CHAPTER ccxxxii.

An Act for the settlement of certain claims arising out of the fraudulent issue of certain mortgages purporting to be mortgages of the Local Board for the district of East Stonehouse and for the borrowing of money by the Local Board and for other purposes. [14th August 1890.] A.D. 1890.

WHEREAS Joseph Edward Curteis late clerk to the Local Board for the urban sanitary district of East Stonehouse in the county of Devon (in this Act called the "Local Board") between the month of November 1880 and the month of December 1884 contrary to his duty as such clerk and without the knowledge or consent of the Local Board received from a great number of persons (in this Act called the "claimants") sums of money amounting in the aggregate to about fourteen thousand seven hundred pounds and gave for such sums mortgages purporting to be genuine securities of the Local Board:

And whereas the moneys so received by the said Joseph Edward Curteis were not paid or accounted for to the Local Board or applied to any purpose of the Local Board:

And whereas the said Joseph Edward Curteis was indicted for forgery and larceny and embezzlement in relation to the said mortgages at the Spring Assizes held at Exeter for the county of Devon in the year 1887 and pleaded guilty to certain of the said charges and was sentenced to penal servitude for five years:

And whereas disputes have arisen between the claimants and the Local Board as to the liability of the Local Board to pay to the claimants the sums received as aforesaid by the said Joseph Edward Curteis:

And whereas divers actions have been brought in the Queen's Bench Division of the High Court of Justice against the Local Board by certain of the claimants in which actions it has been decided that

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the liability of the Local Board in respect of the said mortgages depends upon the question whether or not the Local Board authorised the making of such mortgages respectively:

And whereas judgment has been obtained against the Local Board by the two claimants who are mentioned in the first part of the First Schedule to this Act in respect of two mortgages for five hundred pounds respectively and the Local Board are also liable to pay to the said two claimants interest on such sums the principal so due to such claimants together with interest to the first day of May 1890 making in all the sums set against the names of the respective claimants in the said First Schedule:

And whereas the claim of the claimants mentioned in the second part of the said First Schedule was based on similar grounds to those on which judgment was obtained as aforesaid and the Local Board have agreed with the said claimants to pay the same with interest and the principal due to the last-mentioned claimants together with interest to the first day of May 1890 amounts to the sum set against the names of the said claimants in the said First Schedule:

And whereas in divers of the said actions judgment has been entered for the Local Board:

And whereas the claims of the claimants whose names are mentioned in the Second Schedule to this Act were considered by the Local Board to be of a more or less doubtful nature and the Local Board for the purpose of avoiding further litigation have agreed with the said claimants to pay to them and the said claimants have agreed to accept from the Local Board compositions amounting with interest to May 1890 to the several sums set against the names of the said claimants respectively in the said Second Schedule in full discharge and satisfaction of all claims and demands whatever of the said claimants in respect of their said mortgages:

And whereas it is expedient that the Local Board should be authorised to borrow money for the purpose of satisfying such claims as they are by the judgment of the Queen's Bench Division of the High Court of Justice bound to satisfy or have agreed as aforesaid to satisfy but the same cannot be done without the authority of Parliament:

And whereas an absolute majority of the whole number of the Local Board at a meeting held on the 10th of December 1889 after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Western Morning News" and the "Western Daily Mercury" being local newspapers circulating in the district such notice being in addition to the ordinary notices required

for summoning such meeting resolved that the expense of promoting the Bill for this Act should be charged on the district fund and general district rate : A.D. 1890.

And whereas such resolution was published twice in the "Western Morning News" and the "Western Daily Mercury" being local newspapers circulating in the district 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 Local Board at a further special meeting held in pursuance of a similar notice on the fourth of August 1890 being not less than fourteen days after the deposit of the Bill for this Act in Parliament :

And whereas the owners and ratepayers of the district 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 : 38 & 39 Vict. c. 55.

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) :—

1. This Act may be cited as the East Stonehouse Local Board Act 1890. Short title.

2. The Local Board may in addition to the sums which they are otherwise authorised to borrow borrow at interest on mortgage of the general district rates leviable by the Local Board all such sums as they may from time to time think requisite for any of the purposes of this Act not exceeding in the whole six thousand two hundred and fifty pounds and such further sum as may be requisite for paying the costs of this Act as herein-after defined and after having paid off otherwise than by the sinking fund or instalments any moneys so borrowed or any mortgages granted by them under this Act may re-borrow the amount so paid off and so from time to time The Local Board may pay out of the moneys so borrowed the several sums which are set against the names of the claimants mentioned in the First and Second Schedules to this Act with interest after the rate of four per centum per annum from the 1st day of May 1890 on the principal in each respective instance agreed to be paid or may grant to the said claimants with their consent mortgages of the rates for the amount of the sums set against the names of the said claimants in the First and Second Schedules with interest as aforesaid Provided that if any such mortgages are granted the Power to borrow and to pay claims.

