



CHAPTER lxxiii.

An Act for empowering the Corporation of the Borough of Stafford to acquire certain rights in Coton Field in the said borough, and to authorise the formation of allotment gardens for the freemen of the borough, and of public pleasure grounds in Coton Field, and for conferring on the Corporation further powers in relation to their water undertaking and street improvements, and further sanitary and other powers; and for other purposes. A.D. 1880.
[19th July 1880.]

WHEREAS the borough of Stafford, in the county of Stafford (in this Act called "the borough"), is a municipal borough subject to the Municipal Corporation Acts, and under the government of the mayor, aldermen, and burgesses of the borough (in this Act called "the Corporation") as the municipal and sanitary authority of the borough:

And whereas there is in the borough a field or inclosure known as Coton Field, containing about 180 acres, which, with the exception of about 20 acres owned or claimed by individuals, and hereinafter more particularly described and referred to as "the freehold acres," is alleged by the Corporation to be their property, subject to an annual payment of 12*l.* to the Earl of Shrewsbury or his trustees and to an annual payment of 28*l.* for the maintenance of certain almshouses in the borough:

And whereas a limited right of common is claimed and has for many years been exercised over Coton Field by the burgesses and householders of the borough:

And whereas in pursuance of certain byelaws made by the Corporation in the years 1836 and 1837, and approved by one of Her Majesty's Principal Secretaries of State, the Corporation have allowed so much of Coton Field as belongs to them to be held and occupied by poor and necessitous burgesses of the borough in plots, each averaging about three fourths of an acre, on payment of a small entrance fee and of a yearly sum of five shillings:

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And whereas by an order made in the month of March 1878 by one of the judges of the Chancery Division of the High Court of Justice at the hearing of an information filed by Her Majesty's Attorney General at the relation of William Moss and Joseph Moss against the Corporation it was declared to be a breach of trust on the part of the Corporation to let or part with possession of, or suffer to be occupied or enjoyed, any part of Coton Field in manner aforesaid, and that the Corporation were bound to let the same for the best rent that can reasonably be obtained, and it was ordered that the Corporation should give notice to quit to the then occupiers of the said field, and should take such other steps as might be proper to enable them to obtain possession again of the said field :

And whereas difficulties have arisen in carrying into effect the said order, and with the view of preventing further litigation and of dealing with Coton Field (including the freehold acres) to the best advantage for the inhabitants of the borough, a scheme has been prepared by a committee of freemen of the borough and assented to by the Corporation :

And whereas the scheme provides for laying out a large portion of Coton Field in allotment gardens for the use of the freemen of the borough and as public pleasure grounds, and for the management of the freemen's allotment gardens by a body of trustees, and it would be of great local advantage if provisions for carrying into effect the said scheme were sanctioned by Parliament, and if the Corporation were authorised to acquire the freehold acres and other lands, not exceeding an acre, necessary or proper to be acquired for the full use and enjoyment of Coton Field :

And whereas it is expedient that the Corporation be authorised to sell, let, or exchange portions of the residue of Coton Field, and to apply the moneys, or some of the moneys, arising therefrom towards effecting the purposes of this Act :

39 & 40 Vict.
c. cxvii.

And whereas it is expedient that section nine of the Stafford Corporation Act, 1876, relating to the school board of the borough, be repealed :

And whereas by the Stafford Corporation Act, 1876, the Corporation were empowered to make and maintain the reservoir and other works therein described, but such works have not been constructed, and the Corporation have obtained or are about to obtain a higher and more advantageous site for their reservoir, and it is expedient that the Corporation be authorised to abandon the construction of the works authorised by the Act of 1876, and in lieu thereof to construct and maintain the reservoir and other works described in this Act, and to supply water within the limits defined by this Act :

And whereas it would greatly facilitate traffic and the public convenience if the Corporation were empowered to make the new streets and to effect the improvement of streets in this Act described : A.D. 1880.

And whereas it is expedient that the time limited by the Stafford Corporation Act, 1876, for the compulsory purchase of lands be extended :

And whereas it is expedient that the provisions of the Stafford Corporation Act, 1876, with respect to borrowing money be amended, and that further sanitary and other powers be conferred on the Corporation :

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 the 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 in this Act referred to as the deposited plans, sections, and book of reference respectively :

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 :

PRELIMINARY.

1. This Act may be cited as the Stafford Corporation Act, Short title.
1880.

2. The following Acts (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,) Incorporation of general Acts.

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 ;

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 44 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,

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.

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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;

And in the construction of those Acts respectively for the purposes of this Act the expression "the promoters of the undertaking," or "the undertakers," means the Corporation.

Interpreta-
tion of terms.

3. In this Act, unless the context otherwise requires—

"The borough fund" and "the borough rate" mean the borough fund and borough rate of the borough;

5 & 6 W. 4.
c. 76.

"The Municipal Corporation Acts" means the Municipal Corporation Act, 1835, and all Acts for the time being in force amending the same or otherwise relating to municipal corporations in England;

38 & 39 Vict.
c. 55.

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

"Coton Field" means the field or inclosure situate in the township of Coton, in the parish of Saint Mary, in the borough, and called or known as Coton Field (including the freehold acres);

"Trustees" means the Trustees of the freemen's allotments by this Act constituted;

"Freemen of the borough" means all persons for the time being enrolled on the freemen's roll of the borough;

"Person" includes a corporation;

And 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.

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 Corporation Acts, Public Health Acts, and other Acts for the time being affecting the Corporation as a municipal body or a sanitary authority respectively, and with all the rights, powers, privileges, and authority conferred by those Acts 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 those Acts, and (subject to the provisions of this Act) as nearly as may be in all respects as if the powers, duties, and property vested in, imposed on, and enjoyed by the Corporation by or

under this Act were vested in, imposed on, and enjoyed by them by or under the Municipal Corporation Acts and the Public Health Acts respectively. A.D. 1880.

I.—COTON FIELD ESTATE.

General Enactments.

5. The Corporation are hereby authorised and required to purchase and take, as soon as conveniently may be after the passing of this Act, all those parcels of land delineated on the deposited plan and described in the deposited book of reference forming part of Coton Field, and known as and in this Act called "the freehold acres," which said parcels of land are sixteen in number, and are estimated to contain in the aggregate nineteen acres and seven perches, and are numbered respectively on the deposited plans and in the deposited book of reference relating to Coton Field Estate 1 to 16 inclusive. Purchase by Corporation of freehold acres in Coton Field.

6. From and after the completion of the purchase of the freehold acres by the Corporation, all rights of common of every description, rights of way, and all other rights, easements, and privileges of any kind whatsoever existing at the date of such completion in, over, or in respect of the freehold acres, or in, over, or in respect of any part of Coton Field, shall absolutely cease and be for ever extinguished. Extinction of rights of common, &c. in Coton Field.

7. In addition to the freehold acres, the Corporation are hereby authorised to purchase and take, as soon as conveniently may be after the passing of this Act, the lands delineated on the deposited plans and described in the deposited book of reference and in the First Schedule to this Act, and also from time to time to acquire by agreement such other lands, not exceeding one acre, as they may deem necessary or proper to be acquired for the formation of the allotment gardens and public pleasure grounds in this Act mentioned. Purchase of lands in connexion with Coton Field for purposes of Act.

