

[43 & 44 VICT.]

*Chepping Wycombe Borough
Extension Act, 1880.*

[Ch. xxvi.]



CHAPTER xxvi.

An Act for extending the boundaries of the borough of A.D. 1880.
Chepping Wycombe, in the county of Buckingham; and
for other purposes. [29th June 1880.]

WHEREAS the borough of Chepping Wycombe, otherwise Chipping Wycombe, in the county of Buckingham, is a municipal borough incorporated and empowered by and under ancient royal charters, but is subject to the Acts relating to municipal corporations, and is under the government of the mayor, aldermen, and burgesses thereof:

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, authorities, and obligations of an urban sanitary authority:

And whereas under the Chepping Wycombe Improvement 37 & 38 Vict.
c. cxxi.
Act, 1874, powers were conferred on the mayor, aldermen, and burgesses (herein-after called the Corporation) in relation to the management of streets, markets, and fairs, fire brigade, and other matters of local government:

And whereas all that portion of the parish of Chepping Wycombe which is not included within the said borough has been constituted into a local board district, and is managed by a local board called "The Chepping Wycombe Parish Local Board" (herein-after called the local board), acting under the powers of the Public Health Act, 1875:

38 & 39 Vict.
c. 55.

And whereas the more thickly populated part of the said local board district immediately adjoins the said borough, and the population is rapidly increasing:

And whereas considerable difficulty has arisen in carrying out proper arrangements for the disposal of the sewage of the population of the borough, and of that portion of the local board district immediately adjoining, and in other matters relating to the good

A.D. 1880. — government of the said population, owing to the division of authority between the Corporation and the local board :

And whereas it is expedient that the borough be extended so as to include certain portions of the parish of Chepping Wycombe which are contiguous to the said borough, and that the said local board (who assent to this Act) should be dissolved :

And whereas it is desirable that the powers and jurisdiction of the school board for the borough of Chepping Wycombe should be extended to, and the powers and jurisdiction of the school board for the parish of Chepping Wycombe (who assent to this Act) should cease in respect of, that portion of the district of the local board by this Act included within the said borough :

And whereas it is expedient that for the purpose of disposing of the sewage of the borough the Corporation should be empowered to acquire lands within the borough as extended by this Act :

And whereas it is expedient that byelaws should be made with respect to the management and user of the Rye Mead, in the said borough :

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

And whereas a plan showing the lands that may be taken compulsorily under the powers of this Act, and a book of reference to such plan containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of such lands, and describing those lands, have been deposited with the clerk of the peace for the county of Buckingham, which are in this Act referred to as the deposited plan and book of reference :

And whereas an absolute majority of the whole number of the council, at a meeting held on the sixteenth day of September 1879, and also an absolute majority of the whole number of the local board, at a meeting held on the sixth day of October 1879, after ten clear days notice by public advertisement of each of such meetings, and of the purpose thereof, in the "South Bucks Free Press," a local newspaper published or circulating in the borough and in the local board district, such notices being in addition to the ordinary notices required for summoning such meetings, resolved that the expense in relation to the promotion of the Bill for this Act, or such proportion thereof as might be thereafter determined, should be charged, as regards the Corporation, on the borough fund and general district rate of the said borough, or one of them, and as regards the said local board, on the general district rate of the local board district :

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And whereas each of such resolutions was published twice in the said "South Bucks Free Press," 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 fifth day of January 1880, and by an absolute majority of the whole number of the local board at a further special meeting held on the fifth day of January 1880, in pursuance of similar notices, being in each case not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough and the owners and ratepayers of the local board district respectively, by resolutions 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,)

PRELIMINARY.

1. This Act may be cited as the Chepping Wycombe Borough Extension Act, 1880. Short title.

2. For the purposes of proceedings preliminary to the municipal elections of November one thousand eight hundred and eighty 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 eighty, which last-mentioned time is in this Act referred to as "the commencement of this Act." Commencement of Act.

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

•The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, which shall apply to the acquisition of lands for the purposes of this Act and to the Corporation as if they were the undertakers. 8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.

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 Interpretation of terms.

4. In this Act—
- “The existing borough” means the borough 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 borough as extended by this Act :
 - “The Corporation” means the mayor, aldermen, and burgesses of the existing borough or of the extended borough, as the case may require :
 - “The council” means the council of the existing borough or of the extended borough, as the case may require :
 - “The borough fund” and “the borough rate” mean respectively the borough fund and the borough rate of the borough :
 - “The district fund” and “the general district rates” mean respectively the district fund and general district rates for the district of the borough :
 - “The Municipal Corporations Acts” means the Act of the session of the fifth and sixth years of the reign of King William the Fourth, intituled “An Act to provide for the Regulation of Municipal Corporations in England and Wales,” and all Acts for the time being in force amending the same, or otherwise relating to municipal corporations in England and Wales :
 - “The Public Health Acts” means the Public Health Act, 1875, and all Acts for the time being in force amending or extending the same :
 - “The Local Act” means the Chepping Wycombe Improvement Act, 1874.

