

the Guardians of the East Ward Union acting as the Rural Sanitary Authority of the said Union, are local authorities within the meaning of Part XI of the Municipal Corporations Act, 1882:

And whereas the said Mayor, Aldermen, and Capital Burgesses of the borough of Appleby, are a body corporate under and by virtue of certain Royal Charters:

And whereas it is expedient, right, and just that a Scheme should be settled pursuant to Part XI of the Municipal Corporations Act, 1882, containing the provisions hereinafter contained.

Now, therefore, the said Committee of Council have settled a Scheme containing the provisions herein, and do hereby order and declare as follows:—

1. This Scheme may be cited for all purposes as the Borough of Appleby Scheme, 1885.

2. This Scheme shall come into operation on the day of the first meeting of the Council of the municipal borough created by the charter above referred to, or at the date of its confirmation by Parliament or Order in Council, whichever is later. This date is herein mentioned as the "commencement of this Scheme."

3. The Mayor, Aldermen, and Capital Burgesses of the Borough of Appleby are herein referred to as the "Old Corporation." The Corporation of the municipal borough created by the charter above-mentioned is herein referred to as the "New Corporation."

4. The municipal borough created by the charter above referred to shall be placed immediately on, from, and after the day of the first meeting of the Council of the municipal borough aforesaid within the jurisdiction of the Council of the said municipal borough as the Sanitary Authority, and shall no longer be within the jurisdiction, authority, or district of the Rural Sanitary Authority of the East Ward Union.

5. Immediately from and after the commencement of this Scheme the Old Corporation shall be and the same is hereby abolished, and shall thenceforth be dissolved and cease to exist, together with all the franchises, rights, privileges, powers, jurisdiction, authority, and exemptions of the said Old Corporation, and its members and officers as such of what kind soever they may be which have no pecuniary value.

6. All property of any kind whatsoever possessed by or vested in the Old Corporation, or any person or body in trust for it, or any of its members as such, or applicable for the benefit or under the direction of the Old Corporation, or any of its members as such, which property is within the meaning of the second sub-section of section 4 of the Municipal Corporations Act, 1883, applicable to charity or applicable to defined charitable purposes at the passing of that Act shall immediately from and after the commencement of this Scheme vest in the following persons (to be designated "The Trustees of Municipal Charities in the Borough of Appleby,"), viz., Thomas Wilson, of Bongate, in the parish of St. Michael, Appleby, in the county of Westmorland, Gentleman, Fergus Armstrong, of Appleby, Gentleman, and James Parkinson Shepherd, of Battle-barrow, of the said parish, Gentleman, jointly, to be by them applied in the manner in which and for the purposes for which such property, or the income thereof, was before and at the passing of that Act applicable.

7. All market property possessed by or vested in the Old Corporation, and all liabilities attaching to the Old Corporation in respect of the same

shall vest in and attach to the Mayor, Aldermen, and Burgesses of the said municipal borough acting by the Council as the Sanitary Authority.

8. All property other than that in paragraphs 6 and 7 hereof referred to, possessed by, or vested in the Old Corporation, or any person or body in trust for it, or any of its members as such, or applicable for the benefit or under the direction of the Old Corporation or any of its members as such, shall vest in the New Corporation, and (save as is hereinafter expressly directed) shall by the New Corporation be held and applied exclusively for the municipal purposes of the municipal borough created as aforesaid, and the public benefit of the inhabitants of the said borough.

9. All liabilities which immediately before the commencement of this Scheme attached to and were enforceable against the Old Corporation, or the property thereof, shall attach to and be enforceable against the New Corporation so far only as the property vested in it under paragraph 8 may extend to satisfy such liabilities, and no further.

10. Any investigation, legal proceeding, or remedy in respect of any debt, liability, penalty, or forfeiture due to or incurred by or on behalf of the Old Corporation before the commencement of this Scheme may be continued, prosecuted, or enforced by the New Corporation, or against the New Corporation so far only as the property vested in it under paragraph 8 may extend to satisfy such liabilities, and no further.

11. All lands, reservoirs, pipes, engines, and other property wheresoever situate, held by the aforesaid Rural Sanitary Authority in respect of the Appleby Special Drainage District, and the Bongate Special Drainage District, or either of them, or by the said Rural Sanitary Authority in respect of the district included in the said municipal borough, shall vest in the Mayor, Aldermen, and Burgesses of the said municipal borough acting by the council as the Sanitary Authority thereof.

The liability for the payment of all sums of money borrowed by the Rural Sanitary Authority of the East Ward Union in respect of the Appleby Special Drainage District, and the Bongate Special Drainage District, and remaining unpaid at the date of the commencement of this Scheme, and of all interest in respect of such sums and all other liabilities (if any) incurred by the said Rural Sanitary Authority in respect of such districts, or either of them, shall vest in, attach to, and be enforceable against the Mayor, Aldermen, and Burgesses of the said municipal borough, acting by the Council as the Sanitary Authority thereof in lieu of the said Rural Sanitary Authority, and the said liabilities shall be defrayed out of and be a charge upon the General District Fund and General District Rate of the said borough.

12. The term property in this Scheme means and includes all property, real and personal, and all things in action, and all rights of common or commonable rights, and rights to toll, and all franchises, privileges, and rights which have any pecuniary value, and all charters, records, deeds, books, and documents, all rights and all claims to relief and all rights to avoid contracts or otherwise, and includes any estate or interest, legal or equitable, in or in respect of any property so defined.

13. The term market property in this Scheme means and includes rights to market tolls and all franchises, liberties, privileges, and rights relating to markets and all lands and premises used for the purposes of markets.

14. For the purposes of the Municipal Corporations Act, 1883, and this scheme, so far as the