8. Coton Field and the lands described in the said First Schedule, together with such other lands as may be acquired by the Corporation under the foregoing provisions of this Act, shall together form and are in this Act referred to as "the Coton Field Estate." Definition of Coton Field Estate.

9. The Coton Field Estate shall be appropriated, held, and dealt with as follows; (that is to say,)

- (i.) The lands, containing seventy acres or thereabouts, forming portion of the Coton Field Estate which are shown and distinguished on the Coton Field Estate plan, herein-after mentioned, by a pink colour shall, on and after the first election of the body of Trustees herein-after mentioned, be

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(all mines and rights of working or getting minerals excepted and being hereby reserved to the Corporation) by virtue of this Act absolutely vested in that body of Trustees for all the estate of the Corporation, and shall be held and dealt with by them in accordance with the provisions of this Act:

- (ii.) Such of the other lands forming portion of the said estate (not being less than eight acres, and not exceeding twenty acres) as the Corporation may deem best adapted for the purpose shall be appropriated and laid out by the Corporation as public pleasure grounds in accordance with the provisions of this Act:
- (iii.) Subject as aforesaid, the Corporation may from time to time sell, subject to chief rents, or grant building leases of any lands forming portion of the said estate not exceeding in the whole fifty acres in accordance with the provisions of this Act:
- (iv.) The Corporation may from time to time sell, exchange, and dispose of, subject and according to the provisions of this Act, any lands forming portion of the said estate which are not appropriated or dealt with under the foregoing provisions of this section.

Deposit of
Coton Field
Estate plan.

10. A plan of Coton Field and of the land proposed to be purchased, exchanged, or sold in connexion therewith, and showing the lands by this Act vested in the Trustees, signed by the Chairman of the Committee of the House of Commons, to whom the Bill for this Act was referred, shall, within one month after the passing of this Act, be deposited in the Private Bill Office of the House of Commons, and a duplicate thereof shall, within the same period, be deposited with the town clerk of the borough at his office, and that plan is in this Act referred to as the Coton Field Estate plan.

Copies of
plan to be
evidence.

11. Copies of the Coton Field Estate plan, or any extract therefrom, certified by the town clerk or borough surveyor to be true shall be received in all courts of justice or elsewhere as *prima facie* evidence of the contents of that plan, and that plan shall at all reasonable times be open to the inspection of freemen of the borough and of persons liable to rates imposed by the Corporation; and all such freemen and persons so liable shall be entitled to a copy of or extract from that plan, certified by the town clerk or borough surveyor, on payment of a reasonable fee for every copy or extract.

Power of
Corporation
to make
certain foot-
paths.

12. The Corporation may lay out and form the three several footpaths delineated on the Coton Field Estate plan, and thereon numbered respectively 1, 2, and 3, and the footpaths so formed shall

be maintained by and be under the management of the Corporation, without any interference on the part of the Trustees. A.D. 1880.

13. The justices of the peace for the county of Stafford are hereby empowered to purchase for the purposes of the Stafford County Lunatic Asylum the portion of the Coton Field Estate shown on the Coton Field Estate plan and thereon coloured blue, and generally to execute and do, or cause to be executed and done, all assurances, acts, and things necessary or proper for giving effect to the provisions of this section. Power for county justices to purchase lands.

Trustees of Freeman's Allotments.

14. For the purpose of the execution of the provisions of this Act with respect to the allotment to freemen of the borough of allotment gardens, and the management of such allotment gardens, there shall be a body of twelve Trustees, qualified and elected as in this Act mentioned, and such Trustees shall be a body corporate by the name of "The Trustees of the Stafford Freeman's Allotments," with perpetual succession and a common seal, and power to hold lands and other property. Incorporation of Trustees of freemen's allotments.

15. A person shall not be qualified to be elected a Trustee under this Act unless at the time of his election— Qualification of Trustees.

(A.) His name is enrolled on the freemen's roll of the borough; and

(B.) He is possessed of real or personal estate, or real and personal estate to the amount of two hundred pounds at least, or is the occupier of lands within the borough whereof the annual rackrent or value is not less than ten pounds; and

(C.) He is resident, and has for the two years immediately preceding the date of the election been resident, in the borough.

16. All persons whose names are enrolled on the freemen's roll of the borough and who are resident in the borough (and no other persons) are entitled to vote at elections of Trustees under this Act. Qualification of electors of Trustees.

17. The freemen's roll shall be open to the inspection of any freeman at the Guildhall of the borough at all reasonable hours free of cost, and the said roll shall be produced by the town clerk (or by some person appointed by him in that behalf) at any meeting of the Trustees held in a place granted by the council of the borough for that purpose. Freemen's roll may be inspected.

18. An annual meeting of the freemen entitled to vote at elections of Trustees shall be held on the third Monday in January in the year eighteen hundred and eighty-one, and in every subsequent year, and such meeting is herein referred to as the annual meeting, Annual meeting of freemen.

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Regulations as to election of Trustees.

19. The regulations contained in the Second Schedule to this Act, as to the election of Trustees under this Act and other matters, shall be of the same force as if they were enacted in the body of this Act.

Rotation of Trustees.

20. The Trustees shall go out of office in the following manner; (that is to say,)

On the third Monday in January one thousand eight hundred and eighty-two one third of the Trustees shall go out of office;

On the third Monday in January one thousand eight hundred and eighty-three one third of the Trustees shall go out of office.

The Trustees to go out of office in the years one thousand eight hundred and eighty-two and one thousand eight hundred and eighty-three shall be determined by agreement, and in default of and so far as they are not determined by agreement then by lot.

On the third Monday in January in the year one thousand eight hundred and eighty-four, and in every subsequent year, one third of the Trustees, being those who have been longest in office, shall go out of office.

Retiring Trustees re-eligible.

21. A Trustee on going out of office shall, if he retains his qualification, be re-eligible.

Resignation and disqualification of Trustees.

22. A Trustee may resign his office by notifying in writing his intention so to do, addressed to the chairman or clerk for the time being of the Trustees.

A Trustee who becomes bankrupt, or compounds with his creditors, or submits his affairs to liquidation, or who ceases for six consecutive months to reside in the borough, shall cease to be a Trustee.

Casual vacancies among Trustees and provision for failure to elect.

23. Any casual vacancy occurring, by death, resignation, or otherwise, shall be filled up by the Trustees within six weeks of the vacancy so occurring, or as soon thereafter as practicable, but the member so chosen shall be qualified as the vacating member was qualified, and shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred. In the event of a failure duly to supply the places of the Trustees retiring in any year, one or more (as may be required) of the retiring Trustees shall, if willing so to do, continue in office until the next election.

24. The Trustees may from time to time appoint and remove a clerk, and any other officers and servants who may be required, and may assign to them their duties and remuneration.

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Appointment
of clerk, &c.

25. Meetings of the Trustees shall be held, and the proceedings thereat shall be conducted in accordance with the rules as to meetings and proceedings contained in the Third Schedule to this Act.

Meetings and
proceedings
of Trustees.

