CHAPTER cxlviii.

An Act to transfer Burton Bridge to the Mayor Aldermen and Burgesses of the Borough of Burton-upon-Trent in the County of Stafford to enable them to widen Little Burton Bridge to make further provision for the good government of the Borough and for other purposes. A.D. 1896.

[20th July 1896.]

WHEREAS the borough of Burton-upon-Trent is a borough subject to the Acts relating to municipal corporations under the government of the mayor aldermen and burgesses of the said borough acting by the council herein-after called "the Corporation":

And whereas prior to the passing of the Local Government Act 1888 the said borough was situate partly in the county of Stafford and partly in the county of Derby but by virtue of that Act the boundary between the said two counties was altered so as to include the whole of the said borough in the administrative county of Stafford:

And whereas under the powers of the Midland Railway and Burton-upon-Trent Bridge Act 1859 the Midland Railway Company removed the ancient bridge across the River Trent at the town of Burton-upon-Trent which connected the said two counties and in lieu of that bridge constructed under the powers of that Act a new bridge in the said town from Bridge Street in the county of Stafford on the one side to a point in the county of Derby on the other side of the said river with approaches to the said bridge on either side and by the said Act the said new bridge was made repairable by the inhabitants of the said two counties jointly in equal shares: 22 & 23 Vict. c. cxxxvi.

And whereas by reason of the said alteration of boundary the said new bridge (in this Act referred to as "Burton Bridge") is wholly in the said borough and it has been arranged between the respective county councils of the said two counties and the Corporation that the said bridge should be transferred to the Corporation on the

A.D. 1896.

terms in this Act contained to be maintained wholly by the Corporation as a borough bridge and it is expedient that the said arrangement be carried into effect:

And whereas it is expedient in order the better to accommodate the increasing traffic of the said borough that the bridge in the said borough known as Little Burton Bridge which crosses the Midland Railway and that the road leading from Little Burton West to Little Burton East should be respectively widened:

And whereas it is expedient that further provision should be made for the prevention of the spread of infectious diseases and that the other provisions in this Act contained for the good government and improvement of the borough should be made:

And whereas it is expedient that further borrowing and other powers be conferred upon the Corporation:

And whereas it is expedient that the Corporation be authorised to lend to the school board of the united district of Burton-upon-Trent and to the guardians of the poor for the Burton-upon-Trent Union such moneys as those respective bodies are from time to time authorised to borrow and for those purposes to borrow the necessary moneys:

And whereas the Corporation are in pursuance of the Public Health Acts Amendment Act 1890 empowered to exercise their statutory borrowing powers for the time being by means of the creation and issue of Corporation stock and have exercised such powers by the creation and issue of Burton-upon-Trent Corporation three per cent. stock:

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

And whereas an estimate has been prepared by the Corporation for the purchase of land and for the execution of the works by this Act authorised and such estimate amounts to five thousand three hundred pounds:

And whereas the works included in such estimate are permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act 1875:

And whereas an absolute majority of the whole number of the council at a meeting held on the sixth day of January one thousand eight hundred and ninety-six after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Burton Evening Gazette a newspaper published and circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense

in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate of the borough:

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the twenty-seventh day of January one thousand eight hundred and ninety-six being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

And whereas plans and sections showing the lines situation and levels of the works by this Act authorised and plans showing the lands which may 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 and describing such 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:

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):—

Part I.—Preliminary.

Short title.

1. This Act may be cited as the Burton-upon-Trent Corporation Act 1896.

Act divided into parts.

2. This Act is divided into parts as follows:—

Part I.—Preliminary.
Part II.—Transfer of Burton Bridge.
Part III.—Works.
Part IV.—Lands.
Part V.—Bathing places.
Part VI.—Infectious diseases &c.
Part VII.—Finance.
Part VIII.—Miscellaneous.

A.D. 1896.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts so far as they are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

Interpretation.

