



CHAPTER cxxxix.

An Act to confer Powers upon the Corporation of Burton-upon-Trent with reference to Bridges over the River Trent at Stapenhill; to enable them to purchase Lands and construct Works for the Disposal of Sewage; and to supply Light by Electricity; and for other purposes.

A.D. 1880.

[6th August 1880.]

WHEREAS the borough of Burton-upon-Trent is a municipal borough under the government of the mayor, aldermen, and burgesses thereof (in this Act called the Corporation):

And whereas the Corporation acting by the council are the sanitary authority for the district of the borough with the powers and obligations of a sanitary authority:

And whereas the Burton-upon-Trent Act, 1853, and the Burton-upon-Trent Improvement Act, 1878, relate to the town of Burton-upon-Trent, and are in this Act called the Local Acts:

16 & 17 Vict. c. cxviii.  
41 & 42 Vict. c. lxi.

And whereas by the Local Government Supplemental Act, 1866, the Local Government Supplemental Act, 1867 (No. 2), the Local Government Act, 1868 (No. 6), and the Local Government Supplemental Act, 1871, provisional orders relating to the town of Burton-upon-Trent, and amending the Burton-upon-Trent Act, 1853, in various respects have been made absolute, and the Local Acts and said provisional orders are in this Act collectively referred to as the Local Acts and Orders:

29 & 30 Vict. c. 24.  
30 & 31 Vict. c. 65.  
31 & 32 Vict. c. cliii.  
34 & 35 Vict. c. i.

And whereas there is an ancient ferry, called Stapenhill Ferry, across the River Trent, in the townships of Burton Extra, in the county of Stafford, and of Stapenhill, in the county of Derby:

And whereas by the Stapenhill Bridge Act, 1865, powers were granted to certain persons therein called the undertakers for the construction of a bridge over the River Trent, in lieu of the said ferry, and by the Stapenhill Bridge Act, 1870, and the Stapenhill Bridge Act, 1875, the powers for the construction of the said bridge were extended, and will expire on the 14th day of June 1880:

28 & 29 Vic. c. cccxiv.

33 & 34 Vic. c. lxxvii.  
38 & 39 Vic. c. liv.

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And whereas it is expedient that the Corporation and the undertakers have power to agree for a transfer of the undertaking authorised by the said Acts or any Act passed during the present session of Parliament, and that the Corporation (subject to the purchase by them of Stapenhill Ferry) be empowered to construct for public traffic a foot bridge over the River Trent :

And whereas it is expedient that powers be granted to the Corporation to construct the sewerage works by this Act authorised, and to purchase lands for the disposal of sewage, and in connexion with such lands to improve and regulate parts of certain brooks in this Act mentioned :

And whereas it is expedient that the Corporation for the purposes of experiment be authorised for a limited period to manufacture or provide and to supply light for the purposes in this Act mentioned by means of electricity within the borough, and that all incidental and supplementary powers for this purpose and other purposes connected therewith (including the supply of heat and of motive power) be conferred upon the Corporation :

And whereas it is expedient that the provisions in this Act contained be made with reference to buildings, streets, sanitary matters, and other matters relating to or affecting the Local Government of the borough :

And whereas it is expedient that the *Burton-upon-Trent Improvement Act, 1878*, be amended in the several particulars in this Act mentioned :

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

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

And whereas an estimate has been prepared by the Corporation of the expense of the undertakings authorised by this Act, and such estimate is as follows ; namely,

For the purchase or construction of Stapenhill Bridge, the purchase of Stapenhill Ferry, and the construction of the foot bridge	- - -	£20,000
For sewerage works and the purchase of lands for disposal of sewage	- - -	£100,000

and the said undertakings consist of permanent works within the meaning of section 234 of the *Public Health Act, 1875*.

38 & 39 Vict.  
c. 55.

And whereas plans and sections of the works authorised by this Act, and plans showing the lands which may be taken under the authority of this Act, and books of reference to those plans con-

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taining the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the lands shown on those plans, have been deposited with the clerk of the peace for the county of Stafford, and with the clerk of the peace for the county of Derby, and are in this Act respectively referred to as the deposited plans, sections, and books of reference: A.D. 1880.

And whereas an absolute majority of the whole number of the council at a meeting held on the 17th day of December one thousand eight hundred and seventy-nine, after ten clear days notice by public advertisement of such meeting, and of the purpose thereof in the *Burton-upon-Trent Chronicle*, 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 *Burton-upon-Trent Chronicle*, 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 fourth day of February one thousand eight hundred and eighty, 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,)

I.—PRELIMINARY.

1. This Act may be cited as the *Burton-upon-Trent Corporation Act, 1880.* Short title.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, so far as they are respectively applicable to the purposes of and are not varied by or inconsistent with this Act, are incorporated with and form part of this Act, and in construing the incorporated Acts Incorporation of general Acts.  
8 & 9 Vict.  
c. 18.

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A.D. 1880. for the purposes of this Act, the expressions "the undertakers" and "the promoters of the undertaking" mean the Corporation.

23 & 24 Vict.

c. 106.

32 & 33 Vict.

c. 18.

Interpreta-  
tion of terms.

3. In this Act—

"The borough" means the municipal borough of Burton-upon-Trent :

"The council" and "the town clerk" respectively mean the council and the town clerk for the time being of the borough :

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

"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 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 :

"The Public Health Acts," means the Public Health Act, 1875, and all Acts for the time being in force amending or extending the same :

"Owner," "rackrent," "street," "house," "drain," and "sewer" have respectively the same meanings as in section 4 of the Public Health Act, 1875 :

"The Bridge Acts" means the Stapenhill Bridge Act, 1865 ; the Stapenhill Bridge Act, 1870 ; the Stapenhill Bridge Act, 1875, and all other Acts (if any) which may be passed in the present session of Parliament amending or relating to the same or relating to a bridge to be made by the undertakers over the River Trent at Stapenhill :

"The bridge" means the intended Stapenhill Bridge authorised by the Bridge Acts, and the site thereof, and the approaches, roads, and passages thereto, and all sites, lands, and other property, real and personal, and all powers, rights, and privileges vested in or belonging to the undertakers under the Bridge Acts :

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

"The Summary Jurisdiction Acts" means the Acts so defined in the Summary Jurisdiction Act, 1879 :

"Summary manner" shall have the same meaning as that expression has in the Public Health Act, 1875 :

"Person" includes a corporation :

15 & 16 Vict.

c. 85., &c.

42 & 43 Vict.

c. 49.

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Words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such construction: Provided that the expression "superior court" or "court of competent jurisdiction" in any Act so incorporated and in this Act shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute. A.D. 1880.

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 Acts respectively, and (subject to the provisions of this Act) as nearly as may be in all respects as if the powers, 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.

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 exercise of any of the powers and authorities vested in the Corporation as a municipal body or a sanitary authority or as a burial board, or for the execution of any of the purposes then existing of this Act or of the Local Acts and Orders, or of the Burial Acts, 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 Power of council to appoint committees.

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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 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.

II.—LANDS.

Power to  
purchase  
lands.

7. Subject to the provisions and for the purposes of this Act, the Corporation may from time to time enter upon, take, and use all or any of the lands shown on the deposited plans and described in the deposited books of reference: Provided always, that the Corporation shall not at any time hereafter, for the purposes of the foot bridge by this Act authorised, or the approaches or other works connected therewith or incidental thereto, enter upon, take, or use any land of which the Most Honourable Henry Marquess of Anglesey now is or claims to be tenant for life in possession, without the consent in writing of the owner or owners for the time being of such lands.

Correction  
of errors,  
omissions,  
&c.

