ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. cxviii.

An Act for more effectually improving the Town of *Burton-upon-Trent* in the County of *Stafford*.

[4th *August* 1853.]

WHEREAS an Act was passed in the Nineteenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for paving, repairing, cleansing, and lighting the Town and Borough of* Burton-upon-Trent *in the County of* Stafford, *and for removing and preventing Obstructions and Annoyances therein:* And whereas it is expedient that certain Streets within the Town should be widened and improved: And whereas it is expedient that the Commissioners for executing this Act should have Power to purchase or take a Lease of the Market now held within the Town: And whereas the Provisions of the said Act are insufficient for the Purposes thereby intended, and it is expedient that more extended Powers and Provisions should be granted in lieu thereof, and that Police Regulations should be established in the Town: And whereas it is expedient that such extended Powers should not only include the Town and Borough of *Burton-upon-Trent* but also a Portion of the Township of *Burton Extra* and a Portion of the Township of 19 G. 3. c.39.

Horninglow: And whereas such several Objects may be better effected if the recited Act were repealed; but such Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by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.

I. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The Town of *Burton-upon-Trent* Act, 1853."

Commencement of Act.

II. That this Act shall commence and have effect on and from the Third *Monday* next after the passing thereof.

Limits of Act.

III. That the Limits of this Act comprise the Town and Borough of *Burton-upon-Trent* coloured Pink, and so much of the Township of *Burton Extra* as is coloured Yellow, and so much of the Township of *Horninglow* as is coloured Green, on a Plan thereof, signed in Duplicate by the Honourable *Edward Pleydell Bouverie*, Member of Parliament, and One Part whereof is deposited in the Private Bill Office of the Honourable the House of Commons.

Map of Limits to be deposited with Clerk of the Peace.

IV. That within Two Months after the Commencement of this Act the other Part of that Map shall be deposited with the Clerk of the Peace for the County of *Stafford*, who shall receive and retain it, and permit all Persons interested to inspect it, and make Copies and Extracts of and from the same, in like Manner, upon like Terms, and under like Penalty for Default, as by the Act of the First Year of Her present Majesty, Chapter Eighty-three, is provided with respect to Documents therein specified.

Interpretation of Terms.

V. That, unless there be something in the Subject or Context repugnant to or inconsistent with such Construction, the several Words and Expressions to which by the several Acts wholly or partially incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings; and the following Words shall have in this Act the several Meanings hereby assigned to them respectively; (that is to say,)

The Expression "the Commissioners" shall mean the Commissioners for executing this Act:

The Expression "the Town" shall mean all Places within the Limits of this Act.

Recited Act repealed.

VI. That from the Commencement of this Act the recited Act of the Nineteenth Year of the Reign of His Majesty King *George* the Third shall be repealed.

VII. That

Property of Commissioners under recited Act vested in Commissioners under this Act.

VII. That from the Commencement of this Act the Lands, Estates, Rents, Monies, Credits, Choses in Action, Possibilities, Expectancies, Property, Effects, Claims, and Demands whatsoever of or to which the Commissioners for executing the recited Act are, by virtue of such Act or by any other Means whatsoever, immediately before the Commencement of this Act, seised, possessed, or in any way entitled at Law or in Equity, or otherwise howsoever, with the Appurtenances, are hereby effectually vested, according to the Nature, Tenure, and Quality thereof respectively, in the Commissioners.

Contracts, &c. to remain valid.

VIII. Provided always, That the Repeal of the recited Act, or such vesting in the Commissioners, shall not annul or in anywise prejudicially affect any Purchase, Sale, Conveyance, Grant, Lease, Mortgage, Bond, Annuity, Contract, Covenant, Agreement, Security, or other Act, Matter, or Thing whatsoever, made, done, entered into, executed, or instituted under or by virtue or in pursuance of the recited Act, or with reference to the Purposes of the same respectively; but notwithstanding this Act, or anything therein contained, all such Acts, Matters, and Things shall be as good, valid, and effectual to all Intents and Purposes whatsoever for, against, and with reference to the Commissioners as if the same had been made, done, entered into, executed, or instituted by, to, or with reference to the Commissioners instead of the Commissioners for executing the recited Act, and may be proceeded on and enforced in the same Manner, to all Intents and Purposes whatsoever, as if the Commissioners, instead of the Commissioners for executing the recited Act, had been party or privy thereto, and the Name of the Commissioners, instead of the Name of the Commissioners for executing the recited Act, had been used or referred to therein or with reference thereto.

