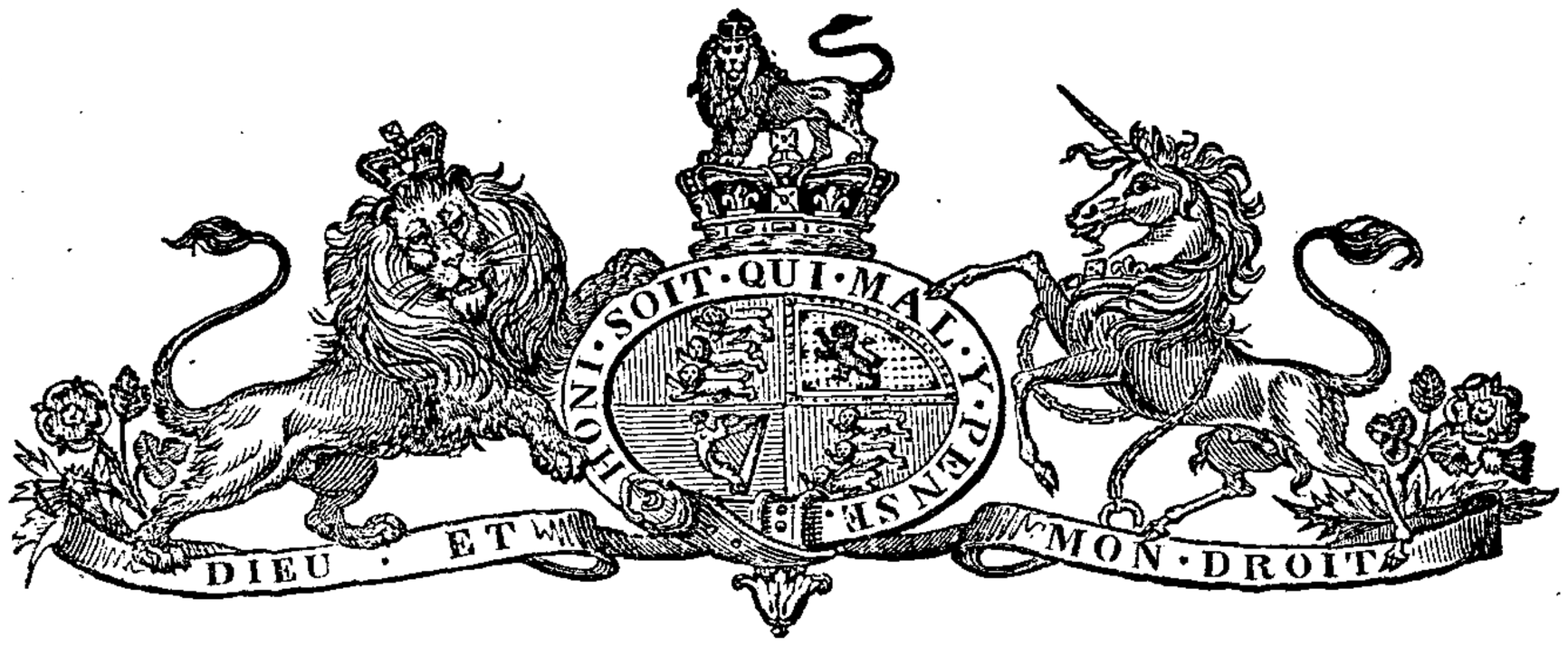


ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

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the said Parish of *Spalding* has, for the Purpose of lighting with Gas, been formed into a District, under an Act of the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter 90, and Inspectors have been appointed for superintending the lighting of the said District; and it is expedient that the Powers of the said Inspectors should cease, and should be exercised by the Commissioners to be incorporated under this Act: And whereas a Board for the Repair of the Highways within the said Parish of *Spalding* has been appointed under the Provisions of the Act of the Fifth and Sixth Years of the Reign of King *William* the Fourth, Chapter 50; and it is expedient that the Powers of the said Board should cease, and that the same should be exercised by the Commissioners to be incorporated under this Act; but the Purposes aforesaid 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,

Short Title.

I. That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Expression "The *Spalding* Improvement Act, 1853."

Limits of Act.

II. That the Limits of this Act shall comprise and include the said Town and Parish of *Spalding;* and that so much of the said Parish as is comprised within the following Description, (that is to say,) all the old inclosed Lands lying on the North-west Side of the River *Welland,* except such of the said Lands as lie between the Roman Bank and the said River, and all the Lands bounded by the River *Welland* on the West, the *Holbeach* Turnpike Road on the North, *Barrels Lane* in part, and the low Road from the said Lane to *Exeter* Drain in further Part, and the said Drain to *Matmere Gate* in remaining Part, on the East, *Matmere Gate* in part, and an imaginary Line drawn from the West End of *Matmere Gate* to the East End of *Leathercote Lane,* and the said Lane to its Junction with the *Cowbit* Turnpike Road, in remaining Part on the South, including the said Roads so far only as they adjoin the said Boundaries, and also all the Houses and Gardens to the Depth of Fifty Yards on the East Side of the said *Cowbit* Turnpike Road to the *Locks Mill,* shall be and be called "the Town District," and the Residue of the Lands within the Limits of this Act shall be and be called "the Rural District," for all the Purposes of this Act for which such defined Districts are respectively required to be prescribed.

Power to erect Bound Stones.

III. That the Commissioners hereby incorporated shall from Time to Time erect Bound Stones or Posts for the better ascertaining and preserving

preserving the Boundaries of the respective Districts comprised within this Act.

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

IV. That "The Commissioners Clauses Act, 1847," (except in so far as any of the Provisions thereof may be expressly altered by any of the Provisions herein contained,) shall be incorporated with and form Part of this Act.

Commissioners incorporated.

V. That the Persons to be incorporated and qualified in the Manner herein-after provided shall be Commissioners for the Purpose of carrying this Act into execution; and such Commissioners for the Time being shall be elected for the whole of the said Town and Parish, and shall be a Body Corporate, by the Name of "The *Spalding* Improvement Commissioners," and by that Name shall have perpetual Succession and a Common Seal, and shall have Power to sue and be sued, and to take, purchase, and hold, sell and convey, Lands, Tenements, Hereditaments, Goods, Chattels, and other Property, for any of the Purposes of this Act.

Number.

VI. That the Number of the Commissioners shall be Fifteen.

Qualification of Commissioners.

VII. That every Commissioner under this Act shall have the following Qualification; (that is to say,) he shall be of the Age of Twenty-one Years or upwards, and either a Resident within the Limits of this Act, and liable to be rated under the Provisions of the same for any Messuages, Lands, Tenements, or Hereditaments within the said Limits to the annual Value of Twenty-five Pounds or upwards, or (whether so resident or not) seised or entitled in possession for his own Use and Benefit of or to an Estate, legal or equitable, in Messuages, Lands, Tenements, or Hereditaments, of any Tenure whatsoever, within the Limits of this Act, the Owner or Occupier or Owners or Occupiers of which shall in respect thereof be liable to be rated as aforesaid to the annual Value of Forty Pounds or upwards, or of or to the Rents and Profits thereof for his own Life, or for the Life or Lives of any other Person or Persons, or for a Term of Years, either absolute or determinable on his own Life, or on the Life or Lives of any other Person or Persons, of which Term not less than Thirteen Years shall be unexpired, or for any greater Estate or Interest.

First Election of Commissioners.

VIII. That the First Election of Commissioners shall take place within Two Calendar Months after the passing of this Act, and that with a view to such First Election the Overseers of the Poor for the Parish of *Spalding* shall appoint a Day and Place within the said Parish for such First Election, and that at such First Election, but not at any other Election, the said Overseers shall be the returning

and

and presiding Officers, and that such Overseers shall and may at such First Election perform all such Functions and do all such Acts as are directed or authorized by "The Commissioners Clauses Act, 1847," to be done by the Returning Officer with reference to the Election of Commissioners; and the Expenses of or incident to such First Election incurred by the said Overseers shall be repaid to them by the Commissioners out of the Monies arising from the General Improvement Rate herein-after authorized to be levied: Provided always, that if One of such Overseers shall refuse or neglect to perform the Duties by this Act imposed upon him with reference to such First Election, it shall be lawful for the other of them to act alone in the Performance of such Duties; and such Overseer so acting alone shall, with reference to such First Election as aforesaid, have all the same Powers and Authorities as both of them if acting together would have had by virtue of this Act.

Qualification of Voters at First Election.