8. If any omission, misstatement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands described or intended to be described in the deposited plans or books of reference, the Corporation may apply to two justices for the correction thereof, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by the proposed correction, and if it appears to the justices that the same arose from mistake, they shall so certify, stating the particulars thereof, and their certificate shall be deposited (as regards both the county and the parish) as if the same had originally formed part of the deposited plans or books of reference (as the case may be), and shall be kept therewith, and shall be deemed to be part thereof, and thereupon the deposited plans or books of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Corporation may enter on, take, hold, and use the lands to which the certificate relates accordingly.

Extinguish-  
ment of  
rights of  
way.

9. The Corporation may stop up any footways and watercourses, and extinguish any rights of way in or over lands shown on the

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deposited plans, and described in the deposited books of reference, which shall be purchased or acquired under the provisions of this Act, and the Corporation shall make full compensation to all persons entitled to any footways and watercourses so stopped up. A.D. 1880.

10. The Corporation, whenever they are by any enactment contained in this Act required to make compensation to any person interested in any lands or buildings, may, by agreement with such person, make such compensation wholly or partly in works or land. Compensation may be in land or works.

11. The Corporation shall (unless the Local Government Board should otherwise direct) from time to time sell and dispose of any part of the lands and property transferred to or purchased by them by or under this Act, and not required for the purposes thereof, and they shall apply the proceeds of any sale in paying off money borrowed by the Corporation, and until such application such proceeds shall form part of the district fund. Power to sell surplus lands and property.

12. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of five years from the passing of this Act. Period for compulsory purchase of lands.

13. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Corporation any easement, right, or privilege (not being an easement of water) required for the purposes of this Act in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid respectively. Power to take easements, &c. by agreement.

III.—BRIDGES.

14. At any time after the passing of this Act, the undertakers under the Bridge Acts may transfer to the Corporation, and the Corporation may accept the transfer of the bridge upon such terms and conditions (pecuniary or otherwise) as may be agreed upon between the undertakers and the Corporation, and any such transfer of the bridge shall be sufficiently evidenced by a deed duly stamped. Undertakers may transfer bridge to Corporation.

15. Upon such transfer being made, the Corporation shall hold the bridge subject to all contracts, obligations, and liabilities affecting the bridge, and the Corporation may exercise and shall enjoy all the rights, powers, authorities, and privileges of the undertakers with respect thereto. Corporation to hold bridge subject to contracts, &c.

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Actions, &c.  
not to abate.

16. If at the time of such transfer any action or proceeding, or cause of action or proceeding, is pending or existing against the undertakers in respect of the bridge, the same shall not abate or be discontinued or in anywise prejudicially affected by reason of anything in this Act, but the same may be continued, prosecuted, or enforced against the Corporation as and when it might have been continued, prosecuted, and enforced against the undertakers if this Act had not been passed, but not further or otherwise.

Contracts,  
&c. of  
undertakers  
to be binding  
on Corpora-  
tion.

17. From and after such transfer, all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds, and agreements with respect to the bridge entered into or made and subsisting at the time of such transfer and then in force shall be as binding and of as full force and effect in every respect against or in favour of the Corporation, and may be enforced as fully and effectually, as if instead of the undertakers the Corporation had been party thereto.

Application  
of Bridge  
Acts to Cor-  
poration.

18. From and after such transfer, all the powers, rights, privileges, and authorities of the undertakers under the Bridge Acts shall be by virtue of this Act, except so far as may be otherwise agreed between the undertakers and the Corporation, transferred to and vested in the Corporation, and the Bridge Acts shall be read and have effect, but subject nevertheless to and in accordance with the terms and conditions which may be agreed upon between the undertakers and the Corporation, as if the Corporation had been therein named instead of the undertakers.

Corporation  
may make  
bridge toll  
free.

19. The Corporation may, if they shall deem it advisable, at any time after such transfer, but subject nevertheless to and in accordance with the terms and conditions which may be agreed upon between the undertakers and the Corporation, abolish all tolls payable under the Bridge Acts for the use of the bridge, and may declare the bridge to be toll free; and if at any time the Corporation shall declare the bridge to be toll free, all expenses of the repairs and maintenance and regulation thereof may be paid by the Corporation out of the district fund, and in case the tolls received for the use of the bridge shall at any time be insufficient to provide for such repairs, maintenance, and regulation, the deficiency may be made up out of the district fund.

Power to  
purchase  
Stapenhill  
Ferry.

20. The Corporation may, at any time after the passing of this Act, purchase by agreement Stapenhill Ferry, with or without any lands, buildings, property, rights, and privileges belonging or appertaining thereto.



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**21.** Subject to the provisions of this Act, the Corporation may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the foot bridge in this section described, with all proper piers, abutments, stairs, approaches, works, and conveniences connected therewith. The bridge authorised by this Act is the following; that is to say,

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Power to  
make foot  
bridge.

A foot bridge over the River Trent for the use of foot passengers only, commencing in the township and parish of Stapenhill, in the county of Derby, at a point thirty-six feet or thereabouts to the north-west of the Ferry House there, and terminating in the township of Burton Extra, in the parish of Burton-upon-Trent, in the county of Stafford, at a point in the public foot-way leading to Stapenhill Ferry, eighty feet or thereabouts from the said ferry.

And such bridge shall be the property of the Corporation.

**22.** For the purposes of the foot bridge, but subject to the other provisions of this Act, the Corporation from time to time may, within the limits of deviation shown on the deposited plans, dig and make proper foundations in the River Trent, and in the lands on each side thereof, and make dams in the river during the making or repairing of such bridge, and cut, level, and secure the banks of the river, and cut, remove, scour, take, and carry away all trees, roots of trees, beds of gravel, sand, mud, and other impediments in the river, and execute all other works necessary or convenient for making, maintaining, and repairing the said foot bridge and approaches.

Incidental  
works.

**23.** In making the foot bridge and approaches, the Corporation may deviate from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon, and may deviate from the levels shown on the deposited sections to any extent not exceeding one foot downwards or four feet upwards.

Power to  
deviate  
laterally and  
vertically.

**24.** During the making and repairing of the foot bridge and the works connected therewith, the Corporation shall take all precautions and provide all works and conveniences proper and sufficient for keeping the flow of water in the River Trent free from all obstruction, except only such obstruction as is unavoidable, and if and whenever the Corporation make or occasion any obstruction they shall make to all persons interested full compensation for all loss, damage or injury thereby occasioned.

River not  
to be  
obstructed.

**25.** If the foot bridge is not completed within seven years from the passing of this Act, then on the expiration of that period the powers granted to the Corporation for making the foot bridge, or

Period for  
completion  
of works.

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otherwise in relation thereto, shall cease to be exercised, except with respect to so much thereof as is then completed.

Bridge to be public but not county bridge.

**26.** From and after the completion of the foot bridge and approaches they shall be deemed a public bridge and public highways, and subject to the provisions of this Act all persons shall have free liberty on payment of the tolls by this Act granted to pass over the same without any interruption, but the foot bridge shall not be deemed a county bridge so as to make the counties of Stafford and Derby or either of them liable to repair, light, or watch the same or any part thereof.

Ferry boats in case of accident to bridge.

**27.** If and whenever after the foot bridge is completed the passage over it becomes dangerous in consequence of accident or damage, or it is considered desirable to alter or repair or rebuild such bridge or any part thereof, the Corporation may and shall during the time necessary for altering, repairing, or rebuilding such bridge or any part thereof, provide a sufficient ferry over the river, and may demand and take in respect of the ferry such tolls as are by this Act authorised to be taken for passing over the foot bridge.

Foot bridge not to be commenced until purchase of ferry.

**28.** The construction of the foot bridge shall not be commenced until the Corporation shall have purchased or acquired by agreement with the owners thereof Stapenhill Ferry and all ferry rights appertaining thereto.

Abolition of Stapenhill ferry after opening of foot bridge.

