



CHAPTER cxcvi.

An Act for extending the boundaries of the borough of Stafford, in the county of Stafford, and for empowering the Mayor, Aldermen, and Burgesses of the borough to construct Waterworks, and to acquire the undertaking of the Stafford Gas Company, and to execute other improvements; and for other purposes. [24th July 1876.]

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WHEREAS the borough of Stafford, in the county of Stafford, is a municipal borough subject to the Acts relating to municipal corporations and under the government of the mayor, aldermen, and burgesses of the borough:

And whereas the Corporation by the council of the borough are the sanitary authority for the district of the borough, having all the powers and authorities of an urban sanitary authority accordingly:

And whereas it is expedient that the borough be extended, and that the boundaries of the wards in the borough be altered, and that the number of aldermen and councillors of the borough be increased:

And whereas it is expedient that powers be conferred on the Corporation for the construction and maintenance of waterworks and for the supply of water in the borough and the neighbourhood, and for protecting and improving the River Sow within the borough; and it is also expedient that the control of gas supply for public and private purposes within the borough be vested in the Corporation, and that the Corporation be empowered to acquire the undertaking of the Stafford Gas Company (in this Act referred to as the gas company):

And whereas the Stafford Burial Board was formed in the year 1854 for the parishes of Saint Mary and Saint Chad within the existing borough, and it is expedient that provision be made for transferring to the Corporation all the powers, rights, duties, liabilities, and property of that board, and for constituting the Corporation the burial board for the borough:

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And whereas it is expedient that further powers be conferred on the Corporation for the regulation of markets, and for the acquisition or erection and maintenance of butchers shambles and slaughter-houses, and the management and regulation of the same :

And whereas it is expedient that further borrowing powers and other powers be conferred on the Corporation as in this Act provided :

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

And whereas plans and sections describing the lines, situations, and levels of works authorised by this Act, and plans showing the lands to be acquired under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of lands in the line of those works or within the limits of deviation as defined on the plans, and describing those lands, have been deposited with the clerk of the peace for the county of Stafford (and are herein-after respectively referred to as the deposited plans, sections, and book of reference) :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

PRELIMINARY.

Short title.

1. This Act may be cited as "The Stafford Corporation Act, 1876."

Provisions of certain general Acts incorporated.

2. The following enactments (so far as they are not varied by or inconsistent with this Act) are hereby incorporated with and shall form part of this Act ; (namely,)

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (in this Act referred to as the Lands Clauses Acts) ;

The Waterworks Clauses Acts, 1847 and 1863, except the provisions of the former of those two Acts with respect to the amount of profit to be received by the undertakers where the works are carried on for their benefit : Provided that section forty-four of the Waterworks Clauses Act, 1847, shall for the purposes of this Act have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted therefrom, and any rent for pipes and works paid by an occupier under that section may be deducted by him from any rent from time to time due from him to such owner.

3. In this Act—

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“The existing borough” means the municipal borough of Stafford as existing at the passing of this Act :

Interpreta-
tion of terms.

“The borough” means that borough as extended by this Act :

“The Corporation” and “the council” mean the mayor, aldermen, and burgesses of the borough and the council of the borough :

“The borough fund” and “the borough rate” mean the borough fund and the borough 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 the “Municipal Corporations in England and Wales,” and Acts amending the same or otherwise relating to municipal corporations in England and Wales :

“The Burial Act, 1854,” means the Act of the session of the seventeenth and eighteenth years of Her present Majesty (chapter eighty-seven), “To make further provision for the “burial of the dead in England, and beyond the limits of the “Metropolis” :

“Water fittings” means communication pipes and other pipes, cocks, cisterns, and other apparatus used for supply of water to a consumer for domestic or other purposes, and for that purpose placed in or about the building or lands of the consumer :

“Slaughter-house” includes the buildings and places commonly called slaughter-houses and knackers yards, and any building or place used for slaughtering cattle, horses, or animals of any description for sale :

“Owner” means the person for the time being receiving the rackrent of the lands or premises in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent, and includes every successive owner from time to time of the lands for any part of the time during which the enactment wherein that term is used operates in relation to such lands :

“Person” includes a corporation :

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 “promoters of the undertaking” or “the undertakers” shall respectively mean the Corporation ; and provided also that

A.D. 1876. 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.

Act to be executed by council.

4. This Act shall be carried into execution by the Corporation acting by the council, and according to the Municipal Corporations Acts and other laws for the time being affecting the Corporation, and with all the rights, powers, privileges, and authorities conferred by those Acts and laws 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 as nearly as may be in all respects as if the powers, duties, 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.

Effect of schedules.

5. The schedules to this Act shall be read and have effect as part of this Act.

I.—EXTENSION OF BOROUGH.

Extension of borough.

6. The existing borough is hereby extended to and the borough shall accordingly comprise the district described in the First Schedule to this Act in addition to the existing borough.

Sanitary authority for extended borough.

7. The powers, authorities, and duties of the Corporation by the council as the sanitary authority for the district of the existing borough shall extend throughout the borough, and all powers, authorities, and duties of any rural sanitary authority within the borough shall cease.

Jurisdiction, &c. of borough justices extended.

8. The jurisdiction, powers, authorities, rights, privileges, and duties of the justices of the peace appointed for the existing borough shall extend throughout the borough.

Provisions as to school board.

9. Whereas under the provisions of the Elementary Education Act, 1870, the existing borough has been constituted a school district, and a school board has been elected therefor and now exists therein for the purposes of that Act: And whereas the districts by this Act added to the existing borough are not included within any school district; therefore, unless and until the Education Department shall, in accordance with the provisions of the Education Act, otherwise determine, the following provisions shall have effect; (that is to say,)

[39 & 40 VICT.] *The Stafford Corporation Act, 1876.* [Ch. cxcvi.]

For the purposes of the Education Act the borough of Stafford shall be deemed to consist only of the existing borough as though this Act had not been passed :

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The councillors for the existing borough and the aldermen of the existing borough, and they only, shall vote on any question involving the raising or expending of rates for the purposes of the Education Act :

The council shall from time to time levy on the existing borough, with and as a part of the borough rate, such a sum or sums as shall be necessary to raise and discharge the amount paid out of the borough fund or borough rate in obedience to any precept served by the school board upon the council.

10. The borough shall be divided into two wards to be called the west ward and the east ward ; the west ward shall consist of so much of the borough as lies to the west of an imaginary line drawn along the centre of Lichfield Road and continued along the centre of Bridge Street, Greengate Street, Market Square, Gaolgate Street, Foregate Street, North Street, and Stone Road ; and the east ward shall consist of the remaining portions of the borough.

Wards, &c.
in extended
borough.

11. The borough shall have eight aldermen and twenty-four councillors, and each ward shall return twelve councillors.

Number of
aldermen
and coun-
cillors.

12. On the ninth day of November next after the passing of this Act two aldermen (herein-after called additional aldermen) shall be elected in addition to the authorised number of aldermen.

Election of
additional
aldermen.

13. In the year one thousand eight hundred and seventy-seven such one of the additional aldermen as shall be elected by the fewest votes shall go out of office, and in the year one thousand eight hundred and eighty the other of such additional aldermen shall go out of office, and if they were elected by an equal number of votes or without a poll the council shall determine the order in which they shall go out of office.

Retirement
of additional
aldermen.