IX. That every Owner of Land or Tenements within the Limits of this Act (whether rated or not as herein-after in this Clause is mentioned), and every Person who and every Corporation or Company which shall at the Time of the First Election of Commissioners be rated to the Relief of the Poor in respect of any Property within the said Parish of *Spalding*, and shall Seven Days at least before the said First Election have paid all Poor Rates which shall have become payable by him or them in respect of such Rating at any Time previously to the Commencement of the Third Month before such Election, shall be entitled to vote at the First Election of the Commissioners according to the Scale of voting prescribed by "The Commissioners Clauses Act, 1847;" provided that no Owner or Occupier of Land or Property who in respect of which Rating under this Act is herein-after limited to One Fourth only of the full annual Value thereof shall be entitled to vote at such First Election in respect of more than One Fourth of the Rating in respect of such Land or Property to the Relief of the Poor.

Qualification of Voters at Elections of Commissioners.

X. That every Owner of Land or Tenements within the Limits of this Act, whether rated or not as herein-after in this Clause is mentioned, and every Person who and every Corporation or Company which shall be rated to the General Improvement Rate herein-after authorized to be levied, and shall, Seven Days at least before the Day of Election of the Commissioners, have paid all the said Rates which shall have become payable by him or them in respect of such General Improvement Rate at any Time previously to the Commencement of the Third Month before such Election, shall be entitled to vote at every Election subsequent to the First Election of Commissioners under this Act, according to the Scale of voting prescribed by "The Commissioners Clauses Act, 1847;" provided that no Owner or Occupier

Occupier of Land or Property in respect of which Rating under this Act is herein-after limited to One Fourth or One Eighth only of the full annual Value thereof shall be entitled to vote at such Election in respect of more than One Fourth or One Eighth, as the Case may be, of such Rating.

Owners as well as Ratepayers to have Votes.

XI. That in every Case of voting under this Act the Owner as well as the Ratepayer in respect of any Land or Tenements shall be entitled to vote; and that for the Purpose of ascertaining the Number of Votes to which each Owner shall be entitled the aggregate Amount of the Assessment for the Time being of any Property belonging to such Owner within the Limits of this Act, or on any Person or Persons in respect of the same, to the Rate for the Relief of the Poor of the Parish of *Spalding*, until the First Election of Commissioners under this Act shall have been made, and thereafter to the General Improvement Rate herein-after authorized to be levied, shall be deemed to be the annual Value of such Property to such Owner; and where any such Owner shall be the *bonâ fide* Occupier of any such Property, he shall be entitled to vote as well in respect of his Occupation as of his being such Owner; provided that nothing in this Clause contained shall in any Manner affect the Scales of voting or Limitations as to annual Value in relation to voting herein-before mentioned.

First Meeting of Commissioners.

XII. That the Commissioners acting under the Powers of this Act shall hold their First General Meeting at some convenient Time and Place within the said Town of *Spalding* on the First *Thursday* in the Month next following their Election, and shall then and there proceed to put this Act into execution; and the prescribed Time for holding an annual Meeting of the Commissioners under this Act shall be the Third *Thursday* in the Month of *December* in each Year, and the First of such annual Meetings shall be held on the Third *Thursday* in the Month of *December* next after the passing of this Act; and on the Twenty-fifth Day of *March* in the Year following that in which this Act is passed One Third of the Commissioners shall go out of Office, and on the Twenty-fifth Day of *March* in the following Year another Third of the Commissioners shall go out of Office, and on the Twenty-fifth Day of *March* in the Year following the Remainder of the Commissioners shall go out of Office, and on the Twenty-fifth Day of *March* in every subsequent Year One Third of the Commissioners, being those who have been longest in Office, shall go out of Office; and in each Instance the Places of the retiring Commissioners shall be supplied by the Election of the like Number of Commissioners in the Manner herein expressly or by Reference provided; and the Twenty-fifth Day of *March* in the Year following that in which this Act is passed, and on the Twenty-fifth Day of *March*

in each succeeding Year, shall be the prescribed Day on which a Meeting shall be held for the Purpose of electing Commissioners from Time to Time in the Place of those who go out by Rotation: Provided nevertheless, that when and so often as the Twenty-fifth Day of *March* shall fall on a *Sunday* or *Good Friday*, or a Day appointed for a General Fast or Thanksgiving, the following Day shall in all Cases be substituted.

General Power to Commissioners.

XIII. That the Commissioners shall and may, subject to the Provisions of this Act and the Acts incorporated herewith, cause to be paved, drained, lighted, cleansed, watched, watered, and otherwise improved and regulated the said Town and Parish of *Spalding*, and shall be the Surveyors of Highways within the same, and as such shall have and exercise the entire Control and Management of all Highways, Foot Bridges, and Thoroughfares within the said Town and Parish, and shall keep the same in repair, and shall and may do all Acts, Matters, and Things for promoting the Health, Comfort, and Convenience of the Inhabitants of the said Town and Parish as they may deem or consider necessary, and for that Purpose may exercise all the Powers vested in them by this Act and the Acts incorporated herewith.

Certain Provisions of 11 & 12 Vict. c. 34. incorporated with this Act.

XIV. That the Clauses of "The Towns Improvement Clauses Act, 1847," herein-after specified, except in so far as any of the Provisions thereof may be altered by the Provisions herein contained, shall be incorporated with and form Part of this Act; that is to say, the Clauses —

With respect to the Construction of the said "Towns Improvement Clauses Act," whether incorporated in whole or in part with any other Act, and of any Act incorporated therewith:

With respect to the Officers to be appointed by the Commissioners, or under any "General Town Improvement Act," except Section 6, and so much of Sections 7 and 12 as requires that the Appointment of a Surveyor and Officer of Health, and the Discontinuance of Office, shall be made with the Approval of any other Person or Persons than the Commissioners:

With respect to taking Lands, and the Compensation to be made by the Commissioners for Damage done by them in execution of the Powers of the said "Towns Improvement Act" and of this Act:

With respect to making and maintaining the public Sewers, except so much of Sections 23 and 27 as relates to the Approval of and Submission of Estimates to the Inspector; nevertheless, for the Purposes of this Act, Section 24 shall be read and construed as if the Word "may," in a permissive and not imperative

tive Sense, were substituted therein for the Word "shall" in the First Line of the said Section:

With respect to paving and maintaining the Streets, except Section 50; nevertheless, for the Purposes of this Act, Section 54 shall be read and construed as if the Word "Owners" were substituted therein for the Word "Occupiers:"

With respect to laying out new Streets, except Section 63:

With respect to naming the Streets and numbering the Houses:

With respect to improving the Line of the Streets, and removing Obstructions:

With respect to ruinous or dangerous Buildings:

With respect to Precautions during the Construction and Repair of the Sewers, Streets, and Houses:

With respect to Objections to the Works to be constructed by or subject to the Approval of the Commissioners, except so much of Section 85 as provides that it shall be necessary to have the Presence or Concurrence of the Inspector or Surveyor, or the Certificate of the Inspector or Surveyor of the Commissioners, that the Works ought to be executed:

With respect to cleansing the Streets: Provided always, that the Sections numbered respectively 87, 88, 89, 90, 92, 94, 95, 96, 97, and 98 shall not extend to any Arable, Meadow, or Pasture Lands, Woodlands, Market Gardens, or Nursery Grounds, or to any Buildings or Deposit thereon, or to any Roads or Footways intersecting the same respectively:

With respect to the Prevention of Nuisances:

With respect to the Prevention of Smoke:

With respect to supplying Buildings with fresh Air:

With respect to Lodging Houses:

With respect to lighting the Town or District:

With respect to the Supply of Water, except so much of Section 121 as relates to the Approval by the Commissioners of Her Majesty's Woods and Forests, Land Revenues, Works, and Buildings, and as relates to the local Inquiry therein directed to be made:

With respect to Slaughter-houses:

With respect to Things to be done by the Commissioners by special Order only, except so much of Section 135 as relates to the Approval of the Inspector, and except the Sections numbered respectively 134 and 136 to 141, both inclusive:

With respect to Clocks:

With respect to Entry by the Commissioners or their Officers in execution of the said Towns Improvement Clauses Act and this Act:

With respect to ensuring the Execution of the Works by the said Towns Improvement Clauses Act or this Act required to be done by the Owners or Occupiers of Houses or Lands:

With

With respect to the Rates by the said Towns Improvement Clauses Act directed to be made for Sewers, Drains, and Private Improvements, except Sections 158 to 160, both inclusive, and Sections 163 to 166, both inclusive:

With respect to the Manner of making Rates authorized by the said Towns Improvement Clauses Act or this Act, except so much of Section 171 as relates to advertising the Intention of making a Rate, and except Sections 167, 179, and 181:

With respect to the Appeal to be made against any Rate:

With respect to the Recovery of Rates:

With respect to the Byelaws to be made by virtue of the said Towns Improvement Clauses Act or this Act:

With respect to the Tender of Amends, and with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, except Section 211.

