ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

****

Cap. xciii.

An Act for better paving, lighting, watching, cleansing, and otherwise regulating and improving the City and Township of *Peterborough* in the Liberty of *Peterborough* in the County of *Northampton*, and for establishing a Cemetery therein. [5th *August* 1850.]

WHEREAS an Act was passed in the Thirtieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for paving and otherwise improving the* 30 G. 3. c. 66.
City and Township of Peterborough: And whereas the City of *Peterborough*, being Part of the Parish of *Peterborough* in the Liberty of *Peterborough*, hath since the passing of the said recited Act greatly increased in Size and Number of Inhabitants, and it is expedient that further and more effectual Provision should be made for the paving, repairing, and maintaining the Streets, Ways, Paths, Passages, and Places within the said City, and for lighting, draining, cleansing, improving, and regulating the said City, and for more effectually removing Nuisances, Annoyances, and Obstructions therein, and for establishing a Burial Ground or Cemetery, with

Chapels annexed thereto, for the said City and Parish of *Peterborough*, and for better maintaining and regulating the Police of the said City: And whereas a Debt of Two thousand seven hundred Pounds has been incurred and is now due and owing, with Interest, on the Security of the Tolls and Rates authorized to be raised by the said recited Act; and it is expedient that such Tolls should be continued to be levied so long only as may be necessary to discharge the said Sum of Two thousand seven hundred Pounds, and Interest accruing due in respect thereof: 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,

Provisions of recited Act, except as to Tolls, repealed.

and by the Authority of the same, That from and after the Election of the First Body of Improvement Commissioners under this Act, as herein-after provided, all the Provisions of the said herein-before recited Act passed in the Thirtieth Year of the Reign of His late Majesty King *George* the Third, except so much thereof as relates to or gives Powers to demand and take certain Tolls mentioned in the said Act at the several Turnpikes thereby authorized to be erected, and the Power both to the Commissioners and Parties liable to such Tolls to compound for such Tolls, and the Remedies for recovering such Tolls, and all Exemptions and Penalties in the said Act contained in relation to such Tolls, shall be and the same is hereby repealed.

Exemption from Toll.

II. And be it enacted, That, in addition to the Exemptions conferred by the said recited Act, no Toll shall be demanded or taken in respect of any Hearse or Vehicle going to or returning from any Burial in the Cemetery authorized to be constructed by this Act, whether such Hearse or Vehicle shall be hired or not.

Tolls, &c. vested in Commissioners, and continued for Fifteen Years.

III. And be it enacted, That the said Turnpikes, Toll Houses, and Works thereto belonging, and the Right to demand and take Tolls thereat, and all Powers for collecting and recovering and compounding for such Tolls, shall be vested in and exercised by the Improvement Commissioners under this Act for the Term of Fifteen Years from the passing of this Act, and no longer, and from and after the Determination of the said Term of Fifteen Years such Tolls shall cease to be payable, and be no longer collected, except any Arrears thereof which may be then due.

Power to lease Tolls.

IV. And be it enacted, That the Improvement Commissioners under this Act shall have the same Powers of leasing such Tolls from Time to Time, and of recovering the Rents from the Lessees thereof, as the Commissioners of Turnpike Roads have under the Provisions of any general Act or Acts now in force for regulating Turnpike Roads.

V. And

Tolls to be applied to pay off Debts.

V. And be it enacted, That the Improvement Commissioners under this Act shall appropriate and apply all Monies which may come into their Hands in respect of such Tolls, in the first place in repairing and keeping in repair and in Payment of Rent for the several Toll Houses now erected at which Tolls are collected, and in Payment of such Salaries as they may think fit to the Parties or Collectors receiving such Tolls, or other the Expenses of collecting, recovering, and receiving the same, and in the next place in Payment and Liquidation of the said Debt of Two thousand seven hundred Pounds, and the Interest in respect thereof, and the Expenses attending the same, and when and so soon as the said Debt or Sum of Two thousand seven hundred Pounds, and Interest, has been collected and received by the said Commissioners, the said Tolls shall no longer continue to be demanded, but shall altogether cease, although the said Term of Fifteen Years shall not then have expired.

Debts to be paid off by Lots.

VI. And be it enacted, That whenever the said Improvement Commissioners shall have in hand in respect of their Receipts from the said Tolls sufficient Funds to enable them to pay the Sum of One hundred Pounds or upwards to each Mortgagee of the said Tolls, or sufficient Funds to enable them to pay the Sum of One hundred Pounds to any One or more of such Mortgagees, they shall apply such Funds in Payment off of such Mortgages, according to the Provisions herein-after contained with respect to the Payment of the Mortgage Debts of the Improvement Commissioners and of the Cemetery Commissioners herein-after mentioned, and Notice shall be given to the Mortgagees of the said Tolls, and Payment accepted by them, in like Manner as is herein-after provided with respect to the Mortgagees of the Improvement Rates and Cemetery Rates herein-after authorized to be raised.

Rates under former Act to continue in force.

VII. And be it enacted, That the Repeal of the said recited Act shall not extend to annul any Rate or Assessment made in pursuance of the said recited Act, but the same shall continue in force and be paid to the Improvement Commissioners under this Act, and the same, and all Arrears thereof, shall be collected and recovered by the same Ways and Means as any Rates or Assessments made in pursuance of this Act, or any Arrears thereof, may under this Act be collected and recovered.

Rates to be liable to Debts under former Act.

VIII. And be it enacted, That the Rates and Assessments made in pursuance of the said recited Act, and all Monies to be received in respect thereof, after the Commencement of this Act, and all Rates and Assessments to be made in pursuance of this Act in respect of the District liable to be rated under the said recited Act, except the Cemetery

Cemetery Rates herein-after mentioned, and all Monies to arise in respect thereof, or which shall be received by the Improvement Commissioners under the Authority of this Act, shall be and are hereby made liable to the Payment and Discharge of the said Debt of Two thousand seven hundred Pounds, and Interest, in priority to any Sums authorized to be borrowed under this Act; and all Rates, except the said Cemetery Rates, to be levied under this Act, shall be liable to the Payment and Discharge of all other Debts and Monies which at the Time of the Commencement of this Act are or shall be due and owing by the Commissioners appointed under the said recited Act; and all such Debts and Monies shall be recoverable from the Improvement Commissioners under this Act by the several Persons to whom the same are so due: Provided nevertheless, and it is hereby declared, that the Monies from Time to Time in the Hands of the Improvement Commissioners by virtue of this Act, and which shall not have been received by them in respect of the said Tolls, shall not be liable to or be a Security for the said Debt of Two thousand seven hundred Pounds, or any Part thereof, except so far as the Monies in the Hands of the said Improvement Commissioners in respect of the said Tolls at the Time of their being required to pay the said Sum of Two thousand seven hundred Pounds, or any Part thereof, shall be insufficient for that Purpose.

In case Securities paid off by Improvement Commissioners out of Money in their Hands.

IX. And be it enacted, That in case the Holders of the Securities for the said Debt of Two thousand seven hundred Pounds, or any Part thereof, shall have recourse to the Monies in the Hands of the Improvement Commissioners by virtue of this Act which shall not have been received by them in respect of the said Tolls for Recovery of their said Debts, or the Interest for the same, the Improvement Commissioners shall, subject and without Prejudice to the Rights of the Holders of the Securities for the Residue of the said Debt of Two thousand seven hundred Pounds, be entitled to receive and apply for the Purposes of this Act, from and out of the Money to be received from the said Tolls, in aid and as Part of the *Peterborough* Improvement Rate, so much Money as shall be received by the Holders of the said Debt of Two thousand seven hundred Pounds from and out of the Monies which shall not have arisen from the said Tolls.

Penalty for improperly collecting Tolls.

X. And be it enacted, That any Renter or Collector of the said Tolls who shall wilfully or corruptly ask, demand, or receive any greater or less Toll than is authorized by the said recited Act, or shall, if required, refuse to deliver a Ticket denoting Payment of the said Tolls, as required by the said Act, or shall wilfully or corruptly refuse to allow the Benefit of the Exemptions conferred by the said Act, or shall in any other respect, as such Renter or Collector, wilfully

or

or corruptly contravene the Provisions of the said Act, shall be guilty of an Offence against the Provisions of this Act, and shall be subject to a Penalty in respect of every such Offence not exceeding Five Pounds.

Persons owing Debts under former Act to be liable under this Act.

XI. And be it enacted, That all Persons who at the Time of the Commencement of this Act are liable to the Payment of any Sum of Money to the Commissioners for executing the said recited Act shall, notwithstanding the Repeal of the said Act, be liable to the Payment thereof, and the same shall be recoverable, with all Interest due and to accrue due thereon, by the Improvement Commissioners under this Act.

Contracts, &c. to remain in force.