14. At the annual election of councillors next after the passing of this Act three councillors (herein-after called additional councillors) shall be elected for each ward in addition to those elected to supply the ordinary vacancies, and the councillors then elected by the fewest votes shall be deemed to be the additional councillors.

Election of
additional
councillors.

15. In the year one thousand eight hundred and seventy-seven the additional councillor in each ward who was elected by the fewest votes shall go out of office, and in the year one thousand eight hundred and seventy-eight the additional councillor in each ward who was elected by the next fewest number of votes shall go out of office, and in the next year one thousand eight hundred and

Retirement
of additional
councillors.

A.D. 1876. seventy-nine the remaining additional councillor in each ward shall go out of office, and if they were elected by an equal number of votes or without a poll the council shall determine the order in which the additional councillors shall go out of office.

Municipal
Corpora-
tions Acts
to apply to
other elec-
tions, &c.
Deposit of
borough
plan.

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

17. The borough plan mentioned in the First Schedule to this Act, signed by the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, shall within one week after the passing of this Act be deposited in the Private Bill Office of the House of Commons.

Saving for
22 & 23
Vict. c. 35.

18. Notwithstanding anything in this Act, sections 1, 2, and 3 of "The Municipal Corporation Act, 1859" (relating to the division of boroughs into wards), and any enactment substituted for or amending the same, shall continue to apply to the borough.

Arrears of
rates.

19. All arrears existing at the passing of this Act of any rates leviable within the district by this Act added to the existing borough may be collected as if this Act had not been passed.

II.—WATER.

Power to
construct
waterworks.

20. The Corporation may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the waterworks herein-after described, with all proper pipes, conduits, culverts, cuts, drains, sluices, engines, pumps, weirs, filtering beds, meters, approaches, and other works and conveniences connected therewith, and may take, use, get, and appropriate for the purposes of their waterworks undertaking all springs, streams, and waters in the line of or which will or can be intercepted by the waterworks authorised by this Act, or which may be found in, on, or under any lands held or acquired by them under the powers of this Act. The waterworks herein-before referred to and authorised by this Act are—

(A.) A well and boring and pumping station in a field or common known as "Stafford Common," in the township of Marston, in the parish of St. Mary Stafford, in the county of Stafford;

(B.) An aqueduct, conduit, or line of pipes from and commencing at or in the well boring and pumping station herein-before described, and terminating at or in the reservoir next herein-after described;

(c.) A reservoir in a field known as "the Banky Field," in the township of Tillington, in the parish of St. Mary Stafford aforesaid, belonging or reputed to belong to William Thomas Locker, and in the occupation of Richard Sudbury ;

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(d.) An aqueduct, conduit, or line of pipes commencing at the well and boring and pumping station herein-before described, and terminating in the market square in the borough.

21. In the construction of the waterworks authorised by this Act the Corporation may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation marked thereon, and may deviate vertically from the levels shown on the deposited sections in the case of the reservoir to any extent not exceeding five feet upwards or seven feet downwards and in the case of other works to any extent not exceeding five feet upwards or downwards : Provided that the Corporation shall not, in the exercise of the power of lateral deviation herein-before given, construct any embankment or wall of the said reservoir of a greater height above the surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall thereon delineated, and two feet in addition.

Limits of deviation.

22. In laying down any mains or pipes, or in executing or carrying on any works or operation under or in exercise of the powers conferred by this Act, across or in any way affecting any railway, lands, or property wholly or partly belonging to or worked, used, or occupied by the London and North-western Railway Company, or any of the bridges or other works of any such railway, the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of that company, and according to plans to be submitted to and reasonably approved by him, and in case of any difference arising between the parties touching the mode of executing any of such works the same shall be determined by a referee to be agreed on and appointed by such engineer of the company and the surveyor of the borough, or in default of agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party, and such mains or pipes shall be laid, and such works and operations shall be executed and carried on by and in all things at the expense of the Corporation, and so as to cause no injury to any such railway, bridges, works, lands, or property, or interruption to the passage or conduct of the traffic over any such railway, or at any station thereof, and if any injury shall arise to any such railway, bridges, works, lands, or property, or

For protection of London and North-western Railway Company.

A.D. 1876. interruption to such traffic, the Corporation shall make full compensation to that company in respect of such injury or interruption.

Period for completion of works.

23. If the waterworks shown on the deposited plans and authorised by this Act are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Corporation for executing any work not so completed, or in relation thereto, shall cease to be exercised, except as to any part thereof then completed; but nothing in this section shall restrict the Corporation from extending, enlarging, altering, or removing any of their engines, machinery, mains, or pipes, or improving their supply of water at any time and from time to time as occasion requires, subject to the provisions of this Act.

Limits of supply.

24. The Corporation may supply and sell water within the borough and within all or any of the parishes or townships following; (that is to say,) Saint Mary Stafford, Saint Chad Stafford, Marston, Tillington, Hopton, and Coton Berkswich and Castle Church, all in the county of Stafford: Provided always, that the Corporation shall, when so required by the sanitary authority of any district, sell to such sanitary authority all mains, pipes, and fittings belonging to the Corporation within that district other than and except any mains, pipes, or fittings used for service beyond the limits of that district, at a price to be fixed in default of agreement by an arbitrator to be appointed for that purpose by the Local Government Board on the application of either party, and after such sale the Corporation shall cease to supply water within such district.

Examination, &c. of water fittings.

25. The Corporation may by their authorised officers undertake the examination and testing periodically or otherwise of water fittings and the stamping of water fittings, and may demand, in advance or otherwise, a sum not exceeding sixpence in respect of any one article tested and stamped by them. The amount of any such sum which has not been paid in advance may be recovered as penalties under this Act may be recovered, and the amount of any number or aggregate of such sums payable by one person may be recovered as one sum, and where any fittings are supplied, laid, or attached by the Corporation the charge for testing and stamping the same may be added to and shall be payable and recoverable as part of the cost of such fittings.

Regulations for preventing waste, &c. of water.

26. For preventing waste, misuse, undue consumption, or contamination of the water of the Corporation, the following provisions shall have effect; (namely,)

(1.) The Corporation may from time to time make such regulations as they think fit for those objects, provided that such

regulations shall have no validity unless and until they shall have been approved by the Local Government Board ;

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- (2.) By any such regulations the Corporation may direct the use and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of pipes, valves, cocks, cisterns, soil-pans, waterclosets, and other apparatus or receptacles to be used for conveying, delivering, and receiving water, and may interdict any arrangement and the use of any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle in their judgment likely to occasion waste, misuse, undue consumption, or contamination of water ;
- (3.) The Corporation shall not be bound under any agreement or otherwise to supply or to continue to supply water to any person unless their regulations are duly observed by him ;
- (4.) The Corporation, if any person supplied by them with water does not observe their regulations, may, if they think fit, after six hours notice in writing, and by or under the direction of their authorised officer, repair or alter any defective pipe, valve, cock, cistern, soil-pan, watercloset, or other apparatus or receptacle belonging to or used by such person, and the power of entry given by section 15 of "The Waterworks Clauses Act, 1863," and the provisions of that section relative thereto shall extend and apply to entry for the purpose of such repair or alteration, and the expenses thereof shall be repaid to the Corporation by the person on whose credit the water is supplied, and may be recovered by them in any court of competent jurisdiction.

27. The Corporation may take for a supply of water for domestic purposes water rents not exceeding the following ; that is to say, Water rents.