Power to execute Act without Approval of Inspector, mentioned in 11 & 12 Vict. c. 34., and to appoint a Surveyor.

XV. That the Commissioners may at all Times proceed in the Execution of this Act without the Approval of the Inspector mentioned in the "Towns Improvement Clauses Act, 1847," and as if no such Officer had been mentioned in that Act; and that the Commissioners may appoint a Surveyor for the Purposes of this Act, as and when they shall think fit, but it shall not be compulsory on them to make any such Appointment, and if they think proper they may at any Time or Times appoint the same Person to be Surveyor, and also to hold any other Office or Offices under this Act.

Rates may be recovered as a Debt.

XVI. That, in addition to the other Mode provided for the Recovery of Rates under this Act, the same shall be recoverable against the Party liable thereto as a Debt in any Court of competent Jurisdiction, at the Suit of the Commissioners.

Purchase of Lands for opening new Streets.

XVII. That the Commissioners may agree with the Owners of any Houses or Lands within the Limits of this Act for the absolute Purchase thereof or of any Part thereof, for the Purpose of opening any new Streets or Passages, or making any other convenient Communications, or of straightening, widening, or diverting any existing Streets, Ways, or Passages, and for any of the last-mentioned Purposes the Trustees of any Turnpike Road, or other Persons to be benefited thereby, may and they are hereby empowered to contribute towards effecting such Purposes, upon such Terms and to such Extent as shall be mutually agreed upon between the Commissioners and the Parties so contributing.

Regulating Width of new Streets.

XVIII. That after the passing of this Act it shall not be lawful to form, set out, or build any new Street, Alley, Court, or public Passage within the Limits of this Act, unless the same, being a Carriage Road, shall

shall be Thirty-six Feet wide in the narrowest Part thereof, or, being a Foot Passage, shall be at least Ten Feet wide in the narrowest Part thereof.

Owners of Courts and Passages to flag and drain same.

XIX. That the Owner of any Court or Passage, or any Part of any Court or Passage, within the Limits of this Act, not being a public Thoroughfare, shall, to the Satisfaction of the Commissioners, sufficiently flag such Court or Passage, or such Part thereof of which he shall be the Owner, and lay with Stone an overground Drain or Channel at a proper Level through, over, or along the same, or through, over, or along such Part thereof as the Commissioners may require, and keep the Flagging of such Court or Passage, or of such Part thereof as aforesaid, and also such Drain or Channel over the same, in good Repair, to the Satisfaction of the Commissioners; and the Owner of any such Court or Passage, or of any Part of any such Court or Passage, shall cause the Houses therein belonging to him to be sufficiently drained, where practicable, into an underground Sewer or Drain, and so to be kept and continued to the Satisfaction of the Commissioners.

In case of Neglect of Owners, Commissioners may flag and drain Courts or Passages, at Expense of Occupiers, &c.

XX. That if the Owner of any Court or Passage, or any Part of any Court or Passage, within the Limits of this Act, not being a public Thoroughfare, shall not, within the Time and in such Manner as shall be directed by the Commissioners, flag the same, or shall not lay with Stone such Drain or Channel, as herein-before mentioned, or shall not cause his Houses in any such Court or Passage to be sufficiently drained, where practicable, into an underground Sewer or Drain, or in case any Owner shall not flag and keep in order the Footway opposite his Property in any Street, to the Satisfaction of the Commissioners, as aforesaid, then and in any such Case it shall be lawful for the Commissioners to flag such Court or Passage, or such Part of such Court or Passage, or lay with Stone such Drain or Channel, or to cause such Houses to be sufficiently drained as aforesaid, or flag and keep in order such Footways to be made and kept as aforesaid; and the Costs, Charges, and Expenses thereof or incidental thereto, which the Commissioners shall thereby sustain, incur, or pay, shall be repaid to them by the Occupiers of such Houses, Courts, or Passages, or Parts of such Courts or Passages, and of the Houses or Lands abutting on such Footpaths; and such Costs, Charges, and Expenses shall be recoverable from such Occupiers respectively to the Extent and in the Manner as provided in "The Towns Improvement Clauses Act, 1847," with respect to Private Improvement Expenses, or the same may be recoverable, at the Suit of the Commissioners, by Plaint, Action, or Suit in any Court of competent Jurisdiction; and every such Occupier shall be entitled to deduct from the Rent payable by him to his Landlord so much as is so paid by or recovered from him in respect of any such Expenses.

Houses not to built in close Courts.

XXI. That it shall not be lawful for any Person (except with the Consent of the Commissioners) to build any House in any Court or Passage the Entrance into which shall not be Four Feet wide at the least, and be open for the Space of Fifteen Feet at the least in Height from the Ground upwards from End to End, or to build Houses of more than Three Stories in Height, exclusive of Cellars, fronting on any Street of less Width than Twelve Yards, to be made or laid out after the passing of this Act.

Owners of vacant Lands adjoining Streets to fence the same, and in default Commissioners may fence the same, at Expense of Occupiers, &c.

XXII. That the Owner of any vacant or unbuilt-on Land adjoining to any Street within the Limits of this Act shall to the Satisfaction of the Commissioners sufficiently fence off from the adjoining Street such Land, or such Part thereof whereof he shall be the Owner, with a good and substantial Fence of the Height of Four Feet at the least, and always afterwards keep such Fencing in good Repair to the Satisfaction of the Commissioners; and if any such Owner of any such Land shall not sufficiently fence the same as aforesaid, or not keep the same Fencing in good Repair to the Satisfaction of the Commissioners, within Fourteen Days next after Notice in Writing for that Purpose from the Commissioners or their Surveyor shall have been given to such Owner, or left for him at his usual or last known Place of Abode in *England*, or in case such Owner shall be unknown, or be out of *England*, upon or affixed to the Premises in respect of which the same shall be given, then and in any such Case it shall be lawful for the Commissioners to fence such Land, or such Part thereof as shall not have been so done pursuant to such Order, and to charge such Owner with the Costs and Expenses thereof or incidental thereto; and all Costs, Charges, and Expenses which the Commissioners shall thereby sustain, incur, or pay, and shall so charge upon such Owner, shall, on Demand, be forthwith paid and refunded to the Commissioners by such Owner, and shall be recoverable by Distress and Sale of the Goods and Chattels of such Owner, and any Justice may issue his Warrant accordingly, or the same may be recoverable by Action or Plaint in any Court of competent Jurisdiction, or if such Owner be out of *England* the Commissioners may take possession of and let all or any Part of such Land, in like Manner as is herein-after provided with respect to unoccupied or unproductive Property, and for that Purpose shall have the like Powers in reference to letting as is herein-after provided with respect to such Property, and every Lease granted under this Section shall have the like Force and Effect as a Lease granted under the Powers of this Act with reference to unoccupied or unproductive Property, and the Rents of the Land leased under this Section shall be paid to the Commissioners, who shall thereout pay all such Costs, Charges, and Expenses as aforesaid, and all such Costs, Charges, and Expenses of and incidental to such letting, and

Receipt

Receipt of the Rents, and after Payment thereof shall retain the Surplus (if any) of such Monies for the Owner of such Land, or his Assignees or other legal Representatives.

Power to make Sewers, &c.

XXIII. And whereas Plans and Sections of the intended Sewers, Tanks, Reservoirs, Approaches, and Works, and Duplicates thereof, together with Books of Reference to the said Plans, have been deposited with the Clerk of the Peace for the Parts of *Holland* in the County of *Lincoln*: Be it therefore enacted, That, subject to the Provisions in this Act, and the Acts incorporated herewith, contained, it shall be lawful for the Commissioners, as soon as they shall deem it expedient so to do, to make and maintain the Sewers, Tanks, Reservoirs, Approaches, and Works, or any of them, and all Conveniences connected therewith, in the Situation and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to purchase, take, and use such of the said Lands as shall be necessary for such Purposes: Provided always, that nothing in this Act or the Acts incorporated herewith contained shall extend or be construed to extend so as to restrain the Commissioners from extending their Main Sewers from Time to Time, whenever it shall be necessary for effectually draining the Districts or any Part of the Districts comprised within the Limits of this Act.