5 & 6 Will.4.
 c. 76.

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

EXTENSION OF BOROUGH.

Extension of borough.

5. The existing borough is hereby extended to, and the extended borough shall accordingly comprise, the area described in the First Schedule to this Act, together with all lands and hereditaments included therein at the time of the passing of this Act,

except as herein-after provided (section 31); and in the event of any disagreement between the description contained in such First Schedule and the borough plan herein-after referred to, the description in the said plan shall prevail. A.D. 1880.

6. A plan of the borough as extended by this Act, signed in duplicate by the Right Honourable John Thomas Earl of Redesdale, the Chairman of Committees of the House of Lords, shall within two weeks after the passing of this Act be deposited in the office of the Clerk of the Parliaments and with the town clerk of the borough at his office. Plan of borough to be deposited.

7. 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 *prima 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. Copies of plan to be evidence.

8. Subject to the provisions of this Act, the jurisdictions, powers, rights, privileges, authorities, and duties of the Corporation under all charters and Acts relating to the Corporation or to the existing borough, and also all the jurisdictions, 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, or otherwise, and of all officers and servants of the Corporation, shall extend to and throughout the extended borough, and all byelaws, orders, and regulations which at the commencement of this Act are in force within the existing borough shall (subject to any future repeal or amendment of the same) extend and apply to the extended borough, and the powers, rights, privileges, authorities, jurisdiction, and duties of any other sanitary or highway authority within the added part of the borough shall cease. Authority of Corporation extended.

9. The jurisdiction, powers, rights, privileges, authorities, and duties of the justices of the peace appointed for the borough, whether acting 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 in the same manner and to the same extent as they now do throughout the existing borough. Extension of jurisdiction of justices of the peace, &c.

10. All estates and property of every description vested in the Corporation at the commencement of this Act for the benefit of the As to property of existing Corporation.

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existing borough, and the burgesses or inhabitants thereof, shall vest in the Corporation for the benefit of the extended borough and the burgesses or inhabitants thereof, and the Corporation shall hold, enjoy, and exercise for the benefit of the extended borough all the property, 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.

Extinction
of liability
to rates,
and as to
collection of
arrears.

11. Lands and other property in the added part of the borough shall not be liable to be rated or be rated to any county police rate made in or for the county of Buckingham, or to any sanitary or highway rate made after the commencement of this Act by any local or sanitary authority other than the Corporation, but orders of justices respecting such 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 police, sanitary, local board, and highway rates existing at the commencement of this Act may be collected and recovered therein as if this Act had not been passed.

County
treasurer to
certify
amount of
county police
debt.

12. Within six months after the passing of this Act the treasurer of the county of Buckingham shall certify in writing under his hand to the Corporation the amount of the debt owing by the said county at the time of the passing of this Act which is in his opinion fairly chargeable in respect of the county police, and in case of difference between the Corporation and the said treasurer such amount shall be determined by the Local Government Board.

Corporation
to pay a
propor-
tionate part
of county
police debt.

13. Within twelve months after the passing of this Act the Corporation shall pay to the treasurer of the county of Buckingham such a sum as will represent the fair proportion of the said debt incurred in respect of the county police to which the added part of the borough but for the passing of this Act would have been liable, such proportion to be ascertained by comparing the rateable value of the lands within the added part of the borough with the rateable value of all other lands in the said county liable to the said debt, and such sum shall be paid by the Corporation out of their borough fund, or out of the moneys authorised to be borrowed by them under the powers of this Act.

Her
Majesty in
Council, on
representa-
tion from
justices of
Bucks, may

14. In case it be represented to one of Her Majesty's Principal Secretaries of State by the justices of the county of Buckingham that application has been made by such justices to the council of the borough to consolidate the police of the said county and borough in the manner provided by the 14th section of the Act of

the 3rd and 4th years of Her Majesty, chapter 88, and that such consolidation has not been effected, it shall be lawful for such Principal Secretary of State to inquire whether in his judgment it would be for the public benefit that such consolidation should be effected, and if after such inquiry he should consider that it should be effected, then to further inquire into the terms of such consolidation as proposed by the said justices, and to report thereon to Her Majesty in Council; and it shall be lawful for Her Majesty, with the advice of Her Privy Council, to give effect to such consolidation, and to fix the terms and conditions and the date upon and from which such consolidation shall take effect, and thereupon the provisions of such last-mentioned Act shall become applicable as if such consolidation had been effected by an agreement made under the said section, save so far as such provisions relate to the determination of such agreement, and it shall be lawful for Her Majesty, with the advice of Her Privy Council, at any time and from time to time, to vary the terms of any such consolidation, or at any time to determine such consolidation upon such terms as to Her Majesty in Council may seem just.

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 order consolidation of county and borough police and fix terms of such consolidation.

15. 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 passing of this Act.

Officers of Corporation to remain as such.