**29.** After the purchase of Stapenhill Ferry by the Corporation under the powers of this Act, and the opening of the foot bridge for public traffic, Stapenhill Ferry shall be by this Act abolished, and the right to take tolls or dues for or in respect of the same shall be by this Act extinguished: Provided always, that all ferry and other rights (except the said right to take tolls or dues) in any way appertaining or belonging to the owners of Stapenhill Ferry in respect of the same at the time of purchase by the Corporation shall (notwithstanding such abolition or extinguishment) be vested in the Corporation, and be applicable to the foot bridge instead of Stapenhill Ferry.

Power to provide toll-gates and toll-houses.

**30.** When the foot bridge is opened for public traffic the Corporation from time to time may set up such toll-gates at or upon the foot bridge and approaches and remove the toll-gates and set up others instead thereof as they think fit, and from time to time may provide and maintain such toll-houses and other conveniences near to the toll-gates as they think fit.

Power to take tolls for passing over

**31.** The Corporation from time to time may demand and take for persons from time to time passing over, along, or upon the foot-

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bridge and approaches or any part thereof respectively any tolls not exceeding one halfpenny for every person. But the Corporation may at any time hereafter, if they shall deem it advisable, abolish the tolls hereby made payable, and may declare the foot-bridge to be toll free. A.D. 1880.  
bridge and approaches.

**32.** Provided always, that no toll shall be demanded or taken—  
For any officer or soldier of Her Majesty's regular forces upon march or upon duty: Exemption from toll.

For any officer or man of Her Majesty's auxiliary or reserve forces dressed in the uniforms of their respective corps upon their march or upon duty, or in going to or returning from the place appointed for and on the days of exercise:

For any policeman on duty:

If any person shall claim or take the benefit of any of the exemptions by this Act granted not being entitled to the same, every such person for every such offence shall forfeit and pay to the Corporation any sum not exceeding forty shillings.

**33.** After any toll-gate for the foot bridge is provided under this Act the Corporation shall put up and afterwards continue at every such toll-gate a table, printed in distinct and legible black letters with white ground, and affixed to a board, containing a list of the tolls to be paid by virtue of this Act, and the exemptions from such tolls, and shall renew the boards whenever any of the letters or figures thereon are worn out, defaced, or obliterated, and the Corporation shall not demand or take at any toll-gate any toll while the table is not so affixed to the toll-gate, except during such time as is reasonably necessary for renewing or repairing the table. Table of tolls and exemptions to be put up.

**34.** The said tolls may be demanded and taken at the toll-gates from time to time provided under this Act by such persons as are from time to time appointed under this Act to be the toll collectors. Tolls to be taken by toll collectors.

**35.** The said tolls shall be paid before any person shall be entitled to pass or repass through any such toll-gate: Provided that only one full toll shall be demanded or taken for every time of passing or repassing over, along, or on the foot bridge and approaches or any part thereof, but the said toll of not exceeding one halfpenny shall be paid for each time of passing or repassing as aforesaid. Payment of tolls.

**36.** The said tolls shall at all times be charged equally and after the same respective rate upon all persons, and no reduction, exemption, or advance of tolls shall either directly or indirectly be made partially or in favour of any particular person. Tolls to be charged equally.

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Power to  
stop persons  
failing to  
pay toll.

**37.** If any person subject under this Act to the payment of any toll after demand made thereof by any collector appointed to receive the same fail to pay the toll, the collector by himself or taking such assistance as he thinks necessary may stop and prevent the passage of the person so failing.

Power to  
lease the  
tolls.

**38.** The Corporation from time to time may lease the said tolls for such period not exceeding three years, and on such terms and conditions as they think fit, and during the continuance of the lease the lessees shall be deemed collectors of the tolls so leased, and shall have the same powers for collecting and recovering the tolls leased, and be subject to the same rules, duties, and penalties in reference thereto, as if they were toll collectors appointed under this Act.

Removal of  
lessees on  
determina-  
tion of lease.

**39.** On the determination of any lease of the said tolls any justice on application made by the Corporation may order any constable with proper assistance to enter in the daytime any toll-house, office, or other building, and remove therefrom the lessees or other persons found therein with their goods and take possession of the toll-house, office, or building, with its appurtenances, and of all property of the Corporation found therein, and deliver the same to the Corporation or to any person appointed by them to receive the same.

Appointment  
of toll  
collector.

**40.** The Corporation, or during any lease of the said tolls the lessees thereof, from time to time may appoint such fit persons as the Corporation and the lessees respectively think proper to be the collectors of the tolls by this Act granted, and may from time to time discharge any collector of the tolls, and every person so from time to time appointed toll collector may demand and take tolls accordingly, and a certificate in writing under the hand of the town clerk on behalf of the Corporation or under the hands of the lessees of the tolls or their respective agent of the appointment or removal of any toll collector shall for all purposes be sufficient evidence of the fact thereby certified.

Power to  
obtain from  
toll collector  
removed, &c.  
possession of  
toll-house,  
&c.

**41.** If whenever any toll collector so discharged, or the wife, widow, or any of the family or other representatives of any toll collector deceased or so discharged, or any other person having the possession of any toll-house, office, or other building or property of the Corporation, fail for two days after demand in writing under the hand of the town clerk, or under the hands of the lessees of the tolls, or their respective agent, and given to the toll collector or to any such person, or left at the toll-house, office, or building, to deliver up possession thereof as so demanded, any justice on application made

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by the Corporation or the lessees of the tolls may order any constable with proper assistance to enter in the daytime the toll-house, office, or building, and remove therefrom all persons found therein with their goods, and take possession of the toll-house, office, or building, with its appurtenances, and of all property of the Corporation or the lessees found therein, and deliver the same to the Corporation or the lessees, or to any person appointed by them respectively to receive the same. A.D. 1880.

42. Every toll collector shall place his Christian and surname, painted on a board in legible characters, on the front or some other conspicuous part of the toll-house or toll-gate immediately on his coming on duty, and shall continue the same so placed during the whole time that he is on duty, and every letter of the names shall be at least two inches in length, and of a breadth in proportion, and painted in black letters on a board with a white ground. Toll collector to place his name on toll-house.

43. If a toll collector commit any of the following offences, every toll collector so offending shall for every such offence forfeit a sum not exceeding forty shillings; (that is to say,) if any toll collector— Penalty for offences by toll collector.

- (A.) Do not place the board, and continue the same so placed, during the whole time he is on duty :
- (B.) Demand or take from any person greater or less toll than he is by this Act, or any order of the Corporation made in pursuance of this Act, authorised to demand or take :
- (C.) Demand and take toll from any person exempted from the payment thereof, and claiming the exemption :
- (D.) Refuse to permit any person to read, or in anywise hinder any person from reading, the inscriptions on the board or on the table of tolls and exemptions put up at the toll-gate :
- (E.) Refuse to tell his Christian and surname to any person who, having paid any toll, demands the same :
- (F.) In answer to any such demand give a false name :
- (G.) On the legal toll being paid or tendered unnecessarily detain, or wilfully hinder, or prevent, any passenger from passing through the toll-gate.

44. If any person commit any of the following offences every person so offending shall for every such offence forfeit a sum not exceeding forty shillings; (that is to say,) Penalty for damaging foot bridge, &c., or other offences.

- (A.) If any person wilfully or negligently destroy, injure, or damage any part of the foot bridge or approaches :
- (B.) If any person ride, or drive, or lead, any horse, beast, cattle, or carriage over or upon any such foot bridge or approaches :

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(c.) If any person wilfully obstruct the passage of the foot bridge or either of the approaches :

(d.) If any person forcibly pass, or attempt to pass, along the foot bridge, or through any toll-gate, without having paid toll :

(e.) If any person counterfeit or alter, or receive from or deliver to any other person, any note or ticket with intent to evade the payment of any part of the tolls :

(f.) If any person assault, obstruct, or hinder any person employed in the collection of the tolls :

(g.) If any person aid or abet any person in committing, or incite any person to commit any offence in this section before mentioned.