For Protection of the Great Northern Railway Company.

XXIV. That nothing in this Act contained shall empower the Commissioners to purchase any Portion of the *Great Northern* Railway, or of the Land or Works connected therewith; and the Pipes, Conduits, and other Works to be laid down and constructed by virtue of this Act under the said Railway shall be laid down and constructed under the Superintendence and to the Satisfaction of the Engineer for the Time being of the said Railway, and shall be at all Times maintained by the Commissioners to the Satisfaction of the said Engineer; and in laying down, constructing, and maintaining the said Pipes, Conduits, and other Works under or in connexion with the said Railway the Commissioners shall do as little Damage as possible, and shall make full Compensation to the *Great Northern* Railway Company for all Damage sustained by them by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to the Amount of such Compensation, the same shall be settled by Arbitration in the Manner prescribed by "The Lands Clauses Consolidation Act, 1845," for the Settlement of Cases of disputed Compensation.

Saving Rights of the Great Northern

XXV. That nothing in this Act contained shall prejudice, diminish, or take away any of the Rights, Powers, or Authorities of the *Great Northern* Railway Company, or enable the Commissioners to enter upon

Railway Company.

upon or use any of the Land or Property of the said Railway Company, or in any Manner to alter or interfere with the *Great Northern* Railway or any of the Works appertaining thereto, save only as may be necessary in constructing the Works by this Act authorized, and then subject to the Restrictions herein-before contained.

Power to purchase or rent Land for depositing Materials.

XXVI. That it shall be lawful for the Commissioners to purchase or rent any Land for procuring or depositing Stone, Gravel, or other Materials for any of the Purposes of this Act, from any Person willing to sell or let the same.

If Owners of unproductive Property neglect to pay Costs, the same may be let, to defray Expenses.

XXVII. That if any House, Building, or Land abutting on any Street or Part of any Street, not being a Highway repairable by the Inhabitants at large, which or any Part of which shall have been levelled, formed, paved, or flagged by the Commissioners, or if any House or Building or any other Hereditaments in respect of which any Drain or other Work shall have been constructed, done, made, or re-made by the Commissioners, and the Costs and Expenses of which are to be repaid to the Commissioners by the Owners thereof, in manner provided by this Act or any Act incorporated herewith, shall be unoccupied or unproductive, and the Owner thereof shall for the Space of Two Years neglect or refuse to contribute and pay his Proportion of the Costs, Charges, and Expenses of levelling, making, paving, or flagging such Street, or the Costs of constructing, doing, making, or re-making such Drain or other Work shall not have been recovered from the Occupier thereof, it shall be lawful for the Commissioners, at or after the Expiration of Two Months Notice to that Effect affixed or placed on any such House, Building, or Land, to take possession of any such unoccupied or unproductive House, Building, or Land, and to fence off and let the same or any Part thereof, by any Deed under their Common Seal, for such Term, not exceeding Ten Years, as shall be agreed upon between the intended Lessee thereof and the Commissioners, and for the best yearly Rent which can be reasonably had or gotten for the same, and to appoint some Person to deliver the Possession of such House, Building, or Land to such Lessee; and every such Lease shall effectually vest the legal Estate in possession of the House, Building, or Land comprised therein in the Lessee therein named, for the Term thereby expressed to be granted, and shall give such Lessee a good Title thereto against the Owner thereof; and the Rents of such House, Building, or Land shall be paid to the Commissioners, who shall thereout, in the first place, pay the Expenses of and incident to such fencing and letting, and in the next place pay the Sum due from such Owner for his Share of the Costs, Charges, and Expenses of levelling, making, paving, or flagging such Street, or constructing, doing, making, or re-making such Drain or other

other Work, and after Payment thereof shall retain the Surplus (if any) of such Monies for the Owner of such House, Building, or Land, or his Assignees or other legal Representatives.

Owner of unoccupied House to pay Private Improvement Expenses.

XXVIII. That whenever any House, Building, or Land made liable to any special Rate in respect of any Private Improvement Expenses shall become unoccupied before the Expiration of the Period for which such Rate was made, or before the same is fully paid off, such Rate shall become a Charge upon and be paid by the Owner of such House, Building, or Land, so long as the same continues to be unoccupied.

Power to purchase Houses, &c., with Consent of Owners, &c.

XXIX. That it shall be lawful for the Commissioners and they are hereby empowered, with the Consent of the Persons owning the same, to agree with such Owners for the Purchase of and to purchase any Houses, Buildings, or Lands which they may require for any of the Purposes of this Act or any Act incorporated herewith, and all subsisting Leases in any such Houses, Buildings, or Lands, and all Rentcharges, Annuities, Mortgages, or Incumbrances affecting any such Houses, Buildings, or Lands, and all other Estates or Interests in such Houses, Buildings, or Lands, of what Kind soever, either for a Consideration in Money, or by way of Exchange for any other Lands or Hereditaments for the Time being vested in the Commissioners, and not required for the Purposes of this Act, and the Commissioners shall have full Power to sell and convey any Property that may become vested in them, but which may not afterwards be wanted by them.

8 & 9 Vict. c. 18. incorporated with this Act.

XXX. That "The Lands Clauses Consolidation Act, 1845," shall (save so far as the Provisions of such Act are inconsistent with or inapplicable to the Purposes of this Act) be incorporated with and form Part of this Act, and shall be construed as if the Expression "the Commissioners" had been inserted therein instead of the Expression "the Promoters of the Undertaking."

Lands not to be taken compulsorily, except for certain Purposes.

XXXI. That (except for the Purposes of the Sewers and Sewerage Works defined upon the Plans herein-before mentioned and referred to, and for the Purposes of the Cemetery by this Act authorized, and of any Works which may be made or executed under the Powers of any Act or Part of an Act incorporated herewith,) nothing in this Act, or in the said "Lands Clauses Consolidation Act, 1845," contained, shall authorize the Commissioners to purchase, take, or use any Lands, unless with the Consent of and by Agreement with the Owners and Occupiers thereof.

The Spalding Improvement Act, 1853.

Limiting Time for compulsory Purchase of Lands for Cemetery.

XXXII. That the Powers hereby vested in the Commissioners for taking any Land by Compulsion for the Purpose of the Cemetery by this Act authorized shall not be exercised after the Expiration of Five Years from the passing of this Act.

Certain Provisions of 10 & 11 Vict. c. 15. incorporated with this Act.

XXXIII. That the Clauses of "The Gasworks Clauses Act, 1847," with respect to the Construction thereof, and of any Act incorporated therewith, and with respect to the breaking up of Streets for the Purpose of laying Pipes, and with respect to the Waste or Misuse of the Gas, or Injury to the Pipes and other Works, and with respect to the Provision for guarding against fouling Water or other Nuisance from the Gas, and with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices or to the Sheriff, shall be incorporated with and form Part of this Act; and the Expression "the Undertakers," in the said "Gasworks Clauses Act, 1847," shall or may in reference to this Act mean the Commissioners, in case they shall supply Gas, and also any Person whom the Commissioners may contract with to supply any Gas within the Limits of this Act.

Power to levy Gas Rate.

XXXIV. That, in addition to any other Rates by this Act authorized, it shall be lawful for the Commissioners to make, assess, and levy such a Rate, to be called the Gas Rate, as may from Time to Time be necessary for the efficient lighting of the said Town with Gas or otherwise, and for enabling the Commissioners to raise Money for the Purchase or Construction and Maintenance of Gasworks, such Rate to be levied in the Manner prescribed by the One hundred and sixty-seventh Section of "The Towns Improvement Clauses Act, 1847:" Provided nevertheless, that the Owner or Occupier of any House or other Property within the Limits of this Act shall not be liable to such Gas Rate until such House or other Property shall have a public Lamp fixed and lighted within Fifty Yards thereof.

Power to Commissioners to manufacture Gas, and to provide Apparatus.