16. 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, duties, exemptions, and property 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 respectively, and (subject to the provisions of this Act) as nearly as may be in all respects as if the rights, powers, privileges, duties, exemptions, 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 Acts respectively.

Act to be executed by the council.

17. 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 exercise of any of the powers

Power of council to appoint committees.

A.D. 1880. and authorities vested in the Corporation as a municipal body or a sanitary authority, or for the execution of any other of the purposes of this Act, which in the opinion of the council would be better regulated and managed by means of such 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.

18. Every meeting of any committee of the council shall, until the contrary is proved, be presumed to have been duly convened and held, and all members attending any such meeting shall, until the contrary is proved, 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, and the chairman of any committee shall, in the case of equality of votes, have a second or casting vote.

DIVISION OF THE BOROUGH INTO WARDS.

Division of the borough into wards.

19. The borough shall be divided into three wards, to be called respectively The Western Ward, The Central Ward, and The Eastern Ward, the boundaries and descriptions of which are contained in the Second Schedule to this Act; but in the event of any disagreement between the description contained in such Second Schedule and in the wards as shown upon the borough plan herein-before referred to, the description in the said plan shall prevail.

Number of aldermen and councillors.

20. The council for the extended borough shall consist, including the mayor, of six aldermen and eighteen councillors, and each ward shall return six councillors.

Regulations as to elections of aldermen, &c.

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

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DISSOLUTION OF LOCAL BOARD.

22. From and after the commencement of this Act the Local Board for the Parish of Chepping Wycombe shall, for all purposes other than the levying of the general district rate, to meet the costs, charges, and expenses referred to in section 50 of this Act, be dissolved.

Local board, &c. dissolved.

23. 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 the said local board, so far as applies to the added part of the borough, shall be transferred and attach to the Corporation, and so far as the same are exerciseable by a rural sanitary authority and apply to the portion of the district of the said local board not added to the borough by this Act, shall be transferred and attach to the rural sanitary authority of the Wycombe Union, and may be exercised and enforced, and shall be discharged and performed accordingly.

Transfer to Corporation of powers, &c. of local board.

24. 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 the said local board or any person on their behalf shall belong to and be vested in the Corporation for the benefit of the extended borough, and may be held, recovered, and enjoyed accordingly; but such Corporation shall convey or transfer such portion thereof to the rural sanitary authority of the Wycombe Union as may, failing agreement, be determined by the Local Government Board.

Transfer to Corporation and to Wycombe rural sanitary authority of property of local board.

25. All persons who immediately before the commencement of this Act owe any sum of money to the said local board or to any person on their behalf shall pay the same, with all interest (if any) due or to accrue due for the same, to the Corporation, and all debts and moneys which immediately before the commencement of this Act are due or owing by or recoverable from the said local board, or for the payment whereof the said local board are or but for this Act would be liable, shall be paid, with all interest (if any) due or to accrue thereon, by or be recoverable from the Corporation.

Debts due to local board to be paid to Corporation.

Provided always, that the Corporation shall be bound to pay to, or shall be entitled to receive from, the rural sanitary authority of the Wycombe Union such proportion of any sums of money

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which may be so recovered by or against the Corporation as, failing agreement, may be determined by the Local Government Board to be due to or by the said rural sanitary authority, and the same may be recovered in any court of competent jurisdiction.

Conveyances, &c.
to remain
in force.

26. Subject to the provisions of this Act, all conveyances, leases, deeds, appointments, contracts, agreements, mortgages, bonds, covenants, securities, orders, notices, resolutions, and proceedings made or entered into before the commencement of this Act to, with, in favour of, or by, for, or on behalf of the said local board 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 board had been party or privy thereto.

Actions, &c.
not to abate.

27. Any action, suit, prosecution, or other proceedings whatsoever commenced either by or against the said local 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, or in favour of, or against the Corporation in like manner to all intents and purposes as if the Corporation instead of the said local board were parties to such action, suit, prosecution, or proceeding.

Books to be
evidence.

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

Accounts of
local board
to be made
up and
audited.

29. Notwithstanding the dissolution of the local board, the accounts of the receipts and expenditure of such board shall be made up to the date of their dissolution, and shall be subject to audit in manner provided by the Public Health Act, 1875, except that section 247 of the said Act shall be read as if the date of dissolution of the local board had been inserted therein instead of the 25th day of March.

POLICE STATION.

Agreements
between
county
justices and
Corporation.

30. The Corporation and the justices of the peace for the county of Buckingham may from time to time enter into, vary, and rescind, and carry into effect such agreements as they may think fit with reference to the ownership, occupation, user, or management of the police station now belonging to the said justices within the added part of the borough.

31. So long as the said police station shall belong to the said justices, but no longer, it shall (notwithstanding anything in this Act contained) continue to be within and be subject to the jurisdiction and control of the justices of the county of Buckingham, and free from liability to be rated as part of the extended borough: Provided always, that whenever and so long as, under any agreement made under the powers of this Act, prisoners of the borough can be confined in the said police station, the same shall also, for the purpose of the commitment and detention of such prisoners, be within the jurisdiction of the borough justices, and deemed to be part of the borough.