26.—(1.) Any act or proceeding of the Trustees shall not be questioned on account of any vacancy or vacancies in their body.

Validity of
proceedings
of Trustees
and minutes.

(2.) A defect in the qualification or election of any person acting as a Trustee shall not be deemed to vitiate any proceedings of the Trustees in which any such person or persons may have taken part in cases where the majority of Trustees parties to such proceedings are duly entitled to act.

(3.) Any minute made of proceedings at meetings of the Trustees at which such proceedings took place, or at the ensuing meeting of the Trustees, by any person purporting for the time being to be the chairman of the Trustees shall be receivable in evidence of such proceedings in all legal proceedings without further proof, and until the contrary is proved, every meeting of the Trustees where minutes have been so made of the proceedings shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified.

Formation and Management of Allotments.

27. It shall be the duty of the Trustees to proceed, as soon as conveniently may be, to divide the portion of the Coton Field Estate by this Act vested in them into allotments, as nearly as may be of equal value, and each containing not less than seven hundred and not more than one thousand square yards, suitable for cultivation as gardens, and in this Act termed allotment gardens or allotments.

Duty of
Trustees to
form allot-
mentgardens.

28.—(1.) The Trustees shall from time to time let the allotment gardens to freemen of the borough, giving preference in the first instance to the applications of freemen and freemen's widows who at the date of the passing of this Act are occupying plots in Coton Field known as "acres," and of the widows of such of those freemen as may die before the first election of Trustees.

Letting of
allotments.

(2.) Subject as aforesaid, when there are two or more applications for an allotment garden, preference shall be given to the application of the freeman whose name stands first on the freemen's roll.

(3.) A freeman shall be entitled to retain his allotment garden during his life or until forfeiture under the provisions of this Act,

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but shall not be deemed to acquire any estate of freehold therein, and the widow of a freeman shall be entitled to retain her husband's allotment during widowhood or until forfeiture under the provisions of this Act.

Rent of allotments and payment of rates.

29. The rent of every allotment garden shall be of the same amount, not being less than one shilling and not more than five shillings per annum, as may be from time to time determined by the Trustees, and shall be paid in advance by every holder of an allotment garden on the second Monday in August in every year, or on such other day as the Trustees may fix: Provided that a person entering on an allotment garden on any other day than the appointed day for payment of rent shall pay in advance the proportion of rent accruing due between the day of his entry and the then next appointed day for payment of rent.

The Trustees shall have all such powers and remedies for obtaining payment of rent in arrear, by distress or otherwise, as landlords have in the case of lessees at rackrent, and shall also have power to re-enter and, if need be by force, to take possession of any allotment garden which has been forfeited under the provisions of this Act.

The Trustees shall be assessed to and shall pay tithes and tithe rentcharge, and all rates for the relief of the poor, and other rates, taxes, and charges leviable in respect of the allotment gardens, and they shall apportion the amount thereof rateably among the several holders for the time being of the allotment gardens, and recover the amounts so apportioned as if they formed part of and in addition to the rent payable by the several holders.

Prohibition of building on allotments.

30. Buildings of brick, stone, or cement shall not be erected on any allotment garden, nor shall any other building be erected thereon, except by the permission of the Trustees, and any building erected in contravention of this enactment may be pulled down and the materials removed and sold by the Trustees, who may retain out of the proceeds the expenses of such removal and sale.

Forfeiture of allotments.

31. A holder of an allotment garden shall absolutely forfeit the same, and the possession thereof, if any one or more of the events next herein-after mentioned shall happen; that is to say,

- (A.) If such holder for six consecutive months resides outside the borough;
- (B.) If such holder fails or neglects for twelve months to keep in cultivation his or her allotment garden;
- (C.) If such holder refuses or neglects to observe any byelaw made by the Trustees under this Act;

- (D.) If such holder fails duly to pay all rent due or payable in respect of his or her allotment garden within three months after the same have become due or payable (although no formal or legal demand shall have been made for payment);
- (E.) If such holder receives parochial relief, other than relief by way of loan or medical attendance;
- (F.) If such holder become bankrupt, or make any liquidation by arrangement, or any assignment for the benefit of his creditors;
- (G.) If such holder shall be convicted of any offence for which he or she is sentenced to six months imprisonment:

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Provided that the Trustees may, if in their discretion they think proper, allow any person so forfeiting his or her allotment garden such sum for improvements or crops in or on the forfeited allotment garden as to the Trustees may seem just: Provided further, that the Trustees may, if in their discretion they think proper, remit any forfeiture incurred under this section, other than a forfeiture incurred by reason of residence outside the borough for six consecutive months.

32. A holder who has forfeited his or her allotment garden shall be incapable of being again admitted to hold an allotment garden for a period of two years from the date of the forfeiture, or in the case of imprisonment for a period of two years from the date of the termination of the imprisonment; moreover, the Trustees may, if they think right, even after the expiration of such period, decline again to admit such holder.

As to re-admission of holder of forfeited allotment.

33. Whenever an allotment garden becomes vacant the Trustees shall give notice of the fact of the vacancy by affixing a placard on the notice board of the Guildhall, or on or near the allotment.

Notice to be given of vacant allotments.

34. The Trustees shall have the sole control and management of the allotment gardens, and are hereby empowered (subject to the provisions of this Act) from time to time to make, alter, and repeal byelaws for all or any of the following purposes; (that is to say)

Power of Trustees to manage allotments and to make byelaws.

- (i.) For regulating applications for the allotment gardens and the manner in which they are to be occupied and cultivated:
- (ii.) For preventing injury to the allotment gardens or the growing produce thereof, or to any fences or other property under the control of the Trustees:
- (iii.) For preventing trespass or encroachment on the allotment gardens:

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- (iv.) For preventing the removal, defacement, or injury of any notice boards or notices put up by the Trustees :
- (v.) For regulating the putting up of summer houses or similar erections on the allotment gardens.

Provision in case of insufficient number of persons qualified to hold allotments.

35. If and whenever the number of freemen and freemen's widows resident in the borough is less than the number of allotment gardens, the allotment gardens in excess of the number of freemen and freemen's widows so resident shall revert to the Corporation, and the Corporation may let the same for the best rent that can be obtained, and shall carry all moneys received by them in respect of such letting to the credit of the borough fund.

Publication of abstract of provisions of Act relating to allotments.

36. The Corporation shall, as soon as may be after the passing of this Act, cause to be made and published, in such manner as they think fit, a short abstract of the principal provisions of this Act relating to the allotments.

Trustees, &c. exempt from expenses of paving, &c.

37. The provisions of section 151 (exemption from expenses under last section of incumbent of church, &c.) of the Public Health Act, 1875, shall extend and apply, *mutatis mutandis*, to the allotment gardens and the holders thereof, and to the Trustees.

Right of access to allotments.

38. The Corporation shall at all times allow to the Trustees and freemen, and their workmen or other persons authorised by them, or any of them, with or without horses, carts, and implements, reasonable means of access to the allotment gardens without hindrance, toll, or payment of any kind whatsoever.

Discharge by Corporation of incumbrances affecting lands vested in Trustees.