4. In this Act unless the subject or context otherwise requires—

Terms to which meanings are assigned by the Public Health Acts or by Acts wholly or partially incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings;

"The borough" means the borough of Burton-upon-Trent;

"The Corporation" means the mayor aldermen and burgesses of the borough;

"The council" means the town council of the borough;

"The mayor" means the mayor of the borough;

"The town clerk" "the treasurer" "the medical officer of health" and "the surveyor" respectively mean the town clerk the treasurer the medical officer of health and the borough surveyor of the borough;

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

"Burton-upon-Trent stock" and "stock" respectively mean the Burton-upon-Trent Corporation three per cent. stock;

"The Public Health Acts" means the Public Health Act 1875 and any Act amending the same;

"Dairy" includes any farm farmhouse cowshed milkstore milkshop or other place from which milk is supplied or in which milk is kept for purposes of sale;

"Daily penalty" means a penalty to accrue for each day any offence shall continue after conviction therefor;

"Statutory security" means and includes any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock Corporation stock or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation in Great Britain (except the Corporation) or of any other local authority within section 34 of the Local Loans Act 1875 but shall not include securities transferable by delivery.

Limits of Act.

5. This Act except where otherwise expressed or implied shall apply exclusively to the borough.

Act to be executed by council.

6. This Act shall be carried into execution by the Corporation acting by the council.

Part II.—Transfer of Burton Bridge.

Transfer to Corporation of Burton Bridge.

7.—(1) Within six months after the passing of this Act the Staffordshire County Council shall pay to the Corporation the sum of three thousand one hundred and eighty pounds and the Derbyshire County Council shall pay to the Corporation the sum of three thousand one hundred and eighty pounds and on payment of those respective sums Burton Bridge together with the roads approaches works rights and easements appertaining thereto and vested in the said county councils shall by virtue of this Act be transferred to and vested in the Corporation as a borough bridge within the meaning of the Municipal Corporations Act 1882 and shall thenceforward be maintained and repaired by the Corporation and all duties and liabilities imposed on the said county councils or either of them for the maintenance and repair of the said bridge roads approaches and works or otherwise in relation thereto shall thenceforward absolutely cease and determine.

(2) The Corporation shall invest the said sums of three thousand one hundred and eighty pounds making together the sum of six thousand three hundred and sixty pounds in statutory securities and shall apply the income derived therefrom for the repair of the said bridge and the approaches thereto and in so far as the same shall not be required for that purpose shall accumulate the same by way of compound interest by investing in like manner and if at any time the Corporation consider it expedient to widen and improve the said bridge and approaches they may apply the said sum of six thousand three hundred and sixty pounds and any accumulations thereof for or towards the cost of such widening and improvement.

Part III.—Works.

Power to widen bridge and road.

8. Subject to the provisions of this Act the Corporation may in the lines and situation and upon the lands in that behalf delineated on the deposited plans and described in the deposited book of reference and acquired by them under the powers of this Act make and maintain the following works wholly within the township and parish of Burton-upon-Trent in the borough (that is to say):—

A.D. 1896.

Work No. 1.—The widening and improving (on its western side) of the bridge known as Little Burton Bridge and the approaches thereto such widening to commence at the northernmost corner of the house numbered eighty-five in Horninglow Street and to terminate at the south-east corner of the main building of the inn known as the "Railway Bridge Inn":

Work No. 2.—The widening of the road leading from Little Burton West to Little Burton East such widening to commence at a point about eighty-two feet north-west of the bottom of the steps at the south-east end of the said road and to terminate at a point in the fence of the Midland Railway about twenty-three feet measured along the said fence south-west of the western face of the existing bridge.

Power to make subsidiary works.

9. The Corporation may upon the lands delineated on the deposited plans and described in the deposited book of reference and acquired by them under the powers of this Act make place and maintain all such piers pillars retaining-walls abutments arches girders sewers drains culverts steps inclines approaches and conveniences as may be necessary for or in connexion with the works by this Act authorised or either of them.

Power to deviate.

10. In the construction of the works by this Act authorised the Corporation may deviate laterally to any extent within the limits of deviation shown on the deposited plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding two feet upwards or downwards.

Power to alter sewers gas and water pipes &c.

11. In constructing the works by this Act authorised the Corporation may raise sink or otherwise alter the position of any sewer drain water pipe or gas pipe belonging to or connected with any building adjoining or near to the said works and also any main or other pipe laid down or used for carrying a supply of water or gas and also any pipe tube cable wire or other conductor or apparatus laid down for the conduct of electricity for any purpose and may remove any other obstruction to the convenient execution of the said works causing as little detriment and inconvenience as circumstances will admit and making compensation for all damage loss cost and expenses caused by or in consequence of such alteration Provided that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply Provided further that the Corporation shall not raise sink or otherwise alter the position of any pipe tube wire cable conductor or other

apparatus belonging to or used by Her Majesty's Postmaster General except in accordance with and subject to the provisions of the Telegraph Act 1878.