For every house the annual rateable value whereof (ascertained by the valuation list for the time being in force, or if there be none by the last previous rate for the relief of the poor,) does not exceed five pounds, a sum not exceeding seven shillings and sixpence per annum ; and, in addition,

For every house the annual rateable value whereof (ascertained as aforesaid) exceeds five pounds, a sum not exceeding the rate of five per centum per annum on such annual rateable value above five pounds ;

For every bath a sum not exceeding ten shillings per annum ;

For every watercloset a sum not exceeding twenty shillings per annum for ten years after the passing of this Act, and thence-

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forward for every watercloset beyond one a sum not exceeding ten shillings per watercloset.

Owners in certain cases liable to water rents.

28. Where the yearly value of a house supplied with water by the Corporation is less than ten pounds, or the house is let to monthly or weekly tenants, the owner shall be primarily liable to the payment of the water rents, and the provisions of this Act for the recovery of water rents shall apply for the recovery of water rents from owners as well as occupiers.

Water rent to be paid in advance.

29. The proportion of the half year's water rents payable to the Corporation from the period at which they contract with any person for the supply of water for domestic purposes until the next half-yearly rent day (which half-yearly rent days shall, notwithstanding anything in any other Act, be the last day of February and the last day of August) shall be paid in advance at the time of making the contract, and the full water rent for each half year shall from time to time thenceforward become due and be paid in advance on those half-yearly days as they occur.

Recovery of water rents.

30. In case any person liable to payment of any water rent neglects or refuses to pay the same for the space of seven days after demand thereof by the collector or other authorised officer of the Corporation, any justice having jurisdiction where that person then resides, or where the water was supplied, may issue his summons to him requiring him to appear before two justices having jurisdiction as aforesaid, at a time and place appointed, then and there to show cause why the sum so demanded should not be paid, and if on the appearance of such person, or in default of appearance after proof of service of the summons either personally or at the last known place of abode or of business of such person, no sufficient cause is shown to the contrary, two justices having jurisdiction as aforesaid may issue their warrant of distress for seizure and sale of the goods and chattels of such person for the recovery of the amount proved before such justices to be due from him.

Supply to separate tenements.

31. Notwithstanding anything in this Act, it shall not be imperative on the Corporation to supply water to a dwelling-house or building which is divided into or occupied in separate tenements unless a supply is taken and paid for in respect of all the separate tenements for the time being.

Water for other than domestic purposes by agreement.

32. The Corporation may by agreement supply water for purposes other than domestic purposes, at a price and on terms and conditions agreed on, but they shall not at any time supply water for other than domestic purposes if and as long as their doing so would prevent them from giving throughout their limits of supply a sufficient supply for domestic purposes.

33. The Corporation, in reference to the part of the River Sow within the borough, are hereby empowered from time to time to effect the following purposes or any of them; (that is to say,)

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—
Protection
and improve-
ment of
River Sow.

To scour, cleanse, deepen, and improve the river and the bed thereof; and

To make and from time to time add to, vary, or rescind byelaws with respect to netting in the river, and otherwise for regulating fishing therein;

and, with the consent of the parties interested,—

To embank the river, and to plant with trees and shrubs and otherwise to improve the banks; and

To purchase and remove mills, weirs, and dams, and other obstructions to the free flow of waters in the river.

34. For the purpose of improving the River Sow within the borough, and the flow of water therein, the Corporation may at any time within seven years after the passing of this Act enter on, purchase, and take Stafford Mill and Saint Thomas Mill, and the buildings connected therewith respectively, as the same are delineated and described on the deposited plans and books of reference, and may at any time thereafter purchase by agreement those mills and buildings, and any other mills, erections, or buildings which obstruct or interfere with the river within the borough, or the flow of water therein, and may pull down and remove any mills, erections, and buildings acquired by them under this Act, or any part thereof respectively, and may use the materials for such purposes as they think expedient, or they may sell and dispose of the materials to any person either by public auction or private contract, and subject to any special conditions with respect to the pulling down of the mills, erections, and buildings, and removal of the materials by the purchaser or any other person, and in all other respects as they see fit.

Provision
as to Staf-
ford Mill
and Saint
Thomas'
Mill.

35. On the certificate of a competent engineer that the removal of any mill, erection, or building under the powers of this Act would benefit any property belonging to the London and North-western Railway Company or the Stafford and Uttoxeter Railway Company, those companies may agree with the Corporation to contribute and may contribute, either by a single payment or by payments spread over a term of years, towards the expense of purchasing and removing such mill, erection, or building, and may apply their or any of their corporate or other funds for that purpose, and on the like certificate with respect to property belonging to trustees or to any person under disability the purchase and removal of any mill, erection, or building mentioned in such certificate shall

Power for
companies
and persons
benefited by
removal of
mills, &c. to
contribute to
expenses.

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For protection of the settled estates of Lord Stafford.

36. Notwithstanding anything herein contained to the contrary, the Corporation shall not, in exercise of the powers of this Act or otherwise, except with the previous written consent of Henry Valentine Baron Stafford (herein-after called Lord Stafford), or the owner or owners for the time being of the settled estates of Lord Stafford within the borough, do or permit to be done any act or suffer any neglect or default whereby, or as the direct or indirect result or consequence whereof, the water level of the branch canal connecting the water of the River Sow with the Staffordshire and Worcestershire Canal at a point near the junction of the River Penk with the River Sow, or the water of the River Sow between the said point and the wharves of the Staffordshire and Worcestershire Canal Company at Stafford, shall be reduced so as to prevent that branch canal and portion of river, or either of them, being navigable to the same extent and for the same purposes as heretofore, and shall not, except by agreement, purchase or take for any of the purposes or under any of the powers of this Act any land for the time being forming part of the settled estate of Lord Stafford, or do or permit to be done any act or suffer any neglect or default whereby or as the direct or indirect result or consequence whereof any land for the time being forming part of the said settled estates (whether the same shall form part of either bank of the River Sow or shall be situate elsewhere) may be in any way prejudicially affected, or any watercourse or water rights attached or belonging to the said settled estate or enjoyed or exerciseable by the owner thereof may be destroyed, lessened, or injured: Provided that nothing in this section contained shall restrain, lessen, or interfere with the power given to the Corporation by this Act to enter on, purchase, and take Stafford Mill and the buildings and water rights connected or enjoyed therewith.

III.—GAS.

Stafford Gas Company on requisition of Corporation to sell their undertaking.

37. The Corporation may at any time within seven years after the passing of this Act, by writing under their common seal addressed and sent to the secretary or delivered at the principal office of the Stafford Gas Company, require the gas company to sell their undertaking (including all property, rights, powers, and privileges of the gas company) to the Corporation, and thereupon the gas company shall sell to the Corporation, and the Corporation shall purchase from the gas company their undertaking for such consideration, in gross or by annuities, and on such terms and conditions as the gas company and the Corporation agree on, or as in default of agreement shall be settled by arbitration.

38. The arbitration between the Corporation and the gas company under this Act shall be subject to the Railway Companies Arbitration Act, 1859, as if the Corporation and the gas company were railway companies, and that Act shall come into operation and apply in the case on either party giving to the other notice in writing under their common seal to proceed to arbitration.

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Arbitration to be according to Railway Companies Arbitration Act, 1859.