XXXV. That it shall be lawful for the Commissioners to manufacture Gas, and to provide Gasometers and all Apparatus and Machinery necessary for the Purpose, and to purchase or rent, on Terms to be agreed on, and not in exercise of any compulsory Power vested in them, any Land not exceeding Five Acres which may be necessary for the Establishment of Gasworks, and also to sell, dispose of, or manufacture the Refuse of any such Gas, and also to contract for and purchase any Gasworks, Gas Apparatus, Mains, Pipes, and Machinery within the Limits of this Act; and upon any Contract being made or entered into by the Commissioners with the Owner or Owners of any Gasworks, Gas Apparatus, Mains, Pipes, and Machinery, within the Limits of this Act, for the Purchase thereof, it shall be lawful for such Owner or Owners to sell and

and convey the same, and all Right and Interest therein, to the Commissioners, for such Price or Consideration as shall be agreed upon for the Purchase of the same: Provided always, that it shall not be lawful for the Commissioners to construct any Gasworks, Machinery, or Apparatus for the Manufacture of or to manufacture or supply Gas, or to rent or purchase Land for the Establishment of Gasworks, before they shall have give Notice in Writing to the Owner or One of the Owners of the Gasworks already established within the Limits of this Act, stating the Willingness of the Commissioners to purchase the existing Gasworks, Apparatus, Mains, Pipes, Machinery, and other Things belonging thereto, upon such Terms and at such Price as shall be agreed upon between the Commissioners and such Owner or Owners, or as, in case of Difference, shall be ascertained and settled in the Manner provided for by "The Railways Clauses Consolidation Act, 1845," with respect to Disputes to be settled by Arbitration; and unless the Owner or Owners of the Gasworks already established as aforesaid shall, for Forty Days after such Notice shall have been given, neglect or refuse to signify in Writing to the Commissioners his, her, or their Assent to the Sale to them of such Gasworks, Apparatus, Mains, Pipes, Machinery, and other Things as aforesaid, upon such Terms and at such Price as shall be agreed on or be ascertained as aforesaid; provided that if such Notice as aforesaid shall not be given before the Expiration of Ten Years from the passing of this Act it shall not be lawful for the Commissioners to construct any Gasworks, Machinery, or Apparatus for the Manufacture of or to manufacture or supply Gas, or to rent or purchase Land for the Establishment of Gasworks within the Limits of this Act.

Commissioners not to manufacture Gas without first giving Notice to Gas Company.

XXXVI. That it shall be lawful for the Commissioners and they are hereby authorized and empowered from Time to Time to purchase such and so many Lamps, and such Lamp Irons and Lamp Posts, and all other Matters and Things for lighting such Lamps by Gas or such other Means as they shall judge necessary, and to cause such Lamps or any of them to be lighted at such Seasons of the Year, in such Manner, and at such Hours, and to be kept burning for so many Hours, as shall to the Commissioners seem necessary or proper for the well and sufficient lighting of all or any of the said Streets within the Limits of this Act.

Lamps to be set up.

XXXVII. That if any Injury or Damage shall be occasioned to any Rail, Palisado, Building, or Wall, by the affixing, setting-up, taking down, altering, or removing any such Lamp, or any Lamp Iron or other Fastener thereof, the Commissioners shall immediately cause the said Injury or Damage to be well and sufficiently repaired out of the Money to be raised by virtue of this Act.

Commissioners to repair Damage done to the Walls or Rails by affixing or altering Lamp Irons.

XXXVIII. That

When Gasworks established under this Act, Provisions of 10 & 11 Vict. c. 15. to be incorporated.

XXXVIII. That after any Gasworks within the Limits of this Act shall have been established or purchased by the Commissioners, "The Gasworks Clauses Act, 1847," (except so much of the Thirteenth Section thereof as relates to the Undertakers entering into Contracts with Commissioners or others having Control of Streets, and except the Sections with respect to the Amount of Profit, and the annual Account to be made up by the Undertakers, and except so far as the Provisions of such Act are inconsistent with the Purposes of this Act,) shall be incorporated with and form Part of this Act, and shall be construed as if the Expression "the Commissioners" had been inserted therein instead of the Expression "the Undertakers;" and the clear Profits to be received by the Commissioners in respect of any Contract with any Persons under the Thirteenth and Fourteenth Clauses of the Gasworks Clauses Act, and from the Refuse of Gas and otherwise, may from Time to Time be applied as the Commissioners shall deem expedient in making Deductions in the Rates for Gas to be furnished by them under the Powers hereby given: Provided always, that it shall not be lawful for the Commissioners to demand and receive for Gas supplied by them by Meter any Sum exceeding the Sum of Six Shillings for every One thousand Cubic Feet.

Power to borrow Money on the Security of the Gasworks.

XXXIX. That the Commissioners shall and may, over and above the Powers and Authorities given to them by this Act or any Act incorporated herewith, have Power from Time to Time to borrow at Interest on Mortgage on the Security of any Gasworks, and the Land, Apparatus, Mains, Pipes, Machinery, and other Things belonging thereto, constructed or purchased by the Commissioners in pursuance of this Act, and the Gas Rate aforesaid, any Sum or Sums of Money not exceeding in the whole the Amount which shall be paid or required by the Commissioners for the Construction and Purchase thereof, and the Expense of and incidental to such Construction and Purchase, and the borrowing of the Money so to be borrowed; and if, after having borrowed any Part of the Money by this Clause authorized to be borrowed, the Commissioners shall pay off the same or any Part thereof, except such Part of the same as shall have been paid off by means of the Sinking Fund herein-after mentioned, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time, but such Power of reborrowing shall not be exercised unless the Money be so reborrowed in order to pay off any existing Debt incurred under the Authority of this Clause, and the Expenses of and incidental to the reborrowing of the same; and for securing the Repayment of the Money so from Time to Time borrowed, with Interest, the Commissioners may assign over such Gasworks Property, and Gas Rate, or such Part or Parts thereof respectively as the Commissioners may think proper, to the

the Person who shall advance or lend such Money, or to his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same: Provided always, that such Sum shall be raised and chargeable on the Security of the said Gasworks Property and Gas Rate only, and that no other Rates imposed under or by virtue of this Act shall in any way whatsoever be charged or chargeable, either in respect of Principal or Interest, with any Money so borrowed.

Accounts as to Gasworks to be kept separate.

XL. That the Commissioners shall from Time to Time, after any such Gasworks shall be established or purchased by them as aforesaid, cause to be entered in a Book or Books to be kept by their Treasurer or Clerk true and regular Accounts, separate and distinct from the other Accounts to be kept under this Act, of all Monies which shall be received, laid out, and expended under the Provisions of this Act by or on account of the Commissioners in respect of such Gasworks, and of the several Articles, Matters, or Things for which such Monies shall have been received, laid out, and expended; and the Commissioners may (but it shall not be imperative on them so to do) from Time to Time include and charge in the general Accounts to be kept under this Act, and take Credit in the said separate Account relative to such Gasworks, for such Prices or Sums of Money for supplying with Gas the Lamps for lighting the Streets within the Limits of this Act, to be lighted by them under the Provisions of this Act, or for supplying with Gas any Persons as aforesaid, as the Commissioners shall think reasonable and proper.

Abolishing Powers of Inspectors of Lighting under 3 & 4 W. 4. c. 90.

XLI. That from and after the passing of this Act all and every the Powers and Authorities of the Inspectors for Lighting appointed within the Parish of *Spalding* in pursuance of the Powers of an Act passed in the Third and Fourth Years of *William* the Fourth, Chapter Ninety, shall be abolished within the Limits of this Act.

After passing of this Act, Highway Board to cease to exist.

XLII. That from and after the passing of this Act the Board appointed for the Repair of the Highways within the said Parish of *Spalding* under the Provisions of the Act, Fifth and Sixth *William* the Fourth, Chapter Fifty, or of any other Act relating to the Maintenance and Repair of Highways in that Part of *Great Britain* called *England*, shall cease to exist; and the said Board, and all Officers and Servants appointed by them, or by virtue or acting in execution of the said last-mentioned Act or any such other Act as aforesaid, in relation to the Maintenance and Repair of the Highways in the said Parish, shall cease to exercise any Power or Authority, or to be liable for the Discharge of any Duty, or to be entitled to any Claim or Demand, by virtue of such his or their Office or Employment, save as regards any Salaries or Emoluments or other Monies

which may be personally due to them at the Time when this Act shall come into operation; and all Books, Papers, Writings, Accounts, Maps, Plans, and other Property vested in or belonging to such Board at or immediately upon the coming into operation of this Act shall vest in and belong to the Commissioners; and all Sums of Money due to or from the said Board in virtue of their Office shall be deemed to be due or owing, as the Case may be, to or by the Commissioners, and may be sued for and recovered accordingly.

Property of Inspectors, &c. under recited Acts vested in Commissioners under this Act.

