England:

"The city rate" and "city fund" mean respectively the rate and fund authorised to be made or created by the Corporation under the Municipal Corporations Act, and therein called the borough rate and borough fund respectively:

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

Commencement of Act.

3. For the purposes of proceedings preliminary to the municipal elections to be held in the month of November one thousand eight hundred and seventy-nine, this Act shall take effect on its passing, and for all other purposes this Act shall commence and take effect from and immediately after the thirty-first day of October one thousand eight hundred and seventy-nine (which last-mentioned time is in this Act referred to as "the commencement of this Act").

Limits of extended borough and city.

4. The limits of the extended borough and city shall be those shown by the green line on the city boundary plan signed in duplicate by Sir Joseph Bailey, Baronet, Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, and within one week of the passing of this Act one such plan shall be deposited in the Private Bill Office of the House of Commons, and the other such plan with the town clerk at the Town Hall, and a copy thereof, certified by the town clerk, shall be sent, as soon as may be after the deposit of the same as aforesaid, to the principal office of Her Majesty's Ordnance Survey.

Copies of deposited city boundary plan to be evidence.

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

Extension of powers, &c. of Corporation, &c.

6. 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 city, and of all officers and

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

Extension of jurisdiction, &c. of city justices, &c.

7. The jurisdiction, powers, authorities, rights, privileges, and duties of the justices of the peace and other officers appointed for the existing city, and of all constables of the existing city, shall extend to and throughout the city.

Corporate style of Corporation.

8. The corporate style of the Corporation shall continue to be the Mayor, Aldermen, and Citizens of the City of St. Alban in the County of Hertford.

Constitution of the Council.

9. The Council of the city shall consist (including a mayor) of four aldermen and twelve councillors, who shall be respectively elected at such times and places and in such and the same manner as is provided by the Municipal Corporation Acts.

Burgess list.

10. For the purpose 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 of overseers and of the mayor and town clerk under those Acts, the added area shall be deemed to have always formed part of the city.

First councillors.

11. The first councillors for the city as constituted by this Act shall be such of the councillors for the existing city respectively who but for the passing of this Act would have continued as such, and four councillors to be elected under this Act.

Rotation of councillors.

12. The first councillors elected under this Act shall continue in office until the first day of November one thousand eight hundred and eighty-two, and the remaining councillors shall retire on the days on which they would have retired respectively if they had continued councillors of the existing city and this Act had not been passed.

Election of councillors.

13. The first election of councillors under this Act shall take place on the first day of November one thousand eight hundred and seventy-nine, and on such day four councillors shall be elected.

Returning officer at first election of councillors.

14. At the first election of councillors the returning officer shall be the mayor, and in case of the mayor being unable or unwilling to act, then such other person as the mayor shall appoint.

First aldermen.

15. The aldermen of the existing city shall on and after the commencement of this Act become and be aldermen of the city, and they shall respectively retire on the days on which they would

have retired respectively if they had continued aldermen of the existing city and this Act had not been passed.

Election of first mayor.

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

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

17. All the retiring aldermen and councillors shall, if duly qualified, be eligible for re-election, and, subject to the provisions of this Act, all elections, vacations of office, and rotations shall be governed by the Municipal Corporations Acts.

Added area exempt from county police and highway rates, &c.

18. From and after the commencement of this Act all lands, houses, and hereditaments within the added area, and all persons in respect of the same, shall be exempt from the county police rate, and from all lighting and highway rates, and from all rates leviable by overseers in obedience to precepts issued by the rural sanitary authority, and from the jurisdiction of and all rates to be made by the rural sanitary authority (as such) having jurisdiction in such added area immediately before the commencement of this Act.

Powers, &c. of rural sanitary authority within added area to cease.

19. From and after the commencement of this Act all powers, rights, and duties exerciseable by or attaching to the rural sanitary authority under the Public Health Act, 1875, within the added area shall cease to be exerciseable by or to attach to that authority within the added area, and all liabilities and obligations attaching to or incurred by that authority under the said Act within or for the benefit of the added area, subject as herein-after provided, shall be transferred and attach to and shall be discharged and satisfied by the Corporation as herein-after provided. Any dispute or difference arising as to the transfer of such liabilities and obligations shall be determined, either on the application of the Corporation or of the rural sanitary authority, by the Local Government Board, whose decision shall be binding and conclusive; and the Local Government Board are hereby empowered to adjust accounts, and also to apportion any liabilities and property incurred and acquired, and the unappropriated balance of rates in the hands of the rural sanitary authority, and any order to be made by the Local Government Board under this section may contain any provisions which the Board may deem necessary for effecting the objects in view. The provisions of Part IX., sections 293 to 296, both inclusive, of the Public Health Act, 1875, shall, so far as applicable, apply to any such appeal to the Local Government Board and to any proceedings had thereon.

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Arrears of county police and highway rates, &c.

20. All arrears existing at the commencement of this Act of county police rates, lighting rates, highway rates, or rates in respect of any precept issued by such rural sanitary authority as aforesaid leviable within the added area may be levied and collected as if this Act had not been passed.

Assessment, &c. of city rate.

21. With respect to assessment and levying of the city rate under this Act within the added area, the occupiers of the houses and farm buildings respectively known as Bernards Heath Farm, Peppercorns Farm, and Verulams Hill Farm, so long as they are respectively occupied as farm houses or farm buildings, and the occupier of any plot or parcel of land used as arable, meadow, or pasture land only, or as market gardens or nursery grounds, and the occupier of any land used as a railway constructed under the powers of any Act of Parliament for public conveyance, shall be assessed in respect of the same in proportion of one-fourth part only of the net annual value thereof.

Expenses of Act.

22. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Corporation out of the city fund or city rate, and such costs shall include the costs incurred by the Corporation in or with the object of complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth year of the reign of Her present Majesty (chapter ninety-one) with respect to the Bill for this date as taxed and ascertained by the taxing officer of the House of Lords or of t he House of Commons.

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