Bridge, &c.  
deemed a  
public  
bridge as to  
injuries.

45. The foot bridge, and the toll-house, and toll-gates, and works belonging thereto, shall be deemed to be a public bridge within the meaning of the general Acts from time to time in force with respect to malicious injuries to public bridges.

Byelaws for  
foot bridge.

46. Subject to the provisions of this Act, the Corporation may from time to time make byelaws for all or any of the following purposes ; (that is to say,)

For regulating the use of the foot bridge ;

For regulating the duties and conduct of all persons employed by the Corporation in or about the foot bridge ;

For fixing the tolls to be taken for the use of the foot bridge ;

For fixing the hours during which the foot bridge shall be open for public use :

Provided that such bridge shall be open for public use at all times between the hours of five o'clock in the morning and ten o'clock in the evening.

Byelaws to  
be according  
to Public  
Health Act.

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

Disputes as  
to damages,  
&c. to be  
settled by a  
justice.

48. Where any damage or charge is by this Act directed or authorised to be paid, and the manner of ascertaining the amount thereof is not otherwise provided for, the amount in case of non-payment thereof or dispute respecting the same shall be ascertained and determined by a justice or justices.

Recovery  
and applica-  
tion of tolls,  
&c.

49. All tolls, charges, damages, and costs in respect of the foot bridge imposed by or payable under this Act, or by virtue of any byelaw or order made in pursuance thereof, may be taken

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cognizance of or recovered under the provisions of the Summary Jurisdiction Acts. A.D. 1880

**50.** The foot bridge and the approaches thereto on each side thereof shall for all purposes of this Act be held to be within the township of Burton Extra and county of Stafford only. Bridge, &c. in county of Stafford.

**51.** In the event of Parliament at any time hereafter passing an Act for making the River Trent navigable to any point above the foot bridge, nothing in this Act shall exempt the Corporation from any provisions sanctioned by Parliament for the protection of the navigation of the river under or near to the foot bridge. Corporation not exempt from future Act protecting navigation.

**52.** All tolls received by the Corporation in respect of the foot bridge shall be applied in the first place in payment of salaries, wages, repairs, and all other expenses incurred by the Corporation in respect of the foot bridge, and after payment thereof the balance shall be carried to the district fund account. Application of tolls for foot bridge.

**53.** If at any time the Corporation shall declare the foot bridge to be toll free, all expenses of the repairs, maintenance, and regulation thereof may be paid by the Corporation out of the district fund, as they shall think fit, and in case the tolls received for the use of the foot bridge shall at any time be insufficient to provide for such repairs, maintenance, and regulation, the deficiency may be made up out of the district fund. Provision for maintenance of foot bridge when toll free.

IV.—SEWAGE PURPOSES.

**54.** Subject to the provisions of this Act, the Corporation may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the sewer and conduit hereinafter described; that is to say, Description of sewage works.

1. A sewer, drain, or line of pipes commencing in the township of Stretton, in the parish of Burton-upon-Trent, in the county of Stafford, at the south-west corner of the existing sewage works of the Corporation, and terminating in the parish of Eggington, in the county of Derby, at a point 100 yards or thereabouts, measured in a straight line in a north-westerly direction from the Round House, which said sewer, drain, or line of pipes will be situate partly in the said township of Stretton and partly in the said parish of Eggington:
2. A conduit or drain commencing on the north-west side of the Derby and Burton Turnpike Road at the ditch forming the boundary of the parishes of Eggington and Willington, in the county of Derby, and terminating at a point on the

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Eggington Brook on the north-west side of and immediately adjoining the Midland Railway, crossing over the said Eggington Brook, which said conduit or drain will be situate partly in the said parish of Eggington and partly in the said parish of Willington.

Power to deviate for sewer and conduit.

**55.** The Corporation in making the said sewer and conduit may deviate from the lines thereof shown on the deposited plans to any extent within the limits of deviation marked thereon, and from the levels thereof shown on the deposited sections, to such extent, not exceeding five feet upwards and five feet downwards, as they find necessary or convenient for effecting the objects of the works, and in estimating the purchase-money or compensation to be paid to the owner of any land to be taken under the powers of this Act, regard shall be had to the damage, if any, sustained or which may be sustained by such owner by reason of the powers of deviation contained in this enactment.

Power to break up roads, &c.

**56.** The Corporation in making the sewer and conduit shown on the deposited plans may from time to time, as far as they find it necessary or convenient for effecting the objects of the works, break up or cross over or under any street or highway, sewer, drain, and watercourse, and (subject as regards telegraphic lines to the provisions of the Telegraph Act, 1878,) any pipe or tube for water, gas, telegraph, or other purposes, doing as little damage as may be, and making compensation for any damage done.

41 & 42 Vict. c. 76.

Protection of Midland Railway Company.

**57.** In constructing and maintaining the sewer, drain, or line of pipes, and other works authorised by this Act where they will pass under, across, or by the side of the Midland Railway, the Corporation shall be subject to the following conditions; videlicet,—

1. All works crossing or affecting the said railway shall be executed at the expense of the Corporation, under the superintendence and to the reasonable satisfaction of the principal engineer of the Midland Railway Company (hereinafter called the Company), and according to plans and specifications to be previously submitted to such engineer and approved by him in writing, provided that if such engineer shall not have expressed his approval or disapproval of the said plans and specifications within fourteen days after the same shall have been submitted to him, he shall be deemed to have approved thereof:

2. The conduit, drain, or line of sewers where the same is intended to be carried by the side of the Midland Railway shall, if required by the company, be laid for the whole length



thereof at a distance of at least eight and a half yards from the boundary fence of the said railway : A.D. 1880.

3. The works shall be constructed and maintained so that the traffic upon the said railway shall not be in anywise impeded or interfered with, and such maintenance shall be effected under the superintendence and to the reasonable satisfaction of the engineer of the company, and in all things at the expense of the Corporation :
4. If by reason of the construction or maintenance of the works or any of them, or the failure of any of the works or of the maintenance thereof or otherwise, the said railway or the works connected therewith shall be injured or the traffic thereon impeded, the Corporation shall compensate the company for all costs to which the company may be put in repairing the said damage, and shall also pay by way of liquidated damages to the company ten pounds for every hour during which such traffic shall be impeded :
5. The Corporation shall also indemnify the company for any damage or compensation which may be recovered against them by reason of any accident on the said railway, which accident shall have been occasioned by the acts or defaults of the Corporation or any of their contractors or their respective servants or workmen :
6. The Corporation shall not acquire any estate or interest in the lands and property of the company other than an easement or right of constructing and maintaining therein the works by this Act authorised :
7. The amounts to be paid for the acquisition of such easement, if not agreed upon between the Corporation and the company, shall be settled in the manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase of lands otherwise than by agreement.

58. The Corporation may from time to time construct, lay down, and maintain all necessary and proper side-cuts and channels, filter beds, culverts, carriers, junctions, conduits, sluices, outflow man-holes, penstocks, entrances, ventilators, wells, pits, syphons, pumping stations, pumps, pumping apparatus, machinery, waste gates, gauges, regulating basins, tanks, pipes, ways, approaches, sidings, works, and conveniences requisite or convenient to be used for or in connexion with any sewer, conduit, filter bed, or sewage farm of the Corporation, or for collecting land drainage and effluent waters, and conveying the same into the filtering beds, and thence into the River Trent.

Power to  
make sub-  
sidiary  
works.

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Corporation  
may acquire  
easements  
only.

**59.** Instead of purchasing the land required for the construction and maintenance of the sewer and conduit shown on the deposited plans, or either of such works, the Corporation may, if they think fit, but by agreement only, purchase such easements as they may require for those purposes, and the easements so to be purchased shall be lands within the meaning of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869.

Corporation  
not to take  
land south  
of line A to  
B.