XII. And be it enacted, That all Contracts, Agreements, Bonds, Covenants, Securities, and Engagements entered into or made before the Commencement of this Act, to, with, or by the Commissioners acting in the Execution of the said recited Act, or to, with, or by any Person acting by virtue of the said recited Act on behalf of such Commissioners, shall, notwithstanding the Repeal of the said Act, be, remain, and continue of Validity, Force, and Effect in Law and Equity, to all Intents and Purposes, and shall be as available for the Purposes for which the same respectively were entered into or made, and for the Purposes of this Act, as if the same respectively had been entered into or made for the same Purposes to, with, or by the Improvement Commissioners under this Act, and may be enforced by the same Improvement Commissioners and by the other Party or Parties thereto (not being the Commissioners under the said recited Act, or any Person acting in their Behalf,) accordingly; and the Liability of the Commissioners under the said recited Act, and of any Person acting on their Behalf, in respect of any such Contract, Agreement, Bond, Covenant, Security, or Engagement, shall, immediately upon the Election of the First Body of Commissioners under this Act, cease and determine, and be transferred to the Improvement Commissioners for the Time being under this Act.

Repeal of recited Act not to prevent the Recovery of Penalties, or to defeat Prosecutions.

XIII. And be it enacted, That the Repeal of the said recited Act shall not extend to prevent the suing for or Recovery of any Penalty incurred in respect of any Offence against the Provisions of the said Act so repealed previously to the Commencement of this Act, or to prevent or defeat any Prosecution commenced or which might have been brought for any such Offence, but all Penalties which shall have been incurred before the Commencement of this Act, under the Provisions of the said recited Act, may be sued for and recovered under the Provisions of this Act, and all Offences which shall have been committed before the Commencement of this Act against the Provisions of the said recited Act may be prosecuted under the Provisions of this Act, and all Penalties and Forfeitures imposed

by the said recited Act, and which are not hereby repealed, and which shall be incurred after the Commencement of this Act, shall and may be recovered under the Provisions of this Act.

Old Books to be Evidence.

XIV. And be it enacted, That all Rate Books and other Books, and all Entries therein, and all other Matters and Things made Evidence by the said recited Act, or which might have been received as Evidence under or by virtue of the said recited Act, at the Time of the Commencement of this Act, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Certain Provisions of 8 & 9 Vict. cc. 18. & 20. and 10 & 11 Vict. cc. 16. 34. 65. & 89. incorporated with this Act.

XV. And be it enacted, That "The Commissioners Clauses Act, 1847," except the Provisions thereof with respect to voting in Wards; "The Towns Improvement Clauses Act, 1847," except the Provisions thereof with respect to Plans of the District within the Limits of the special Act, and of the Works to be executed under the Powers of that Act, with respect to the numbering of Houses, and sweeping of Footways daily, to the Prevention of Smoke, and to the Construction of Houses for Prevention of Fire, with respect to supplying Buildings with fresh Air, the Interment of the Dead, the previous Estimate of a Rate, and Notice of Intention to make it, and to the Publication of Bye Laws; "The Towns Police Clauses Act, 1847," except so much thereof as relates to Hackney Carriages, and the taking of Recognizances by Constables and other such Officers for the Appearance of Offenders; "The Cemeteries Clauses Act, 1847," except so much thereof as relates to the Chaplain in the said Act mentioned, including those Sections thereof numbered XXIX. and XXXIV. in the Copies of the said Act printed by the Queen's Printers, and except so much thereof as relate to Payments to Incumbents of Parishes or Ecclesiastical Districts, and to Parish Clerks, and so much thereof as relates to the Registration of Burials in the consecrated Portion of the Cemetery; "The Lands Clauses Consolidation Act, 1845;" and so much of "The Railways Clauses Consolidation Act, 1845," as relates to the Recovery of Damages not thereby specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, shall be and the same are hereby incorporated with this Act, save so far as they shall be expressly varied or excepted by or are inconsistent with this Act: Provided always, that, except for the Purposes of the Cemetery, nothing in this Act, or the said Lands Clauses Consolidation Act, 1845, contained, shall authorize the Commissioners to purchase any Lands or Houses, unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

Short Title.

XVI. And be it enacted, That in citing this Act in other Acts of Parliament, in Deeds, Instruments, and legal and other Proceedings, it

it shall be sufficient to use the Expression "The *Peterborough* Improvement and Cemetery Act, 1850."

Qualification of Electors.

XVII. And be it enacted, That every Male Person of full Age who shall be rated to any Rate to be made for the Relief of the Poor of the Parish of *Peterborough*, in respect of any Lands, Tenements, or Hereditaments within the Limits for the Time being of this Act, and who shall have previous to the Day of the Election of the Commissioners paid all the said Rates which shall become payable by him in respect of such Property at any Time previously to the Commencement of the Fifth Month before such Election, or shall be Owners of any Lands, Tenements, or Hereditaments within such Limits, shall be entitled to vote in the Election of the Commissioners under this Act.

First Meeting for Election of Commissioners.

XVIII. And be it enacted, That the Commissioners acting in the Execution of the said recited Act shall, before the Insertion of the Advertisement herein-after mentioned, at a Meeting for that Purpose select by Lot Nine of their Number to be Part of the First Body of the Improvement Commissioners for putting this Act into execution; and on the First *Tuesday* in *September* next after the passing of this Act a General Meeting of the Persons entitled to vote in the Election of Commissioners under this Act shall be summoned by Advertisement in some Newspaper usually circulated in the City of *Peterborough*, such Advertisement to be inserted in the Newspaper at least Ten Days previous to the Day appointed for such Meeting, and in such Advertisement the Hour and Place of holding such Meeting, and also the Names of the Nine Commissioners so selected by Lot as aforesaid, shall be specified; and at such Meeting the Persons then present so entitled to vote as aforesaid shall proceed to the Election of Eighteen Commissioners to be associated with the Nine Commissioners selected as aforesaid; and such Twenty-seven Persons, and their Successors, from Time to Time appointed as herein provided, shall be the Improvement Commissioners for putting this Act into Execution, and shall be called "The *Peterborough* Improvement Commissioners."

Qualification of Commissioners.

XIX. And be it enacted, That every Male Person of full Age who shall have his usual Place of Residence within Seven Miles of the City of *Peterborough*, such Distance to be measured by the nearest public Road commencing from the Market Cross in the said City, and who shall be rated to the Rate made for the Relief of the Poor of the Parish of *Peterborough*, in respect of Lands, Tenements, or Hereditaments within the Limits for the Time being of this Act, in the rateable Value of Twenty Pounds or upwards, or seised or possessed or in the Enjoyment of the Rents and Profits of Lands, Tenements, or Hereditaments within such Limits, so assessed in the

rateable

rateable Value of Twenty-five Pounds, for an Estate not less than a Life in being for his own Use, shall be qualified to act as a Commissioner under this Act.

Appointment of Clerk.

XX. And be it enacted, That the Clerk to the Commissioners acting in the Execution of the said recited Act at the Time appointed for this Act to come into operation shall perform all such Duties as are required to be performed by the Clerk to the Improvement Commissioners under this Act, until a Clerk shall have been appointed by such last-mentioned Commissioners.

Rotation of Commissioners.

XXI. And be it enacted, That the Nine Commissioners so selected by Lot out of the Commissioners under the said recited Act shall be the first Nine to go out of Office, and the Rotation in which the Residue of the Improvement Commissioners under this Act shall go out of Office shall be determined in the Manner provided by the said "Commissioners Clauses Act, 1847."

Limits of Act.

XXII. And be it enacted, That, subject to the Proviso herein-after contained, this Act with respect to lighting, paving, watching, draining, cleansing, regulating, and improving, shall be put in force within such Limits and shall comprise such Part of the Township and City of *Peterborough* as herein-after mentioned; (that is to say,) the Streets and Places known as *Bridge Street*, the *Narrow Street*, *Priestgate*, the *Marketstead*, *Saint John Street*, *Cumbergate*, *Church Street*, *Cross Street*, *Cowgate*, the *Crescent*, the *West End*, *New Town*, *Spital*, *West Gate*, *North Street*, the *Long Causeway*, *Midgate*, *Boongate*, and *Boonfield*, and all Houses, Buildings, or other Property of the Description rateable under the Provisions of this Act, now or at any Time hereafter connected with or adjoining to the extreme Limits for the Time being of the said Streets or Places or any of them, or being within Two hundred Yards of such extreme Limits: Provided always, that the Provisions of this Act with respect to paving shall not extend to the Districts or Wards called or known as *Boongate*, *Boonfield*, the *Crescent*, *West End*, *New Town*, and that Part of *Westgate* which lies West of *Wortley's Almshouses* in *Westgate*, and that the Provisions of this Act with respect to lighting shall not extend to the said Districts or Wards called *Boongate* and *Boonfield*.

Commissioners to light, &c.

XXIII. And be it enacted, That the Commissioners acting in execution of this Act shall and may, subject to the Provisions of this Act, cause to be lighted, paved, watched, drained, cleansed, regulated, and improved, the Streets, Highways, public Passages, Courts, and other Places within the Limits for the Time being of this Act, and for that Purpose may exercise all the Powers vested in them by this Act.