For protection of Midland Railway Company.

12. In constructing and maintaining the works authorised by this Act for widening and improving Little Burton Bridge and for widening the road leading from Little Burton West to Little Burton East where the same will affect the railway lands and property of the Midland Railway Company the Corporation shall be subject to the following conditions (that is to say):—

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

(2) The arches or openings carrying the widening of Little Burton Bridge over the railway lands and property of the Midland Railway Company shall be constructed of such span and headway and in such manner as shall be reasonably approved by such engineer:

(3) The works shall be constructed and maintained so that the traffic upon the said railway shall not be in anywise impeded or interfered with and such maintenance shall be effected under the superintendence and to the reasonable satisfaction of such engineer and in all things at the expense of the Corporation:

(4) The Corporation shall take all possible precautions in the execution of their works to prevent any interference with the free uninterrupted and safe use in the ordinary manner and at the ordinary rate of speed of any railway siding or other work belonging to the Midland Railway Company:

(5) The Corporation shall bear and on demand pay to the Midland Railway Company the expense of the employment by that company during the execution of any work affecting any railway siding or other work of that company of a sufficient number of inspectors watchmen and signalmen to be appointed by that company for watching and signalling the same with reference to and during the execution of any such work of the Corporation and for preventing as far as

A.D. 1896.

may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employ of the Corporation or of their contractors with reference thereto or otherwise:

(6) If by reason of the execution of any of the works or any proceedings of the Corporation or the failure of any such works or any act or omission of the Corporation or of their contractors or of any person in the employ of the Corporation or of their contractors any railway siding or other work of the Midland Railway Company shall be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their own expense or in the event of their failing so to do then the Midland Railway Company may make good the same and recover the expense thereof with full costs against the Corporation in any court of competent jurisdiction And if any interruption shall be occasioned to the traffic of or upon any such railway siding or other work of the Midland Railway Company by reason of any of the matters or causes aforesaid the Corporation shall pay to the Midland Railway Company all costs and expenses to which that company may be put as well as full compensation to be recoverable with full costs by that company from the Corporation in any court of competent jurisdiction:

(7) The Corporation shall at all times maintain the bridges arches openings or other works by which the said widening is carried over the railways sidings or other works of the Midland Railway Company in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of such company And if and whenever the Corporation fail so to do the Midland Railway Company may make and do in and upon as well the lands of the Corporation as their own lands all such works and things as that company reasonably think requisite in that behalf and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Corporation and in default of full repayment may be recovered with full costs by the Midland Railway Company from the Corporation in any court of competent jurisdiction:

(8) For the purposes of widening the said Little Burton Bridge the Corporation shall not acquire any estate or interest in the lands and property of the Midland Railway Company other than an easement or right of constructing and maintaining therein the works by this Act authorised:

(9) For the purpose of widening the road leading from Little Burton West to Little Burton East the Corporation shall only acquire so much of the property of the Midland Railway Company as will be necessary to enable the Corporation to construct such widening:

(10) If any difference shall arise between the Corporation and the Midland Railway Company as to the true intent and meaning of this enactment or the mode of giving effect thereto the same shall be from time to time determined by arbitration in the manner prescribed by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

Part IV.—Lands.

Power to Corporation to take lands.

13. Subject to the provisions of this Act the Corporation may enter upon take and use for the purposes of the works by this Act authorised all or any part of the lands delineated on the deposited plans and described in the deposited book of reference in connexion therewith respectively.

Correction of errors as to lands.

14. If any omission misstatement or wrong description of any lands or of any owner lessee or occupier of any lands described in or intended or purporting to be described in the deposited plans and book of reference be discovered the following provisions shall have effect (that is to say):—

The Corporation after giving ten days notice in writing to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Stafford for the correction thereof:

If it appears to such justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described:

The certificate shall be deposited with the clerk of the peace for the said county and a duplicate thereof shall also be deposited with the parish clerk of Burton-upon-Trent and such certificate and duplicate respectively shall be kept by such clerk of the peace and parish clerk respectively with the other documents to which the same relate:

Thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and the Corporation may enter on take and use the lands for the

A.D. 1896.

several purposes to which they are appropriated by this Act in accordance with the certificate:

A copy of or an extract from such certificate purporting to be under the hand of the clerk of the peace aforesaid (which copy or extract he shall give when required under his hand to any person interested) shall be conclusive evidence of such correction.