**60.** Notwithstanding anything in this Act, the Corporation shall not enter upon, take, or use any land belonging or claimed to belong to Sir Henry Flower Every or his trustees which lies to the southward of a line A to B, drawn upon a copy of the deposited plans, and signed by William John Legh, Esquire, the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, and deposited in the Private Bill Office of the House of Commons: Provided always, that the Corporation shall be at liberty to take an easement for laying the sewer, drain, or line of pipes, and the conduit or drain by this Act authorised (together with one other effluent drain should the same be necessary) under the land to the south of the said line, and the taking of such easement shall be deemed to be the taking of land within the meaning of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869: Provided further, that the Corporation shall have the right to use the private road numbered on the deposited plans 70, in the parish of Eggington, for the purposes of access to the land to be taken by them to the northward of the said line A to B.

Period for  
completion  
of works.

**61.** The sewer and conduit by this Act authorised and shown on the deposited plans shall be completed within seven years from the passing of this Act, and if on the expiration of that period the said sewer and conduit are not completed, the powers by this Act granted to the Corporation for making the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Power to  
use lands for  
sewage.

**62.** When the Corporation shall have purchased any of the lands shown on the deposited plans and described in the schedule to this Act (which lands are in this Act referred to as "the sewage lands"), they may use the lands so purchased, or any part thereof, for all or any of the following purposes; namely,

For the purpose of thereon receiving, collecting, storing, depositing, precipitating, filtering, disinfecting, deodorising, defæcating, distributing, applying to purposes of agriculture, irrigation, or fertilisation, or other like purposes, or otherwise

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utilising or dealing with sewage and sewage matter, as they think fit: A.D. 1880.

To make, lay down, maintain, renew, improve, enlarge, cleanse, and use from time to time on those lands pipes and other works and apparatus for supplying sewage to occupiers of those lands for the irrigation and fertilisation thereof:

To make, provide, lay down, maintain, renew, improve, enlarge, cleanse, and use from time to time on those lands such tanks, receptacles, filter beds, pipes, pumps, machinery, and apparatus, in such manner and in such places as they think requisite for any of the purposes aforesaid:

To appropriate and use sewage for irrigation and fertilisation of those lands:

To let, with the consent of the Local Government Board, any part of those lands for such terms, at such yearly or other rents, and subject to such provisions and restrictions, as they think fit:

To sell or dispose of any part of those lands, with or without a right to sewage, in such manner, to such persons, and on such terms and conditions, as they think fit, but so that the Corporation shall retain a sufficient portion of those lands for the sewage purposes of this Act.

**63.** The Corporation may take, hold, and use any license or authority (not being exclusive) under any letters patent for the use of any invention relative to the utilisation or treatment of sewage. Power to hold licenses under letters patent.

**64.** Subject to the provisions of this Act, the Corporation from time to time may, under any agreement for a term not exceeding seven years with the owners or occupiers of any lands, supply to such owners and occupiers respectively sewage for the irrigation and fertilisation of such lands. Power to supply sewage for irrigating lands.

**65.** For the purpose of drawing off or supplying sewage for the irrigation and fertilisation of lands under this Act, the Corporation may, subject to the provisions of this Act, make all necessary openings in their sewers, conduits, and lines of pipes, and construct, execute, lay down, and maintain, and from time to time renew, improve, cleanse, and repair, all such works and apparatus as may be necessary or proper in, through, under, over, or upon any other lands belonging to the Corporation, or where the Corporation have a right or easement, or in, through, under, over, or upon any other lands with the consent of the owners, lessees, and occupiers thereof, and also all such culverts, pipes, or covered drains under any public road or highway through, under, or near which any of the said Power to execute works for irrigation purposes.

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A.D. 1880. sewers pass, as they may find to be necessary, in order to form a communication between the sewer and the works and apparatus to be constructed, executed, and laid down by them as aforesaid.

Penalty for using sewage without agreement.

**66.** If any person, not being entitled under agreement with the Corporation to a supply of sewage, wrongfully takes or uses any sewage, or sewage matter, from the sewers, filter beds, or sewage lands of the Corporation, he shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds.

Power for Corporation and local authorities to enter into agreements.

**67.** The Corporation may from time to time make and carry into effect agreements with any local board, sanitary authority, company, or person, with respect to the disposal and application of sewage, and the expenses incidental thereto, or to any other matter within the powers of this Act in relation to sewage, but no such agreement shall be made for a term exceeding seven years.

Chemical refuse and other injurious matters not to pass into the sewers.

**68.** It shall not be lawful for any person to throw, or to permit or suffer to be thrown, or to pass into any of the sewers of the Corporation, any refuse matter from chemical works, or other substance which would be injurious to the construction of the sewers, or produce corrosion or decay in the materials thereof, or generate poisonous or pernicious gases, or injure, or prejudicially affect the grass, herbage, crops, or vegetation of the sewage lands, and every person offending against this enactment shall for every such offence forfeit and pay a sum not exceeding fifty pounds, to be recoverable by the Corporation, with full costs of suit, in any court of competent jurisdiction.

Cleansing and preventing nuisances in certain brooks.

**69.** The Corporation may from time to time effect the following purposes with reference to the parts of the Willington Brook and the Eggington Brook respectively herein-after described. They may dredge, scour, cleanse, and improve the bed and course thereof respectively, and may prohibit and prevent obstructions to the free flow of water therein, whether produced by ordinary or extraordinary; and whether by natural or artificial causes, and all obstructions placed on and all encroachments on or other injuries to the same. They may prohibit and prevent the throwing or passing into the said parts of brooks of refuse, sewage, or other foul or noxious matter, and may make all such byelaws in accordance with the provisions as to byelaws of this Act as may be necessary for preventing the obstruction or fouling thereof. The parts of the said brooks herein-before referred to are the following; (that is to say,)

(A.) So much of the Willington Brook as is situate between the point where it is crossed by the Derby and Burton Turnpike

Road in the parish of Eggington and the confluence of the said brook with the Eggington Brook in the parish of Willington: A.D. 1880.

(B.) So much of the Eggington Brook as is situate between the termination in this Act described of conduit No. 2 in the parish of Eggington and the confluence of the Eggington Brook with the River Trent:

Provided that it shall not be lawful for the Corporation to exercise any of the powers given in this section except by agreement with the respective owners of the parts of brooks at which such powers shall be exercised.

70. It shall be lawful for the Corporation by agreement with the owner or owners of lands adjoining the Willington Brook or the Eggington Brook, or any brook or stream within the borough or flowing into the said Willington Brook or Eggington Brook, to arch over or cover in such brooks or streams respectively, Power to arch over brooks.

71. Nothing in this Act contained shall prevent the Rivers Pollution Prevention Act, 1876, from being enforced within the borough or elsewhere, or shall be construed as legalising any offence committed under that Act either by the Corporation or any person. Saving as to 39 & 40 Vict. c. 75.

#### V.—ELECTRIC LIGHTING.

72. With respect to the production and supply by the Corporation of light, heat, and motive power by means of electricity, the following provisions shall have effect; (that is to say,) Electric lighting.

1. In this section the word "street" has the same meaning as in the Public Health Act, 1875, and the expression "place of public resort" means any premises belonging to or used by the Corporation, whether as the municipal or as the sanitary authority, any railway station, market, public slaughter-house, and any other place of public resort which the Local Government Board from time to time approve.