XXIV. And

Districts may be included.

XXIV. And be it enacted, That upon an Application in Writing to the said Commissioners, to be signed by Two Thirds in Number and Value (such Value to be ascertained by the last Rate for the Relief of the Poor of the said Parish of *Peterborough*) of the Owners, Lessees, and Occupiers within the said Districts known as *Boongate* and *Boonfield*, or either of them, the said Commissioners may, by a Resolution in Writing to be entered in the Books of Proceedings of the said Commissioners, extend the Limits of this Act for the Purpose of paving and lighting, or of paving only, or lighting only, to the said Districts of *Boongate* and *Boonfield*, or either of them, or such Parts thereof respectively as the Commissioners may think fit, and on a like Application from Two Thirds in Number and Value (the Value to be ascertained as aforesaid) of the Owners, Lessees, and Occupiers within the said Districts or Wards called the *Crescent*, the *West End*, *New Town*, and that Part of *Westgate* which lies West of *Wortley's Almshouses* in *Westgate*, or any One or more of such Districts or Wards, the said Commissioners may by Resolution as aforesaid extend the Limits of this Act for the Purpose of paving so as to comprise therein the said last-mentioned Districts or Wards, or any or either of them, or such Part thereof respectively as the Commissioners may think fit.

First Meeting of Commissioners.

Monthly Meetings need not be held.

XXV. And be it enacted, That the Improvement Commissioners shall hold their First Ordinary Meeting at some convenient Place within the Limits of this Act on the Second *Tuesday* after the Election of Commissioners, as herein-before provided, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, and shall also hold every subsequent annual Meeting on the same Day in each succeeding Year: Provided always, that nothing in this Act, or in the Commissioners Clauses Act, 1847, contained, shall extend to compel the said Improvement Commissioners, nor the Cemetery Commissioners herein-after mentioned, to hold monthly Meetings for the Transaction of general Business.

Commissioners to sell superfluous Lands.

XXVI. And be it enacted, That the said Improvement Commissioners shall sell and dispose of any Lands, Tenements, or Hereditaments vested in them by virtue of this Act, or which may have been purchased by them, and which shall not be required for the Purposes of this Act, within Five Years after the same shall not be required, in the same Manner as superfluous Lands are required to be sold under the said Lands Clauses Consolidation Act, 1845; and that after the Tolls herein-before mentioned shall cease to be payable the Improvement Commissioners shall in like Manner sell and dispose of the House, Garden, and Premises appurtenant to the Bridge Toll Bar.

Conveyances to be made to Two or more Commissioners.

XXVII. And be it enacted, That all Conveyances and Leases of Lands to be purchased or hired by the said Improvement Commissioners or by the said Cemetery Commissioners may be made to Two or more of the said Commissioners respectively who shall be in

Office at the Time of such Lands being purchased or hired, to be held by them as Trustees for the Improvement Commissioners or Cemetery Commissioners (as the Case may be) for the Time being.

Monies to be applied to pay off Mortgages on Improvement Rate.

XXVIII. And be it enacted, That all Monies which shall come to the Hands of the Improvement Commissioners in consequence of the Sale of any Lands under the Provisions of this Act and the said Lands Clauses Consolidation Act, 1845, shall be applied and disposed of in paying off any Principal Monies at the Time due and owing on the Credit of the Rate herein-after defined as "The Improvement Rate," or otherwise for the Purposes of this Act as the said Commissioners shall think fit; and a Receipt from the Clerk or Treasurer of the said Improvement Commissioners shall effectually discharge the Person or Persons paying the said Monies from all Responsibility in respect of the Application thereof.

Places to be provided for Deposit of Stone, &c.

XXIX. And be it enacted, That it shall be lawful for the Improvement Commissioners to provide Places convenient for the depositing of Stone and other Materials for the Highways, and for such Purposes and for any other Purposes of this Act to purchase or hire any Lands or Buildings which shall be considered necessary, or cause any new Building to be made upon any Land which shall be purchased or hired under the Provisions of this Act: Provided always, that the Lands and Buildings so to be purchased shall not exceed in Quantity in the whole the Amount of Two Acres.

Vaults and Drains to be kept in repair.

XXX. And be it enacted, That all Vaults, Cellars, Arches, Sewers, and Drains now made or hereafter to be made into or under any Street or Way within the Limits for the Time being of this Act shall be kept in substantial Repair by the Owner or Owners thereof, to the Satisfaction of the Improvement Commissioners; and in case any such Vault, Arch, Cellar, Sewer, or Drain shall at any Time not be in substantial Repair it shall be lawful for the Improvement Commissioners, by Writing, to require the Owner thereof to put the same into substantial Repair; and in case such Owner shall neglect or refuse so to do for the Space of Seven Days after being so required, it shall be lawful for the said Commissioners to put the same into such substantial Repair, and to recover the Expenses incurred thereby from the Owner thereof; and such Owner shall forfeit a Sum not exceeding Twenty Shillings for every Day such Vault, Arch, Sewer, Cellar, or Drain shall continue out of substantial Repair after Notice in Writing shall have been given to him by the Commissioners to repair the same, and a reasonable Time for the Completion of such Repair shall have elapsed after the Service of such Notice.

Commissioners may manufacture Gas for

XXXI. And be it enacted, That it shall be lawful for the said Improvement Commissioners, in case they shall deem it expedient, to light the Streets, Ways, and public Thoroughfares within the Limits of

of this Act with Gas (without contracting for the same), to purchase any existing Gasworks for that Purpose, or to set up and establish a Manufactory of Gas, with all necessary Works and Apparatus requisite for the same, and erect upon any Land which may be purchased or hired by the Commissioners all necessary Works and Apparatus for the Manufacture of Gas for the Purpose of lighting the said Streets, Ways, and public Thoroughfares, but not for manufacturing or preparing Gas for Sale, or with any Power to sell the Gas so prepared or manufactured.

lighting the Streets, &c., but not for Sale.

XXXII. And be it enacted, That the Provisions of the Gasworks Clauses Act, 1847, with respect to the breaking up of Streets for the Purpose of laying Pipes, and with respect to the Provision for guarding against fouling Water or other Nuisance from the Gas, and with respect to Waste or Misuse of Gas or Injury to the Pipes and other Works, shall, in so far as such Provisions are applicable to Cases where Gas is not manufactured for Sale or private Consumption, be incorporated with this Act.

Certain Provisions of 10 & 11 Vict. c. 15. extended to this Act.

XXXIII. And be it enacted, That it shall be lawful for the Improvement Commissioners from Time to Time to borrow, for the Purposes of this Act, on Mortgage, on the Credit of the "*Peterborough* Improvement Rate" herein-after authorized to be made and levied, any Sums of Money which, together with any Sum previously borrowed on the Credit of the same Rate, shall not exceed the Sum of Three thousand five hundred Pounds, and in the event of all or any Part of such Money being repaid by the said Commissioners to reborrow the same, and so *toties quoties;* and for securing the Repayment of the Monies so to be borrowed, with Interest at a Rate not exceeding Five Pounds *per Centum per Annum*, the said Commissioners may mortgage and assign over the said Improvement Rate or any Part thereof to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Power to borrow on Mortgage.

XXXIV. And be it enacted, That it shall be lawful for the Mortgagees of the Improvement Commissioners to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgage by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies and Interest due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall not be less than Five hundred Pounds in the whole.

Mortgagees may enforce the Payment of Arrears by Appointment of a Receiver.

XXXV. And in order to raise Money for the Purposes of carrying the Provisions of this Act into execution, be it enacted, That it shall be lawful for the Improvement Commissioners, once in every Year, or oftener if they shall think it necessary so to do, to make One or more

Commissioners to make Rates.

more equal Rate or Rates upon the Occupiers or Holders of all rateable Property within the Limits for the Time being of this Act, according to the annual rateable Value of the same, to be called the "*Peterborough* Improvement Rate," not exceeding in any One Year the Sum of Two Shillings and Sixpence in the Pound on such annual rateable Value: Provided always, that it shall not be necessary for the Commissioners to make any Sewer Rate distinct from the said Improvement Rate; provided also, that the Sum in the Pound in which the Occupiers or Holders of rateable Property within such Parts of the Districts or Wards called *Boongate*, *Boonfield*, the *Crescent*, the *West End*, *New Town*, and that Part of *Westgate* which lies West of *Wortley's Almshouses* in *Westgate*, as shall for the Time being not be under the Jurisdiction of the said Commissioners with respect to paving only, shall be rated, shall not exceed in any Year the Sum of One Shilling and Nine-pence, and shall on every Occasion be less than the Sum in the Pound in which the Occupiers or Holders of rateable Property which shall be within the Jurisdiction of the Improvement Commissioners for all Purposes shall be rated in the Proportion of Seven Tenths to One; and that the Sum in the Pound in which the Occupiers or Holders of rateable Property within such Parts of the said Districts or Wards called *Boongate* and *Boonfield* as shall for the Time being not be under the Jurisdiction of the said Commissioners with respect either to paving or lighting shall be rated shall not exceed in any Year the Sum of One Shilling and Three-pence, and shall on every Occasion be less than the Sum in the Pound in which the Occupiers or Holders of rateable Property which shall be within the Jurisdiction of the Improvement Commissioners for all Purposes shall be rated in the Proportion of Five Tenths or One Half to One.