Owners may be required to sell parts only of certain buildings &c.

15. And whereas in the construction of the works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of certain of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the schedule to this Act and whereof parts only are required for the purposes of this Act may (if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto) be required to sell and convey to the Corporation the portions only of the premises so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Limitation of time for compulsory purchase of lands.

16. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Corporation empowered or may be required to underpin or otherwise strengthen houses near works &c.

17. And whereas in order to avoid in the execution and maintenance of the works authorised by this Act injury to the houses and buildings within one hundred feet of such works it may be necessary to underpin or otherwise strengthen such houses and buildings Therefore the Corporation at their own costs and charges may and if required by the owners and lessees of any such house or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

(1) At least ten days notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners

and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :

(2) Each such notice if given by the Corporation shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners and lessees of the premises to be underpinned or strengthened shall be sent to the office of the town clerk :

(3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade :

(4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building :

(5) The cost of the reference shall be in the discretion of the referee :

(6) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :

(7) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :

A.D. 1896.

(8) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Corporation from the liability to compensate under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 or under any other Act:

(9) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts:

(10) Nothing in this section shall repeal or affect the application of the ninety-second section of the Lands Clauses Consolidation Act 1845.

Power to stop up footways.

18. The Corporation may discontinue and stop up any footways in or over any lands acquired by them under the powers of this Act and described on the deposited plans as intended to be stopped up and thereupon all right of way over such footways shall be extinguished and the soil shall vest in the Corporation if and so far as they are the owners of the adjoining land on both sides.

Restriction on taking houses of labouring class.

19.—(1) The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Power to take easements &c. by agreement.

20. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) 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.

Corporation may acquire easements only in certain lands.

21. The Corporation may in lieu of acquiring any lands for the purpose of the works by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of constructing and maintaining the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts Provided always that except as to land forming part of a street nothing herein contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso Provided also that the Corporation may hold and let any lands which the owner shall require them to take under the provisions of this section and may grant leases of the same or of any parts thereof for any term and subject to such reservations restrictions and other provisions as the Corporation may think fit provided that nothing contained in any lease to be granted under the powers of this section shall prejudicially affect or interfere with such access to the said lands as may be necessary for the purpose of constructing and maintaining the works by this Act authorised and that the Corporation in every such lease shall reserve to themselves the right of re-entry in the event of such lands being at any time required for any such purpose upon their giving to the lessee his executors administrators or assigns six months notice of such requirement.

Proceeds of sale of surplus lands.

22. So long as any properties remain to be acquired by the Corporation under the authority of Parliament the Corporation may so far as they consider necessary apply moneys received by them on resale or by leasing or letting as aforesaid in the purchase of properties so remaining to be acquired but as to moneys so received and not required as aforesaid the same shall be applied in extinguishment of any loan borrowed by the Corporation or be added to the stock redemption fund Provided that such moneys when applied in such extinguishment shall not be applicable to the payment of instalments or to payments required to be made to the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided that borrowed money so discharged by the application of such moneys

A.D. 1896.

shall not be reborrowed The borrowing powers of the Corporation by this Act authorised shall be reduced to the extent of the amounts applied in the purchase of properties under the provisions of this section.

Part V.—Bathing Places.

Corporation may provide public bathing places.

23. The Corporation may on any lands for the time being belonging to them within the borough and abutting on the River Trent or any of its branches establish and maintain one or more public bathing places for males and may permit the use thereof by them with or without charge therefor as the Corporation may from time to time determine and may erect provide and maintain all such buildings sheds and conveniences as may be necessary for the user thereof.

The Corporation may make and enforce byelaws for all or any of the following purposes (that is to say):—

For regulating the use of the bathing places and of the said buildings and sheds;

For fixing the charges (if any) for admission to the bathing places and for the use of the buildings sheds and conveniences therein;

For preventing indecent exposure of the persons of the bathers;

For preventing disorderly or improper behaviour by persons frequenting the said bathing places buildings or sheds; and

For preventing injury to the bathing places buildings sheds and any property of the Corporation in on or connected therewith.

Part VI.—Infectious Diseases &c.

Dairymen to furnish lists of customers in certain cases.

24. Whenever it shall be certified to the Corporation by the medical officer of health that the outbreak or spread of infectious disease is in the opinion of such medical officer of health attributable to the milk supplied by any dairyman the Corporation may require such dairyman to furnish to them or to him within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the borough and such dairyman shall furnish such list accordingly and the Corporation shall pay to him for such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding forty shillings.