2. During a period of five years from the first day of September one thousand eight hundred and eighty, and for the purposes of lighting streets and places of public resort, but for no other purpose, it shall be lawful for the Corporation within the borough to supply light by means of electricity, and for that purpose to exercise any of the powers in this section mentioned, subject to the provisions thereof; (that is to say,)

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- (A.) For any of the purposes of this section, they may use any lands for the time belonging to or held on lease by them and not by any Act specifically appropriated to any other purpose, or may purchase by agreement and take on lease any lands :
- (B.) They may upon any such lands erect and maintain any necessary workshops, engine-houses, store-houses, (including places for storing electricity for producing light), or other buildings necessary for any of the purposes of this section :
- (C.) They may manufacture, buy, or hire, and may use and may supply, sell, or let any machinery, steam-engines, gas-engines, or other apparatus (including meters and fittings) necessary for the purposes of this section :
- (D.) Subject to the provisions of this section they may buy any fuel or buy or rent any other motive power, and may buy or rent and sell or let any materials or articles necessary for the purposes of this section :
- (E.) They may acquire licenses (not being exclusive) for themselves or for any persons, companies, or corporations licensed or supplied by them for the use of any patented or protected processes, inventions, machinery, apparatus, methods, materials, or other things :
- (F.) They may exercise for the purposes of this section in the whole or any part of the borough as to electric lighting any of the powers which are vested in or exerciseable by a Corporation or sanitary authority under the Acts relating to Municipal Corporations or the Public Health Act, 1875, for lighting by oil or gas :
- (G.) They may exercise for the purposes of this section as to electric lighting any of the powers which under the provisions of any Act incorporating the Gasworks Clauses Act, 1847, or the Gasworks Clauses Act, 1871, might for the purposes of any gas undertaking be exercised by the undertakers :
- (H.) They may supply by agreement for use in any place or places of public resort, light produced by electricity and meters or other fittings, or may let meters or other fittings for any of the purposes of this section :
- (I.) They may charge in advance or otherwise for any light, engines, machines, apparatus, meters, fittings, or other things supplied or let under the powers of this section, such rents or sums as may from time to time be

10 & 11 Vict.  
c. 15.  
34 & 35 Vict.  
c. 41.

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agreed on, and may recover any such rent or sum as a debt in any court of competent jurisdiction: A.D. 1880.

(K.) Generally they may do all things necessary and incidental to the purposes of this section.

3. All the provisions of this section shall extend to the production and supply by the Corporation of heat or motive power by application of the electricity by which they produce or supply light under the provisions of this section, and such application is included in the expression electric lighting.

4. With respect to any work for the purpose of the production or supply of light, heat, or motive power by means of electricity done in pursuance of this Act, the following provisions shall have effect:

(L.) It shall not be lawful for the Corporation to do any such work whereby any telegraphic line of the Postmaster-General is or may be injuriously affected, and before any such work is done within ten yards of any part of a telegraphic line of the Postmaster-General, the Corporation, or their agents, not more than twenty-eight nor less than fourteen days before commencing such work, shall give written notice to the Postmaster-General specifying the course and nature of the work, including the gauge of any wire; and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said work:

(M.) Any difference which arises between the Postmaster-General and the Corporation or their agents with respect to any requirements so made shall be determined by the Board of Trade, whose decision shall be final, and sections thirty to thirty-two both inclusive of the Regulation of Railways Act, 1868, shall apply in like manner as if the Corporation or their agents were a Company: 31 & 32 Vict. c. 119.

(N.) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents, the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues, or, if the telegraphic communication is wilfully interrupted, not

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exceeding fifty pounds for every day on which such interruption continues :

- (o.) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the Court having cognizance of the case that the immediate execution of the work was required to avoid an accident, or otherwise was a work of emergency, and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the work was done a notice of the execution thereof, stating the reason for executing the same without previous notice :
- (p.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected by such work or by any use made of such work :
- (q.) For the purposes of this section and subject as therein provided, Sections 2, 8, 9, 10, 11, and 12, of the Telegraph Act, 1878, shall be deemed to be incorporated with this Act as if the Corporation were undertakers within the meaning of those sections, without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

5. All expenses from time to time incurred by the Corporation in carrying the purposes of this section into effect shall be charged on, and all receipts received by the Corporation under this section shall be carried to, the credit of the district fund.
6. The Corporation may from time to time for the purposes of this section borrow at interest on the security of the district fund and general district rate such sum or sums as the Corporation from time to time find requisite, not exceeding in the whole the sum of five thousand pounds, and they may mortgage the said fund and rate as a security for the repayment of money so borrowed with interest accordingly. The provisions of this Act relating to the borrowing, re-borrowing, and repayment of borrowed moneys shall extend and apply, *mutatis mutandis*, to the moneys borrowed under the powers of this section, except that the period for the repayment of such moneys shall be ten years.



7. The Corporation shall keep accounts in respect of electric lighting separate from all their other accounts, and shall in such accounts distinguish their expenditure on revenue or capital account, and shall apply all money from time to time received by them in respect of their electric lighting undertaking, except borrowed money, as follows; (that is to say,) A.D. 1880.

First, in payment of their costs, charges, and expenses of and incidental to the collecting and recovering of electric lighting rents and charges, and of the borrowing of money under this Act;

Secondly, in payment of the working and establishment expenses, and cost of maintenance of their electric lighting undertaking;

Thirdly, in payment of the interest on money borrowed under this section;

Fourthly, in providing the requisite instalments or sinking fund under this section;

Fifthly, in providing a reserve fund, if they think fit, by setting aside such money as they from time to time think reasonable, and investing the same and the resulting income thereof in securities in which they are by this Act authorised to invest sinking funds, and accumulating the same at compound interest until the fund so formed amounts to one thousand pounds, which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their electric lighting undertaking, or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the sum of one thousand pounds, and so from time to time as often as such reduction happens:

Any balance remaining in any year, and the annual proceeds of the reserve fund when amounting to one thousand pounds, shall be applied in such manner as the Corporation think best for the improvement of the borough and the public benefit of the inhabitants.

8. The money borrowed under this section shall be applied for the purposes for which it is authorised to be borrowed and generally for objects to which capital money is properly applicable, and for no other purposes.

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9. Nothing in this section shall exonerate the Corporation from any indictment, action, or other proceeding for nuisance, in the event of any nuisance being caused by them.
10. Nothing in this section shall exempt the Corporation or their electric lighting undertaking from the provisions of any general Act relating to lighting by electricity or other similar means which may be passed in this or any future session of Parliament.

VI.—FINANCIAL.

Power to borrow for purposes of Act.

**73.** In addition to any moneys which they are now authorised to borrow, the Corporation may from time to time borrow at interest for the purposes of this Act the sums following; (that is to say,)

For the purchase or construction of Stapenhill Bridge, the purchase of Stapenhill Ferry, and the construction of the foot bridge authorised by this Act, twenty thousand pounds:

For sewerage works and for the purchase of lands for disposal of sewage, one hundred thousand pounds:

Provided always, that in case further moneys shall be required for any of the aforesaid purposes, the Local Government Board may, at the request of the Corporation, authorise them to borrow such further moneys as the Local Government Board may from time to time think fit.

Mode of borrowing.

38 & 39 Vict.  
c. 83.

**74.** The Corporation may raise all moneys which they are by this Act authorised to borrow, either under and subject to the provisions as to borrowing of the Public Health Acts, or by debentures, debenture stock, or annuity certificates, under and subject to the provisions of the Local Loans Act, 1875, or partly in one way and partly in another, as the Corporation think most expedient, and the Corporation may charge the district fund and general district rate and any undertaking of the Corporation, or any part thereof, as security for repayment of the moneys so borrowed with interest.

Repayment of sums borrowed.

**75.** All sums borrowed by the Corporation by way of debentures, debenture stock, or annuity certificates, under the provisions of the Local Loans Act, 1875, shall be repaid within sixty years after the same are respectively borrowed, by such one or more of the methods (including a sinking fund) prescribed by that Act as the Corporation may see fit, and all sums borrowed by the Corporation under the Public Health Acts shall be subject to the provisions as to repayment of moneys borrowed by a local authority contained in the Public Health Acts, and all the provisions as to mortgages by a local authority contained in those Acts shall apply to the moneys so borrowed.