Act not to prejudice Rights of Railway Companies, and as to rating same.

XXXVI. And be it enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Rights or Interests of the respective Railway Companies whose Lines of Railway may be constructed within the Limits of this Act, otherwise than is by this Act expressly provided; and the said Railway Companies, in respect of so much of their respective Properties as are for the Time being used as Lines of Railway within the Limits of this Act, shall be assessed to the Rates by this Act authorized in the Proportion of One Fourth Part only of the net annual Value thereof.

Owners to be rated in certain Cases.

XXXVII. And be it enacted, That the Owners of all rateable Property within the Limits for the Time being of this Act the yearly Rent or Value whereof respectively shall not exceed Five Pounds, or which shall be let to weekly or monthly Tenants or in separate Apartments, shall be rated to and pay the Improvement Rates by this Act directed to be made, and also the Cemetery Rates hereinafter mentioned, instead of the Occupiers thereof.

XXXVIII. And

Power to Justices to remit Rates.

XXXVIII. And be it enacted, That it shall be lawful for any Two Justices in Petty Sessions assembled, with the Consent of the Improvement Commissioners or Cemetery Commissioners, as the Case may be, to reduce, remit, or give Time for the Payment of any Rate on account of the Poverty or Sickness of any Person liable to the Payment of the Rate, such Consent to be signified in Writing signed by the Clerk to the said Commissioners respectively.

Power to agree with Dean and Chapter for paving, &c.

XXXIX. And be it enacted, That it shall be lawful for the Dean and Chapter of *Peterborough*, by any Writing under their Common Seal, from Time to Time to make and enter into such Agreements and Arrangements with the Improvement Commissioners as they may think fit with respect to paving, lighting, draining, watching, cleansing, improving, and regulating, either permanently or for a limited Period, the Houses, Lands, Streets, and other Places within the extra-parochial District known as the *Minster Precincts*, or for any One or more of such Purposes, and to agree upon an annual Sum to be paid by the said Dean and Chapter for such Purposes; and such annual Sum shall be paid to and received by the said Improvement Commissioners, and shall form a joint Fund with the other Monies to be received by them on account of the *Peterborough* Improvement Rate; and such Agreements and Arrangements shall be valid and effectual in the Law to all Intents and Purposes: Provided always, that no such Agreement shall be made by the said Dean and Chapter except with the previous Consent in Writing of the Majority in Number and Value of the Occupiers of Property within the *Minster Precincts* which would be rateable to the *Minster Precincts* Improvement Rate as herein mentioned.

Dean and Chapter to levy Rates.

XL. And be it enacted, That for the Purpose of providing any such annual Sum or Payment which may be agreed to be paid by the said Dean and Chapter to the said Improvement Commissioners, it shall be lawful for the said Dean and Chapter to contribute such Sum as they may think proper out of their Common Fund, and also once in every Year, or oftener if they shall think it necessary, by Writing under their Common Seal to direct their Chapter Clerk to make, assess, and collect One or more equal Rate or Rates, Assessment or Assessments, upon the Occupiers or Holders of rateable Property within the said *Minster Precincts*, including the said Dean and Chapter, but excepting the Almshouses in the said *Minster Precincts*, and so much of certain Properties therein, known as the *Sister House*, the *Treasurer's Office*, the *King's Lodgings*, *Shepherd and Bellamy's Gardens*, and the *Bank*, as adjoin to and are now occupied with the Houses in the Streets called *Swanspool*, the *Long Causeway*, *Narrow Bridge Street*, and *Broad Bridge Street*, in the City of *Peterborough*, and such Rate shall be called "The *Minster Precincts* Improvement Rate," and shall not exceed in any Year the Sum of

Two Shillings and Sixpence in the Pound on the annual rateable Value of the Property subject to such Rate; and, subject as herein is provided, the said Chapter Clerk shall with respect to such last-mentioned Rate be substituted for and have the same Powers, Rights, and Remedies as by this Act are vested in the said Commissioners with respect to "The *Peterborough* Improvement Rate," and all Proceedings necessary for the Purpose may be had and taken in the Name of such Chapter Clerk, and no Action, Suit, or other Proceeding shall abate or be discontinued or required to be transferred by reason of the Death, Suspension, or Removal of such Chapter Clerk, and the said *Minster Precincts* Improvement Rate shall be subject in all other respects to the same Provisions and Regulations as the said *Peterborough* Improvement Rate is by this Act subject: Provided always, that the said Commissioners shall have no Jurisdiction, Power, or Authority within the said *Minster Precincts*, further or otherwise than shall be provided by the Agreement relating thereto which shall be in force for the Time being.

Application of Improvement Rate.

XLI. And be it enacted, That all Monies which shall come to the Hands of the Commissioners from the said Rates called "The *Peterborough* Improvement Rate," and "The *Minster Precincts* Improvement Rate," or which shall be raised by any Mortgage or Security thereof granted by the Commissioners, and all other Monies which shall come into the Hands of the Improvement Commissioners in carrying the Provisions of this Act into execution, shall be applied and disposed of as follows:

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

Secondly, in paying the Interests of all Monies borrowed or to be borrowed on the Credit of the said *Peterborough* Improvement Rate:

Thirdly, in setting apart and appropriating the Sum herein-after directed to be set apart and appropriated for the Purpose of paying off the Principal Monies which shall have been borrowed on the Credit of the said *Peterborough* Improvement Rate:

And, subject thereto, in carrying the several Provisions of this Act into execution, except so far as relates to the Cemetery herein-after mentioned.

Sinking Fund to be provided.

XLII. And be it enacted, That the Sum to be set apart and appropriated out of the Monies in the Hands of the Improvement Commissioners as a Sinking Fund to be applied in paying off the Principal Monies which shall have been borrowed on Mortgage shall be in each Year respectively One Fortieth Part of the Monies so borrowed, exclusive of the said Debt of Two thousand seven hundred Pounds.

Provisions of 5 & 6 W. 4. c. 50. to

XLIII. And be it enacted, That the Provisions of the Statute passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth,

Fourth, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of* Great Britain *called* England, and all other Laws relating to Highways, shall from and after the passing of this Act, subject as herein-after provided, extend and be applicable to the Highways within that Part of the City and Township of *Peterborough* which shall for the Time being be without the Limits of this Act (but excepting the *Minster Precincts*): Provided always, that the Improvement Commissioners under this Act shall have the sole Power of appointing such One or more Person or Persons as they shall think fit to be the Surveyor or Surveyors of the said Highways during such Period as the said Commissioners shall think proper, and from Time to Time of removing such Surveyors, and appointing others in their Place, and of fixing the Salary to be paid to such Surveyors.

apply to Highways in the City and Township of Peterborough not within the Limits of this Act.

XLIV. And be it enacted, That the said Surveyors shall pay to the said Improvement Commissioners the Sum of Fifty Pounds yearly out of the Highway Rates, such Sum to be applied by the said Commissioners to the general Purposes of this Act.

50*l.* per Annum to be paid out of the Highway Rates.

XLV. And be it enacted, That nothing in this Act contained shall exempt Persons rated to the *Peterborough* Improvement Rate or *Minster Precincts* Improvement Rate, under the Provisions of this Act, from the Payment of Highway Rates made for that Part of the City and Township of *Peterborough* which shall be without the Limits of this Act.

Persons rated under this Act not exempt from Payment of Highway Rates in Peterborough.

XLVI. And be it enacted, That every Person who commits any of the following Offences shall be liable to a Penalty not exceeding Forty Shillings for each Offence, or, in the Discretion of the Justice before whom he is convicted, may be committed to Prison, there to remain for a Period not exceeding Fourteen Days; (that is to say,)

Every Person who wilfully leaves or deposits any offensive Matter or Thing in any Street, Lane, Passage, or other public Place within the Limits of this Act or within the *Minster Precincts*:

Every Person who breaks up the Pebbles, Stones, or other Pavements within the Limits of this Act, without the Consent in Writing of the said Commissioners.

Penalty on Persons committing certain Offences.

XLVII. And whereas on the Lord's Day and at sundry other Times divers idle and disorderly Persons are wont to congregate at the Corners of the Streets, or to station themselves against or near the Houses, Counting-houses, Shops, and other Buildings of the Inhabitants, so as wilfully to obstruct the free Passage of the Footways, or greatly to annoy and inconvenience the Inmates of the said Houses: Be it enacted, That each and every of the Parties so wilfully obstructing the Footways, or so causing Annoyance or Inconvenience

Penalty for obstructing Footways.

