CHAPTER lxix.

An Act to confer further Powers on the Mayor Aldermen and Burgesses of the borough of Longton. A.D. 1885.

[16th July 1885.]

WHEREAS the borough of Longton in the county of Stafford is a municipal borough subject to the Acts relating to municipal corporations and the mayor aldermen and burgesses of the said borough are the urban sanitary authority for the district thereof:

And whereas the following Acts are in force within the borough (that is to say):

The Longton Gas Act 1866; 29 & 30 Vict. c. cxxv.
The Longton Gas Act 1875; 38 & 39 Vict. c. xxii.
The Longton Corporation Gas Act 1877; 40 & 41 Vict. c. xxix.
The Longton Improvement Act 1883; and 46 & 47 Vict. c. lxii.
The Longton Extension Act 1884; 47 & 48 Vict. c. xxvii.

each of which Acts is in this Act referred to as an Act of the year in which it was passed:

And whereas the Corporation are the owners of the gas undertaking of the said borough and under powers contained in the Act of 1866 the Act of 1875 and the Act of 1877 manufacture and supply gas in the said borough and in townships and places adjacent thereto:

And whereas the consumption of and the demand for gas supplied by the Corporation is increasing and it is expedient that they be authorised to borrow additional moneys for gas works purposes:

And whereas it is expedient that the other provisions hereinafter contained should be made:

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

And whereas an absolute majority of the whole number of the Council at a meeting held on the sixth day of November one thousand eight hundred and eighty-four after ten clear days' notice by public

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advertisement of such meeting and of the purpose thereof in the Staffordshire Sentinel a local paper published or circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate:

And whereas such resolution was published twice in the said Staffordshire Sentinel and has received the approval of the Local Government Board in respect of matters under the jurisdiction of that 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 fifth day of February one thousand eight hundred and eighty-five 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:

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):

Short title.

1. This Act may be cited as the Longton Corporation Act 1885.

Incorporation of part of Commissioners Clauses Act.

2. The provisions of the Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the Commissioners (except section 84) so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with this Act.

Interpretation.

3. In this Act—

"The borough" means the municipal borough of Longton;

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

"The Council" means the Council of the borough;

"The treasurer" means the treasurer of the borough;

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

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

Terms to which meanings are assigned in enactments incorporated with this Act or which have therein special meanings have in this

Act the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act and (for the purposes of this Act) in enactments incorporated with this Act—

The expressions "court of competent jurisdiction" "superior courts" or any other like expression shall have effect as if the debt or demand with respect to which the expression is used was a simple contract debt and not a debt or demand created by statute and shall include any court of competent jurisdiction.

Act to be executed by Council.

4. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the Council.

Increase of borrowing powers under the Act of 1877.

5. Section 17 (power to borrow) of the Act of 1877 shall be read and have effect as if the sum thereby authorised to be borrowed were two hundred thousand pounds instead of one hundred thousand pounds Provided that the time for the repayment of the additional sum of one hundred thousand pounds hereby authorised shall be sixty years from the time of borrowing the same.

Further power to borrow.

6. The Corporation may from time to time (in addition to any moneys they now are or hereafter may be authorised to borrow under the provisions of any Act) borrow at interest for paying the costs charges and expenses of and in relation to this Act and of and in relation to the paying off and reborrowing of moneys under the powers of any Act the sum requisite for the purpose on the security of the borough fund and borough rate.

Provisions as to borrowing repayment &c.

7. 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 Public Health Act.

The provisions of the Act of 1883 with respect to the borrowing and repayment of moneys borrowed and the making of an annual return to the Local Government Board in respect of the repayment of moneys borrowed and Part VIII. of that Act (Corporation stock) shall subject to the provisions of this Act extend and apply mutatis mutandis to and in relation to moneys borrowed under the powers of this Act and in construing the provisions of section 127 of the Act of 1883 for the purposes of this Act the prescribed period for the repayment of such moneys as are borrowed for payment of the said costs charges and expenses of this Act shall be twenty years from the date of the borrowing thereof.

Power to reborrow.

8. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by means of equal yearly or half-

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yearly instalments appropriations or annual repayments or out of a sinking fund or the proceeds of the sale of surplus lands or out of any fines or premiums on leases or other moneys received on capital account they may reborrow the same and so from time to time Provided that for the purpose of ascertaining the period within which and the manner in which any sum reborrowed is to be repaid and for the purpose of sections 14 and 15 of the Local Loans Act 1875 the sum reborrowed and the original loan shall be deemed to form the same loan.

Traction engines.

9. The following provisions with respect to the use of traction engines in the borough shall have effect (that is to say):—

(1) The Corporation may from time to time prescribe the streets or classes of streets along or across which alone traction engines shall pass and in the case of streets in which any tramway is laid the part of the street to be traversed by such engines and the owner and person in charge of any such engine who shall knowingly and without reasonable cause pass therewith along or across any street not so prescribed or traverse any part of such last-mentioned street other than the part thereof so prescribed shall be liable for every such offence to a penalty not exceeding ten pounds in addition to the cost of repairing any damage to such street which may arise by reason of such offence;

(2) If any damage be caused to any street by any traction engine passing along or over the same the Corporation may repair the same and recover summarily or in a court of competent jurisdiction the cost of such repair from the owner of such engine;

(3) The Corporation may require any person who desires to use a traction engine in any street to deposit with them such sum of money not exceeding one hundred pounds as they may deem reasonable to recoup them the cost of repairing any damage which may be caused to any street by any such engine passing along or over the same and in case of any such damage they may repair the same and apply such deposit to meet as far as it will extend the cost of such repair and may recover summarily or in a court of competent jurisdiction the balance of such cost or the whole of such cost when no such deposit as aforesaid has been made from such person and so from time to time;

(4) If the Corporation require any person to make such deposit and such deposit shall be made accordingly they shall pay interest to such person on the amount of the deposit for the time being in the hands of the Corporation not so applied as aforesaid after the same rate as the Bank of England rate of discount for the time being;

(5) No person using or conducting any such engine shall supply the same with water from any public fountain trough well or receptacle for water situate in any street within the borough except with the consent in writing of the Corporation and upon such terms as to payment and otherwise as shall be stated therein and any person offending against this provision shall for every such offence be liable to a penalty not exceeding five pounds. A.D. 1885.

Penalties to be paid over to the treasurer &c.

10. All penalties incurred under the Act of 1883 or the Act of 1884 or any bye-law thereunder respectively and all penalties incurred under this Act may be recovered summarily and unless payable by the Corporation shall be paid to the treasurer and by him carried to the credit of the borough fund.

Expenses of Act.

11. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Corporation out of the borough fund or out of moneys borrowed under the powers of this Act and shall be debited to such accounts as the Corporation shall think fit.

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