39. The Corporation shall discharge or indemnify the Trustees against all incumbrances which at the date of the passing of this Act affect the portion of the Coton Field Estate by this Act vested in the Trustees, or any part thereof, and shall within six months from the passing of this Act pay to the said Trustees the sum of one hundred pounds; for the purpose of the discharge of any incumbrances and of such payment as aforesaid, the Corporation may apply the purchase moneys of any lands disposed of by them under this Act, or any other moneys coming to their hands by reason of the exercise of any of the powers of this Act, and for the purpose of indemnifying the Trustees against any such incumbrances the Corporation may execute and do any reasonable and proper assurances and acts.

Application of said one hundred pounds.

40. The said sum of one hundred pounds so to be paid by the Corporation to the Trustees shall be carried by them to the credit of a separate account, to be called "The Freemen's Capital Account," and shall be applied from time to time for the preservation and protection of the allotment gardens, and until so applied, or so far as the same shall not be so applied, shall be accumulated at com-

pound interest by investment in or upon any security in or upon which trustees are for the time being authorised by law to invest trust moneys. A.D. 1880.

41. All moneys received by the Trustees in respect of the yearly rents and profits of the allotment gardens shall be carried to an account to be called "The Freeman's Income Account," and the Trustees shall make in such account entries of all their receipts, credits, payments, and liabilities. Accounts of income to be kept by Trustees.

42. The moneys from time to time carried to the freemen's income account shall be applied in paying the salaries of the clerk and any other officers or servants of the Trustees, and the current yearly expenditure incurred by them in managing the freemen's allotments and in carrying the powers and provisions of this Act into execution; and if there should be any surplus income the Trustees shall accumulate the same in the way of compound interest by investing the same in such securities as trustees are by law for the time being authorised to invest trust moneys in, and shall thereby form a capital fund, which may be from time to time employed for the benefit, protection, or improvement of the freemen's allotments. Application of income.

43.—(1.) Once at the least in every year the accounts of the Trustees shall be audited by an auditor, to be appointed by the Trustees at the annual meeting, and such auditor shall not be a Trustee or an officer of the Trustees; Audit of accounts of Trustees.

(2.) The auditor shall have free access to all the books and accounts of the Trustees, and may, in relation to the same, examine any Trustee or officer of the Trustees.

(3.) The auditor shall report to the Trustees on the accounts submitted to him, and shall notice particularly any part or parts of the accounts which appear to him to require such notice, and in case he has called for any explanation or information, he shall state whether such explanation or information has been given and is satisfactory.

(4.) The report of the auditor shall be printed and a copy sent to every Trustee and to the mayor for the time being of the borough, and copies shall be supplied to freemen of the borough at a charge not exceeding sixpence per copy.

(5.) The remuneration of the auditor shall be fixed and paid by the Trustees.

44. The receipt of the clerk or treasurer, or of any collector of the Trustees, for any rent or other payment made to the Trustees shall be an effectual discharge for the same. Receipts of collector of Trustees to be a discharge.

45. The Corporation may defray any expenditure incurred under this part of this Act in the first instance out of the borough fund, Power to make advances for

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 purposes of
 Act out of
 borough fund
 and to
 borrow.

and may accordingly make such advances out of the borough fund as may be required, but all sums so advanced shall be repaid to the borough fund within five years after the same were respectively advanced, out of the proceeds of the sale or other disposition of lands, or out of other moneys coming to the hands of the Corporation by reason of the exercise of the powers of this Act; moreover, the Corporation may, if they see fit, for the purpose of defraying any expenditure incurred as aforesaid, borrow, with the consent of the Local Government Board, such sums as they may from time to time require, and for the purpose of securing the repayment of the sums so borrowed, with interest, they may mortgage the borough fund and borough rate.

Money
 borrowed on
 mortgage
 may be paid
 by instal-
 ments.

46. All moneys borrowed by the Corporation by mortgage under the authority of the last preceding section may be borrowed, and subject to the provisions herein-after contained re-borrowed, for any term not exceeding thirty years, and, subject as aforesaid, shall be repaid by yearly or half-yearly instalments or by means of a sinking fund; provided that when the payments are not made by equal instalments, the instalment or instalments payable in each year, together with the interest payable in such year in respect of the principal moneys owing, of which such instalment or instalments form part, shall in every year amount to the same sum.

Sinking fund
 for payment
 of money
 borrowed on
 mortgage.

47. The Corporation, in case they borrow any moneys on mortgage repayable by a sinking fund as aforesaid, shall, within twelve months after borrowing the same, and thenceforth annually on the same day, set apart as a sinking fund for the payment of moneys borrowed on mortgage, out of the borough fund and borough rate, such a sum as will be sufficient to pay within a period (not exceeding thirty years from the time of borrowing) such portion of the principal moneys so borrowed as is not repayable by yearly or half-yearly instalments (after giving credit for moneys received in respect of the sales of land under the powers of this Act), to be accumulated in the way of compound interest by investing in Exchequer bills or Government securities, or in any manner in which trustees are by law for the time being authorised to invest trust moneys; and the Corporation shall from time to time apply the said sinking fund in repayment of such portion of those principal moneys until thereby or otherwise the whole of such portion has been fully paid off: Provided always, that whenever by the application of the said sinking fund any of such principal moneys have been so paid off, the Corporation shall thenceforward, until the whole of such principal moneys have been paid off, pay into the sinking fund every year, in addition to the other sums herein-before required to be set apart and appropriated, a sum equal to the annual

interest of the principal moneys so paid off: Provided further, that whenever and so long as the yearly income arising from the sinking fund is equal to the annual interest of the principal moneys then due and outstanding, the Corporation may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto: Provided that the said sums to be from time to time set apart and paid into the sinking fund by the Corporation shall be such as the Local Government Board shall from time to time approve.

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48. If the Corporation pay off any part of any money borrowed by them on mortgage under this Act otherwise than by instalments, or by means of a sinking fund, they may re-borrow the same, and so from time to time: Provided always, that all moneys so re-borrowed shall be repaid within the same time as the moneys originally borrowed were required to be repaid.

Power to re-borrow.

II. PUBLIC PLEASURE GROUNDS.

49. The portion of the Coton Field Estate appropriated by the Corporation for the purpose of public pleasure grounds under this Act shall be laid out in such manner as the Corporation think best for the recreation and benefit of the inhabitants of the borough, and for the purpose of laying out and improving the same the Corporation shall have such powers as are conferred on them by section sixty-three of the Stafford Corporation Act, 1876, and the Corporation may, as regards such pleasure grounds, make byelaws for all or any of the purposes mentioned in section sixty-four of the said Act, or may extend to such pleasure grounds any byelaws already made by the Corporation under that section.

Application of sections 63 and 64 of 39 & 40 Vict. c. cxvii. to pleasure grounds.

III. SCHOOL BOARD.

50. Section nine (provisions as to school board) of the Stafford Corporation Act, 1876, is hereby repealed.

Repeal of section 9 of 39 & 40 Vict. c. cxvii.

IV. WATER.

51. The Corporation may abandon the construction of the works authorised by and described in section twenty of the Stafford Corporation Act, 1876, and shown on the plans deposited with the clerk of the peace for the county of Stafford referred to in that Act.