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Police station to form part of county and also of borough.

SEWAGE.

32. Subject to the provisions of this Act, the Corporation may, for the purpose of disposing of the sewage of the extended borough under the powers of the Public Health Acts, or some of them, enter on, purchase, take, hold, and use the lands delineated and described in the deposited plans and book of reference, and may also use the same lands, so far as practicable, for the erection of lock-up houses or mortuaries, under the provisions of the said Public Health Acts and the Municipal Corporation Acts.

Power to Corporation to take lands.

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

Powers for compulsory purchase limited.

SCHOOL BOARD.

34. 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 shall be deemed to have been elected therefor, and shall hold office subject to the provisions of the said Acts, and to any order which may be made by the Education Department in pursuance thereof.

Extended borough to be a school district.
33 & 34 Vict. c. 75.

35. All the property, jurisdiction, rights, powers, liabilities, and obligations of the school board for the parish of Chepping Wycombe within and in respect of the added part of the borough shall at the commencement of this Act cease and be transferred to the school board for the extended borough; and in case of any difference between the school boards for the borough and parish respectively as to the nature, amount, and proportion of any such property, liabilities, and obligations, the same shall, upon the application of

As to school board for parish of Chepping Wycombe.

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Agreement to cease between school boards.

36. The agreement made between the school boards for the existing borough and parish respectively with regard to the combined board schools in Cemetery Road shall from the commencement of this Act cease.

As to school board bye-laws.

37. 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 the school board of the extended borough, 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 school board of the parish of Chepping Wycombe shall cease to be of any force or effect in the added part of the borough.

Order for election of new school board.

38. At such time after the commencement of this Act as the Education Department may think fit, that department may issue an order for the election of two persons to serve as members of the school board of the extended borough, in addition to the persons who at the time of the making of such order are members of the said school board, or the said department may issue an order for the election of a new school board for the extended borough, consisting of such number of members, and with such provisions as to the election and retirement of the members of such board, and as to any other matters connected therewith, as they may think fit.

FINANCIAL AND MISCELLANEOUS.

All expenses of Corporation to be defrayed out of general district rates, &c.

39. The Corporation may defray all costs and expenses incurred by them in the execution of the Municipal Corporations Acts 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.

Corporation may levy general district rates.

40. 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

41. The Corporation may from time to time, with the previous consent of the Local Government Board, borrow and reborrow 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 district fund and general district rate to secure repayment thereof with interest accordingly, and they may raise such money by the issue of debentures, debenture stock, or annuity certificates.

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to borrow
for purposes
of Act.
38 & 39 Vict.
c. 83.

42. The Corporation, for the purpose of paying off any moneys borrowed or raised by them by the issue of debentures, debenture stock, or annuity certificates, under the powers and subject to the provisions of the Local Loans Act, 1875, may from time to time during the period prescribed by this Act for the repayment of the moneys so borrowed, reborrow such moneys as they may require, either by the issue of debentures, debenture stock, or annuity certificates, under the powers and subject to the provisions of the Local Loans Act, 1875, or partly in one mode and partly in the other: Provided that all moneys so reborrowed shall be repaid within the period prescribed for the repayment of the moneys in respect of which such reborrowing has been made, and that the moneys originally borrowed, and any moneys from time to time reborrowed under the foregoing provisions for the repayment of such moneys, shall, for the purposes of sections 14 and 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, and (save as herein-after provided) with respect to the appropriation and application of a fixed annual sum for the repayment of such moneys, shall not in any way be affected by reason of such reborrowing.

Power to
reborrow.

43. If the Corporation elect to pay off any moneys borrowed by them under this Act by the appropriation of an annual sum, as provided by section 14 of the Local Loans Act, 1875, the following provisions shall have effect; (that is to say,)

Provisions
supplemen-
tary to sec-
tion 14 of
38 & 39 Vict.
c. 83.

(1.) The amount of the annual sum shall be an annuity which (calculated at the rate of interest payable by the Corporation on the money borrowed) will repay the money borrowed and the interest thereon within the prescribed period:

(2.) If in any year any part of such annual sum remains at any time unapplied in payment of principal and interest, the amount to be appropriated by the Corporation in the ensuing year shall be the annuity, together with a sum equal to the interest on such part for the time during

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which such part has remained unapplied at the rate of interest at which the annuity is calculated :

- (3.) Whenever any moneys in respect of which the annual sum is appropriated are paid off by means of moneys re-borrowed at a different rate of interest than that payable on the moneys so paid off, the annual sum shall be reduced or, as the case may be, increased by the subtraction therefrom or the addition thereto of a sum equivalent to the decrease or increase of the interest payable by the Corporation in consequence of such repayment and re-borrowing.

Repayment
of sums
borrowed.

44. All sums borrowed by the Corporation for defraying the expenses of the execution by them of this Act shall be repaid within fifty 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.