Inconvenience to any of the Inmates aforesaid, shall be liable to a Penalty not exceeding Twenty Shillings, and in default of Payment to a Term of Imprisonment not exceeding Seven Days for each Offence, or, at the Discretion of the Justice before whom the Conviction takes place, to Imprisonment for any Term not exceeding Seven Days, and in either Case with or without hard Labour, as such Justice may adjudge.

Application of Penalties.

XLVIII. And be it enacted, That all Penalties inflicted under this Act, other than Penalties in respect of any Offence against the Cemetery herein-after mentioned, shall be paid to the Improvement Commissioners, to be applied by them for the general Purposes of this Act: Provided always, that it shall be lawful for the said Commissioners to allow and pay such Sums of Money out of such Penalties by way of Reward to Informers as they shall think fit.

Appointment of Commissioners for managing the Cemetery.

XLIX. And be it enacted, That at the annual General Meeting for the Appointment of the *Peterborough* Improvement Commissioners, and immediately after such Appointment shall have been made, the Commissioners so appointed shall select by Ballot Seven of their Body; and the Seven so elected, together with the Churchwardens and Overseers of the Poor for the Time being of the Parish of *Peterborough*, shall be and they are hereby appointed Commissioners for the Purpose of making, maintaining, establishing, and managing the Cemetery or Burial Ground herein-after mentioned, under the Name or Style of "The *Peterborough* Cemetery Commissioners."

Auditors to be appointed.

L. And be it enacted, That the *Peterborough* Cemetery Commissioners shall at every annual Meeting appoint Two Persons to be the Auditors of the Accounts of the said *Peterborough* Cemetery Commissioners.

Power to make Cemetery.

LI. And be it enacted, That it shall be lawful for the said *Peterborough* Cemetery Commissioners, in and upon the Lands mentioned and described in the Schedule (A.) to this Act annexed, to make and maintain a Cemetery, and to enter upon and take and use such of the said Lands as shall be necessary for that Purpose.

Power for the Bishop of Peterborough to apply his Share of the Purchase Money in endowing a new Church.

LII. And whereas the Lord Bishop of *Peterborough* is or claims to be entitled to the Lands described in the said Schedule (A.) and also to the Land proposed to be purchased for the Site of the Market for Skins and Hides, subject to a beneficial Lease thereof to the Reverend *Henry Parsons* and *John Gates*: And whereas it is proposed to build and endow a new Church within the said Parish, to provide better Church Accommodation for the Inhabitants thereof, and to assign a District to such Church: Be it enacted, That it shall be lawful for the said Lord Bishop or his Successors to apply all or any

Part

Part of the Money which shall be payable in respect of his or their Estate and Interest in any of the said Lands in or towards endowing such Church; and such Money or any Part thereof may be paid by the Cemetery Commissioners and Improvement Commissioners to the Ecclesiastical Commissioners for *England*, for the Purpose of receiving and applying the same for such Purpose, under the Direction of the said Bishop or his Successors; and the Monies which shall not be so applied shall be paid in pursuance of "The Lands Clauses Consolidation Act, 1845:" Provided always, that the Commissioners shall not be liable to pay any Part of the Costs and Expenses of laying out or investing the Money which shall be paid by them to the said Ecclesiastical Commissioners as aforesaid.

Cemetery not to be made within 300 Yards of certain Houses.

LIII. And be it enacted, That no Part of the Cemetery shall be made within Three hundred Yards of any House of the annual Value of Fifty Pounds, or within Three hundred Yards of any Plantation, Pleasure Ground, or Garden occupied therewith, except with the Consent of the Owner, Lessee, and Occupier thereof in Writing.

Cemetery not to be within a certain Distance of Dwelling Houses.

LIV. And be it enacted, That, notwithstanding anything in the said "Cemeteries Clauses Act, 1847," contained, it shall be lawful to construct the said Cemetery at a Distance not nearer than Fifty Yards to certain Cottages called "*Burton's Row*," belonging to *William Burton*, and now in the Occupation of *Charles Goodwin* and others.

Cemetery to be fenced.

LV. And be it enacted, That the Cemetery Commissioners shall well and effectually fence the Cemetery so as to preserve the same from all Intrusion, and the said Fences may be of such Materials and Dimensions as the said Cemetery Commissioners shall in their Discretion determine.

Portion of Cemetery to be consecrated and set apart for Established Church.

LVI. And be it enacted, That the Cemetery Commissioners shall set apart any Portion of the Cemetery, not exceeding for the Time being Three Fourth Parts thereof, to be appropriated for the Burial of the Dead according to the Rites of the Established Church; and the Bishop of the Diocese of *Peterborough* for the Time being may, on the Application of the Cemetery Commissioners, consecrate the same or any Part thereof from Time to Time, if he be satisfied with the Title of the Cemetery Commissioners to such Portion, and thinks fit to consecrate such Portion.

As to Rights of Vicar and Parish Clerk.

LVII. And be it enacted, That, subject to such of the Provisions of "The Cemeteries Clauses Act, 1847," as are incorporated herewith, the Vicar and Parish Clerk of the Parish of *Peterborough* for the Time being shall have the same Rights and Duties (excepting the Rights affecting the Freehold or Soil thereof) in the consecrated

Portion of the Cemetery to be established under this Act, and in respect of Burials therein, as they now have in the Parochial Burial Ground of the Parish of *Peterborough*, and in respect of Burials therein; and the said Vicar and Parish Clerk, and also the Sexton and other Officers of the said Parish for the Time being, shall be entitled to receive the same Fees and Monies in respect of all Burials within such consecrated Portion as they are now respectively entitled to by Law in respect of Burials in the said Parochial Burial Ground; and that nothing in this Act contained shall interfere with or alter the Registry of Burials within the Parish of *Peterborough*, but the Register Books of such Burials shall be kept, and the Entries therein made, and all Things whatsoever in any way relating to such Registration, or to any Matter whatsoever connected therewith or consequent thereupon, shall be had, made, and done, as heretofore; and every Person who if this Act had not been passed would have been entitled by Law to be buried in the Parochial Burial Ground of the Parish of *Peterborough*, including the Inhabitants of the *Minster Precincts*, shall be entitled to be buried either in the consecrated or unconsecrated Portion of the Cemetery, according to the Discretion of the Person having the Charge of or directing the Interment.

Burial Fees.

LVIII. And be it enacted, That the said Cemetery Commissioners may charge such Fees in respect of Burials within the Cemetery of the Bodies of Persons who would not have been entitled by Law to be buried in the said Parochial Burial Ground as the said Cemetery Commissioners shall think fit; but that no Monies whatsoever shall be payable to the said Cemetery Commissioners in respect of any Burial within the Cemetery of any Person who would have been entitled by Law to be buried in the said Parochial Burial Ground.

Bodies interred not to be removed without Authority.

LIX. And be it enacted, That no Body buried within the unconsecrated Part of the Cemetery shall be removed without the Consent of the Cemetery Commissioners, on the Application of the nearest surviving Relative of the Person whose Body it is proposed to remove.

Other than Established Church Ministers may officiate in unconsecrated Part.

LX. And be it enacted, That any Minister or other Member of any Church or Congregation other than the Established Church, duly authorized by Law to officiate in such Church or Congregation, or recognized as having such Authority by the religious Community or Society to which he belongs, may, at the Request of the Executor or other Person having the Charge of the Interment of any Body in the unconsecrated Ground, perform the Burial Service according to the Rites of such Church or Congregation, either at the Grave or in any Chapel built within the unconsecrated Portion of the Cemetery.

LXI. And

Burials to be registered.

LXI. And be it enacted, That all Burials in the unconsecrated Parts of the Cemetery shall be registered in Register Books to be provided by the Cemetery Commissioners, and kept by some Officer to be appointed by them for that Purpose; and if such Officer shall refuse or wilfully neglect to register any such Burial, or shall carelessly lose or injure or permit to be injured any such Register Book while in his Custody, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

As to Searches and Certificates.

LXII. And be it enacted, That such Officer shall at all seasonable Times allow Searches to be made in any such Register Book, and shall give a Copy, certified under his Hand, of any Entry or Entries in the same, on Payment of the Fees herein-after mentioned, and shall permit such Copy to be examined with the original Entry; and the Fees to be paid shall be as follows; (that is to say,) for every Search extending over a Period of not more than One Year the Sum of One Shilling, and for every additional Year the Sum of Sixpence, and the Sum of Two Shillings and Sixpence for every Certificate of One Burial, in addition to the Fees for searching.

Penalty for falsifying Register.

LXIII. And be it enacted, That every Person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such Register Book or any Part thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any Copy of any Part of any such Register Book, or shall wilfully insert or cause to be inserted in any such Register Book any false Entry of any Burial, or shall wilfully give any false Certificate, or shall certify any Writing to be a Copy of or Extract from any such Register Book, knowing the same Register to be false in any Part thereof, or shall forge or counterfeit the Handwriting of such Officer, shall be guilty of a Misdemeanor.

Certificates to be Evidence.