Corporation may abandon certain works authorised by 39 & 40 Vict. c. cxvii.

52. The abandonment by the Corporation, under the authority of this Act, of the said works shall not prejudice or affect the right of

Compensation for damage to

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 ———
 land by
 entry, &c. for
 purposes of
 works
 abandoned.

the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Corporation on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out the line or situation of the said works, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Corporation to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the Waterworks Clauses Act, 1847, or the Stafford Corporation Act, 1876, in relation to such works.

Compensa-
 tion for
 non-com-
 pletion of
 contracts, &c.

53. Where before the passing of this Act any contract may have been entered into or notice given by the Corporation for the purchasing of any land for the purposes of or in relation to the said works, or any portion thereof, the Corporation shall be released from all liability to purchase or to complete the purchase of any such lands; but, notwithstanding, full compensation shall be made by the Corporation to the owners and occupiers, or other persons interested in such lands, for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice; and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act, 1845, as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Power to
 make new
 waterworks.

54. Subject to the provisions of this Act, the Corporation may make and maintain, in the lines and situations and according to the levels shown on the deposited plans and sections, the works hereinafter described, with all proper pipes, conduits, culverts, drains, sluices, engines, pumps, weirs, filtering beds, meters, approaches, and other works and conveniences connected therewith respectively; (that is to say,)

(A.) A well and boring and pumping station in a piece of ground lying between the site of an intended extension of Bellasis Street and the Stafford and Uttoxeter Railway, in the parish of Saint Mary Stafford, belonging to the Corporation, two hundred and forty yards or thereabouts to the westward of the road known as the Common or Marston Road:

(B.) An aqueduct, conduit, or line of pipes from and commencing at or in the well, and boring and pumping station hereinafter described, and terminating at or in the reservoir next hereinafter described, which said aqueduct, conduit,

or line of pipes will run from, through, or into the parishes, townships, and places of Saint Mary (Stafford), Marston, Coton, Coton and Hopton, and Coton and Herberton, some or one of them :

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- (c.) A reservoir in a field known as the East Beacon Field, in the township of Coton and Herberton, in the parish of Saint Mary Stafford aforesaid, belonging or reputed to belong to the Right Honourable the Earl of Shrewsbury or his trustees, and in the occupation of Henry Shelley, which said intended reservoir will be situate on or near the site of a small pond in the last-mentioned field thirty yards or thereabouts to the north of the northern boundary fence of the hill known as the Beacon Hill.

55. In making the said works the Corporation may deviate vertically to any extent not exceeding three feet upwards and five feet downwards from the levels defined on the deposited sections, and may deviate laterally to any extent within the limits of deviation defined on the deposited plans, and the Corporation may deviate beyond the last-mentioned limits with the consent of the persons through whose lands any such deviation is proposed to be made: 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.

Power to deviate.

56. 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, machines, 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.

Period for completion of works.

57. The Corporation may supply and sell water within their existing limits of supply and within all or any of the parishes or places following; (that is to say,) Tixall, Ingestre, Weston-upon-Trent, Sandon, and Stone, all in the county of Stafford, and may within all or any part of their limits of supply, as extended by this section, take such rents, charges, and remuneration as they are

Extension of limits of supply.

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authorised to take within their existing limits of supply, and the provisions relating to water of the Stafford Corporation Act, 1876, shall apply within such extended limits accordingly: Provided 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.

Protection of
London and
North-
western
Railway.

58. Section 22 (protection of London and North-western Railway Company) of the Stafford Corporation Water Act, 1876, is incorporated with this Act, and shall apply to the exercise of the powers of this Act with respect to the laying down any mains or pipes, or executing or carrying on any works or operations, 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, as fully in all respects as if that section was in the first instance enacted in this Act with reference to the exercise of the said powers of this Act.

Borrowing
for water
purposes.

59. For the water purposes of this Act the Corporation may from time to time, with the consent of the Local Government Board, borrow sums not exceeding (together with the sums already borrowed for water purposes under section 95 of the Stafford Corporation Act, 1876,) twenty-five thousand pounds, and may provide for the discharge of the same within sixty years from the date of the passing of that Act, either by instalments or by the creation of a sinking fund, and subject as aforesaid, the provisions of the said Act of 1876 with respect to borrowing for water purposes shall, as amended by this Act, apply to borrowing under this section.

V.—STREET IMPROVEMENTS.

Power of
Corporation
to make new
streets and
execute other
improve-
ments.

60. The Corporation are hereby authorised, in the lines and on the lands in that behalf delineated and described in the deposited plans and book of reference, and according to levels shown on the deposited sections, to make and maintain the following new streets and street improvements; namely,

- (1.) A new street, commencing in Greengate Street at a point twenty feet or thereabouts to the north of the Ancient High-house, and terminating in Earl Street at a point

twenty feet or thereabouts to the north of the "Bird-in-
Hand" public house; A.D. 1880.

- (2.) A new street, commencing in Cherry Street at a point twenty feet or thereabouts to the north-west of the western corner of the house numbered fifty-eight in that street, and terminating in Earl Street aforesaid at a point forty-six feet or thereabouts to the north of the northern side of the militia hospital;
- (3.) A new street, commencing on the northern side of Queen Street at a point immediately opposite the northern end of Earl Street aforesaid, and terminating in Broad Street at a point twenty feet or thereabouts from the junction of that street with Queen Street aforesaid;
- (4.) A new street, commencing in Chapel Street immediately opposite the eastern end of Broad Street at a point twenty feet or thereabouts south from the north-western corner of an inn known as "The Jolly Crafts," and terminating in Gaolgate Street at or near the junction of that street with Stafford Street;
- (5.) The widening and improvement of Mill Street, commencing on the northern side of that street at its junction with Greengate Street, and continuing in a westerly direction seventy-two yards or thereabouts;
- (6.) The widening and improvement of Mill Street aforesaid, on the southern side thereof, commencing at the south-eastern corner of "The Talbot and Smithfield Inn," and continuing in a southerly and easterly direction for seventy-six yards or thereabouts;
- (7.) The widening and improvement of Earl Street, on the western side thereof, commencing at a point thirty yards from the junction of Earl Street with Queen Street, and terminating in Queen Street;
- (8.) The widening and improvement of the Lichfield Road, on the south-west side thereof, commencing at the junction of that road with Bridge Street, and continuing in a south-easterly direction eighty yards or thereabouts:

All costs, charges, and expenses incurred or to be incurred by the Corporation in the execution of the new streets and street improvements aforesaid shall be deemed to be costs, charges, and expenses incurred by them for permanent works in the execution of the Public Health Act, 1875.

61. Subject to the provisions of this Act, and within the limits defined on the deposited plans, the Corporation, in connexion with

Power to
make sub-
sidiary works.

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Power to deviate.

62. In making the said improvements the Corporation may deviate vertically to any extent not exceeding five feet from the levels defined on the deposited sections, and may deviate laterally to any extent within the limits of deviation defined on the deposited plans, and the Corporation may deviate beyond the last-mentioned limits with the consent of the persons through whose lands any such deviation is proposed to be made.

Notice to be given of taking houses of labouring classes.