Annual re-
turn to
Local Go-
vernment
Board with
respect to
sinking
fund.

45. The town clerk shall, within twenty-one days after the expiration of each year during which any sum is required to be appropriated to the discharge of the moneys borrowed under this Act, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been appropriated and applied to the discharge of such moneys during the year next preceding the making of such return, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the amount appropriated, or of the investment, or of the sums accumulated by way of interest has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and in the event of any wilful default in making such return such clerk shall be liable to a penalty not exceeding twenty pounds. If it appears to the Local Government Board, by that return or otherwise, that the Corporation have failed to appropriate the amount required to be appropriated, or have applied any portion of the money so appropriated or set apart, or of the sums accumulated by way of interest, to any purposes other than those authorised, they may by order direct that a sum not exceeding double the amount in respect of which default had been made shall be appropriated to the discharge of the moneys borrowed, and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

As to sale
or lease of
lands.

46. The Corporation may from time to time sell or lease and dispose of any part of the buildings, works, lands, and property which

they have power to acquire under this Act not for the time being required by them for the purposes of this Act, and they shall apply the proceeds of any sale either as an addition to the sinking fund or in paying off any moneys borrowed by them, or, failing such objects, towards the district fund, and shall be applied only to purposes to which capital is properly applicable.

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47. It shall be lawful for the governors of the Wycombe Grammar School and Almshouse Foundation from time to time, under the hand of their chairman or of any two governors, to make byelaws for all or any of the following purposes; that is to say,

Byelaws as to Rye Mead.

For determining the number of cattle each inhabitant of the extended borough may depasture in the Rye Mead:

For regulating the hours of such depasturage as aforesaid:

For the management of the Rye Mead, and for the preservation of the trees, shrubs, plants, fences, seats, and other things therein:

For determining what sports and recreations shall be permitted upon the Rye Mead, and the terms and conditions of its user for such purposes:

For the watching and good government of the Rye Mead.

The provisions of the Public Health Act, 1875, with respect to byelaws, and with respect to the prosecution of offences and recovery of penalties, shall apply to all byelaws made under the authority of this section, and to the prosecution of offences and recovery of penalties under such byelaws, in the same manner as if such byelaws had been made under the provisions of the said Act, and as if the governors were a "local authority" within the meaning of the same.

48. Full compensation shall be paid by the Corporation to the clerk to the justices of the peace for the second petty sessional division for the hundred of Desborough, in the county of Buckingham, and to any officer of the said local board or of the school board in the parish of Chepping Wycombe, 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 the said local board or school board who shall accept employment in any office of equal value under the Corporation shall be deemed to waive all claim for compensation under this Act.

Compensation to clerk to justices and others.

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Saving
rights of
Corporation.

49. Nothing in this Act shall take away, abridge, or prejudicially affect any right, power, authority, estate, or interest of the Corporation under their charters or 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.

50. The costs, charges, and expenses preliminary to and of and incidental to the preparing 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 resolutions of owners and ratepayers aforesaid, shall, subject to the provisions of the Act 35 & 36 Victoria, chapter 91, section 6, be paid by the Corporation and by the local board for the parish of Chepping Wycombe out of their general district rates, in the relative proportions which the annual rateable value of property in the existing borough and the district of the said local board bear to one another respectively at the date of the passing of this Act: Provided always, that the local board shall, notwithstanding its dissolution for all other purposes, have power to levy a general district rate for the payment of such costs, charges, and expenses, or of any part thereof, after the commencement of this Act.

SCHEDULES.

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THE FIRST SCHEDULE.

THE BOROUGH.

THE borough comprises the following districts:—

A. The existing borough.

B. The district founded by an imaginary line, drawn as follows; that is to say,—

Commencing near the "Bird in Hand" public-house, at a point by the side of the high road from London to Oxford, being the extreme west boundary of the said parish of Chepping Wycombe, and marked by an iron boundary mark; thence going northward, crossing the high road above mentioned, and passing along the west side of the garden wall of the cottage, garden, and premises reputed to belong to William Jonathan Austin, and called "Fern Cottage," and being also the boundary of the said parish of Chepping Wycombe, to the fence of the Wycombe and Thame branch of the Great Western Railway; thence crossing the said line of railway in the same direction northward, continuing along the fence which forms the western boundary of the piece of land reputed to belong to the Right Honourable Charles Robert Lord Carington (herein-after referred to as "the said Lord Carington"), now used as allotment gardens, and being part of land marked number 39 on the Ordnance Survey of 1875, of 25·344 inches to a statute mile (herein-after referred to as "the said Ordnance Survey"), and continuing along the said western boundary to the north-west corner of the said allotment gardens; thence turning easterly, and proceeding along the northern boundary fence of the said allotment gardens to the north-east corner of the said allotment gardens; thence continuing along the northern fence or boundary of the meadow reputed to belong to the said Lord Carington, and numbered 54 on the said Ordnance Survey, and continuing in a south-easterly direction along the north-east boundary of the said meadow to the fence or boundary of the piece of land reputed to belong to the said Lord Carington, and numbered 55 on the said Ordnance Survey; thence proceeding partly in a north-easterly and partly in a northerly direction along the northern boundary of the said field numbered 55 on the said Ordnance Survey, and continuing along the southern fence or boundary of the old quarry or chalk pit, reputed to belong to the Ecclesiastical Commissioners of England and Wales, and along the western fence or boundary of the allotment gardens reputed to belong to the said Lord Carington, and numbered 56 on the said Ordnance Survey, to the north-west corner of the said allotments; thence turning easterly, and proceeding in a