Dairymen to notify infectious diseases existing among their servants &c.

25. Every dairyman supplying milk within the borough from premises whether within or beyond the borough shall notify to the Corporation or to the medical officer of health all cases of infectious disease among persons engaged in or in connexion with his dairy and all cases of tuberculosis or milk or parturient fever to his knowledge occurring in his dairy and any such dairyman who shall commit any breach of this enactment shall be liable to a penalty not exceeding forty shillings.

Milk of cow affected with certain diseases not to be sold.

26. Every dairyman who shall sell the milk of any cow to his knowledge affected with tuberculosis or milk or parturient fever shall be liable to a penalty not exceeding forty shillings.

Infected person not to carry on business &c.

27. A person who knows himself to be suffering from any infectious disease shall not milk any animal or pick fruit and shall not engage in any occupation connected with food intended for the use of man or carry on any trade or business in such a manner as to be likely to spread such infectious disease and if he does so he shall be liable to a penalty not exceeding forty shillings.

Section 124 of Public Health Act to apply to persons who cannot be isolated.

28. Section 124 of the Public Health Act 1875 shall extend and apply to all cases of persons suffering from any infectious disease and being in or upon any house or premises where in the opinion of the medical officer of health such person cannot be effectually isolated so as to prevent the spread of the disease.

Persons engaged in washing or mangling clothes to furnish lists of owners of clothes in certain cases.

29. Whenever it shall be certified to the Corporation by the medical officer of health that it is desirable with a view to prevent the spread of infectious disease that they should be furnished with a list of the customers of any person earning a livelihood or deriving gain by the washing or mangling of clothes the Corporation may require such person to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person washes or mangles or has washed or mangled during the past six weeks and such person shall furnish such list accordingly and the Corporation shall pay to him for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings and any person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Medical officer may require dairymen to

30. If the medical officer of health shall have reasonable cause to believe that any person in the borough is suffering from infectious disease attributable to milk supplied within the borough he

A.D. 1896.

furnish lists of sources of their supply of milk.

may by notice in writing require every vendor of milk supplying milk to the person so suffering or to the house of which he is an inmate to furnish the medical officer of health with a list of all the farms dairies or places from which such vendor derives his supply of milk or from which he has derived his supply during the last six weeks and every such person failing to comply with such requirement shall for every such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Provision of nurses in case of infectious disease.

31. The Corporation may from time to time provide nurses for attendance upon any person within the borough suffering from any infectious disease.

Protection against infection of books in public libraries.

32. No person shall return to any public library any book which has been to his knowledge exposed to infection from any infectious disease until such book has been disinfected to the satisfaction of the medical officer of health or unless prior to the return of such book notice that it has been exposed to infection shall have been given to the librarian If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Compensation to dairymen.

33. If any dairyman shall at the request of the Corporation stop his milk supply within the borough on account of the spread or suspected spread of infectious disease the Corporation shall make compensation to him for any loss occasioned by such stoppage.

Power to compensate persons ceasing employment &c.

34. If any person shall at the request of the Corporation or the medical officer of health stop his employment for the purpose of preventing the spread of infectious disease the Corporation shall make compensation to him for any loss he may sustain by reason of such stoppage.

Public notice to be given of provisions of this part of Act.

35. Public notice of this part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulated in the borough and by notice affixed outside the town hall of the borough and by such further means as the Corporation deem reasonable for conveying notice of such provisions to persons affected or likely to be affected thereby A copy of the newspaper containing the advertisement shall be conclusive evidence that public notice of this part of this Act has been duly given unless the contrary be proved and no objection to such notice shall be made after six months from the date of the advertisement.

Owners &c. to permit application of test to drains.

36. Whenever the medical officer of health or the surveyor has reasonable grounds for believing that the drains connected with any house or building are defective so as to cause risk to health he may after twenty-four hours notice and with the consent (except in the case of houses let in separate dwellings) of the owner or occupier of such house or building or in the event of objection by any such owner or occupier after obtaining the order of a court of summary jurisdiction apply such test as he may consider efficient to such drains for the purpose of discovering any defects therein Any owner or occupier who refuses notwithstanding such order to allow such test to be made or to give all reasonable facilities for making such test shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings If the drains be found defective so as to cause risk to health the owner or occupier of the premises shall be bound on receiving notice from the Corporation to that effect specifying generally the nature of the defect to carry out all necessary operations for remedying the same within a reasonable time to be named in such notice and if he makes default in so doing the Corporation may enter and execute the work and recover the expenses thereof from the owner or occupier in a summary manner or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts The provisions of this section shall not alter or in any way affect the rights and interests inter se of the owners lessees or occupiers of any house or building.