XLIII. That from and after the passing of this Act all the Messuages, Buildings, Lands, and Hereditaments, Estates, Rights, Powers, and Privileges, of what Kind soever, which at or immediately previous to such Period shall belong to or be vested in or shall be used by the respective Inspectors, Surveyors, or Board acting in execution of the Two lastly-mentioned Acts and any such other Act as aforesaid, or any of them, shall be and the same are hereby vested in the Commissioners, for the like respective Estates, Rights, Powers, and Interests as the same would have remained vested in or would have belonged to the said Inspectors, Surveyors of Highways, or Board, or any of them, acting under the said Two Acts, and any such other Act as aforesaid, or any of them, if this Act had not been passed.

Contracts to remain in force.

XLIV. That all Contracts, Agreements, Bonds, Covenants, Securities, and Engagements entered into or made before the passing of this Act, under or by virtue of the said Two Acts and any such other Act as aforesaid, or any of them, shall, notwithstanding anything herein contained, 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 had been 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 Commissioners, and may be enforced by the Commissioners and by the other Party or Parties thereto (not being the Inspectors, Surveyors, or Board under the said Acts or any of them, or any Person acting in their Behalf,) accordingly, and the Liability of the Inspectors, Surveyors, or Board under the said Acts or any of them, and of any Person acting on their Behalf, in respect of any such Contract, Agreement, Bond, Covenant, Security, or Engagement, shall immediately from and after the passing of this Act cease and determine, and be transferred to the Commissioners.

Books of Inspectors, &c. to be Evidence.

XLV. That all Rate Books, and all Entries therein, and all Registers and Books of Proceedings, and other Books whatsoever of the said Inspectors, Surveyors, or Board, under the said Acts or any of them, and made Evidence thereby, or which might have been received as

as Evidence before the passing of this Act, shall at all Times hereafter be admitted in Evidence in all Courts, and by all Judges, Justices, Commissioners, Arbitrators, and others, as the same might have been admitted in Evidence if this Act had not passed.

Actions not to abate.

XLVI. That no Action, Suit, Prosecution, or other Proceeding whatsoever commenced by or against the said Inspectors, Surveyors, or Board, acting in execution of the said Acts or any of them, shall abate, cease, be discontinued, or be prejudicially affected by this Act, and that all Persons who before the passing of this Act shall have committed any Offence or incurred any Penalty or Forfeiture under the Provisions of any of the said Acts may be sued and prosecuted for such Offences, Penalties, and Forfeitures in such and the like Manner as if this Act had not been passed.

Certain Provisions of 10 & 11 Vict. c. 17. incorporated with this Act.

XLVII. That the Clauses of "The Waterworks Clauses Act, 1847," with respect to the Construction of the Act and any Act incorporated therewith, and with respect to the breaking up of Streets for the Purpose of laying Pipes, shall be incorporated with and form Part of this Act; and the Expression "the Undertakers" in the said "Waterworks Clauses Act, 1847," shall or may, in reference to this Act, mean and include the Commissioners and also any Person whom the Commissioners may contract with or employ to supply any Water within the Limits of this Act.

Power to Commissioners to provide Waterworks.

XLVIII. That it shall be lawful for the Commissioners to provide and establish any Waterworks, either within or beyond the Limits of this Act, and to purchase or rent any Land by Agreement, either within or beyond the Limits of this Act, not exceeding Ten Acres, which may be necessary for the Purpose, and for the like Purpose it shall be lawful for the Commissioners to contract for and purchase, by Agreement, from any Owner or Owners thereof, any Rivers, Brooks, or Streams, or any Parts of any Rivers, Brooks, or Streams, or the Waters thereof, within the Limits of this Act or the Distance of Ten Miles from the external Boundaries of the same, or any Rights, Powers, Privileges, or Liberties in relation thereto, and to use and appropriate or exercise the same respectively when so purchased, and also to purchase Water from any Water Company or Owner or Owners of any Waterworks for the Time being, either within or beyond the Limits of this Act, or any Rights, Powers, Privileges, or Liberties in relation thereto, and to use and appropriate or exercise the same when so purchased, and to sell and dispose of the Water belonging to or under the Control of the Commissioners, as they shall think fit; and upon any Contract being made or entered into by the Commissioners with any Owners or Proprietors of any such Rivers, Brooks, Streams, Waterworks, or Water as aforesaid, for the Purchase thereof,

thereof, or of any such Rights, Powers, Privileges, or Liberties as aforesaid, it shall be lawful for such Owners or Proprietors to sell and convey the same, and all or any Right and Interest therein respectively, to the Commissioners, for such Price or Consideration as shall be agreed upon for the Purchase of the same respectively; provided that the Commissioners shall not construct or purchase any Waterworks, except by special Order, in the Manner prescribed in "The Towns Improvement Clauses Act, 1847," with respect to Things to be done by them by special Order only.

When Waterworks established under this Act, Provisions of 10 & 11 Vict. c. 17. to be incorporated.

XLIX. That after any Waterworks shall have been established by the Commissioners as aforesaid, "The Waterworks Clauses Act, 1847," (except the Clauses with respect to the Amount of Profit, and the annual Account to be made up by the Undertakers,) shall be incorporated with and form Part of this Act, and shall be construed as if the Expression "the Commissioners" had been inserted therein, instead of the Expression "the Undertakers," but the Commissioners shall not be required to supply Water to a Height of more than Twenty Feet above the Level of the Market Place in the said Town of *Spalding*.

What shall be deemed domestic Purposes.

L. That a Supply of Water for domestic Purposes shall not include a Supply of Water for Railway Purposes, or for public Baths, Washing for Hire or for public Purposes, or for any Steam Engine, Waterwheel, Water Engine, Hoist, or other Machinery driven by Water under Pressure, or for any Brewery or Warehouse, or for any Trade, Manufacture, or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purposes whatsoever, nor shall it include a Supply of Water for Cattle, or for Horses kept for Hire or by any licensed Horse Dealer, or for washing Carriages kept for Hire.

Water for other than domestic Purposes.

LI. That it shall be lawful for the Commissioners to supply any Person with Water for other than domestic Purposes for such Remuneration and upon such Terms and Conditions as shall be agreed upon between the said Commissioners and the Persons desirous of having such Supply of Water.

Power to pull down present Town Hall, and rebuild the same.

LII. And whereas the present Town Hall, and the Buildings adjoining, situate at the North-west End of the Market Place in the said Town of *Spalding*, are in a dilapidated State, and are a great Obstruction to the public Thoroughfare, and it is expedient that the same should be removed, and that a public Building for the Purposes herein-after expressed should be erected in lieu thereof, on a Site to be provided by the Commissioners: And whereas certain Trustees of the Estates belonging to and held in trust for the Poor of the said

Saving Rights of Town Hus-

Parish

The Spalding Improvement Act, 1853.

Parish of *Spalding* (usually denominated the Town Husbands of *Spalding*) have for a long Time past held their Meetings in the said Town Hall, and used the same for distributing their annual Doles and Charities to the Poor, and such Town Husbands derive a yearly Income from the Hire of the Rooms in the said Town Hall, and the Rents of the Cellars or Warehouses under the same, subject to the Payment of One Fifth Part of the Rents of the said Cellars or Warehouses to the Minister for the Time being of the said Parish of *Spalding*: Be it therefore enacted, That it shall be lawful for the Commissioners, when and so soon as a Site for the said public Building shall be purchased, to pull down and remove the said Town Hall, and the Buildings adjoining, and to sell or otherwise dispose of the Materials thereof, and apply the Proceeds towards the Expenses incurred in the Erection of the said public Building, and such public Building shall be subject to the free Use of the Town Husbands for the Time being, for the Purpose of meeting and assembling in some commodious Room or Rooms within the same, to transact the Business incident to their Trust; and the Commissioners shall yearly for ever hereafter on *Michaelmas Day* pay to the Town Husbands for the Time being the annual Sum of Fifteen Pounds, in lieu of the yearly Income at present derived by them from the Rents and Profits to which they are entitled as aforesaid; and out of such annual Sum such Town Husbands shall pay to the said Minister for the Time being the annual Sum of Two Pounds Ten Shillings in lieu of the One Fifth Part of the Rents to which such Minister is entitled as aforesaid.

Bands of Spalding.