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— straight line along the northern fence of the said allotments to the right bank or western side of the stream numbered 42 on the said Ordnance Survey; thence proceeding along the right bank of the said stream in a north-easterly direction to a point near the north corner of the meadow numbered 43 on the said Ordnance Survey, and reputed to belong to the said Lord Carington; thence turning easterly, and proceeding in a straight line to the east side of the high road leading from High Wycombe to Hughenden and Aylesbury, and about 69 yards from the corner or entrance to the lane known as "Hollow Lane" or "Love Lane," this last-mentioned line including the wood and slated shed now standing on the said meadow numbered 43 on the said Ordnance Survey; thence going northwards to the corner of the said Hollow Lane or Love Lane, being the north-west corner of the arable field numbered 46 on the said Ordnance Survey, and reputed to belong to the said Lord Carington; thence continuing in an easterly direction along the northern boundary of the said arable field to the north-east corner of the said arable field numbered 46 as aforesaid; thence proceeding in a southerly direction along the eastern boundary of the said arable field to the south-east corner of the last-mentioned arable field; thence turning eastwards, and proceeding along part of the northern fence or boundary of the allotments numbered 269 on the said Ordnance Survey, and reputed to belong to the said Lord Carington, to the north-east corner of the said allotments; thence continuing in an easterly direction along the northern fence or boundary of the arable field numbered 319 on the said Ordnance Survey, and reputed to belong to the said Lord Carington, to the north-east corner of the said arable field numbered 319; thence continuing easterly along the northern fence or boundary of the wood or shrubbery numbered 134 on the said Ordnance Survey, and reputed to belong to the said Lord Carington, to a point adjoining the high road from High Wycombe to Amersham, and at the north-east corner of the said wood or shrubbery; thence crossing the said last-mentioned high road, continuing easterly in an imaginary straight line across part of the arable land numbered 320 on the said Ordnance Survey, and reputed to belong to William Terry, Esquire, to the south-west corner of the wood called "Lucas's Wood," numbered 135 on the said Ordnance Survey, and reputed to belong to the said Lord Carington; thence, turning in a south-easterly direction, continuing in a direct line across the said field numbered 320 on the said Ordnance Map, and reputed to belong to the said William Terry, Esquire, crossing the occupation road leading from the high road from High Wycombe to Totteridge to the farm known as "Bower Dean Farm," reputed to belong to the said William Terry, Esquire, and crossing also the said high road to a point adjoining the said high road, being the northern end of the division fence or bank forming the eastern boundary of the arable field known as "Nipping Bank," part of the said number 320 on the said Ordnance Survey, and reputed to belong to the said William Terry, Esquire, and such point being about 40 feet to the east of the entrance to the said occupation road; thence continuing southward along the said fence or boundary of the said arable field known as "Nipping Bank," to the fence or boundary forming part of the northern boundary of the arable field numbered 328 on the said Ordnance Survey, and reputed to belong to the Ecclesiastical Commissioners for England and Wales; thence continuing eastwards along the northern fence or boundary of the said arable field numbered