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**76.** The Corporation may from time to time re-borrow any amount borrowed by them and paid off otherwise than by instalments or by means of a sinking fund; provided that the time for repayment of money so re-borrowed shall not extend beyond the unexpired part of the period for which the original loan was sanctioned; provided also, that no moneys paid off by means of the sale of lands authorised by this Act shall be re-borrowed.

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Power to re-borrow.

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

Application of money borrowed.

**78.** The town clerk shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund, or any other methods of repayment under this Act and the Local Loans Act, 1875, or either of them, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amount which has been invested for the purpose of such sinking fund, or paid off by appropriations during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund, and all interest thereon, have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to make any appropriation, or to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund, or any interest thereon, to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund; and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice.

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

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

Priority of existing mortgages.

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Power to  
borrow on  
credit of  
sewage land  
and plant.

**80.** The Corporation may borrow any moneys on the credit of the sewage lands, and the revenues of the Corporation gasworks, markets, and property at any time belonging to them under the provisions of this Act, and may mortgage such lands and revenues to any person advancing such moneys in the same manner in all respects as if the Corporation were the absolute owners both at law and in equity of the lands and revenues so mortgaged. The moneys so borrowed shall be applied for purposes relating to sewerage works or sewage lands for which moneys may be borrowed under this Act, but it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be responsible for any misapplication thereof. The powers of borrowing conferred by this section shall, where the sums borrowed do not exceed three-fourths of the purchase money of such lands (but not otherwise), be deemed to be distinct from and in addition to the general borrowing powers conferred on the Corporation by this Act, and the Corporation may pay out of any rates leviable by them the interest on any moneys borrowed in pursuance of this section.

VII.—MISCELLANEOUS.

As to com-  
munication  
across foot-  
paths of  
streets to  
private  
premises.

**81.** No person shall take vehicles across the footpath of any street under the control of the Corporation from the roadway thereof to his own premises without first making a proper crossing, whereof he shall previously submit to the borough surveyor for the time being a plan and particulars, and if such plan and particulars are approved by the said surveyor in writing under his hand the work shall be executed by the person aforesaid, at his own expense, and to the reasonable satisfaction of the said surveyor, and it shall not be lawful for any person to take up, remove, or interfere with the footpath for the purpose of making any such communication without such approval of the said surveyor, or to use any such communication until it has been made and completed to his satisfaction, and in case any person shall offend against this enactment, he shall be liable to a penalty not exceeding forty shillings, and in case of a continuing offence a further penalty not exceeding five shillings for every day such offence continues: Provided that the Corporation may agree with any person for the making of any such crossing as aforesaid, and may recover in a summary manner from such person all expenses incurred by the Corporation in or relating to the making of such crossing.

Houses not  
to be  
occupied  
until street  
is formed,

**82.** Section 79 of the *Burton-upon-Trent Improvement Act, 1878*, is hereby repealed, and in lieu thereof the following provision shall have effect; that is to say, when in the case of any street or part of a street not being a highway repairable by the inhabitants

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at large, the Corporation shall give public notice by putting up and maintaining the same in such street or part of a street that such street or part of a street is not sewered, levelled, metalled, and channelled, according to plans and sections approved of by the Corporation, every person who shall occupy, or allow to be occupied, as a dwelling-house any new building in such street or part of a street at or after the expiration of fourteen days from the giving of such notice, except with the consent of the Corporation, shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for each day that the occupation continues without such consent: Provided that nothing herein contained shall be deemed to affect the owner, lessee, or occupier of any house which shall have been erected or occupied prior to the giving of such public notice as aforesaid.

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drained, and  
metalled.

**83.** Every owner of a new building shall, before the same shall be inhabited, give to the Corporation or the borough surveyor a notice in writing that the said building and its appurtenances, and the paving of the yard, and the drainage and the ventilation thereof are completed, and that the drains thereof are sufficiently trapped, according to the provisions of the several Acts of Parliament and the byelaws for the time being in force in the borough, and a demand that the same may be inspected within fourteen days from the service of such notice, and no owner of a new building shall occupy, or allow the same to be occupied, if he shall have received from the borough surveyor, within fourteen days after the service of such notice, a notice in writing that such new building is not complete or sufficiently ventilated and fit for habitation, or that the drainage thereof is not completed, and the drains not sufficiently trapped (the notice to state in what particulars the building or the drainage is defective), and any owner who shall occupy, or allow such new building to be occupied, after such last-mentioned notice has been given, shall be liable to a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day during which such building shall be inhabited until the borough surveyor shall have certified that the defects specified in his notice have been remedied.

Buildings  
not to be  
inhabited  
until certi-  
cate of  
completion  
given by  
Corporation.

**84.** Any pilaster, plinth, cornice, or other part of a new building, or of a new front or addition to an existing building, shall not project or encroach over a footway or highway, unless allowed by the Corporation, or beyond the distance (if any) allowed by the Corporation, and any owner or occupier of any such building who shall cause or allow any such projection or encroachment in contravention of this section shall be liable to a penalty not exceeding twenty

Projections  
over foot-  
ways or  
highways.

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A.D. 1880. shillings, and if such projection or encroachment be not removed within twenty-one days after receipt by such owner or occupier of a notice in writing, under the hand of the borough surveyor, requiring the removal of the same, such owner or occupier shall, at the expiration of that time, be liable to a further penalty of ten shillings for every day during which the projection or encroachment shall continue.

Penalty for nuisance in unoccupied houses.

**85.** If after the passing of this Act any unoccupied house or building in any street or public place in the borough is or becomes a nuisance or cause of injury or danger to the occupier of any adjoining building, or persons using such street or public place, the borough surveyor may, by notice in writing under his hand, require the owner of such unoccupied house or building, or his agent, within twenty-one days from receipt of such notice, to abate or remove such nuisance or cause of injury or danger, and in case of his failure so to do, such owner or his agent shall be liable to a penalty of forty shillings for every day in which such nuisance or cause of injury or danger shall continue.

Right of appeal in certain cases.

**86.** Any person deeming himself aggrieved by any notice given by the Corporation or the borough surveyor, as the case may be, under sections 82, 83, 84, or 85 of this Act, or by the withholding of the consent of the Corporation, under section 82, or by the withholding of the approval or certificate of the borough surveyor under sections 81 or 83, or by any order or conviction of a court of summary jurisdiction in respect of any matter mentioned in any of those sections, may appeal to the next court of quarter sessions in the same manner and subject to the same provisions as in the case of an appeal from the decision of a court of summary jurisdiction under section 269 of the Public Health Act, 1875, and for the purposes of such appeal any decision of the borough surveyor shall be deemed to be the decision of the Corporation.

Agreements as to disposal of sewage.

**87.** The Corporation may make and carry into effect agreements with the owners of any manufactories or works within the borough for or with reference to the purification and disposal of sewage matter produced on or arising from such manufactories or works.

Amendment of section 35 of 41 & 42 Vict. c. 61.

**88.** Section 35 of the *Burton-upon-Trent Improvement Act, 1878*, shall hereafter be read and construed as if the words "and occupiers" had been inserted after the word "owners" in the proviso to that section.

Amendment of section 74 of 41 & 42 Vict. c. 61.

**89.** Section 74 of the said Act of 1878 shall hereafter be read and construed as if the words "town clerk" had been inserted in

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that section, instead of the words "clerk to the commissioners" and "clerk" respectively. A.D. 1880.

**90.** In any scheme or order for the management and regulation of any charity or charitable foundation or trust in the borough, all provisions whereby the chairman of the commissioners for executing the Town of Burton-upon-Trent Act, 1853, is or may be appointed a governor, trustee, or feoffee of such charity or charitable foundation or trust, and whereby the said commissioners were empowered to appoint any person to be a governor, trustee, or feoffee thereof, are hereby made applicable respectively to the mayor of the borough and the council as if they had been named in such scheme or order instead of the said chairman and commissioners respectively.