LIII. That it shall be lawful for the Commissioners to acquire by Purchase a suitable Site within the said Parish of *Spalding* whereon to build and provide, and for ever after to maintain and improve, as they shall think fit, a public Building to be adapted and used for the following Purposes, (that is to say,) for a Corn Exchange, Market House, Meetings of the Inhabitants in Vestry, and other Parochial and General Meetings of the Parishioners, such Building to comprise all suitable Rooms, Offices, Stalls, Standings, Conveniences, and Approaches which the Commissioners shall think proper and expedient; and the Commissioners are hereby empowered to set and let any Shops, Buildings, Offices, Stalls, Standing Places, and other Privileges and Accommodations at or within the said Corn Exchange, Market House, and other Buildings, on such Terms, and for such Rents, and also to receive such Charge and Charges for Admission thereto, as to them shall seem fit and proper, and also further to permit, for Hire or otherwise, at any convenient Time or Times, the said Corn Exchange, Market House, and other Buildings to be used for public Meetings or other Purposes, and to make and establish such Rules and Regulations for the due Management and Control of the same as they shall deem necessary and expedient: Provided always,

Power to provide Corn Exchange, &c., and maintain and improve same.

always, that the Proceeds to arise from such Buildings and the Appurtenances shall, after defraying the current Expenses of and incident thereto, be carried to the Sinking Fund herein-after provided, for the Liquidation of the Money herein-after authorized to be borrowed, and after such Money shall have been paid such Proceeds shall be applied to any of the Purposes of this Act, other than the Gasworks and the Works in connexion therewith.

Power to provide Slaughter-houses, and make the Charges specified in Schedule A.

LIV. That it shall be lawful for the Commissioners, at any Time and from Time to Time, to purchase or provide proper Sites, Buildings, or Places, in such convenient Situations within the Limits of this Act as the Commissioners shall think proper, for Slaughter-houses, or for the slaughtering of Cattle, and to maintain the same, and to provide all proper Conveniences and Appurtenances connected therewith; and it shall be lawful for the Commissioners to demand and receive from the Persons using the said Slaughter-houses such Charges as the Commissioners may appoint, not exceeding the Charges specified in respect of the same in the Schedule A. annexed to this Act; and such Charges shall be paid before using the said Slaughter-houses.

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

LV. That "The Town Police Clauses Act, 1847," except the Provisions with respect to Hackney Carriages, shall be incorporated with and form Part of this Act.

Power to establish Baths and Wash-houses under 9 & 10 Vict. c. 74. and 10 & 11 Vict. c. 61.

LVI. That the Commissioners may, if they shall think fit so to do, exercise, within the Limits of this Act, all and every or any of the Powers conferred by an Act of the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to encourage the Establishment of public Baths and Wash-houses*, and by "An Act of the Tenth and Eleventh Years of the same Reign, to amend the same," or any of them; and the Expenses of carrying such Powers or any of them into execution shall be defrayed out of the Rates (except the Gas Rates and Highway Rates) to be levied and raised under this Act, and the Monies to be received and the Income derived from Baths, Wash-houses, and open Bathing Places.

10 & 11 Vict. c. 65. incorporatect.

LVII. That "The Cemeteries Clauses Act, 1847," (except Sections 27, 28, 30, 31, 34, and 60 thereof, and except in so far as any of the Provisions of the said Act may be altered by the Provisions herein contained, shall be incorporated with and form Part of this Act, and shall be construed as if the Expression "the Commissioners" had been inserted therein instead of the Expression "the Company."

Power to construct Cemetery.

LVIII. That the Commissioners shall and may, subject to the Provisions in this Act and the Acts incorporated herewith contained, make and maintain a Cemetery in and upon the Land mentioned and described

described in the Schedule B. to this Act annexed; and the said Commissioners shall and may enter upon, take, and use such of the said Lands as shall be necessary for the Purpose of such Cemetery and Approaches.

Cemetery to be inclosed.

LIX. That every Part of the Cemetery hereby authorized to be made shall be securely inclosed and fenced, but it shall not be necessary for the Commissioners to inclose such Cemetery by Walls or Iron Railings for Ten Years from the passing of this Act.

Commissioners to set apart and inclose a sufficient Portion for Burial Purposes, and empowered to let the Remainder.

LX. And whereas it may not be deemed expedient by the Commissioners that the whole of the Lands hereby authorized to be taken for the Purposes of the Cemetery should at once be absolutely set apart and appropriated for the Interment of the Dead and for the Uses of a Cemetery: Therefore it shall be lawful for the Commissioners from Time to Time to set apart and inclose such Portions thereof for those Purposes as they shall deem sufficient, and to let such Portion or Portions of the said Lands as shall from Time to Time remain unappropriated to those Purposes on Lease or by Parol for any Term not exceeding Three Years to any Person or Persons, at such Rent or separate Rents, and on such Terms, as to the Commissioners shall seem proper, and to renew such Lease or parol Letting, from Time to Time as may be expedient, for not more than Three Years, as aforesaid: Provided always, that it shall not be lawful for the Commissioners to erect or cause or permit to be erected on any Land taken for the Purposes of the Cemetery, and not used for such Purposes, any Building whatsoever.

Chapel to be erected on Lands first set apart.

LXI. That on such Part of the Portion of Land which shall be first set apart as lastly aforesaid as shall be consecrated for the Burial of Persons according to the Rites of the Established Church the Commissioners shall erect a Chapel for the Performance of the Burial Service according to the Rites of such Church, and on such Part of the same Portion as shall not be so consecrated they shall erect a Chapel for the Performance of the Burial Service according to the Rites of any Church or Congregation other than the Established Church.

Charges for Interments may be made.

LXII. That, in addition to the Powers of Sale of exclusive Rights of Burial conferred by "The Cemeteries Clauses Act, 1847," it shall be lawful for the Commissioners to demand and take such Sum of Money as they shall from Time to Time think reasonable for the Right, Privilege, or Permission of single Interment in any Vault, Catacomb, or other Place of Burial constructed in or upon such Cemetery, not being under any Chapel of the Cemetery, or within Fifteen Feet of the outer Wall of any such Chapel, or for such Right, Privilege, or

Permission

Permission of single Interment in the open Ground of such Cemetery; and such Sum of Money shall be recoverable by the Commissioners, or their Clerk or Collector, by Plaint or Action in any Court of competent Jurisdiction: Provided always, that the Rate or Scale of Charge, exclusive of the Fees hereby authorized to be paid to the Chaplain and Parish Clerk in respect of Burials in the consecrated Parts, shall be the same in the consecrated and unconsecrated Parts of the Cemetery, and shall not exceed the Sums following; that is to say,

For any Corpse interred in a Vault, Catacomb, or Brick Grave, the Sum of Four Pounds:

For every other Corpse, the Sum of One Pound Ten Shillings.

Parts of the Cemetery to be set apart for the Established Church.

LXIII. That such Part of the Cemetery authorized to be constructed by this Act as shall be approved by the Bishop of the Diocese for the Time being shall be set apart and consecrated for Burial according to the Rites of the Established Church, and that the Fees and Expenses attending the Consecration of such Portion or Portions of the said Cemetery as shall be consecrated according to such Rites shall be paid by the Commissioners out of the General Improvement Rate authorized by this Act.

Cemetery not to be constructed within 300 Yards of certain Property.

LXIV. That no Part of the Cemetery authorized to be constructed by this Act shall be constructed within Three hundred Yards of any private Dwelling House of the annual Value of Fifty Pounds, or having a Plantation or ornamental Garden or Pleasure Ground occupied therewith, except with the Consent of the Owner, Lessee, and Occupier thereof, in Writing.

Appointment of Chaplain.

LXV. That the Perpetual Curate for the Time being of the said Parish of *Spalding* shall, in Person, or by his Curate or Curates, officiate as Chaplain in the consecrated Part of the Cemetery aforesaid; and that the Commissioners shall pay to such Chaplain, in respect to every Corpse, not being that of a poor Person whose Assessment to the Rate for the Relief of the Poor at his Death shall not exceed the Sum Five Pounds, which shall be interred in the Part of the Cemetery set apart for Burials according to the Rites of the Established Church, the Sum of Seven Shillings and Sixpence as his Fee, and the Sum of Two Shillings and Sixpence only if such Corpse shall be that of such poor Person as aforesaid; and the Commissioners shall, on the Burial of every Body within the consecrated Part of the Cemetery, pay to the Parish Clerk of the said Parish of *Spalding* such Sum, if any, as the Commissioners shall think proper; and the Sexton for the Time being of the said Parish of *Spalding* shall be the Gravedigger of the Cemetery aforesaid, as well for the unconsecrated as for the consecrated Parts thereof respectively, and shall be paid as the Commissioners shall think fit.

LXVI. That

Account of Fees to be kept, and Amount thereof paid to Chaplain.