328 on the said Ordnance Survey, to the north-east corner of the said last-mentioned arable field; thence, turning south along the eastern fence or boundary of the said last-mentioned arable field, proceeding to the corner of the fence or boundary, where the public footpath crosses the said fence or boundary; thence, turning eastwards, proceeding along the southern boundary or edge of the said public footpath, where it crosses parts of the arable fields numbered respectively 320 and 329 on the said Ordnance Survey, and reputed to belong to the said William Terry, Esquire, until it meets the fence or boundary of the arable field numbered 330 on the said Ordnance Survey, reputed to belong to the said William Terry, Esquire, and near the south-west corner of the said arable field; thence continuing eastwards in an imaginary line across a small portion of the said arable field numbered 330 on the said Ordnance Survey, and thence along part of the northern fence or boundary of the arable field numbered 345 on the said Ordnance Survey, and reputed to belong partly to the said Ecclesiastical Commissioners for England and Wales, and partly to Sir Philip Rose, Baronet, to the point where the said fence or boundary meets the public way known as "Hatters-lane"; thence in an imaginary straight line in a south-easterly direction, proceeding across the south-west corner of the arable field numbered 346 on the said Ordnance Survey, and reputed to belong to the Ecclesiastical Commissioners for England and Wales; thence continuing across the arable field numbered 347 on the said Ordnance Survey, and reputed to belong to the Governors of the Wycombe Grammar School and Almshouse Foundation (herein-after referred to as "the said Charity Governors"), to a point being the north-east corner of the allotment gardens numbered 379 on the said Ordnance Survey, and reputed to belong to the said Charity Governors; thence, turning southwards, proceeding along the eastern fence or boundary of the said allotment gardens to the south-east corner of the said allotment gardens, where the said fence or boundary meets the high road from London to Oxford; thence turning westward, and proceeding about 90 yards along the southern boundary of the said allotment gardens, and on the north side of the said high road, to a point immediately opposite a spring or ditch on the southern side of the said high road; thence, crossing the said high road, proceeding along the western boundary of the said spring or ditch to the south-western corner of the meadow numbered 406 on the said Ordnance Survey, and reputed to belong to the said Charity Governors; thence, turning westerly, along the left and northern bank of the stream to a point about 14 yards opposite the corner of the cross stream or back water; thence, turning south, and crossing the mill stream, immediately below the said cross stream or back water, proceeding by the line of fence or boundary which forms the western boundary of the meadows numbered 416 on the said Ordnance Survey, and reputed to belong to the said Sir Philip Rose, Baronet, to the south-west corner of the said meadows; thence continuing in the same direction, and following the fence or boundary being the western boundary of the meadow numbered 543 on the said Ordnance Survey, and reputed to belong to the representatives of the late Reverend Joseph King, deceased, to a point where the said fence or boundary meets the mill-stream on its northern side; thence, turning westwards, proceeding along the northern side of the said mill-stream to the cottages and gardens numbered 541A on the said Ordnance Survey, and reputed to belong to Messrs. Clarke and Vernon; thence, passing

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round the eastern end of the said gardens, proceeding across the high road known as the "Back Lane," at the point where the ford commences and the hand-bridge is placed; thence, following the southern line of the said high road or "Back Lane," which is numbered 413 on the said Ordnance Survey, proceeding to the south-east corner of the orchard numbered 395 on the said Ordnance Survey, and reputed to belong to the said Lord Carington; thence, following the southern line of the fence or boundary of the said orchard, continuing along the southern fence or boundary of the meadow numbered 390 on the said Ordnance Survey, and reputed to belong to the said Lord Carington; thence, crossing a small piece of the meadow numbered 412 on the said Ordnance Survey, reputed to belong to the said Lord Carington, continuing along the southern boundary of the farm, homestead, and premises known as the "Dairy Farm," numbered 389 on the said Ordnance Survey, and reputed to belong to the said Lord Carington; thence, crossing the high road from the Marsh Green to Keep Hill to the fence on the opposite side of the road, following the northern fence or boundary of such road to the stile near the entrance lodge to Wycombe Abbey Park, and being at the south corner of the meadow numbered 385 on the said Ordnance Survey, and reputed to belong to the said Lord Carington; thence, turning northerly and westerly, following the wall of the said Abbey Park where it bounds the meadows numbered respectively on the said Ordnance Survey 385, 384, and 350, and reputed to belong to the said Lord Carington, to the south-east corner of the "Rye," numbered 335 on the said Ordnance Survey, where it adjoins the dyke or ornamental water; thence proceeding in a straight line and south-westerly direction to the centre of the said dyke; thence turning north-west, and proceeding along the centre of the said dyke in a north-westerly direction about eighty yards until the south-east boundary of the existing borough is reached; thence, following the boundary line of the existing borough, along the centre of the said dyke to a point in the centre of the said dyke about thirty yards south-west of the south-west corner of the said "Rye"; thence, leaving the boundary line of the existing borough and proceeding in a westerly direction in a straight imaginary line across the park and pleasure grounds of Wycombe Abbey, numbered 304 on the said Ordnance Map, and reputed to belong to the said Lord Carington, to a point on the high road from High Wycombe to Great Marlow, known as "Marlow Hill," opposite the southern side of the private or accommodation road leading from the said Marlow Hill to Loake's House; thence, following the southern side of the said private or accommodation road numbered 300 on the said Ordnance Map, proceeding across the footpath, and continuing along the southern fence or boundary of the house, gardens, and premises known as "Loake's," and numbered 299 on the said Ordnance Survey, and the meadows numbered respectively 291 and 290 on the said Ordnance Survey, all of which are reputed to belong to the said Lord Carington; thence, continuing along the southern side of the said private or occupation road to the south-west corner of the field numbered 279 on the said Ordnance Survey, and turning to the north-west, proceeding in an imaginary straight line across the field now used as allotment gardens, numbered 278 on the said Ordnance Survey, and which are both reputed to belong to the said Lord Carington, to the south corner of the arable field numbered 262 on the said Ordnance Survey, and reputed to belong to the said Ecclesiastical Commissioners for England

and Wales or their lessees; thence, following the south-western boundary of the said field numbered 262 on the said Ordnance Survey, continuing along the south-western boundary of the field numbered 256 on the said Ordnance Survey, reputed to belong to the said Ecclesiastical Commissioners for England and Wales or their lessees, until the said fence or boundary meets the present boundary separating the parishes of Chepping Wycombe and West Wycombe; thence, turning northward, proceeding along the said boundary of the parish of Chepping Wycombe to the iron boundary mark in the high road from London to Oxford first before mentioned, and described as the starting point of this description.