39. A time shall be settled by agreement or in the arbitration for this purpose, and at and from that time the gas company's undertaking shall be by virtue of this Act transferred to and vested in the Corporation, subject to all debts and liabilities of the company and to the terms of any agreement or award made or to be made (which transfer and vesting is in this Act referred to as the gas transfer): Provided always, that within three months from such vesting the Corporation shall produce to the Commissioners of Inland Revenue a copy of this Act, printed by Her Majesty's printer and duly stamped with the ad valorem stamp duty of the same amount as would have been payable if the transfer of the undertaking had been by a deed of conveyance. And if the said Corporation shall not within the said period of three months produce to the said Commissioners such copy of this Act duly stamped as aforesaid, the ad valorem stamp duty shall be recoverable from the Corporation with full costs of suit, and all costs and charges attending the same.

Transfer of gas company's undertaking to Corporation.

40. From and after the gas transfer all the powers and authorities of the gas company under "The Stafford Gas Act, 1854," shall be by virtue of this Act transferred to and vested in the Corporation, and that Act shall be read and have effect as if the Corporation had been therein named instead of the gas company, subject nevertheless and according to the following exceptions and provisions; (that is to say,)

Application of gas company's Act to Corporation.

- (1.) The provisions of "The Companies Clauses Consolidation Act, 1845," incorporated with that Act shall not extend to the Corporation:
- (2.) The provisions of "The Gasworks Clauses Act, 1847," incorporated with that Act shall not apply to the Corporation as far as regards the provisions with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit:
- (3.) None of the provisions of that Act in any manner relating to the constitution or to the share or loan capital of the company shall apply to the Corporation:
- (4.) "The Gasworks Clauses Act, 1871," shall apply to the undertaking of the gas company in the hands of the Corporation as if the same were hereby authorised.

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Power to
make and
supply gas.

41. Subject to the provisions of this Act the Corporation may, after the gas transfer, alter and enlarge the existing gasworks of the gas company, and may in and upon the lands of the gas company which are described in the Third Schedule to this Act, and in and upon such other lands as the gas company are by "The Stafford Gas Act, 1854," authorised to purchase, take, or use for the purposes of that Act, erect, maintain, alter, enlarge, and discontinue such gasworks, retorts, gasometers, gas meters, mains, pipes, apparatus, works, and conveniences, and such houses, buildings, and approaches, and do all such acts as they think proper for making and storing gas, and for supplying gas within the limits prescribed in and by "The Stafford Gas Act, 1854," and may make, store, and supply gas accordingly, and may sell the gas, coal tar, and ammoniacal liquor, coke, and other products of the manufacture of gas, as they from time to time think fit: Provided always, that the Corporation shall not manufacture gas, or the products arising therefrom, or store gas on any land other than the lands described in the said Third Schedule to this Act annexed, and on such other lands as the gas company are by "The Stafford Gas Act, 1854," empowered to purchase, take, or use for the purposes of that Act.

Pressure of
gas.

42. All gas supplied by the Corporation to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch and from sunset to midnight not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer; and any gas examiner appointed under "The Gasworks Clauses Act, 1871," may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority, and the provisions of "The Gasworks Clauses Act, 1871," with reference to testing of gas and to penalties, shall, *mutatis mutandis*, apply to such testing of pressure, and two hours previous notice shall be given to the Corporation of the time and place at which such testing shall be conducted.

Quality of
gas.

43. The prescribed number of candles shall be fourteen.

Testing
place.

44. Within twelve months from the gas transfer a testing place shall be provided at the gasworks of the Corporation.

Burner.

45. The prescribed burner shall be Sugg's London argand burner.

Corpora-
tion to pay
interest on
money
deposited

46. If any person is required by the Corporation to give to them security for the payment of the price or rent of a meter the Corporation shall pay interest after the rate of five pounds per centum per

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annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

as security
for gas
meter, &c.

47. The bond or mortgage debt of the gas company at the passing of this Act, and at the time of the gas transfer, and the interest thereon, shall, after the gas transfer, be a first charge on the gas company's undertaking in the hands of the Corporation.

As to charge
of debts.

48. All debts (including the bond or mortgage debt of the gas company), and all rents, rates, charges, and sums of money, actions, suits, and proceedings, and causes of action, suit, or proceeding, which at the time of the gas transfer are due or owing from or pending or existing against the gas company, shall be paid, discharged, settled, and satisfied by the Corporation.

Gas com-
pany's debts,
&c. to be
paid by
Corporation.

49. If at the time of the gas transfer any action, suit, or proceeding is pending against the gas company the same shall not abate or be discontinued by reason of the gas transfer or of anything in this Act, but the same may be continued and prosecuted against the Corporation as and when it might have been continued and prosecuted against the gas company if this Act had not been passed, but not further or otherwise, without prejudice to any remedy over against the gas company under any security given by them to the Corporation or otherwise.

Pending
actions, &c.
against gas
company.

50. The receipt of three directors of the gas company for the purchase money of their undertaking shall discharge the Corporation from the same and from being bound to see to the application or being answerable for misapplication or non-application thereof.

Receipt of
three direc-
tors a
discharge.

51. The gas company shall hold the purchase money of their undertaking, when paid, if the same is a sum in gross, and all other money for the time being belonging to them, on trust to pay and discharge thereout all their debts and liabilities, and to distribute the residue among the shareholders of the gas company, their executors, administrators, or assigns, rateably and according to their priorities; and the directors of the gas company may exercise all powers necessary for paying and discharging the debts and liabilities, distributing the assets, and winding up the affairs of the gas company.

Application
of purchase
money by
gas com-
pany.

52. If the consideration for the transfer is by annuities the Corporation shall grant to the holders of all shares in the capital of the gas company perpetual annuities of the amount agreed on, or fixed by arbitration in respect of each share.

Grant of
annuities to
shareholders.

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Books of gas company evidence as to shareholders.

53. The persons who appear in the books of the gas company to be proprietors of shares in the capital of the gas company shall, unless the contrary is proved to the satisfaction of the directors of the gas company, be considered to be shareholders of the gas company for the purposes of the distribution of the gas company's assets.

Vesting annuities in shareholders.

54. The annuities shall be computed from the time of the gas transfer, and shall vest in and belong to the several persons who then are shareholders in proportion to the number of their shares.

Annuities to represent shares in gas company.

55. The annuities shall, in all respects at law and in equity, be substituted for and represent the shares in the capital of the gas company, and the several persons in whom the annuities vest shall hold them on and subject to the same trusts, powers, and liabilities as those on and to which their shares in the capital of the gas company were held, and so as to give effect to and not to defeat any testamentary disposition.

Corporation to issue certificates for annuities.

56. The Corporation shall issue to every person in whom an annuity vests, or to his representatives, on demand and on delivery of his or their share, certificate, or proof of its loss or destruction, a certificate of the annuity, free of expense, to the annuitant, and the certificate may be in the form in the Second Schedule to this Act, or to the like effect, and by agreement one certificate may include any number of annuities.

Provisions as to shares to apply to annuities.

57. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the distribution of the capital of the Company into shares and with respect to the transfer or transmission of shares, are hereby incorporated with this Act, and shall (except as expressly varied by this Act) apply to the Corporation, and the annuities and annuitants, as if the Corporation were the Company, and the annuities were shares in the Company's undertaking, and the annuitants were shareholders, but the form of transfer of an annuity may be according to the form in the Second Schedule to this Act or to the like effect.