LXIV. And be it enacted, That the Register Books of unconsecrated Burials, and certified Copies of Entries therein, shall be admitted as Evidence for the same Purposes, in the same Manner and to the same Extent as Parish Register Books of Burial, and Copies of the Entries therein, are admitted.

Present Burial Ground to be under Control of Commissioners.

LXV. And be it enacted, That the present Burial Ground of the Parish of *Peterborough* shall from and after this Act shall come into operation be under the Control and Management of the Cemetery Commissioners, and the same shall not at any Time hereafter be used or applied for any secular Purpose, but the same, and the Walls and Fences thereof, shall be maintained and kept in good Repair and Order by the said Cemetery Commissioners.

LXVI. And

Power to set out a Footway over the old Burial Ground, and cause the same to be lighted and kept in order.

LXVI. And be it enacted, That the said Cemetery Commissioners shall, as soon as may be after this Act shall come into operation, make and set out a Footway of the Width of Six Feet at the least through and over the present Parochial Burial Ground, from the Street called *Cowgate* into *New Town*, and shall fence off such Footway from the Residue of the said Burial Ground, and shall well and effectually flag and pave the same, and cause the same to be kept properly lighted and free from Nuisances; and in case in making such Footway it shall be found necessary to remove any Grave or Head Stones, the same shall be carefully preserved and replaced as near the former Situation as is consistent with the making of the said Footway; and in making the said Footway no Disturbance of any Grave shall be made, further than is absolutely necessary to level the Ground.

Restrictions as to Burial in present Burial Ground.

LXVII. And be it enacted, That from and after the Cemetery hereby authorized to be made shall be opened for the Purposes of Interment no Interment shall take place in the present Parochial Burial Ground, except in Vaults or Brick Graves therein in which there is a present Right of private Sepulture, or in other Graves in any unoccupied Part of the said Burial Ground; provided always, that the Consent of the Cemetery Commissioners shall be necessary to authorize any Interment in such other Graves as last aforesaid; and no Interment in Vaults or otherwise shall under any Circumstances take place in the said Burial Ground after the Commencement of the Year One thousand eight hundred and seventy.

Rate to be made for Cemetery.

LXVIII. And be it enacted, That for the Purpose of defraying the Costs of making, establishing, and maintaining the said Cemetery it shall be lawful for the Cemetery Commissioners to make an annual Rate, to be called "The *Peterborough* Cemetery Rate," upon the Occupiers and Holders of rateable Property within the said Parish of *Peterborough*, except the said *Minster Precincts*, so that such Rate do not exceed in One Year the Sum of Three-pence in the Pound on such annual Value; and the said Cemetery Rate shall be recoverable by the Cemetery Commissioners in the like Manner, and by the like Remedies, Ways, and Means in all respects, as the Improvement Rate to be made and levied by virtue of this Act shall for the Time being be recoverable by the Improvement Commissioners.

Dean and Chapter may rate Minster Precincts for the Purposes of the Cemetery;

LXIX. And be it enacted, That it shall be lawful for the said Dean and Chapter and they are hereby required, by their Chapter Clerk, to levy and collect, at the same Time as the aforesaid Cemetery Rate, a similar Rate for the Purposes of the Cemetery, to be called "The *Minster Precincts* Cemetery Rate," on all Holders and Occupiers of rateable Property within the said Precincts, except such Parts as

as are herein-before excepted from being chargeable to "The *Minster Precincts* Improvement Rate," such Cemetery Rate to be of a similar Amount in the Pound as the Rate to be made or collected for the same Purposes in the Parish of *Peterborough*; and the Value of such rateable Property within the said *Minster Precincts* for the Purposes of such Cemetery Rate shall be regulated by the last Assessment thereof for the Time being to the Rate for the Purposes of the Liberty or Soke of *Peterborough*; and the said Rate shall be recoverable by such and the same Remedies, Ways, and Means, and by the same Persons, as the *Minster Precincts* Improvement Rate would when made be recoverable under this Act, and shall be paid over to the said Cemetery Commissioners, so as to form One common Fund with the Cemetery Rate herein-before directed to be collected with the Poor Rates of the Parish of *Peterborough*.

such Rate to be equal to the Parish Cemetery Rate.

LXX. And be it enacted, That it shall be lawful for the said Cemetery Commissioners from Time to Time to borrow on Mortgage, on the Credit of the said Cemetery Rate, including that Portion thereof which shall be levied by the said Dean and Chapter, any Sums not exceeding in the whole the Sum of Two thousand five hundred Pounds, and in the event of all or any Part of such Money being repaid by the said Cemetery Commissioners, to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security of the said Cemetery Rates any more than the Sum of Two thousand and five hundred Pounds at any One Time; and for securing the Payment of the Monies so to be borrowed, with Interest at a Rate not exceeding Five Pounds *per Centum per Annum*, the Cemetery Commissioners may mortgage and assign the said Cemetery Rates or any Part thereof to the Persons who shall advance and lend such Money, or to their Trustees, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Power to borrow Money on the Credit of Cemetery Rate.

LXXI. And be it enacted, That it shall be lawful for the Mortgagees of the said Cemetery Rate to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgage by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies or Interest due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall not be less than Three hundred Pounds in the whole.

Arrears of Mortgages may be enforced by the Appointment of a Receiver.

LXXII. And be it enacted, That all Monies which shall come to the Hands of the Cemetery Commissioners from the said Rates called the "Cemetery Rate" and "the *Minster Precincts* Cemetery Rate,"

Application of Cemetery Rate.

Rate," and all Money to be raised on the Credit of the same, and all Fees to be taken for the Use of the Cemetery, and all other Monies which shall come to the Hands of the Cemetery Commissioners under the Provisions of this Act, shall be applied as follows; (that is to say,)

Firstly, in paying the Interest of all Monies borrowed or to be borrowed on the Credit of the said Cemetery Rates:

Secondly, in setting apart and appropriating the Sum hereinafter directed to be set apart and appropriated in Payment of the Principal Monies which shall have been borrowed or secured on the said Cemetery Rates:

And, subject thereto, in carrying the Purposes of this Act into execution, so far as relates to the said Cemetery.

Sinking Fund.

LXXIII. And be it enacted, That the Sum to be set apart and appropriated out of the said Cemetery Rates as a Sinking Fund, to be applied in paying off the Principal Monies which shall have been borrowed on Mortgage of such Rates, shall be in each Year One Fiftieth Part of the Monies so borrowed.

Saving of Rights.

LXXIV. And be it enacted, That nothing herein contained shall be deemed, construed, or taken in anywise to extinguish, prejudice, or affect any Rights, Privilege, or Franchises now belonging to the said Dean and Chapter of *Peterborough* within the said *Minster Precincts* or within the said City of *Peterborough*, or to the Feoffees or Trustees of certain Estates in the City of *Peterborough* applicable to charitable and public Uses in the said City, or to extinguish, prejudice, or affect the Right of the Vicar of the Parish of *Peterborough* for the Time being to any Fees or Emoluments to which he is now by Law entitled, and which are not herein-before reserved to him, but that all such Rights, Privileges, and Franchises respectively shall remain, continue, and be used, exercised, and enjoyed, and the said Fees and Emoluments be received and taken, in the same Manner in all respects as if this Act had not been passed, save and except so far as such Rights, Privileges, and Franchises are expressly altered or varied by this Act.

Power to purchase Land for holding the Skin Market.

LXXV. And be it enacted, That it shall be lawful for the Improvement Commissioners to contract and agree, subject to the Provisions of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase of Land by Agreement, for the Purchase of a Piece or Parcel of Ground in the said City of *Peterborough*, bounded on the South by the *Thorney* Turnpike Road, on Part of the North and on the East by Land belonging to the Bishop of *Peterborough*, and *Henry Parsons* and *John Gates*, his Lessees, on the remaining Part of the North and on the West by Land belonging to

to the Dean and Chapter of *Peterborough*, and the Right Honourable Earl *Fitzwilliam*, their Lessee, and now in the Occupation of *George Flutter*, and to remove thereto the present Market for Skins and Hides now holden in *Cumbergate Street* in the said City of *Peterborough*.

When new Skin Market prepared, old Market to be removed.

LXXVI. And be it enacted, That the said Improvement Commissioners shall, when and so soon as they shall have purchased the said Piece of Ground, and shall have made the same fit and convenient for holding the said Market for Skins and Hides thereat, give Notice of the Place so fixed upon and provided, and the Day on which such Market shall be removed, for Three successive Weeks, by Advertisement in some public Newspaper circulated in the said City of *Peterborough*, and by the Publication of printed Notices, and from and after the Day to be named in such Notice and Advertisement the said Market shall no longer be in the Place in which the same has been heretofore held; and every Person who thenceforth shall sell or expose for Sale, deposit, or leave any Skin or Hide in any other Place than the one so to be fixed and provided as aforesaid, shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds, together with the Costs of Conviction.

Reserving Rights as to holding Fairs and Markets.