Commissioners entitled to Credits, and liable to Debts of Commissioners.

IX. That all Persons who, immediately before the Commencement of this Act, owe any Money to the Commissioners for executing the recited Act, or to any Person on their Behalf, shall pay the same, with all Interest, if any, due or to accrue due for the same, to the Commissioners; and all Debts and Monies which immediately before such Commencement are due, owing, or recoverable by or from the Commissioners for executing the recited Act, or for the Payment of which they are or but for this Act would be liable, shall, according to the Provisions of this Act, be paid, with all Interest (if any) due or to accrue due thereon, by or be recoverable from the Commissioners.

Actions, &c. not to abate, and Penalties to be recoverable.

X. That any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Commissioners for executing the recited Act shall not abate or be discontinued or be prejudicially affected by this Act, but on the contrary shall continue and take effect both in favour of and against the Commissioners in like Manner

in

in all respects as the same would, if this Act had not passed, have continued and taken effect in relation to the Commissioners for executing the recited Act; and all Offences committed against the Provisions of the recited Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if this Act had not passed, the Commissioners being in reference to such Matters in all respects substituted for the Commissioners for executing the recited Act.

Books to remain Evidence.

XI. That all Books and other Documents by the recited Act authorized or directed to be kept, and which would have been admissible in Evidence if this Act had not passed, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere, as fully and effectually as if this Act had not passed.

Officers to continue until removed.

XII. That every Officer and Servant appointed by virtue or acting under the Authority of the recited Act shall hold and enjoy his Office and Employment, with the Salary or Emoluments thereunto annexed, and be deemed an Officer and Servant of the Commissioners, until he be removed by the Commissioners from such Office and Employment, and until so removed shall have the like Powers and Authorities for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Pains, and Penalties, in all respects whatsoever, as if he had been appointed under the Authority of this Act.

Officers to account.

XIII. That all Officers and Persons who have or shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or Effects belonging to the Commissioners for executing the recited Act, or to which those Commissioners are or but for this Act would be entitled, shall be liable to account for and to deliver up the same to the Commissioners, or to such Persons as they appoint to receive the same, in like Manner, and subject to like Process, Pains, and Penalties for Refusal or Neglect, as if such Officers and Persons had been appointed by or become possessed of such Money, Books, Documents, Papers, Writings, or other Effects for the Commissioners.

10 & 11 Vict. c. 16. incorporated with this Act.

XIV. That "The Commissioners Clauses Act, 1847," shall be incorporated with this Act.

Division of Town into Wards.

XV. That the Town shall be divided into Three Wards for the Purpose of the Election of the Commissioners, and One of such Wards shall be called *Burton-upon-Trent* Ward, and shall comprise the Town and Borough of *Burton-upon-Trent;* another of such Wards shall be called *Burton Extra* Ward, and shall comprise so much of the Town as is situate within the Township of *Burton Extra;* and

and the remaining Ward shall be called *Horninglow* Ward, and shall comprise so much of the Town as is situate within the Township of *Horninglow*.

Number of Commissioners.

XVI. That, in addition to the High Bailiff of the Borough of *Burton-upon-Trent*, there shall be Twenty-seven Commissioners for putting this Act into execution, and Eighteen of the Commissioners shall be elected for *Burton-upon-Trent* Ward, Six for *Burton Extra* Ward, and Three for *Horninglow* Ward, by the respective Ratepayers qualified as by this Act provided to vote within such respective Wards.

First Commissioners.

XVII. That the High Bailiff of the Borough of *Burton-upon-Trent* for the Time being, together with *Robert Shirley Belcher*, *Hugh Brookes*, *John Wilkes Daniel*, *James Douglas*, *William Goodger* senior, *John Gretton*, *Joseph Lathbury*, *George Lowe*, *Thomas Lowe* (Builder), *Joseph Nunneley*, *Thomas Poyser*, *Thomas Fosbrooke Salt*, *William Saunders*, *Francis Thompson*, *William Worthington*, *John Robson Warham*, *Francis Wardle*, *Robert Wilson*, *Robert John Peel*, *Robert Thornewill*, *John Hill*, *John Perks*, *Henry James Meakin*, *James Ordish*, *George Greaves*, *William Wesley*, and *Philip Fauckes Halbard* shall be the first Commissioners for carrying this Act into execution, and shall continue in Office until the First *Thursday* in the Month of *September* One thousand eight hundred and fifty-four, or until other Commissioners shall be elected in their Place under the Provisions of this Act: Provided always, that such High Bailiff shall not be a Commissioner to go out of Office by Rotation as provided by Section Seventeen of the Commissioners Clauses Act, 1847.