63. The Corporation shall, not less than eight weeks before they take in the borough fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Corporation shall not take any such houses until they have obtained the certificate of a justice, not being a member of the Corporation, that it has been proved to his satisfaction that they have so made known their intention.

Corporation to procure accommodation for persons of the labouring classes to be displaced.

64. Before taking in the borough fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, the Corporation shall (unless the Corporation and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons: Provided always, that if any question shall arise as to the sufficiency of such accommodation, the same shall be determined by a justice, not being a member of the Corporation, and the Corporation may, for the purpose of procuring such accommodation, appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase by agreement such further lands as may be necessary for such purpose, and may on such lands erect labouring-class dwellings, and may hold and demise or sell the same, and may apply for the purpose of this section or any of them any moneys they may have already raised or are authorised to raise.

Period for completion of improvements.

65. If the said improvements are not completed within seven years after the passing of this Act, then, on the expiration of that period, the powers by this Act granted to the Corporation for executing the same shall cease, except as to so much thereof as is then completed.

66. The Corporation may at any time after the passing of this Act cause the footpath leading from the Lammascote Road to a road passing through Coton Field, and known as the Green Way, as the same is shown and described in the deposited plans and book of reference, to be stopped up and discontinued as a public highway, and thereupon such footpath shall cease to be a public highway, and all rights of passing and repassing along the same or any part thereof shall be absolutely extinguished.

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Power to stop up footpath.

VI.—LANDS.

67. In addition to the lands to be acquired by them under the foregoing provisions of this Act, the Corporation may enter on, purchase, take, and use all or any of the other lands delineated on the deposited plans and described in the deposited book of reference which may be required for the purposes of this Act.

Power to take lands referenced.

68. 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 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.

69. 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.

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Period for compulsory purchase of lands.

Power to grant building leases of land.

70. 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 after the passing of this Act.

71. Subject to the provisions of this Act, the Corporation, when and as they think fit, may convey or demise for any term of years any lands forming portion of the Coton Field Estate, or any other lands acquired by them under the powers of this Act and not appropriated or required for the purposes of this Act, to any person agreeing to erect thereon, or on any parts thereof, buildings, on such plan and elevation and generally of such character as the Corporation approve; and the Corporation in every such conveyance or lease shall reserve the best rent which can be reasonably obtained, not being in the nature of a fine, 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 shall 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.

72. 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 aforesaid, 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.

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

Power to sell without previous grant

74. The Corporation, if they think expedient, may 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 the best price which can be reasonably obtained, and under and subject to such covenants and agreements on the part of the purchaser with respect to building thereon and with respect to any other matters and things as the Corporation think fit.

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of building
lease.

75. Subject to the other provisions of this Act, the Corporation may from time to time sell, lease, exchange, or otherwise dispose of any building or lands, or any parts thereof, acquired by them under this Act and not wanted for the purposes thereof, and may make, execute, and do any deed, act, or thing proper for effectuating any such sale, lease, exchange, or other disposition.

Power to
dispose of
surplus
lands.

76. 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 any easements belonging thereto, and may make the same 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 obnoxious trades, or discharge or deposit of manure, sewage, or other impure matter as they think fit.

Reservation
of water
rights, &c. on
sale.

77. 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 by them in the first place in executing the provisions of this Act relating to the Coton Field Estate, so far as such execution is properly chargeable against capital, and in payment of the costs, charges, and expenses of and incidental to the preparing, applying for, and obtaining this Act, and subject thereto, 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
lands.

78. 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 this 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 may be carried to the account of any fund on the credit of which the Corporation are for the time being authorised to borrow.

Application
of rents of
land.

VII.—SANTARY PROVISIONS.

79. In order to secure that due notice be given to the Corporation of any inmate of any building used for human habitation who

Notice to be
given of
persons

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suffering
from infec-
tious diseases.

is suffering from small-pox, cholera, scarlatina, diphtheria, typhus fever, enteric or typhoid fever, relapsing fever, or puerperal fever, the following provisions shall have effect; (that is to say,)

- (i.) If any such inmate be suffering from any such disease as aforesaid, the occupier or person having the control or charge of such building or of the inmate shall, so soon as he shall become aware of the existence in any such inmate of any such disease, forthwith give notice to the Corporation, at the town clerk's office, of the existence in such inmate of such disease, and if such inmate be not a member of the family of such occupier or person, the head of the family (resident in such building) to which such inmate belongs, or if there be no such head then such inmate (unless prevented by reason of disease or of youth), shall, on becoming aware of the existence in such inmate, or in his own person, as the case may be, of such disease, forthwith give notice thereof to such occupier or person;
- (ii.) The Corporation shall provide and supply gratuitously to every legally qualified medical practitioner resident or practising in the borough forms for the certificate or declaration by such medical practitioner of the particulars herein-after mentioned in relation to such cases in the form set forth in the Fourth Schedule to this Act, or to the like effect;
- (iii.) Every medical practitioner attending on or called in to visit such inmate shall, on becoming aware that such inmate is suffering from any such disease as aforesaid, forthwith fill up, sign, and send to the Corporation, at the Town Hall, a certificate or declaration stating, according to the form supplied by the Corporation, the name of such inmate, the situation of such building, and the name of such occupier or person, and the nature of the disease from which such inmate is suffering;
- (iv.) The Corporation shall pay to every medical practitioner who shall, in pursuance of this section, duly make and give any such certificate or declaration a fee of two shillings and sixpence for each such certificate or declaration;
- (v.) The Corporation may from time to time (with the sanction of the Local Government Board) by order declare that this section shall apply, either temporarily or permanently, in the case of any contagious or infectious disease not herein-before mentioned and specified in such order, and this section shall apply accordingly: Provided that every

such order shall be published by the Corporation in such manner as they think best adapted to bring it to the knowledge of the inhabitants of the borough :

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Any person who offends against any of the foregoing enactments (unless ignorant thereof, the burden of the proof of which shall be on him) shall be liable to a penalty not exceeding five pounds, and for a second or any subsequent offence to a penalty not exceeding ten pounds.

80. On the certificate of the medical officer of health of the borough, or other legally qualified medical practitioner, that any person within the borough is suffering from small-pox, cholera, scarlatina, diphtheria, typhus fever, enteric or typhoid fever, relapsing fever, puerperal fever, or any other dangerous infectious disease, and is without proper lodging or accommodation enabling the case to be properly isolated so as to prevent the spread of the disease, or to be properly treated, the Corporation may give notice to the head of the family (resident in the same building) to which the person so suffering belongs requiring the removal forthwith of such person to some suitable hospital within or near the borough : Provided that if there is no such head of the family, or if such head of the family is absent from the borough or cannot be found, such notice may be given to the person so suffering.

Further powers for removal to hospital of infected person.

If the person to whom such notice is given consents, the Corporation may forthwith remove the person so suffering to such hospital as aforesaid, but if the person to whom such notice is given refuses to consent to such removal or to be removed, or is by reason of age, disease, or otherwise incapable of giving such consent, any justice may, on the application of the Corporation, make an order for the removal of the person so suffering to such hospital as aforesaid. Such order may be addressed to an officer of the Corporation or to any constable of the borough, and any person who disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding twenty shillings for every day during which such disobedience or obstruction continues.