THE SECOND SCHEDULE.

BOUNDARIES OF WARDS.

EASTERN WARD (coloured yellow on the ward plan) is that part of the extended borough which lies on the eastern side of an imaginary line shown on the ward plan, and forming the following boundary line or division; that is to say, starting from a point on the Marlow Hill, in the centre of the Reading and Flatfield Turnpike Road, opposite the occupation road, No. 300 on the said ward map, and at the point where the boundary of the extended borough crosses the said road; thence proceeding in a northerly direction along the centre of the said road, and continuing along the centre of St. Mary Street, crossing the bridge over the mill-stream, and proceeding along the centre of Crown Lane to the centre of the High Street immediately opposite the said Crown Lane, thence turning in an easterly direction and passing along the centre of the said High Street to a point opposite Crendon Street, thence turning in a northerly direction, proceeding along the centre of Crendon Street, and continuing thence along the centre of the Amersham Hill, being part of the before-mentioned turnpike road, to a point opposite the north-east corner of the wood or shrubbery numbered 134 on the said ward plan, at which point the boundary of the extended borough crosses the said Amersham Hill.

CENTRAL WARD (coloured pink on the ward plan) is that part of the extended borough which lies between the western boundary of the eastern ward as described by the before-mentioned boundary line or division and another imaginary line as shown on the ward plan, and forming the following boundary line or division; that is to say, starting from a point at the end of the accommodation road leading from Newland to Loakes Hill on the southern side of the accommodation road, numbered 300 on the said ward map, and proceeding in a northerly direction along the centre of the first-named accommodation road, and passing along the centre of a portion of Newland Street, continuing past the Almshouses to a point opposite the public-house known as the "Elephant and Castle," thence turning in a north-westerly direction, proceeding along the centre of Denmark Street to its junction with Temple Street, thence turning in

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a north-easterly direction, proceeding along the centre of Temple Street to its junction with the Oxford Road, thence turning in a north-westerly direction, proceeding along the centre of the said Oxford Road to a point opposite the lane and public footway leading to Downley and Hughenden, about 45 yards west of Bridge Street, thence turning in a northerly direction, proceeding along the centre of the said lane and public footway, passing under the line of the Great Western Railway, and continuing along the said public footpath to a point at the north-east corner of the allotment gardens numbered 56 on the said ward plan, where the boundary of the extended borough crosses the said public footway.

WESTERN WARD (coloured green on ward plan) is that part of the extended borough which lies on the west of the said central ward, and on the west of the last-mentioned boundary line or division.

THE THIRD SCHEDULE.

REGULATIONS AS TO ELECTIONS.

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

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 revising barrister under those Acts, the added part of the borough shall be deemed to have been part of the borough since the first day of July one thousand eight hundred and seventy-nine.

First
election of
council.

2. The several persons who on the first day of November one thousand eight hundred and eighty 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 three 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.

3. The mayor of the existing borough for the time being shall appoint under his hand any alderman or councillor of the existing borough to preside at the first election of councillors for each ward.

Aldermen to
be eligible
for election
as coun-
cillors on 1st
of Novem-
ber 1880.

4. The several persons who on the first day of November one thousand eight hundred and eighty 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.

Order of re-
tirement of
aldermen.

5. On the ninth day of November in the year one thousand eight hundred and eighty-three, 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 one thousand eight hundred and eighty-three shall be those

who were elected by the smallest numbers of votes at the election to be held in the month of November one thousand eight hundred and eighty, and thereafter those aldermen shall go out of office who have been aldermen for the longest time without re-election. A.D. 1880.

6. On the first day of November one thousand eight hundred and eighty-one one third of the councillors shall go out of office, and on the first day of November one thousand eight hundred and eighty-two another third of the councillors shall go out of office, and on the first day of November one thousand eight hundred and eighty-three the remaining third of the councillors shall go out of office. The councillors who shall go out of office on the first of November one thousand eight hundred and eighty-one shall be those who were elected by the smallest numbers of votes at the election of councillors for the several wards to be held in the month of November one thousand eight hundred and eighty, and the councillors who shall go out of office on the first day of November one thousand eight hundred and eighty-two 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 for the several wards without re-election. Order of retirement of councillors.

7. If at the election of aldermen or of councillors to be held in the month of November one thousand eight hundred and eighty 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.

8. The first meeting of the new council shall be held on the ninth day of November one thousand eight hundred and eighty, 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. First meeting of new council.

9. Subject to the provisions of this schedule, all elections, vacations of office, and rotations shall be regulated and governed by the Municipal Corporations Acts. Municipal Corporations Acts to apply to other elections.