LXXVII. And be it enacted, That, except as aforesaid, nothing in this Act contained shall prevent the holding of the Fairs and Markets in or near the said City or Township of *Peterborough* in such and the same Places and in the same Manner as the said Fairs and Markets are now accustomably held, nor to subject any Person or Persons to any Penalty for setting up any Stall, or for selling or exposing for Sale any Horses or other Beasts, Cattle, Goods, Wares, or Merchandizes, in such Fairs or Markets, during the Time such Fairs or Markets respectively are or shall be appointed to be held, or for the Space of Ten Days before and Six Days after the proclaiming of such Fairs, or during a reasonable Time before and after the Commencement and Termination of such Markets respectively, so as such Stalls, Horses, Beasts, Cattle, Goods, Wares, or Merchandizes be not placed, laid, or deposited in or upon any of the Footways, and so as such Goods, Wares, or Merchandize which shall be placed on any of the Carriageways be not placed within the Distance of Six Feet from the Centre thereof.

As to Service of Writs.

LXXVIII. And be it enacted, That nothing in this Act, or in any Act incorporated herewith, shall make Service of any Writ or Proceeding at Law or in Equity a good Service by the same being transmitted through the Post Office.

LXXIX. And

Provisions of Act of 12 & 13 Vict. c. 14. to be applicable to this Act as to Rates.

LXXIX. And be it enacted, That the Provisions of an Act passed in the Twelfth and Thirteenth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to enable Overseers of the Poor and Surveyors of the Highways to recover the Costs of distraining for Rates*, shall apply to the Improvement Rates and Cemetery Rates respectively hereby authorized to be made, and that the Warrants and Summonses in the said Act mentioned may be directed to and served by any Officer of the said Improvement Commissioners or Cemetery Commissioners respectively.

Application of Penalties in respect of Cemetery.

LXXX. And be it enacted, That all Penalties inflicted in respect of any Offence against the Cemetery shall be paid to the Cemetery Commissioners, to be applied by them for the general Purposes of the Cemetery; Provided always, that it shall be lawful for the said Commissioners to allow and pay such Sums of Money out of such Penalties by way of Reward to Informers as they shall think fit.

For paying off Mortgages by Lot.

LXXXI. And be it enacted, That whenever the Improvement Commissioners or the Cemetery Commissioners respectively shall have it in their Power to pay off as much as One hundred Pounds of their respective Mortgage Debts, they shall decide by Lot the Mortgagee to whom such Sum of One hundred Pounds shall be paid; and if at any One Time the said Improvement Commissioners or Cemetery Commissioners respectively shall have it in their Power to pay off as much Money as will admit of the Payment of One hundred Pounds or upwards to each Mortgagee, then such Money shall be paid in equal Shares to all the Mortgagees; but if the Money which it shall be in the Power of the said Improvement Commissioners or Cemetery Commissioners respectively to pay off shall not be sufficient to admit of the Payment of One hundred Pounds to each Mortgagee, then the Names of the same Number of Mortgagees shall be drawn by Lot as the Number of complete Sums of One hundred Pounds which the said Improvement Commissioners or Cemetery Commissioners respectively shall have it in their Power to pay off, and the Sum of One hundred Pounds shall be paid to each of the Mortgagees whose Name shall be so drawn; and Notice shall be given by the Improvement Commissioners or Cemetery Commissioners (as the Case may be), signed by their Clerk, to the said Mortgagees, of their Intention to pay off such Sums of One hundred Pounds, or One hundred Pounds and upwards, as the Case may be, at a Place to be specified, at the Expiration of Six Months from the Date of such Notice, at which Time the said Mortgagees shall accept Payment of the said Sums of One hundred Pounds, or One hundred Pounds and upwards, as the Case may be, when tendered, with the Interest due thereon respectively,

tively, in discharge or part discharge, as the Case may be, of their Mortgage Debts.

Justices of the Liberty of Peterborough to have exclusive Jurisdiction.

LXXXII. And be it enacted, That the Justices of the Peace for the Time being appointed and acting for the Liberty of *Peterborough* shall have exclusive Jurisdiction in all Matters relating to this Act and carrying the same into execution, and that no such Justice shall be incapacitated from acting in any Matter for or by reason of his being One of the *Peterborough* Improvement Commissioners or of the *Peterborough* Cemetery Commissioners.

Bye Laws to be published.

LXXXIII. And be it enacted, That all Bye Laws of the said *Peterborough* Improvement Commissioners and of the said *Peterborough* Cemetery Commissioners shall be published by the Insertion thereof for Three successive Weeks after the Confirmation thereof in any Newspaper usually circulated in the City of *Peterborough;* and the said Commissioners respectively shall cause a sufficient Number of Copies of such Bye Laws to be printed, and delivered by their Clerk free of Charge to all Persons applying for the same at the respective Offices of the said Commissioners, on any Day except *Sunday*, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon.

Certain Provisions of 10 & 11 Vict. c. 16. incorporated with this Act.

LXXXIV. And be it enacted, That the Provisions of the "Commissioners Clauses Act, 1847," with respect to legal Proceedings by or against the Commissioners, shall apply, *mutatis mutandis*, to Proceedings before Justices of the Peace.

Meaning of certain Terms used in this Act.

LXXXV. And be it enacted, That in all Proceedings under this Act the Parish of *St. John the Baptist, Peterborough*, herein-before called the Parish of *Peterborough*, shall be meant and intended, and well and sufficiently described, by the Name or Description of the Parish of *Peterborough;* and that the Words "Petty Sessions, Special "Sessions, and Quarter Sessions," whenever used or referred to in this Act, shall mean the Petty Sessions, Special Sessions, and Quarter Sessions respectively held or to be held at *Peterborough* before the Justices of the Peace for the Liberty of *Peterborough;* and that the Word "Justice" shall mean a Justice of the Peace for the Liberty of *Peterborough*.

Act not to affect Burial Ground at Longthorpe.

LXXXVI. And be it enacted, That nothing in this Act contained shall interfere with or affect the Use of the existing Burial Ground in the Hamlet of *Longthorpe*.

Forms in Schedule to be used.

LXXXVII. And be it enacted, That the several Forms in the Schedule B. to this Act contained, or Forms in Writing to the like Effect, shall be used for the several Purposes to which such Forms relate, and shall be deemed good, valid, and sufficient in Law.

Public Act.

LXXXVIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

The

The SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

A CLOSE of Pasture Land containing Five Acres and Sixteen Perches, belonging to the Lord Bishop of Peterborough, and the Reverend Henry Parsons and John Gates, his Lessees, now in the Occupation of Arthur Garratt, bounded on the East by the Thorney Turnpike Road, and on all other Sides by Lands of the said Bishop and his said Lessees.

SCHEDULE (B.)

No. 1.

Liberty of Peterborough to wit. } BE it remembered, That on the Day of in the Year of our Lord One thousand eight hundred and *A.B.* of Peterborough in the Liberty of Peterborough, Collector of the Peterborough Improvement [*or* Cemetery] Rate, complains to the undersigned, One of Her Majesty's Justices of the Peace in and for the said Liberty that *C.D.* of Peterborough aforesaid being a Person duly rated and assessed to the Improvement of [*or* to the making and maintaining of the Cemetery at] Peterborough aforesaid, in and by a certain Rate made on the Day of in the Year of our Lord One thousand eight hundred and in the Sum of hath not paid the same or any Part thereof, but hath refused so to do, contrary to "The Peterborough Improvement and Cemetery Act, 1850:"

Wherefore the said Collector prays that the said may be summoned to appear before Two of Her Majesty's Justices of the Peace, to show Cause why he hath not paid and refuses to pay the said Sum.

Made and exhibited at Peterborough aforesaid, this Day of 18 } Before me

No. 2.

Liberty of Peterborough to wit. } To of the Parish of Peterborough in the Liberty of Peterborough.

WHEREAS Complaint hath this Day been made before the undersigned, One of Her Majesty's Justices of the Peace in and for the Liberty of Peterborough, by

by the Collector of the Peterborough Improvement [Cemetery] Rate, that you, being a Person duly rated and assessed to the Improvement of [making and maintaining the Cemetery at] Peterborough aforesaid, in and by a certain Rate made on the Day of in the Year of our Lord One thousand eight hundred and in the Sum of have not paid the same or any Part thereof, but have refused so to do:

These are therefore to command you, in Her Majesty's Name, to be and appear on Saturday the Day of instant [*or* next] at One o'Clock in the Afternoon at the Justices Room at Peterborough aforesaid, before such Two or more Justices of the Peace for the said Liberty as may then be there, to show cause why you have not paid and refuse to pay the same; otherwise you shall be proceeded against by Default as if you had appeared, and be dealt with according to Law.

Given under my Hand, this Day of in the Year of our Lord One thousand eight hundred and at Peterborough in the Liberty aforesaid.