Corporation may provide lavatories.

37. Where the Corporation under the provisions of the Public Health Acts provide and maintain for public accommodation any sanitary conveniences they may if they think fit provide and maintain and make reasonable charges for the use of lavatories for public accommodation in connexion with such sanitary conveniences.

No buildings allowed until street formed &c.

38. No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to the satisfaction of the Corporation to indicate the approved line and level thereof Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Part VII.—Finance.

Power to borrow.

39. The Corporation may from time to time (in addition to any moneys they are now authorised to borrow) borrow at interest on

A.D. 1896.

the following securities and for the following purposes being purposes to which capital is properly applicable and not otherwise the following sums (that is to say):—

For paying the costs charges and expenses of this Act as herein-after defined the sum required for that purpose on the security of the borough fund and borough rate;

For the purposes of the widening of Little Burton Bridge and road and works in connexion therewith and the acquisition of the land and easements therefor on the security of the district fund and general district rate any sum not exceeding five thousand three hundred pounds;

For any purpose of this Act to which capital is properly applicable on the security of the district fund and general district rate such sums as the Local Government Board may in every case sanction:

And in calculating the sum the Corporation may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Corporation as to borrowing and reborrowing shall not be restricted by any of the provisions of the Municipal Corporations Acts or of the Public Health Act 1875 or of the Local Government Act 1888.

Provision as to mortgages.

40. The following sections of the Public Health Act 1875 (that is to say):—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages);

Section 239 (Receiver may be appointed in certain cases);

shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act.

As to repayment of borrowed moneys.

41. The Corporation shall repay moneys borrowed under the powers of this Act other than moneys borrowed to lend to a borrowing authority within the following periods from the date of the borrowing of the said moneys respectively (that is to say):—

For the purpose of paying the costs of this Act within any period not exceeding five years;

For purposes of and connected with the widening of Little Burton Bridge and works connected therewith within any period not exceeding thirty years;

For all other purposes within such period not exceeding sixty years from the respective dates of the borrowing of the same as the Local Government Board may in every such case sanction:

And such repayment shall be effected—

Either by equal yearly or half-yearly instalments of principal or of principal and interest combined;

Or by means of a sinking fund;

Or partly by such instalments and partly by a sinking fund:

Every such instalment or instalments shall be paid out of the funds and rates on the security of which the principal moneys in respect of which it or they are so paid were borrowed.

As to sinking fund.

42. The following provisions shall apply as to the sinking fund (that is to say):—

(1) The Corporation in every year after the respective dates in that behalf prescribed by this section or as the case may be by the Local Government Board shall appropriate and set apart out of the funds and rates on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum or such other rate as the Local Government Board on the application of the Corporation may sanction be sufficient to pay off the whole of the principal moneys borrowed on such security within the said respective periods so far as the same are to be paid off by means of a sinking fund:

(2) The first payment to the sinking fund for repayment of moneys to be borrowed under the powers of this Act shall be made on or before the thirty-first day of March next following the time of the borrowing of the moneys in respect of which the payment is to be made:

(3) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any statutory security:

(4) The Corporation may at any time apply the whole or any part of such sinking fund in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper Provided as follows (that is to say):—

(A) That in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a

A.D. 1896.

sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the annual payments to the sinking fund are based;

(B) That whenever and so long as the securities constituting any sinking fund shall be equal in value at the market price of the day to the principal moneys then outstanding and to be paid off by means of such fund the Corporation may in lieu of investing the said yearly income apply the same in payment of the interest on such principal and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto;

(C) That if and so often as the interest in any year derived from such investments is not equal to the income which would be derived therefrom at the rate per centum per annum on which the equal annual payments to the sinking fund are based such deficiency shall be made good out of the funds and rates on the security of which the moneys to be repaid have been borrowed but if and so often as the said interest in any year exceeds such income the difference between such interest and income shall be applicable in reduction of the sums which would otherwise be required to be paid into the sinking fund.

Annual return to Local Government Board with respect to sinking funds &c.