Provisions as to chairman of commissioners in charity schemes extended.

**91.** All byelaws, rules, and regulations made by the said commissioners, and in force on the first Thursday of November 1878 (subject to any future repeal, alteration, or amendment of such byelaws, rules, and regulations by the council), are hereby made applicable to the council and the officers of and persons employed by the council, and shall have effect as if such byelaws, rules, and regulations had been made by and under the authority of the council, and as if in such byelaws, rules, and regulations, the council and the officers and persons employed by them had been respectively named instead of the said commissioners and the officers and persons employed by them.

Byelaws of commissioners to have effect as if made by the council.

**92.** Proceedings with a view to the summary conviction of offenders under this Act, or under any byelaw of the Corporation under this Act, or any byelaws, rules, or regulations by this Act made applicable to the council, and the officers of and persons employed by the council, or to the recovery of penalties (except when otherwise expressed), or of any money or expenses authorised to be recovered summarily, or any order to be made by justices under this Act or any such byelaw, rule, or regulation, shall be taken according to the provisions of the Summary Jurisdiction Acts.

Proceedings for summary convictions and appeals.

**93.** Offences against this Act, and penalties, forfeitures, costs, and expenses recoverable under this Act, may be prosecuted and recovered in a summary manner, according and subject to the provisions of Part VII. of the Public Health Act, 1875, and penalties and other money recovered under this Act shall be applied according and subject to the last-mentioned provisions.

Recovery and application of penalties, &c.

**94.** Where proceedings under this Act are to be taken against several persons in respect of one nuisance caused by their joint act

Proceedings against several per-

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Persons for the  
same offence.

or default, the Corporation may, if they think fit, include them in one complaint, and a justice may, if he thinks fit, include them in one summons, and any order made in such a case may be made on all or any one or more of the persons included in the summons, and the costs may be distributed as to the justices appears fair.

Proceedings  
against one  
or more of  
joint owners  
or occupiers.

95. In case of any demand or complaint under this Act to which two or more persons, being owners or occupiers, or partly the one or partly the other, of lands or houses, are answerable jointly or severally, it shall be sufficient to proceed against one or more of them without proceeding against the others or other of them; but nothing in this Act shall prevent the parties so proceeded against from recovering contributions in any case to which they would be entitled by law to contribution if this Act had not been passed.

Several sums  
in one sum-  
mons.

96. Any summons or warrant issued for any purpose of this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Costs of  
distress.

97. Any justice who issues a warrant of distress for any purpose of this Act may order that the costs of and incidental to the recovery of the money to be levied be paid by the person liable to pay that money, and the costs shall be ascertained by the justice, and shall be included in the warrant of distress for recovery of the money.

Judges, &c.  
not dis-  
qualified.

98. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate or other charge under this Act.

Jurisdiction  
of petty  
sessions over  
certain parts  
of the  
borough.

99. Whereas parts of the borough are within the petty sessional divisions of Repton and Swadlincote respectively in the county of Derby, and great inconvenience is caused by reason that certain offences committed and complaints arising within those parts of the borough are cognizable at the petty sessions held for the said divisions respectively, and not at the petty sessions held for the sessional division of Burton-upon-Trent in the county of Stafford, at which the like offences committed and complaints arising within the remaining parts of the borough are cognizable: Therefore be it enacted, that from and after the passing of this Act, the justices of the peace for the county of Stafford, acting for the said sessional division of Burton-upon-Trent, shall have in and for such parts of the said sessional divisions of Repton and Swadlincote respectively as are within the borough such and the like jurisdiction with regard to the offences and complaints aforesaid as they now have or hereafter may have in and for the said sessional division of Burton-upon-Trent, which shall for the purposes of this section (but no further



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or otherwise) be held to include those parts of the borough which are situate in the county of Derby: Provided always, that nothing contained in this Act shall take away or diminish any right, power, or jurisdiction of the justices of the peace for the county of Derby in and over the last-mentioned parts of the borough: Provided further, that all fines and fees arising from the offences and complaints aforesaid which come before the justices of the petty sessional division of Burton-upon-Trent, other than those which might have arisen under sub-division 2 of section 46 of the Summary Jurisdiction Act, 1879, shall be paid to the clerks to the justices of the sessional divisions of Repton and Swadlincote respectively, to be applied to such and the like uses as fines and fees received by such clerks are by law applicable, and the Corporation are hereby empowered to pay to the clerk for the time being to the justices of the said sessional division of Burton-upon-Trent, as remuneration for additional services to be performed by him under this section, such annual or other sum as the Corporation may under the circumstances deem just: Provided also, that the enactment contained in this section shall not take effect unless and until the courts of quarter session for the counties of Derby and Stafford respectively shall have given their consents thereto within twelve months after the passing of this Act.

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100. Any instrument (including a notice, order, resolution, declaration, requisition, consent, approval, disapproval, demand, or other document) made, given, delivered, or served by the Corporation, the council, or the town clerk, may be either in print or in writing (including lithograph), or partly in print and partly in writing (including lithograph), and shall be sufficiently authenticated by the name of the town clerk being affixed thereto, in print, or writing, or by a stamp, and it shall be sufficient in all cases where any such instrument is required to be given or delivered to or served on the owner or occupier of any property, to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (the same being described) in respect of which it is given or served, without further name or description, and any such instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring houses or buildings collectively, and when so addressed may be served on more owners or occupiers than one (so that separate copies be served on the respective owners and occupiers of the several houses or building concerned), and any such instrument may be served on any owner, occupier, or other person either personally or by sending the same through the post in a registered letter addressed to him by name at

Form and service, &c. of notices by Corporation.

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Saving  
rights of  
Trent Navi-  
gation Com-  
pany.

101. Except only as is by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, or privileges of the Company of Proprietors of the River Trent Navigation.

General  
saving for  
Corporation.

102. 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 any other Act (general or local), or otherwise howsoever, 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.

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

The SCHEDULE referred to in the foregoing Act.

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SEWAGE LANDS.

(A.) All those lands forming the north-east corner of the parish of Eggington in the county of Derby, bounded partly on the south-east by the Derby and Burton turnpike road, on other part of the south-east and partly on the north-east by the parish of Willington, on the north by the township of Burnaston and by the parish of Etwall, on the west by the public highway from Etwall to Eggington as far as the junction of that highway with the public road leading from Eggington in a north-easterly direction to the road from Hilton to Willington, whence the boundary will follow the north-west side of the road leading from Eggington as aforesaid for a distance of about 260 yards, when it will take a south-easterly direction, crossing that road, and will follow the line of fence, running in a south-easterly direction between the closes of land numbered respectively 142 and 143 on the tithe map for the parish of Eggington, thence running southwardly for about 50 feet along the fence between the closes numbered respectively 143 and 150 on the same map, thence running in a south-easterly direction along the open ditch through the close numbered 150 on the same map, thence running in the same direction along the fence separating the close numbered 158 from the closes numbered respectively 167, 159, 160, and 161 on the same map, thence running for a distance of about 100 feet in a northerly direction along the fence dividing the closes numbered respectively 157 and 158 on the same map, thence running in a south-easterly direction along the open ditch which passes through the said close numbered 157 to the Derby and Burton turnpike road, which lands are wholly situated in the said parish of Eggington.

(B.) A piece of land in the township of Stretton in the parish of Burton-upon-Trent, bounded on the north-east and south-east sides thereof by a carriage road from the Derby and Burton turnpike road to certain fields near the River Trent, in the occupation of Joseph Greateorex, Benjamin Walker, Thomas Walker, John Gretton, and others, on the south-west by land in the occupation of Benjamin Walker, and on the north-west by the west branch of the Midland Railway from Derby to Birmingham, which said piece of land is now in the occupation of the Corporation, and is the site of their present sewerage works.