VIII.—MISCELLANEOUS PROVISIONS.

81. The period limited by the Stafford Corporation Act, 1876, for the compulsory purchase by the Corporation of lands is hereby extended to the expiration of five years from the passing of this Act.

Extension of period for purchase of lands.

82. The Corporation may apply to the Tithe Commissioners for an order for redemption of the rentcharge in lieu of tithes charged

Redemption of tithe rentcharge by Corporation.

A.D. 1880.

on the portion of the Coton Field Estate vested in them, and the Commissioners may by an order under their hands and seal direct that such rentcharge shall be redeemed by the payment by the Corporation, within such time as the Commissioners shall by such order direct and appoint, of a sum of money not less than twenty-five times the amount of such rentcharge, and the Corporation shall pay such sum accordingly out of the purchase moneys of any lands disposed of by them under this Act, or out of any other moneys coming to their hands by reason of the exercise of any of the powers of this Act.

Amendment
of provisions
of 39 & 40
Vict. c. cxvii.
as to borrow-
ing.

83. Whereas the Corporation are by the Stafford Corporation Act, 1876 (section ninety-nine), required to provide for the discharge within sixty years from the passing of that Act of all moneys borrowed by them for the purposes of their gas undertaking and of their water undertaking by the creation of sinking funds as in that section mentioned, but the Corporation are in fact discharging certain moneys which they have borrowed for the purposes aforesaid and for other purposes of the said Act by instalments spread over a term of thirty years only, and it is expedient, in consideration thereof, that the provisions of the said section be amended: Be it therefore enacted, that notwithstanding anything in the Stafford Corporation Act, 1876, the Corporation may, within sixty years from the passing of that Act, pay off by equal yearly or half-yearly instalments, either of principal or of principal and interest, any moneys already borrowed or hereafter borrowed under that Act for the purposes of their gas undertaking or of their water undertaking, and the creation of any sinking fund which the Corporation may determine to create under section 99 of that Act may be postponed until such time as the Corporation may, with the consent of the Local Government Board, determine.

Annual re-
turn to Local
Government
Board with
respect to
sinking fund
and instal-
ments.

84. 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 any instalment is required to be paid 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 paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities on which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund, and the interest thereof, has 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 the sinking fund, or have applied any portion of the moneys set apart for that fund, or the interest thereof, 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.

85. The sections of the Public Health Act, 1875, referred to in this section by their numbers and marginal notes shall apply to byelaws which the Trustees and the Corporation are by this Act respectively authorised to make; namely,

As to byelaws.

Section one hundred and eighty-two, "Authentication and alteration of byelaws":

Section one hundred and eighty-three, "Power to impose penalties on breach of byelaws":

Section one hundred and eighty-four, "Confirmation of byelaws":

Section one hundred and eighty-five, "Byelaws to be printed, &c.":

Section one hundred and eighty-six, "Evidence of byelaws."

86. If at any time damage is caused to the allotment gardens by reason of the Corporation working mines or getting minerals under the allotment gardens, compensation shall be paid by the Corporation to the Trustees in respect of such damage, the amount of such compensation in case of difference to be settled in manner provided by sections twenty-five to thirty-seven (both inclusive) of the Lands Clauses Consolidation Act, 1845, and those sections shall apply accordingly as if they were incorporated with this Act.

Responsibility of Corporation for damage to allotment gardens.

If the damage caused as aforesaid is such as in the opinion of the Trustees to render any allotment gardens or garden permanently unfit for cultivation as such, the compensation received by Trustees under this section may be applied by them in the acquisition of other lands, to be laid out, cultivated, and managed as other allotment gardens by the Trustees under the powers of this Act.

87. Any person who at any election of Trustees—

forges, or fraudulently defaces, or fraudulently destroys any nomination paper, or sends to the returning officer any nomination paper knowing the same to be forged; or

Offences in relation to election of Trustees.

A.D. 1880. fabricates in whole or in part, alters, defaces, destroys, abstracts, or purloins any voting paper; or personates any person entitled to vote at an election; shall be liable to a penalty not exceeding twenty pounds, or, in the discretion of the court, to imprisonment, with or without hard labour, for any period not exceeding three months.

Recovery of penalties.

11 & 12 Vict. c. 43.

42 & 43 Vict. c. 49.

88. All offences and penalties under this Act, or under any bye-law made in pursuance of this Act, may be prosecuted and recovered before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Act, 1848, and the Summary Jurisdiction Act, 1879, and any Act amending either of those Acts.

Saving for general rights and remedies of Corporation.

89. 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 Corporation Acts, Public Health Acts, or otherwise independently of this Act.

Expenses of Act.

90. 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 proceeds of the sale or other disposition of lands by the Corporation under 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, as well as all the costs, charges, and expenses of the solicitor and parliamentary agent of the committee of freemen of the borough of and in relation to the preparation of this Act up to the date of the passing of the Bill by the House of Commons.

The SCHEDULES referred to in the foregoing Act. A.D. 1880.

THE FIRST SCHEDULE.

LANDS WHICH THE CORPORATION ARE AUTHORISED TO ACQUIRE FOR PURPOSES OF COTON FIELD ESTATE.

1. Certain lands, houses, and buildings in the parish of Saint Mary Stafford, adjoining the East-gate, in Stafford aforesaid, and belonging or reputed to belong to the executors of the late Matthew Gaunt, and containing eleven and three-quarter perches, or thereabouts.

2. A certain piece of land in the parish of Saint Mary Stafford aforesaid, belonging or reputed to belong to John Hillman, containing three and a half perches, and adjoining the borough pinfold and fronting to Crooked Bridge Road.

3. A certain piece of land in the parish of Saint Mary Stafford aforesaid, belonging or reputed to belong to William Henry Peach, containing one rood and one perch, and adjoining Coton Field aforesaid, and fronting to the Sandon Road.

THE SECOND SCHEDULE.

REGULATIONS AS TO ELECTIONS OF TRUSTEES OF FREEMEN'S ALLOTMENTS.

1. The first election of twelve Trustees shall be held on the first Monday in September 1880, and subsequent elections to fill the places of retiring members shall be held on the third Monday in January in the year 1882, and in every subsequent year. Triennial election.

2. For the purposes of the first election the returning officer shall be the mayor of the borough, and for the purposes of subsequent elections the clerk of the Trustees shall be the returning officer. Returning officer.

3. A candidate for election as a Trustee shall be nominated in writing, subscribed by two freemen as proposer and seconder. Nomination.

Each candidate shall be nominated by a separate nomination paper, but the same freemen may subscribe two or more nomination papers, not exceeding the number of Trustees to be elected.

Every nomination paper shall state the surname and other names of the person nominated, with his place of abode and description.

[Ch. lxxiii.] *Stafford Corporation Act, 1880.* [43 & 44 VICT.]

A.D. 1880. Nomination papers shall be supplied by the returning officer to any freeman applying for the same.

Transmission to returning officer. 4. Every nomination paper subscribed as aforesaid shall be sent to the returning officer at least ten days before the day of election.