Recovery of arrears of annuities.

58. If within thirty days after any instalment of an annuity becomes payable it is not paid, the annuitant may, subject to the provisions of this Act, recover it against the Corporation in any court of competent jurisdiction.

Receiver for annuitants.

59. The annuitants, without prejudice to their other remedies, may enforce payment of arrears of their annuities by the appointment of a receiver, as if they were mortgagees of the Corporation, and for that purpose the provisions in that behalf applicable of

[39 & 40 VICT.] *The Stafford Corporation Act, 1876.* [Ch. cxcvi.]

“The Companies Clauses Consolidation Act, 1845,” shall apply, mutatis mutandis, to the Corporation, and the annuitants and the receiver.

A.D. 1876.

60. The Corporation may from time to time purchase any of the annuities at such price as the annuitants and the Corporation agree on, or as in default of agreement may be settled by arbitration, and every annuity purchased by the Corporation shall thereupon be extinguished.

Purchase of annuities by Corporation.

61. The Corporation shall, at the expiration of five years from the passing of this Act, out of the revenue of the gas undertaking, or out of the borough fund or district fund, make provision for the extinction of the annuities, and of the bond or mortgage debt of the gas company, either by instalments or by means of a sinking fund, appropriated and invested, and with the accumulations thereof (if any) from time to time applied for that purpose, so as in either case to extinguish or be in a position to extinguish the said annuities and debt within sixty years from the passing of this Act, and if at the end of that time the said annuities or any of them, or the said debt, are or is not wholly extinguished then the Corporation shall, so long as they are liable to pay the same, apply in or towards that payment the annual income arising from the sinking fund provided under this section, and the amounts of the instalments and the amounts to be from time to time appropriated for such sinking fund shall be such as the Local Government Board shall, having regard to the provisions of this section, approve.

Sinking fund for annuities and bond or mortgage debt of gas company.

62. When and as soon as the affairs of the gas company have been wound up, the company shall be by virtue of this Act dissolved.

Winding up and dissolution of Company.

IV.—PARKS AND PUBLIC PLEASURE GROUNDS.

63. The Corporation may appropriate any lands belonging to or vested in them for the purposes of a park, or public walk or walks, or a place or places of public resort or recreation, and may from time to time purchase by agreement or take on lease or at a rent any lands within or without the borough, to be appropriated for the like purposes, or for the enlargement or improvement of any such park, walk, or place, or of the approaches thereto, and for the purposes of any such park, walk, or place the Corporation may construct, enlarge, maintain, or take down such buildings, walls, and fences as they think proper, and stop up and discontinue any road, footpath, or way in, or through, or over any lands forming part of any such park, walk, or place, and may erect permanent or temporary buildings on and level, drain, sewer, pave, flag, gravel, lay out, plant, light, or otherwise improve every such park or place, and

Power to appropriate land for formation of parks and to form parks.

A.D. 1876. form and supply with water ornamental lakes, and do such other acts as appear to the Corporation necessary or expedient, with a view to the proper formation, maintenance, improvement, use, and enjoyment of every such park, walk, or place.

Power to make bye-laws for regulation of parks, &c.

64. The Corporation may from time to time make byelaws for all or any of the following purposes relating to any such park, public walk, or place of public resort or recreation as aforesaid; (that is to say,)

For appointing and regulating keepers or servants employed therein;

For regulating the days on and hours at which the same is to be opened and closed;

For fixing the payment to be made for admission to any building therein or for the use of a cricket ground or gymnasium therein;

For regulating the conduct of persons frequenting the same;

For prohibiting the holding therein of public meetings;

For regulating the days on and hours at which bands of music or music of any sort are or is to be permitted therein;

For regulating refreshment rooms therein, and for determining the days on and hours at which they are to be opened and closed, and the nature and prices of the articles to be sold therein;

For preventing or regulating the admission therein of dogs;

For preventing males from intruding on or using playground or other places therein set apart for the use of females, and vice versa;

For preventing or regulating the admission therein of vehicles and horses;

For protecting from injury buildings, terraces, fountains, bridges, walks, seats, fences, and other parts of or things of or belonging to the park or place, and for preventing the destruction or injury of aquatic or other birds, or of other animals, or of trees, shrubs, plants, or flowers, or the plucking of flowers or leaves therein;

For enabling the servants of the Corporation to remove therefrom persons begging or guilty of a breach of any byelaw relative thereto or of any public law.

V.—MARKETS AND FAIRS—SLAUGHTER-HOUSES.

General provision respecting markets and fairs.

65. "The Markets and Fairs Clauses Act, 1847," (except the provisions with respect to slaughter-houses, and with respect to the byelaws to be made by the undertakers, and with respect to the receipts and expenditure of the undertakers,) shall extend and apply

to the markets and fairs of the Corporation as if those markets and fairs were authorised by this Act as the special Act, but the Corporation may (notwithstanding any law or custom) from and after the passing of this Act demand and take in their market and fairs such tolls, rents, and stallages as they may, with the sanction of the Local Government Board, from time to time determine.

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66. The Corporation may from time to time make byelaws for all or any of the purposes mentioned in section 42 of "The Markets and Fairs Clauses Act, 1847," and printed copies of the byelaws so made shall be conspicuously exhibited in the market.

Byelaws as to markets.

67. The Corporation may, on lands shown on the deposited plans or on other lands belonging to them, erect and maintain a building or buildings to be appropriated as butchers shambles, with all necessary and proper approaches, sheds, and other conveniences in connexion therewith, and may fit up the shambles with stalls and other fittings, and may from time to time demand and take for the stalls and fittings provided by them such tolls, rents, and stallages as they may, with the sanction of the Local Government Board, from time to time determine, and the Corporation may make byelaws to be observed by the holders of the stalls and other persons for purposes of cleanliness and good order.

Power to establish butchers shambles.

68. With respect to the provision of slaughter-houses the Corporation shall have the following powers and duties; (namely,)

Power to establish and maintain slaughter-houses.

- (1.) They may from time to time purchase by agreement any slaughter-houses existing in the borough at the time of the passing of this Act, and may set apart any buildings or erect any buildings on land belonging to or held by them for the purpose of slaughter-houses, and may fit up the slaughter-houses so provided with all necessary and proper approaches, fittings, and conveniences:
- (2.) They may maintain and from time to time enlarge, improve, alter, or remove any slaughter-house or any of the approaches, fittings, or conveniences connected therewith:
- (3.) They may demand and take such tolls, rents, and stallages as they may, with the sanction of the Local Government Board, from time to time determine from persons using the slaughter-houses:
- (4.) For the purposes aforesaid they may from time to time purchase by agreement any lands or any easements or rights in, over, or affecting lands, or appropriate any lands for the time being belonging to them or under their control.

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Tolls to be payable by successive occupiers of shops, &c.

69. The tolls and stallages payable under this Act, in respect of the occupation or user of any shop, stall, shed, standing, station, or place, shall be paid not only by the original taker or occupier thereof for a part of a day or other time if he do not occupy it the whole day, but also by any subsequent taker or occupier of the same for any subsequent part of the same day or other time.

Tolls to be payable by successive sellers of articles.

70. The tolls payable under this Act with respect to any article shall be paid not only by the original seller, but also by any subsequent seller or person who offers it for sale, and the tolls shall become payable before the article is sold or offered for sale.

Leases of slaughter-houses, &c.