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borrowing powers of the Local Board under this Act shall during the continuance of such mortgages be reduced by the amount thereby secured.

Certain provisions of 38 & 39 Vict. c. 55 to be applicable.

3. The provisions contained in sections 236 237 238 and 239 of the Public Health Act 1875 shall apply to all mortgages which may be granted by the Local Board under the powers of this Act except where any such provisions are expressly altered or varied by this Act and section 247 of the Public Health Act 1875 (as amended by the District Auditors Act 1879) and section 250 of the Public Health Act 1875 shall apply to the accounts of the receipts and expenditure of the Local Board under this Act.

How repayments to be effected.

4. (1.) The Local Board shall within a period of ten years after the passing of this Act repay the moneys borrowed or re-borrowed under this Act for the purpose of paying the costs of this Act and within a period of twenty-five years after the passing of this Act repay all other moneys borrowed or re-borrowed under this Act and also the moneys (if any) secured by all such mortgages (if any) as may be granted to the said claimants under the powers conferred on the Local Board by section 2 of this Act either by equal annual instalments of principal or of principal and interest or by setting apart in every year as a sinking fund or sinking funds such a sum or sums as will with accumulations in the way of compound interest calculated at three and a half per cent. be sufficient after payment of all expenses to pay off those moneys within the prescribed period and shall invest the said sinking funds in the purchase of Exchequer Bills or other Government securities or in securities in which trustees are by law for the time being authorised to invest or in mortgages debentures debenture stock or other securities issued by any local authority as defined by section 34 of the Local Loans Act 1875 (other than the Local Board) the Local Board being at liberty from time to time to vary and transpose such investments.

(2.) The Local Board may at any time apply the whole or any part of any such sinking fund in or towards the discharge of the moneys for the repayment of which the fund is established Provided that the Local Board pay into the fund each year and accumulate until the whole of the said moneys is repaid a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied at the rate per cent. on which payments to the sinking fund are based.

Annual return to Local Government Board with

5. The clerk to the Local Board 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 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 such clerk 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 If it appear to the Local Government Board by such return or otherwise that the Local Board 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 of Justice. A.D. 1890. Penalty with respect to sinking fund.

6. All money borrowed by the Local Board under the powers of this Act shall be applied to the purposes by this Act authorised and to no other purpose. Application of money raised under this Act.

7. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Local Board out of the district fund and general district rate or out of moneys borrowed under the powers of this Act and such costs shall include the costs incurred by the Local Board in complying with the provisions of the Act of the session of Parliament held in the 35th and 36th years of the reign of Her present Majesty (cap. 91) with respect to the Bill for this Act and all matters relating thereto. Expenses of Act.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Name.	Amount payable.
	£ s. d.
FIRST PART.	
The trustees of the Widows and Orphans Fund - - -	580 0 0
The trustees of Loyal Sincerity Lodge Independent Order of Foresters - - - - - - -	580 0 0
SECOND PART.	
The trustees of the Chudleigh Lodge Independent Order of Odd Fellows - - - - - - -	1,347 13 0
Total amount payable - -	2,507 13 0

THE SECOND SCHEDULE.

Name.	Amount of Mortgage.	Amount payable.
	£	£ s. d.
The trustees of the Royal Standard Benefit Society	2,000	1,182 0 0
The trustees of the Loyal Morning Star Lodge Independent Order of Odd Fellows - -	350	97 2 0
The trustees of the Loyal Oxenham Lodge of Odd Fellows - - - - - -	300	84 15 0
The trustees of the Loyal Falmouth Lodge of Odd Fellows - - - - - -	1,600	1,048 19 0
The trustees of the Tradesmen's Benefit Society -	300	83 5 0
The trustees of the Pride of Devon Lodge Independent Order of Odd Fellows - - -	500	441 18 0
John Martyn Andrew - - - -	500	440 0 0
Total amount payable - -	- - -	3,677 19 0

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