Notices by returning officer. 5. The returning officer shall, as soon as may be, send to each candidate nominated notice of his nomination, and shall also give public notice on the notice board of the Guildhall, and in such other manner (if any) as he may see fit, of the names of the candidates nominated.

Withdrawal of candidates. 6. A candidate may withdraw from his candidature by notice signed by him and sent to the returning officer, and the returning officer shall forthwith give public notice in manner aforesaid of such withdrawal.

7. The returning officer shall, on the morning of the day of election, give public notice on the notice board of the Guildhall of the names of the persons duly nominated and not withdrawn.

Transmission of list of persons nominated, and of voting papers. 8. When the number of persons who so stand nominated exceeds the number of persons to be elected the returning officer shall, at the annual meeting, cause to be delivered to every person present entitled to vote thereat a voting paper in the following form or to the like effect.

BOROUGH OF STAFFORD.

ELECTION OF TRUSTEES OF FREEMEN'S ALLOTMENTS IN THE YEAR 18 .

Voting Paper.

Surname of Candidates.	Other Names.	Abode.	Name or Initials of Voter against Name or Names of Person or Persons for whom he votes.
Allen -	William -	1, High Street -	
Browne -	Samuel John -	100, High Street -	
Smith -	Daniel -	3, Market Place -	
Storey -	Henry -	The Lodge, New Street -	
Vesey -	Robert James -	10, South Street -	

I vote for the person [or persons] in the above list against whom my name or initials are placed.

Signed (or the mark of) _____

Of _____

Witness to the mark _____

Dated the _____ day of _____ 18 .

INSTRUCTIONS.

The voter can only vote for four candidates, and must write his name or initials against the name of the candidate [or candidates] for whom he votes, and must subscribe his name and address.

A.D. 1880.

If the voter cannot write he must make his mark, but such mark must be attested by a witness, and such witness must write the name or initials of the voter against the name of the candidate or candidates for whom he votes.

A wife cannot sign for her husband, but she can be a witness to his mark.

This paper must be delivered or returned by post to the returning officer at _____ before the _____ day of _____.

Any person who fabricates in whole or in part, alters, defaces, destroys, abstracts, or purloins any voting paper, or who personates any person entitled to vote, is liable to imprisonment for three months.

9. Each freeman shall write his name or initials in the voting paper delivered to him against the name or names of the candidate or candidates (not exceeding the number of four) for whom he intends to vote, and shall sign such voting paper and deliver it to the returning officer at such meeting: Provided that any freeman unable to write may affix his mark to the voting paper in the presence of a witness, who shall attest the name of the voter against the mark, as well as the initial of the voter against the names, of the candidate or candidates for whom he votes. Mode of voting.

10. The returning officer shall at the meeting ascertain the validity of the votes so far as may be necessary by examining such persons; and generally in such manner as he may see fit, and shall cast up such of the votes as he finds to be valid, and shall ascertain the number of such votes for each candidate. Casting up of votes.

11. The decision of the returning officer as to the validity of nomination papers or of votes, and generally on all questions arising at the examination and casting up of votes, shall be final and without appeal. Decision of returning officer final.

12. The candidates who, being duly qualified, have obtained the greatest number of votes, or where there is no contest the candidates nominated, if duly qualified, shall be deemed and shall be certified by the returning officer under his hand to be elected, and to each person so elected the returning officer shall forthwith send notice of his election. Declaration of result.

Where an equality of votes is found to exist between any candidates the candidate or candidates to be elected shall, in default of agreement between them, be determined by such candidates drawing lots.

13. The returning officer shall cause to be made a list containing the names of the candidates, together with (in case of a contest) the number of votes given for each and the names of the persons elected, and shall sign and certify such list, and shall deliver the same, together with the nomination and voting papers which he has received, to the Trustees at their first meeting after the election. List of members elected and appointed.

14. If sufficient persons be not duly nominated to fill the vacancies caused by retiring Trustees the deficiency shall be supplied from among the retiring Trustees who are willing to serve, the selection being made in the alphabetical order of their names, and if any of such retiring Trustees are unwilling to serve any vacancies unfilled may be filled by the continuing Trustees.

15. If at any election the returning officer is unable, from illness or other sufficient cause, to exercise or perform his powers and duties, some other person shall be appointed, in the case of the first election by the Corporation, and in Provision for inability of returning officer to act.

A.D. 1880. the case of any other election by the Trustees, to exercise or perform such powers and duties.

Expenses.

16. The necessary expenses attendant on any election, and such reasonable remuneration to the returning officer and other persons for services performed or expenses incurred by them in relation thereto, as may be allowed by the Trustees shall be paid by the Trustees.

Nomination papers, &c. may be sent by post.

17. A nomination paper, voting paper, notice, or other document required to be sent to any person by this schedule, may be delivered at or sent by post to the residence or place of business of the person to whom it is addressed, and if sent by post shall be deemed to have been received at the time at which it would have been delivered in the ordinary course of post.

THE THIRD SCHEDULE.

MEETINGS AND PROCEEDINGS OF TRUSTEES.

1. The Trustees shall, at a meeting to be held within twenty-one days after the first election under this Act, appoint a chairman of their meetings, and, if they think fit, a vice-chairman, to act until the first annual meeting, to be held as herein-after mentioned.

2. The Trustees shall hold a meeting, to be called the annual meeting, in the month of July in every year, or in such other month as they may from time to time fix, and, subject as aforesaid, they may meet and adjourn as they think proper.

3. The quorum of the Trustees shall consist of five members, or of such number, not being less than three, as may be from time to time fixed by the Trustees.

4. The Trustees shall, at their annual meeting in each year, appoint a chairman, and, if they think fit, a vice-chairman, of their meetings for the ensuing year.

5. If the chairman or vice-chairman is not present at the time appointed for holding any meeting, or within fifteen minutes afterwards, the members present shall choose one of their number to be chairman of such meeting.

6. Every question at a meeting shall, unless otherwise expressly provided by any enactment for the time being in force, be determined by a majority of votes of the members present and voting on that question.

7. In case of an equal division of votes the acting chairman shall have a second or casting vote, except in the case of the appointment of chairman before mentioned, on which occasion the chairman shall only vote in case of an equality of votes.

8. The Trustees shall be entitled for the purpose of their meetings to use, free of charge, the council chamber or such other place as is ordinarily used for meetings of the council of the borough.

THE FOURTH SCHEDULE.

A.D. 1880.

STAFFORD CORPORATION ACT, 1880.

CERTIFICATE OF CONTAGIOUS OR INFECTIOUS DISEASE.

To the Corporation of the Borough of Stafford.

Pursuant to the above-mentioned Act, I hereby certify and declare that in my opinion the under-mentioned person is suffering from (*here specify the disease*).

Dated the day of 18 .
(Signed)

Name of person suffering from the disease.

Situation of the building wherein such }
person is.

Name of occupier or other person having }
the control or charge of the building or
room.

Signature of medical practitioner

Note.—This certificate must (under a penalty in case of neglect) be forthwith sent, by post or otherwise, to the Corporation at the Town Hall. It should be addressed to the medical officer of health, and marked outside "Immediate."

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