71. The Corporation from time to time may let any slaughter-houses, weighing-houses, or any weighing places and weighing machines provided by them, for a period not exceeding five years, on such terms and conditions, pecuniary and otherwise, as the Corporation and the lessees mutually agree on.

Recovery of tolls.

72. If any person liable to the payment of any toll, rent, or stallage payable to the Corporation does not pay the same when demanded, the Corporation or their lessee, or any person authorised by the Corporation or their lessee to collect the same, may seize and detain the article in respect of which the same is payable, or any other article in the market or slaughter-house belonging to the person liable to pay the same or under his charge, and if the toll, rent, or stallage, and the reasonable charges of the seizure and detention, and of the keeping and maintaining of the article seized, are not paid in case of perishable articles seized forthwith, and in case of other articles seized within four days from the time of seizure, the Corporation or their lessee may forthwith or on the expiration of those four days (as the case may be) sell the article seized, and out of the money arising thereby may pay and retain the toll, rent, or stallage, and the charges aforesaid, and those of the sale, returning the overplus (if any) on demand to the owner of the article seized, or such toll, rent, or stallage may be recovered in any court of competent jurisdiction.

Apprehension of persons treating animals cruelly.

73. If any person wantonly or cruelly tortures, beats, illtreats, or abuses any animal in any market-place or fair ground, any officer of the market or fair on view thereof, without any warrant other than this Act, may apprehend him and take him before a justice of the peace to be dealt with according to law.

When slaughter-houses are provided

74. After sufficient slaughter-houses are provided by the Corporation and ready for public use, they shall give notice thereof by printed placards posted in the borough, and after the expiration of

twenty-eight days from such notice no cattle or carcase shall be slaughtered or dressed for sale in any place other than one of such slaughter-houses or a slaughter-house which was in use as such before and at the time of the passing of this Act and has so continued ever since, and every person who after such time, and as long as the Corporation provide sufficient slaughter-houses, slaughters for sale any cattle or dresses for sale any carcase in any place other than one of such slaughter-houses shall for every such offence forfeit a sum not exceeding five pounds.

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penalty for slaughtering elsewhere after notice.

VI.—LANDS, &C.

75. Subject to the provisions of this Act, the Corporation may enter on, purchase, take, and use the lands delineated on the deposited plans and described in the book of reference.

Power to take lands referenced.

76. Notwithstanding anything contained in this Act, or shown on the deposited plans, or described in the book of reference, the Corporation shall not enter upon, take, or use any portion of Stafford Common, except so much thereof, not exceeding one acre and a half, as shall be necessary for the said well and boring and pumping station by this Act authorised, and for a road thereto from the nearest point thereto in Marston Road, but the Corporation may purchase and take such an easement in the said common as may be necessary for the purpose of laying and maintaining the aqueducts, conduits, or lines of pipes by this Act authorised, being works B. and D. herein-before mentioned.

For the protection of Stafford Common.

77. If any omission, mis-statement, 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 book 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 or extra-parochial place) as if the same had originally formed part of the deposited plans or book 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 book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Corporation may enter on, purchase, take, hold, and use the lands to which the certificate relates accordingly.

Correction of errors, omissions, &c.

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[Ch. cxcvi.] *The Stafford Corporation Act, 1876.* [39 & 40 VICT.]

Period for compulsory purchase of lands.

78. 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 seven years after the passing of this Act.

Power to take lands by agreement.

79. The Corporation may from time to time, for purposes of this Act, purchase by agreement any lands within the borough not exceeding in the aggregate thirty acres.

Power to take easements, &c. by agreement.

80. 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 grant building leases of land.

81. The Corporation, when and as they think fit, may convey or demise for any term of years any lands acquired by them under the powers of this Act, and not required for purposes of this Act, to any persons agreeing to erect thereon or on any parts thereof buildings suitable for dwellings for the working classes, or other buildings of such character, on such plan and elevation, and with such gardens and yards as the Corporation think proper, and the Corporation may reserve any rent in any such conveyance or lease not being in the nature of a fine, and every such lease may contain a covenant on the part of the Corporation for renewal, and shall contain a covenant on the part of the lessee for the payment of any rent thereby reserved, and such other covenants as the Corporation think reasonable, and may contain a clause in the nature of a condition of re-entry on nonpayment of any rent thereby reserved, or non-performance of the covenants on the part of the lessee therein contained.

Power to make agreements as to building leases, &c.

82. The Corporation may, if they think fit, from time to time enter into any agreement for a conveyance or lease as aforesaid on such terms and conditions as they think fit, and on making a conveyance or lease in pursuance thereof may alter the amount of the rent agreed to be reserved, and may apportion the same and make separate leases of any parts of the lands comprised in the agreement as they think fit, and may alter or rescind any agreement, and accept any reconveyance or the surrender of any lease.

Sale of land subject to building leases.

83. The Corporation, as and when they think fit, and either before or after any conveyance or lease as aforesaid is granted, may

(with the consent of the Local Government Board) sell and dispose of any rent reserved or agreed to be reserved for any lands, and the reversion and inheritance in fee simple in possession (subject to any lease or agreement of or concerning the lands) of the erections and buildings thereon, except such as have been otherwise disposed of under this Act, either altogether or in parcels, by public auction or by private contract, for such price as the Corporation think reasonable, and subject to such stipulations and provisions for the enjoyment thereof, and as to the nature of the erections and buildings to be at all times erected thereon, and to such stipulations as to the title to be produced to the hereditaments sold, as the Corporation think fit.

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84. The Corporation, if they think expedient, may in pursuance of the powers conferred by this Act, and with the consent of the Local Government Board, from time to time sell and dispose of any lands as aforesaid without having previously made or agreed to make any conveyance or lease thereof, and convey and assure the same to the purchaser thereof for such price, and under and subject to such covenants and agreements on the part of the purchaser with respect to the rate or class of the erections and buildings to be erected thereon, and the height, size, and elevations thereof, and the time and manner of erecting the same, and with respect to any other matters, restrictions, and things relating thereto, as the Corporation think fit.

Power to sell without previous grant of building lease.

85. Subject to the other provisions of this Act, the Corporation may take down the whole or any part of the buildings situate on any lands acquired by them in pursuance of this Act, and may sell and dispose of the materials thereof, and may appropriate the said lands to such purposes of this Act as they think proper, and may lay out the said lands anew in such manner as they deem best. Moreover, the Corporation may (subject as aforesaid) from time to time sell, lease, exchange, or otherwise dispose of any building or lands, or any parts thereof, vested in them at the passing of this Act, or acquired by them under this Act, and not wanted for the purposes thereof, and make, execute, and do any deed, act, or thing proper for effectuating any such sale, lease, exchange, or other disposition.

Power to dispose of lands not wanted.

86. Any purchase money received on any sale of land, and any money received for equality of exchange by the Corporation under this Act shall be distinguished as capital in the accounts of the Corporation, and shall be applied exclusively for purposes for which money borrowed by them is applicable, or in discharge of money so borrowed, and any money so discharged shall not be re-borrowed.

Application of purchase money of land.

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Application
of rents of
land.

87. All moneys from time to time received by the Corporation in respect of rent for the lands or buildings demised by them under the powers of the Act may be expended in the improvement and maintenance of the property in respect of which they are received, and in so far as they are not thus expended shall be carried to the account and form part of any fund, on the credit of which the Corporation are authorised to borrow for purposes of this Act.