Take notice, that you have already incurred the under-mentioned Costs; viz.

	s.	*d.*
Clerk to the Justices - - - -		
Collector for obtaining the Summons - -		
Constable for serving same - - -	1	0
Ditto travelling Expenses at Three-pence per Mile -		
Total - -		

If the Amount of these Charges, together with the Rate claimed, be paid to the Collector before the Day on which the Summons is returnable, all further Proceedings will be stopped.

No. 3.

Liberty of Peterborough to wit. } To the Collector of the Peterborough Improvement [Cemetery] Rate, and to the Constables of Peterborough in the Liberty of Peterborough.

WHEREAS on the Day of last past a Complaint was made before One of Her Majesty's Justices of the Peace in and for the said Liberty of Peterborough, by the Collector of the Peterborough Improvement [Cemetery] Rate, that *C. D.* of being a Person duly rated and assessed to the Improvement of [making and maintaining of the Cemetery at] Peterborough aforesaid, in and by a certain Rate made on the Day of in the Year of our Lord One thousand eight hundred and in the Sum of had not paid the same or any Part thereof, but had refused so to do; and now at this Day, to wit, on the Day of in the Year aforesaid, at the Justices Room at Peterborough aforesaid, the Parties aforesaid appear before us the undersigned Two of Her Majesty's Justices of the Peace in and for the said Liberty [the said Collector appears before us the undersigned, Two of Her Majesty's Justices of the Peace in and for the said Liberty; but the said *C. D.*, although duly called, doth not appear, by himself, his Counsel or Attorney, and

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it is now satisfactorily proved to us on Oath that the said *C. D.* has been duly served with the Summons on this Behalf, which required him to be and appear here at this Day before such Two or more Justices of the Peace as should now be here to answer the said Complaint, and to be further dealt with according to Law]; and now having heard the Matter of the said Complaint, and it being now duly proved to us upon Oath [in the Presence and Hearing of the said *C. D.*] that the said Rate was duly made, and that the said *C. D.* is therein and thereby assessed at the Sum aforesaid, and that the said Sum hath been duly demanded of the said *C. D.*, but that he hath not paid and still refuses to pay the same, and the said *C. D.* now not showing to us any sufficient Cause for not paying the same:

These are therefore to command you or One of you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *C.D.*; and if within the Space of Five Days after the making of such Distress the said Sum, and the Sum of for the Costs incurred by the said Collector in obtaining this Warrant, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, by public Auction, and out of the Money arising by such Sale you retain the said Sums of and rendering the Overplus, on Demand, to the said *C.D.*, the reasonable Charges of taking, keeping, and selling the said Distress being first deducted; and if no such Distress can be found, that then you certify the same unto us, to the end that such further Proceedings may be had thereon as to the Law doth appertain.

Given under our Hands and Seals, this Day of in the Year of our Lord One thousand eight hundred and at Peterborough in the Liberty aforesaid.

Liberty of Peterborough to wit. } I Constable of Peterborough in the Liberty of Peterborough [*or* Collector of the Peterborough Improvement [Cemetery] Rate], do hereby certify to Her Majesty's Justices of the Peace for the said Liberty, That by virtue of this Warrant I have made diligent Search for the Goods and Chattels of the within-mentioned *C.D.*, and that I can find no sufficient Goods or Chattels of the within-mentioned *C.D.* whereon to levy the Sums within mentioned.

Witness my Hand, this Day of in the Year of our Lord One thousand eight hundred and

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No. 4.

Liberty of Peterborough to wit. } To the Collector of the Peterborough Improvement [Cemetery] Rate, to the Constables of Peterborough in the Liberty of Peterborough, and to the Keeper of the House of Correction at Peterborough in the said Liberty.

WHEREAS, after Complaint by the said Collector, and Summons thereupon, a certain Warrant of Distress under the Hands and Seals of Two of Her Majesty's Justices of the Peace in and for the said Liberty of Peterborough, on the Day of last past [*or* instant], addressed to the

the said Collector and Constables, was duly issued according to Law, commanding them or One of them to make and levy, by Distress and Sale of the Goods and Chattels of *C.D.* of being a Person duly rated and assessed to the Improvement [Cemetery] Rate of Peterborough aforesaid, the Sum of for the said Rate, and also the Sum of for Costs, and the said Collector [*or* One of the said Constables] hath duly certified to Her Majesty's said Justices of the Peace that he hath made diligent Search for the Goods and Chattels of the said *C.D.*, but that no sufficient Distress whereon to levy the said Sums above mentioned could be found:

These are therefore, in Her Majesty's Name, to command you the said Collector and Constables, or some or One of you, to take the said *C.D.*, and him safely to convey to the House of Correction at Peterborough in the Liberty aforesaid, and there deliver him to the said Keeper, together with this Precept; and we do hereby command you the said Keeper of the said House of Correction to receive the said *C.D.* into your Custody in the said House of Correction, there to imprison him for the Space of unless the said Sum of together with the Sum of for the Costs attending the said Distress, and the further Sum of being the Costs and Charges of this Commitment, and of taking and conveying the said *C.D.* to Prison, making in the whole the Sum of shall be sooner paid unto you the said Keeper; and for your so doing this shall be your sufficient Warrant.

Given under our Hands and Seals, this Day of in the Year of our Lord One thousand eight hundred and at Peterborough in the Liberty aforesaid.

No. 5.

Liberty of Peterborough to wit. } THE Information and Complaint of *A.B.* of Peterborough in the Liberty of Peterborough One of the public Officers authorized to sue by "The Peterborough Improvement and Cemetery Act, 1850," taken and made [on Oath] before the undersigned, One of Her Majesty's Justices of the Peace in and for the said Liberty, this Day in the Year of our Lord One thousand eight hundred and who saith that on the Day of in the Year aforesaid *C.D.* of did [*here set forth the Offence*] contrary to [a certain Bye Law made by virtue of] the said Act, which hath imposed a Penalty not exceeding for the said Offence, and prayeth Justice.

Exhibited [*or* sworn] at Peterborough aforesaid, the Day of 18
Before me
J.P.

No. 6.

No. 6.

Liberty of Peterborough to wit. } BE it remembered, That on the Day of in the Year of our Lord One thousand eight hundred and at Peterborough in the Liberty of Peterborough, *C.D.* is convicted before the undersigned of Her Majesty's Justices of the Peace for the said Liberty, for that he the said *C. D.* [*here set forth the Offence as in the Information*] contrary to [a certain Bye Law made by virtue of] "The Peterborough Improvement and Cemetery Act, 1850;" and I [*or* we] adjudge the said *C.D.* for h said Offence to be imprisoned in the House of Correction at Peterborough in the said Liberty [and there kept to hard Labour] for the Space of [*or* to forfeit and pay the Sum of and the further Sum of for Compensation] to be paid and applied according to Law, and also to pay to *A.B.*, who gave Information of the said Offence, the Sum of for his Costs in this Behalf, and if the said several Sums be not paid forthwith [*or* on or before the Day of next] I [*or* we] adjudge the said *C.D.* to be imprisoned in the House of Correction at Peterborough in and for the said Liberty [and there to be kept to hard Labour] for the Space of unless the said several Sums, and the Costs and Charges of conveying the said *C.D.* to the said Prison, shall be sooner paid.

Given under Hand and Seal , the Day and Year first above mentioned, at Peterborough in the said Liberty.

No. 7.

Liberty of Peterborough to wit. } To the Constables of Peterborough in the Liberty of Peterborough, and to the Keeper of the House of Correction at Peterborough in and for the said Liberty.

WHEREAS *C.D.* was on this Day duly convicted before the undersigned, of Her Majesty's Justices of the Peace in and for the said Liberty, for that [*set forth the Offence as in the Information*], contrary to [a certain Bye Law made by virtue of] "The Peterborough Improvement and Cemetery Act, 1850," and it was thereby adjudged that the said *C.D.* for h said Offence should [be imprisoned in the House of Correction at Peterborough in and for the said Liberty [and there kept to hard Labour] for the Space of [*or* forfeit and pay the Sum of and should pay to *A.B.*, who gave Information of the said Offence, the Sum of for his Costs in that Behalf [and the further Sum of for Compensation]; and it was thereby further adjudged and ordered, that if the said several Sums should not be paid forthwith [*or* on or before the Day of], the said *C.D.* should be imprisoned in the said House of Correction [and there kept to hard Labour] for the Space of , unless the said several Sums, and the Costs and Charges of committing the said *C.D.* to the said Prison, should be sooner paid: And whereas the Time in and by the said Conviction appointed for the Payment of the said several Sums hath elapsed, but the said *C.D.* hath not paid the same or any Part thereof, but therein hath made default:

These are therefore to command you the said Constables of Peterborough

to

to take the said *C.D.*, and h safely to convey to the said House of Correction at Peterborough aforesaid, and there to deliver h to the Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said House of Correction to receive the said *C.D.* into your Custody in the said Prison, there to imprison h [and keep him to hard Labour] for the Space of [*or* unless the said several Sums, and the Sum of being the Costs and Charges of conveying h to the said Prison, shall be sooner paid], and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and at Peterborough in the said Liberty.

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