43.—(1) The treasurer shall within twenty-one days after the expiration of each year ending on the thirty-first day of March during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under or by virtue of 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 upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof 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 of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

(2) 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 any 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.

(3) The provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Power to Corporation to lend to school board and guardians.

44.—(1) Subject to the provisions of this Act the Corporation may from time to time advance by way of loan to the school board of the United District of Burton-upon-Trent and to the guardians of the poor of the Burton-upon-Trent Union respectively (each of which bodies is in this Act included in the expression "borrowing authority") such sum or sums of money as the borrowing authority is for the time being by law authorised to borrow and is desirous to borrow from the Corporation upon the security of any rates or funds which the borrowing authority is authorised to charge for the repayment of the money borrowed.

(2) The Corporation may borrow any sum or sums required by them for a loan to the borrowing authority and may mortgage the borough fund and borough rate for the purpose.

(3) The following provisions shall apply to moneys borrowed or raised for the purpose of loans to a borrowing authority :—

(A) The sum shall be lent by the Corporation to the borrowing authority for a period not exceeding that for which the borrowing authority is authorised to borrow or reborrow the same and with a provision for repayment by equal annual instalments of principal or of principal and interest combined :

(B) If any sum payable to the Corporation for principal in respect of any sum lent to the borrowing authority shall not be received within six months of the time appointed for the payment thereof a like sum shall be set apart out of the borough fund and if after the application or investment of the sum so set apart or the payment thereof into the sinking fund (if such moneys be not raised by the issue of stock) or into the stock redemption fund established in respect of Burton-upon-Trent stock (if such moneys be raised by the

A.D. 1896.

issue of stock) the whole or any part thereof shall be received by the Corporation the sum so received shall be carried to the credit of the borough fund.

(4) The following provisions shall apply to moneys borrowed and not raised by the issue of stock:—

(A) Every sum so borrowed shall be repaid by the Corporation within a period to expire not more than one year after that for which the same was lent by them to the borrowing authority:

(B) All sums received from the borrowing authority for interest shall be applied towards the payment of interest payable in respect of moneys so borrowed the balance if any being carried to the credit of the borough fund:

(C) All sums received from the borrowing authority for principal and all sums set apart out of the borough fund under sub-section (3) of this section shall be applied towards the repayment of the principal payable in respect of moneys so borrowed and until so applied shall be invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise and if not required for that purpose shall be applied as if the same had been received for interest from the borrowing authority.

(5) The following provisions shall apply to moneys raised by the issue of Burton-upon-Trent stock:—

(A) All sums received from the borrowing authority for interest shall be paid into the said stock redemption fund and shall be applied in paying the dividends on stock:

(B) All sums received from the borrowing authority for principal and all sums set apart out of the borough fund for payment into the said loans fund in pursuance of sub-section (3) of this section shall be paid into the said stock redemption fund and shall be applied in the redemption or purchase and extinction of stock and until so applied shall be invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise:

(C) If the sum received as interest from any borrowing authority or derived from such investments as aforesaid is more than is required for the purpose to which the same is to be applied the

surplus may be applied in reduction of any contributions payable out of Corporation revenues in respect of dividends on the said stock.

(6) If any doubt shall arise as to how much of any sum received by the Corporation from any borrowing authority is to be regarded as principal or interest the question shall be determined by the Local Government Board.

(7) The treasurer shall within twenty-one days after the expiration of each year ending on the thirty-first day of March if during the twelve months next preceding the said thirty-first day of March any sum is payable to the Corporation in respect of moneys lent by them to the borrowing authority and raised otherwise than by the issue of stock or at any other time when the Local Government Board may require such a return to be made 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 for the year next preceding the making of such return the amounts which have been received from the borrowing authority for principal the amounts which have been applied directly towards the repayment of the principal payable in respect of moneys raised under this section and the amounts which have been invested and the description of the securities upon which any investment has been made and the purposes to which any portion of the investment has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the treasurer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(8) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to apply or invest as required by paragraph (c) of sub-section (4) of this section any sum by that paragraph required to be applied or invested or have misapplied any of the investments or the produce of the sale thereof the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which such default or misapplication has occurred shall be applied directly towards repayment of principal or be invested and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

A.D. 1896.

Power to reborrow.