Reserva-
tion of water
rights, &c.
on sale.

88. On any sale by the Corporation of any lands they may reserve to themselves all or any part of the water or water rights, or of any easements belonging thereto, and may make the sale subject to such reservations accordingly, and may also make any such sale subject to such other reservations, special conditions, restrictions, and provisions, with respect to the use of water, exercise of noxious trades, or discharge or deposit of manure, sewage, or other impure matter, as they think fit.

Power to
connect
sewers.

89. In executing any works of sewerage or drainage which they are for the time being authorised to execute the Corporation may connect any sewer or drain with any of the sewers or drains known as the Commissioners drains, but so as not to damage those drains or to interrupt the flow of water therein; provided that the Corporation shall not convey any sewage or filthy water into the said Commissioners drains until such sewage or filthy water is freed from all excrementitious or other foul or noxious matter.

Power for
the Stafford
Rural
Sanitary
Authority
to cause
their sewers
to communi-
cate with
sewers of
the Corpo-
ration.

90. The Stafford Rural Sanitary Authority may cause any of their sewers to communicate with the sewers of the Corporation, subject to the following provisions; (that is to say,)

- (1.) The Stafford Rural Sanitary Authority shall give at least three weeks notice in writing to the Corporation of their intention to make any such communication, which notice shall be accompanied by a plan and description showing the mode in which it is proposed to execute the communication:
- (2.) The communication shall not be made without the written leave of the Corporation:
- (3.) The communication, if sanctioned by the Corporation, shall be executed to the satisfaction and (if the Corporation see fit) under the superintendence of the surveyor of the Corporation.

VII.—CORPORATION AS BURIAL BOARD.

Corporation
to be burial
board for
the borough.

91. From and after the passing of this Act the Corporation shall be the burial board for the borough, and shall have within the borough (to the exclusion of any other authority) all the powers,

rights, duties, capacities, liabilities, and obligations of a burial board as if they had been constituted the burial board for the borough by Order in Council under "The Burial Act, 1854," and the Acts amending the same. A.D. 1876.

92. From and after the passing of this Act all such property, real and personal (including things in action), as is vested in or under the control of the Stafford Burial Board shall (subject to all debts, contracts, and liabilities affecting the same) vest in and be under the control of the Corporation, and the Stafford Burial Board shall by virtue of this Act be dissolved. Transfer of property, &c. of Stafford Burial Board.

93. All debts (including the mortgage debt of the Stafford Burial Board), and all rents, rates, charges, and sums of money which at the time of the passing of this Act are due or owing from the Stafford Burial Board shall be paid, discharged, settled, and satisfied by the Corporation. Debts to be paid by Corporation.

94. If at the time of the passing of this Act any action, suit, or proceeding, or cause of action, suit, or proceeding, is pending or existing against the Stafford Burial Board, the same shall not be in anywise prejudicially affected by anything in this Act contained, but the same may be enforced against the Corporation as and when it might have been enforced against the Stafford Burial Board if this Act had not been passed, but not further or otherwise. Causes of action, &c. against Stafford Burial Board.

VIII.—BORROWING.

95. The Corporation may from time to time, with the consent of the Local Government Board, borrow in manner provided by "The Local Loans Act, 1875," as follows; (that is to say,) Power to borrow.

For the purposes of their water undertaking sums not exceeding twenty-five thousand pounds;

For gas purposes such sums as may be required for the purchase of the undertaking of the gas company pursuant to the provisions of this Act; and

For the purposes of the provision of butchers shambles and slaughter-houses, and for all or any of the other purposes of this Act, such sums as they may from time to time think requisite, not exceeding in the whole twenty-five thousand pounds;

and the Corporation may mortgage their borough fund and all or any rates or rate leviable by them within the borough to secure repayment of the sums borrowed, with interest accordingly.

96. Whereas in the session of 1875 the Corporation incurred certain costs, charges, and expenses in opposing a Bill promoted in Power to borrow to pay costs of

A.D. 1876.
opposing
Stafford
District
Water Bill,
1875.

that session, intituled "An Act for supplying with water Stafford and neighbouring places," and it is expedient that the Corporation be authorised to borrow a sufficient amount to discharge such costs, charges, and expenses; therefore, in addition to the sums the Corporation are herein-before authorised to borrow under the authority of this Act or otherwise, they may also borrow at interest on mortgage of their borough fund, and all or any rates or rate leviable by them within the borough, a sum not exceeding the sum of seven hundred and eight pounds for the purpose of paying and discharging the amount of the taxed costs, charges, and expenses incurred by the Corporation in opposing or otherwise in relation to the said Bill. And all the powers of this Act with respect to the borrowing of money on mortgage, so far as the same are applicable, shall, mutatis mutandis, apply to the borrowing of seven hundred and eight pounds hereby authorised: Provided that the sum so borrowed shall be repaid by equal annual instalments of principal and interest within a period of five years from the passing of this Act, and in the event of the whole or any portion of such costs, charges, and expenses having been paid out of the borough fund or general rate, the amount so paid shall be recouped to such fund or to the account of such rate out of the moneys borrowed under this section of this Act.

Power to
issue debenture
stock.

97. The Corporation may raise all or any money which they are by this Act authorised to raise by the creation and issue, subject to the provisions of "The Local Loans Act, 1875," of debenture stock to be called Stafford Corporation Debenture Stock.

Period for
repayment
of moneys
borrowed.

98. The Corporation shall pay off all moneys borrowed by them under the powers of this Act, save moneys borrowed for the purposes of their water and gas undertakings respectively, within sixty years after the same were borrowed.

Water and
gas sinking
funds.

99. The Corporation shall provide for the discharge within sixty years from the passing of this Act of all moneys borrowed by them for the purposes of their gas undertaking and of their water undertaking respectively by the creation of sinking funds to be called respectively the gas sinking fund and the water sinking fund, and for the purposes of those funds respectively they shall at the expiration of five years from the passing of this Act, out of the revenue of their gas undertaking and water undertaking respectively, or if that revenue shall be insufficient then out of the borough fund or district fund, annually set apart such sums as shall be required in pursuance of the provisions of "The Local Loans Act, 1875."

100. The treasurer of the borough 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 to be paid as an instalment under this Act, transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration, if so required by them, showing the amount which has been invested for the purpose of such sinking fund or paid as an instalment 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 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 treasurer 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 pay any instalment, or to set apart the sum required by this Act for any sinking fund, or have applied any portion of the moneys set apart for that fund, 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 has been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus.

A.D. 1876.
Annual
return to
Local Go-
vernment
Board with
respect to
sinking
fund.

101. The Corporation shall keep separate accounts to be called respectively :

Separate
accounts.

The water account ;

The gas account ; and

The markets, shambles, and slaughter-houses account ; and of all receipts, credits, payments, and liabilities under this Act in respect of the execution thereof in relation to the said specific matters of account, and such accounts shall be subject to the same provisions as to audit, examination, report, inspection, copies, and extracts, and production of vouchers, as other accounts of the Corporation : Provided that where any expenditure is incurred for purposes common to two or more accounts, the Corporation, as they think fit, may apportion the same between such accounts.

IX.—GENERAL.

102. Except in cases where other provisions are made by this Act, sections twenty-five to thirty-seven (both inclusive) of "The Lands Clauses Consolidation Act, 1845," shall apply for the deter-

Mode of
arbitration.