Qualification of Commissioners.

XVIII. That the Qualification of a Commissioner shall be his being Owner or Occupier of Land within the Town for which he shall have been rated to any Rate made for the Relief of the Poor for the Period of One Year immediately preceding the Day of Election in the annual Sum of Fifteen Pounds or upwards, or his being rated to the Relief of the Poor within the Town at less than the annual Sum of Fifteen Pounds for any Period not less than One Year immediately preceding the Day of Election, and being possessed of Real or Personal Estate, or both, of not less Value than Three hundred Pounds beyond what will satisfy all his Debts.

Qualification of Electors.

XIX. That every Person who shall for the Period of One Year immediately preceding the Day of tendering his Vote be rated in respect of any Property in the Town to any Rate made under this Act, and shall have paid all such Rates, shall be entitled to vote in the Election of Commissioners for the Ward in which such Property lies.

Auditor.

XX. That the Commissioners from Time to Time may appoint a permanent Auditor for the Purposes of this Act.

8 & 9 Vict. c. 18. and 10 & 11 Vict. c. 34. incorporated with this Act.

XXI. That "The Lands Clauses Consolidation Act, 1845," and "The Towns Improvement Clauses Act, 1847," shall be incorporated with this Act: Provided always, that the Commissioners from Time to Time may of their own Authority under this Act appoint and remove their Surveyor, and fix his Salary: Provided also, with respect to the Prevention of Smoke, the Justice or Justices before whom any Person shall be summoned may remit the Penalties enacted by such Act if he or they shall be of opinion that such Person has so constructed or altered his Fireplace or Furnace as to consume as far as possible all the Smoke arising from such Fireplace or Furnace, and has carefully attended to the same, and consumed as far as possible the Smoke arising from such Fireplace or Furnace.

Power to make Improvements, &c. according to deposited Plans.

XXII. And whereas Plans and Sections showing the Lines and Levels of certain Widenings and Improvements of the Streets within the Town, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the Lands in or through which such Widenings and Improvements are intended to be made or to pass, have been deposited with the Clerk of the Peace for the County of *Stafford*: Therefore the Commissioners may, subject to the Provisions of this Act, make such Widenings and Improvements in the Line, on the Levels, and upon the Lands delineated on those Plans, and described in that Book of Reference, and may enter upon, take, and use such of those Lands as they think necessary for that Purpose.

Plans, &c. may be corrected by Justices, who shall certify the same.

XXIII. That if any Omission, Mis-statement, or wrong Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on those Plans or Books of Reference, the Commissioners, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands affected by such proposed Correction, may apply to Two Justices for the Correction thereof; and if it appear to such Justices that such Omission, Mis-statement, or wrong Description arose from Mistake, they shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, Mis-statement, or wrong Description; and such Certificate shall be deposited with the Clerk of the Peace for the County of *Stafford*, and be kept by such Clerk of the Peace with the other Documents to which it relates, and thereupon such Plan or Book of Reference shall be deemed to be corrected according to such Certificate, and the Commissioners may execute the Works in accordance with such Certificate as if such Omission, Mis-statement, or wrong Description had not been made.

Certificate to be deposited.

XXIV. That

Power to Commissioners to purchase Land, &c. for effecting additional Improvements.

XXIV. That the Commissioners may agree with the Owners of any Lands within the Town for the Purchase of such Lands, or such Part thereof as the Commissioners think proper, and after such Purchase the Commissioners may order the Site thereof, or any Part thereof, to be laid into any Street for the widening and rendering more commodious of the same, or to be otherwise disposed of for making a new Street, as the Commissioners think proper.

Power to manufacture Gas.