45. If the Corporation can at any time pay off any securities given by them and then in force by borrowing money at a lower rate of interest or if the Corporation pay off any moneys borrowed by them under the powers of this Act otherwise than by means of instalments or of a sinking fund or out of the proceeds of the sale exchange or disposition of lands or other moneys received on capital account (other than borrowed moneys) they may reborrow the same and so from time to time Provided as follows (that is to say):—

All moneys so reborrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such reborrowing shall have been made;

Any amounts from time to time reborrowed shall be deemed to form the same loan as the moneys in lieu of which such reborrowing shall have been made and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by such reborrowing.

Protection of lenders from inquiry.

46. A lender of money to the Corporation under this Act shall not be bound to inquire respecting the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss non-application or misapplication of the money lent or any part thereof.

Corporation not to regard trusts.

47. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register book of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the Corporation shall not be bound to see to the application of the money paid in any such receipt or be answerable or accountable for any loss misapplication or non-application of any of such money.

Expenses of execution of Act.

48. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such of them as are to be paid out of borrowed money or are by this Act

otherwise expressly provided for) shall be paid as follows (that is to say):—

Expenses incurred under Parts III. IV. V. and VI. respectively of this Act and expenses incurred under the provisions relating to gas under Part VIII. of this Act out of the district fund and general district rate;

All other expenses out of the borough fund and borough rate.

Provision for rating new buildings.

49. Where in pursuance of section 38 of the Poor Law Amendment Act 1868 the occupier of any new house or other building shall be entered in the poor rate book the Corporation may make a similar entry in the general district rate book and the burial rate book or other rate book of the Corporation and such occupier shall thereupon be considered as actually rated to the current general district rate and burial rate or other rate leviable by the Corporation from the date of the last-mentioned entry and shall be liable to pay the sum assessed to those rates (less a proportionate sum for the time which shall have elapsed from the making of the current rates to the date of the last-mentioned entry) in like manner and with the like power of appeal as if he had been rated for the same when such general district rate and burial rate or other rate leviable by the Corporation were made and the power to rate owners instead of occupiers in certain cases and the provision as to the assessment of certain property on a reduced estimate and other the provisions of section 211 of the Public Health Act 1875 shall so far as the same are applicable apply to the assessment authorised by this section.

The words "house or other building" in this section shall for the purposes thereof be deemed to include any rateable hereditament.

Part VIII.—Miscellaneous.

Corporation may make and sell gas meters &c.

50. The Corporation may manufacture purchase sell hire and let on hire apparatus appliances and fittings for the consumption and utilisation of gas for the purposes of light heat and motive power within their respective statutory limits for the supply of gas and may recover charges therefor.

Corporation may maintain their organ in town hall &c.

51. The Corporation may maintain the organ belonging to them in the town hall and may appoint and pay an organist and may provide for the expenses thereby incurred out of the borough fund or borough rate.

Power to remove electric meters.

52. Section 22 (Power to remove meters and fittings) of the Gasworks Clauses Act 1871 shall extend and apply mutatis

A.D. 1896.

mutandis to meters and fittings belonging to the Corporation laid or fixed to any premises supplied with electric energy by the Corporation.

Paid auditors.

53. With respect to the audit of the accounts of the Corporation the following provisions shall have effect :—

(1) From and after the first appointment of an auditor or auditors under this section the provisions of section 20 of the Town of Burton-upon-Trent Act 1853 and of section 78 of the Burton-upon-Trent Improvement Act 1878 shall cease to apply within the borough :

(2) The Corporation may from time to time appoint and pay one or more chartered accountants or members of the Incorporated Society of Accountants and Auditors to act as auditor or auditors of the accounts of the Corporation in such manner as the Corporation direct in addition to the auditors appointed under the Municipal Corporations Act 1882.

Byelaws.

54. All the provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates to byelaws of a rural sanitary authority) shall apply to all byelaws from time to time made by the Corporation under the powers of this Act.

Compensation how to be determined.

55. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts.

As to appeal.

56. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Inquiries by and expenses of Local Government Board.

57.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Expenses of Act.

58. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of moneys to be borrowed for the purpose under the provisions of this Act.

A.D. 1896.

The SCHEDULE referred to in the foregoing Act.

DESCRIBING HOUSES BUILDINGS AND MANUFACTORIES OF WHICH PORTIONS ONLY MAY BE REQUIRED.

Parish.	Numbers on Deposited Plans.
Burton-upon-Trent - - -	3 4 6 9 12 14 18 22 23 29 30 31 32.

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