[Ch. cxcvi.] *The Stafford Corporation Act, 1876.* [39 & 40 VICT.]

A.D. 1876. — mination of any question authorised or directed by this Act to be determined by arbitration.

As to bye-laws.

103. The provisions of "The Public Health Act, 1875," relating to byelaws and notices, shall apply to byelaws and notices which the Corporation are by this Act authorised to make or give respectively.

Recovery and application of penalties.

104. Penalties under this Act shall be recovered and applied as penalties under "The Public Health Act, 1875," are recoverable and applicable, and proceedings for any offence may be taken as in that Act authorised or by any officer appointed by the council.

Partial exemption for rating for railways.

105. In any rate levied within the borough by the Corporation, or under any precept from or at the instance or by the direction of the Corporation, the occupier of any land used as railways constructed under the powers of any Act of Parliament for the conveyance of public traffic, and as sidings and turntables (other than such sidings and turntables as are used by private persons or traders), shall be assessed in respect of the same in the proportion of one fourth part only of the net annual value thereof.

Saving as to road of London and North-western Railway Company.

106. Notwithstanding anything contained in this Act, the Corporation shall not exercise any power, control, jurisdiction, or authority over the road belonging to the London and North-western Railway Company situate on the east side and alongside of and adjoining and abutting on their railway and station and land at Stafford.

Saving for general rights and remedies of Corporation.

107. Nothing in this Act shall take away, abridge, or prejudicially affect any right, power, privilege, exemption, or benefit which the Corporation have or may enjoy under the Municipal Corporations Acts or otherwise, independently of this Act.

Saving for general Acts relating to animals.

108. Nothing in this Act shall interfere with the operation of "The Contagious Diseases (Animals) Act, 1869," within the borough, or of any Order of Council made under that Act, or of any order or regulation of the local authority made under that Act or under any such Order of Council, or exempt the borough or any person from the provisions of any general Act relating to animals now in force or to be passed in this or any future session of Parliament.

Expenses of Act.

109. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Corporation out of the borough fund or district fund, or out of moneys to be borrowed under

[39 & 40 VICT.] *The Stafford Corporation Act*, 1876. [Ch. cxcvi.]

the powers of this Act, and such costs shall include the costs incurred by the Corporation in or with the object of complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, with respect to the Bill for this Act, and all matters relating thereto, as taxed and ascertained by the Taxing Officer of the House of Lords or of the House of Commons.

A.D. 1876.

A.D. 1876.

The SCHEDULES to which the foregoing Act refers.

THE FIRST SCHEDULE.

LIMITS OF EXTENDED BOROUGH.

Such portions of the several parishes, townships, and places of Saint Mary Stafford, Castle Church, Hopton, and Coton as adjoin the present boundary of the borough, and are situate and comprised within the parliamentary boundary line of the borough of Stafford, as defined in and by "The Boundary Act, 1868," and so much and such other portions of the said several parishes, townships, and places as adjoin the parliamentary boundary line of the said borough of Stafford, and are or will be situate within the following boundaries or limits; (that is to say,)

A boundary line, commencing from and out of the said parliamentary boundary line of the borough, at a point thirty yards or thereabouts to the south-east of the bridge over the River Sow at the south-eastern extremity of the present municipal borough, and running thence in a north-easterly direction along the fence which divides the fields or estates belonging to or reputed to belong to Lord Stafford from the fields or estates belonging or reputed to belong to the Earl of Shrewsbury to the turnpike road from Stafford to Uttoxeter; thence in a westerly direction along the northern fence of the last-mentioned road to a fence dividing land belonging or reputed to belong to the Earl of Shrewsbury from land belonging or reputed to belong to Coton Hill Institution; thence in a north-westerly direction along the last-mentioned fence to a fence which divides the last-mentioned land belonging or reputed to belong to the Earl of Shrewsbury from the field or land known as Coton Field; running thence along such last-mentioned fence to the turnpike road from Stafford to Sandon; thence in a south-westerly direction along the southern fence of the last-mentioned road until it joins the existing municipal and parliamentary boundary line of the said borough;

which limits are distinguished by a red line on the borough plan in this Act mentioned.

THE SECOND SCHEDULE.

A.D. 1876.

FORM OF CERTIFICATE OF GAS ANNUITY.

The Stafford Corporation Act, 1876.

Certificate of Annuity No. £

By virtue of "The Stafford Corporation Act, 1876," the mayor, aldermen, and burgesses of the borough of Stafford, in the county of Stafford, certify that *A.B.*, of _____, is under that Act entitled to _____ perpetual annuity (*or* annuities) of £ _____ charged on the _____ fund and _____ rate, and substituted for the share (*or* shares) of £ _____ (each) in the Stafford Gas Company, numbered (respectively) _____, and such annuity (*or* annuities) is (*or* are) payable to him, his executors, administrators, or assigns, in perpetuity at the office in Stafford of the treasurer of the Corporation by equal half-yearly payments on the _____ day of _____, and the _____ day of _____ yearly, the first payment to be made on the _____ day of _____ 18 .

Given under the seal of the Corporation this _____ day of _____, in the year of our Lord 18 .

FORM OF TRANSFER OF GAS ANNUITY.

The Stafford Corporation Act, 1876.

I, *A.B.*, of _____, in consideration of £ _____ paid to me by *C.D.*, of _____, transfer to him, his executors, administrators, and assigns, the annuity (*or* annuities) Number _____ of £ _____ charged by "The Stafford Corporation Act, 1876," on the _____ fund and _____ rate, and substituted for the share or shares of £ _____ (each) in the Stafford Gas Company, numbered (respectively) _____, and payable at the office in Stafford of the treasurer of the Corporation by half-yearly payments on the _____ day of _____ and the _____ day of _____ yearly, and all my rights and interests therein and thereto.

As witness my hand and seal this _____ day of _____ in the year of our Lord 18 .

THE THIRD SCHEDULE.

GAS LANDS.

First. A piece of land situate in the Broad Eye in the borough, containing one acre three roods and five and a quarter perches or

[Ch. cxcvi.] *The Stafford Corporation Act, 1876.* [39 & 40 VICT.]

A.D. 1876. — thereabouts, bounded on the west by the River Sow, on the east by Chell Road and Bull Mount, on the south by property belonging or reputed to belong to Catherine Robinson, and on the north partly by the land secondly herein-after described and partly by the land fourthly herein-after described.

Secondly. A piece of land, containing nine and a quarter perches or thereabouts, adjoining the land first herein-before described, and bounded thereby on the west and south by the land fourthly herein-after described on the north, and by Bull Mount aforesaid on the east.

Thirdly. A piece of land on the south side of Queen Street, Broad Eye, in the borough, containing six hundred and seven superficial yards or thereabouts, bounded on the west partly by the School of Art and partly by property belonging or reputed to belong to Jane Marson, on the south by other property belonging or reputed to belong to Jane Marson, and on the east by the Wesleyan chapel.

Fourthly. A close of land adjoining the lands first and secondly herein-before described, and called the Bull Hill Meadow, and the garden thereto adjoining, containing together two acres and two roods or thereabouts, bounded on the south partly by the works and property of the Company and partly by Bull Mount aforesaid, on the north by an ancient watercourse running from the River Sow, on the east by property belonging or reputed to belong to Robert Hughes, and on the west by the River Sow.