XXV. That the Commissioners from Time to Time may manufacture Gas, and provide Gasometers and all Apparatus and Machinery necessary for the Purpose, and purchase or rent by Agreement any Land, not exceeding Four Acres, which may be necessary for the Establishment of Gasworks, and may sell, dispose of, or manufacture the Refuse of any such Gas, and may contract for and purchase any present or future Gasworks and Gas Apparatus within the Town, or within One Mile therefrom, for such Price or Consideration as shall be agreed upon.

Separate Accounts to be kept of Gasworks.

XXVI. That the Commissioners shall enter in Books to be kept by their Treasurer or Clerk true and regular Accounts (separate and distinct from the other Accounts kept with regard to the Execution of this Act) of all Payments, Liabilities, Receipts, and Credits in respect of such Gasworks, and of the several Things for which such Payments and Liabilities are made or incurred, and shall charge in the general Accounts to be kept under this Act, and take Credit in the separate Account relative to the Gasworks, such Sums for supplying Gas for lighting Streets within the Town as they think reasonable.

Power to supply Individuals with Gas.

XXVII. That the Commissioners, if they manufacture Gas for lighting the Streets within the Town, may supply any Person within the Town, or within One Mile therefrom, with Gas, on such Terms and Conditions as are mutually agreed upon.

Limiting Price of Gas.

XXVIII. That it shall not be lawful for the Commissioners to demand or receive from any Person who shall use or burn Gas manufactured and supplied by the Commissioners, and used by the Meter, a Sum exceeding the Rate of Seven Shillings *per* One thousand Cubic Feet of such Gas.

10 & 11 Vict. c. 15. incorporated with this Act.

XXIX. That the following Clauses of "The Gasworks Clauses Act, 1847," (that is to say,)

With respect to the breaking up of Streets for the Purpose of laying Pipes;

With respect to the Supply of Gas, and the Recovery of the Rent to be paid for the same; and

With respect to the Provision for guarding against fouling Water, or other Nuisance from the Gas,

Are

Are incorporated with this Act: Provided always, that for the Purposes of this Act the Expression the "Undertakers" in such Clauses means Commissioners.

10 & 11 Vict. c. 89. incorporated with this Act.

XXX. That "The Town Police Clauses Act, 1847," is incorporated with this Act.

Coke to be delivered in Sacks above 3 Bushels.

XXXI. That every Person who in any Street unloads or delivers any Quantity of Coke exceeding Three Bushels otherwise than in Sacks shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

Commissioners may purchase, &c. existing Market.

XXXII. That the Commissioners may by Agreement purchase or take a Lease of any existing Market within the Town, and of the Tolls taken within the same, or at any Fair, or at any other Time within the Town.

After Purchase, &c. Commissioners may hold the Market and take Tolls.

XXXIII. That after such Purchase or Lease, and so far as is in accordance with the Terms and Conditions thereof, the Commissioners may hold and maintain such Market and Fairs, and may erect Stalls and Standings therein, for the Sale of Horses, Cattle, Sheep, Pigs, Poultry, Meat, and Provisions of all kinds, Corn, Cheese, Butter, Eggs, Vegetables, Clothing of every Description, Boots, Shoes, Crockery, Hardware, Smallware, and Matters and Things of every Description that have been usually bought and sold in the Market, or that are usually bought and sold at Markets or Fairs held elsewhere, or they may take down the existing Erections of such Market, and remove the same to some other more convenient Site within the Town, and collect and receive the usual and accustomed Tolls appertaining to such Market, as they think proper.

Power to erect Sheds for Carts, &c.

XXXIV. That the Commissioners may by Agreement purchase or take on Lease any Land within the Town, and erect or construct thereon Sheds or Buildings for the Reception of Carts and Carriages on Market Days, Fair Days, and at other Times, and make such reasonable Charges for the standing of such Carts and Carriages on such Land as they think proper.

10 & 11 Vict. c. 14. incorporated with this Act.

XXXV. That the Clauses of "The Markets and Fairs Clauses Act, 1847," with respect to the holding of the Market or Fair, and the Protection thereof, and with respect to weighing Goods and Carts, and with respect to the Byelaws to be made by the Undertakers, are incorporated with this Act: Provided always, that for the Purposes of this Act the Expression the "Undertakers" in such Clauses means the Commissioners.

XXXVI. That

Power to levy Rates.

XXXVI. That for the Purpose of defraying the Costs and Expenses of obtaining and passing this Act, and of carrying into execution the Purposes thereof (except the Purposes to which any Rates for Sewers, Drains, and private Improvements are directed to be applied), the Commissioners may from Time to Time make, assess, and levy such Rates, to be called the *Burton-upon-Trent* Town Rate, as they think necessary, not exceeding in any One Year Two Shillings and Sixpence in the Pound of the net annual Value of the Property included in such Rates: Provided always, that the Three Wards into which the Town is by this Act divided shall be Three Districts for the Purposes of such Rates, and the Commissioners shall assess and levy such Rates as separate and distinct District Rates, and the Amount levied in any One District shall only be the Amount required to be raised for such District, and in such Proportion as the Commissioners from Time to Time think reasonable, of the general Expenses of the Commissioners.

Proportion at which Land, &c. is to be rated.

XXXVII. That the Proportion in which any Person occupying Land used as Arable, Meadow, or Pasture Ground only, or as Woodland, or Market Garden, or Nursery Ground, shall be rated in respect of the same, shall be One Fourth only of the net annual Value of such Property.

Rating of Railways and Canals.

XXXVIII. That for the Purpose of any Rate to be made or levied under the Provisions of this Act, or of any of the recited or incorporated Acts, all Lands covered with Water and used as a Canal, and any Towing-path to the same, and all Lands used as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall be assessed and liable in the Proportion of One Fourth Part only of the net annual Value of such Lands respectively, anything in this or any of the recited or incorporated Acts contained to the contrary notwithstanding

Power to borrow Money on the Credit of Rates, &c.

XXXIX. That for the Purposes of this Act the Commissioners from Time to Time may borrow (over and above any Sum authorized by "The Towns Improvements Clauses Act, 1847,") any Sums at Interest, on Mortgage of the Rates by this Act granted, not exceeding in the whole Twenty thousand Pounds, and in the event of any Part thereof being paid off by the Commissioners, except as by this Act required, may reborrow the same, and so *toties quoties*, but so that there shall not be owing on the Security of this Act (save as aforesaid) more in the whole than Twenty thousand Pounds at One Time: Provided always, that it shall not be lawful for the Commissioners to reborrow any Money paid off by means of the Sinking Fund herein-after mentioned, or by the Application yearly in paying off One Thirtieth of the Principal Money so borrowed.

Mortgage Debts to be paid off.

XL. That the Commissioners shall in every Year, until the whole of the Sums not exceeding Twenty thousand Pounds and the Interest thereon be paid off, pay off yearly not less than One Thirtieth Part of the Principal Sums so borrowed, and the Interest on such Principal Sums.

Application of Monies.

XLI. That all Monies which shall come to the Hands of the Commissioners by virtue of this Act shall be applied as follows:

First, in defraying the Charges and Expenses of or incident to the obtaining and passing of this Act:

Secondly, in paying the Interest of all Monies borrowed under this Act:

Thirdly, in paying off yearly One Thirtieth Part of the Principal Money so borrowed, or in maintaining the Sinking Fund hereinafter mentioned:

Fourthly, in carrying the several Purposes of this Act into execution:

Fifthly, in paying off the Money borrowed under this Act.

Sinking Fund to be formed for paying off Monies borrowed.

XLII. Provided always, That the Commissioners, if they think fit, instead of paying off in every Year One Thirtieth Part of the Principal Monies so borrowed, may appropriate yearly a sufficient Sum of equal Amount in every Year as a Sinking Fund for paying off such Principal Monies.

Saving Rights of the Midland Railway Company.

XLIII. That this Act or anything herein contained shall not take away, lessen, alter, or prejudice any of the Rights, Privileges, and Authorities now vested in or used or exercised by the *Midland* Railway Company, but all such Rights, Privileges, and Authorities respectively may be had, exercised, and enjoyed as if this Act had not been passed.

Saving Rights of the Lord of the Manor.

XLIV. That, except as is by this Act expressly enacted, this Act or anything therein contained shall not take away, lessen, alter, or prejudice any of the Rights, Privileges, or Authorities of the Lord of the Manor of *Burton-upon-Trent*, but all such Rights, Privileges, and Authorities respectively may be had, exercised, and enjoyed as if this Act had not passed.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1853.