LXVI. That the Commissioners shall cause an Account to be kept of all the Persons buried within the consecrated Part of the Cemetery, distinguishing those who were poor Persons within the Meaning of this Act from other Persons; and such Account shall at all reasonable Times be open to the Inspection of the said Chaplain; and the Commissioners shall, on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in every Year, or within One Month after each of the Days, deliver to the said Chaplain an Account of the Fees due to him in respect of such Burials, and pay over to him the Amount thereof; and in default of the Commissioners making such Payments within the Time limited as aforesaid the said Chaplain, or his Executors or Administrators, may recover the same Fees, with full Costs of Suit, against the Commissioners, by Plaint, or Action of Debt or upon the Case, in any Court of competent Jurisdiction.

Power to provide Premises for the Reception of the Dead previous to Interment.

LXVII. That the Commissioners may, if they shall think fit, provide and fit up Rooms or Premises in which Corpses may be received, and decently and carefully kept, previous to Interment, and make Byelaws with respect to the Management of and Charges for the Use of such Rooms and Premises; and the said Commissioners may, upon proper Application, and subject to such Regulations and at such Rates and Charges as shall be prescribed by any such Byelaws, make all necessary Arrangements for the decent and economical Interment of any Corpse which may have been received into any of the Rooms or Premises provided in pursuance of this Enactment.

Power to remove Corpses to Premises for Reception of the Dead.

LXVIII. That if it shall appear to the Satisfaction of the Commissioners that in any Lodging House, Dwelling House, Cellar, Outhouse, or other Building within the Limits of this Act, where a Corpse or Corpses shall be lying, there shall be no proper and sufficient Means or Accommodation for keeping such Corpse or Corpses previously to Interment, or that there is Reason to apprehend any injurious Effects from the same, then it shall be lawful for the Commissioners to cause such Corpse or Corpses to be removed from such Lodging House, Dwelling House, Cellar, Outhouse, or other Building, to any of such Rooms or Premises provided for the Reception of the Dead as aforesaid, there to be received, and decently and carefully kept previously to Interment; and for such Purpose it shall be lawful for any Officer of Police, or other Person appointed by the Commissioners, to enter any such Lodging House, Dwelling House, Cellar, Outhouse, or other Building, and to do or assist in doing all Matters and Things necessary for the Purposes aforesaid; and in the event of Access to such Houses, Cellar, or other Building for any such Purpose being refused, any Two Justices may, on Application of the Commissioners, or any Officer or other Person appointed by the Commissioners, grant, if necessary, a Warrant for forcibly entering the same.

No Interments in Church, &c.

LXIX. That from and after the Inclosure of the Cemetery or a Portion of the Cemetery to be constructed in pursuance of this Act, and the Consecration of some Part thereof as aforesaid, it shall not be lawful to bury or permit or suffer to be buried any Corpse within or under any Church or Churchyard now or hereafter to be consecrated in the said Parish of *Spalding*, or within or under the Meeting Houses or in the Burial Grounds of the Denominations of Dissenters called Baptists or Calvinists in the said Parish, except in any Vault or Brick Grave already formed and constructed, and existing at the Time of the passing of this Act, within or under the Site of the present Parish Church of *Spalding* aforesaid, or within the Churchyard belonging thereto, or within or under the Sites of the said Meeting Houses, or within the existing Burial Grounds belonging to such Meeting Houses respectively, or except in any Vault or Brick Grave to be made for the Founder of or principal Contributor to, or any of the Founders of or principal Contributors to the Erection of any Church or Chapel hereafter to be consecrated in the said Parish of *Spalding*, within or under such Church or Chapel, and which shall be made at the Time of the Erection of such Church or Chapel; and any Person who, contrary to this Act, shall bury or permit or suffer to be buried any Corpse, or disturb any Corpse now or hereafter to be deposited in any such existing Vault or Brick Grave as herein-before mentioned, shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

Charge for Interment of Paupers in adjoining Parishes, until Cemetery provided, to be paid out of the Poor Rates.

LXX. That the Expenses caused by the Interment beyond the Limits of this Act of the Bodies of Pauper Parishioners of the said Parish of *Spalding*, after the passing of this Act, and until the Inclosure of the Cemetery or a Portion of the Cemetery constructed in pursuance of this Act, and the Consecration of some Part thereof as aforesaid, shall be a legal Charge on the Poor Rate of the said Parish of *Spalding*, and shall be allowed in the Accounts of the Guardians or other Officer administering the said Rate by the Auditor thereof.

Power to prevent Burials in certain Cases.

LXXI. That if it shall at any Time or Times appear to the Commissioners that any Burial Place within the said Parish of *Spalding* is in such a State as to be dangerous to the Health of Persons living in the Neighbourhood thereof, or that any Place of Public Worship within such Parish is dangerous to the Health of Persons frequenting the same, by reason of the surcharged State of the Vaults or Graves within the Walls of or underneath or adjoining the same, and upon the Evidence of Two or more Medical Men to that Effect, it shall be lawful for the said Commissioners, with the Consent in Writing of the Lord Bishop of the Diocese for the Time being in the Case of any Church or Churchyard, or of One of Her Majesty's Principal Secretaries of State in the Case of any Meeting House or other Burial

Burial Ground, to make such Order and do such other Acts and Things as may be necessary for preventing the Burial of any further Corpse in, within, or under the Ground, Church, or Place of Worship to which such Order may relate, except in so far as may be allowed by such Order; and whosoever, after Notice of such Order, buries, or causes, permits, or suffers to be buried, any Corpse contrary to this Enactment, shall for every such Offence be liable to a Penalty of Twenty Pounds.

Power to borrow Money on Mortgage.

LXXII. That it shall be lawful for the Commissioners, when and as they shall think fit so to do, to borrow at Interest on Mortgage, upon such Terms as they shall think proper, any Sum or Sums of Money not exceeding in the whole the Sum of One thousand Pounds, for or towards defraying the Expenses of preparing, obtaining, and passing this Act, and also any Sum or Sums of Money not exceeding in the whole the Sum of Six thousand five hundred Pounds, for or towards the Purpose of providing or obtaining Sites for and constructing and acquiring and maintaining the public Building, Corn Exchange, Market House, and Cemetery respectively herein-before authorized to be provided, made, and constructed, and the several Fittings, Matters, and Things in connexion therewith, or any of them; and it shall also be lawful for the Commissioners, from Time to Time, with the Consent of the Owners of not less than Three Fifths in Value, according to the rateable Value for the Purpose of the General Improvement Rate by this Act authorized of the Property, the Owners of which shall be present, either personally or by Proxy, at the Meeting herein-after in this Section mentioned, and also with the Consent of such Number of the Ratepayers liable to such General Improvement Rate as, being present, either personally or by Proxy, at a Meeting to be convened for the Purpose, of which Twenty-eight Days Notice shall be given by Advertisement in some weekly or more frequently issued Newspaper published in the County of *Lincoln*, and circulating within the Limits of this Act and the Neighbourhood thereof, shall be entitled to Three Fifths of the Votes of the Ratepayers then present and voting according to the Scale applicable to Ratepayers herein-before mentioned, to borrow at Interest on Mortgage, upon such Terms as the Commissioners shall think proper, any Sum or Sums of Money not exceeding in the whole the Sum of Twelve thousand five hundred Pounds, for all or any of the Purposes of this Act, other than those for which Money is herein-before specifically authorized to be borrowed; and it shall be lawful for the Commissioners to secure the Repayment of the Money respectively to be borrowed under this Clause as aforesaid, and the Interest thereof, by Mortgage of all or any of the Rates, Rents, or Assessments by this Act granted, and of the several Works hereby authorized, and of any other Property which may belong to the Commissioners under or by virtue

of

of this Act, or of any One or more of such several Subjects (except the Highway Rate, and the Gasworks to be acquired or constructed by the Commissioners in manner aforesaid, and the Gas Rate); and in the event of any Part of such Sum or Sums of Money being repaid by the Commissioners by any Means (except the Sinking Fund herein provided), it shall be lawful for them to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Securities by this Section authorized any more than the Sum of Twenty thousand Pounds in the whole at any One Time; and for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners may assign over the said Rates, Assessments, Rents, Works, and other Property, or any Part or Parts thereof, except as aforesaid, with or without such other Security, except as aforesaid, as the Commissioners think proper, 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 the Interest for the same.

Evidence of Authority for borrowing.

LXXIII. That the Certificate of Two of the Commissioners of the Purpose for which any Money borrowed under this Act is required shall, as regards the Lender, and every Person deriving Title through or in trust for him, be conclusive Evidence that the Money so borrowed is borrowed and required for the Purpose specified in such Certificate, and in Cases requiring Consent, of such Consent having been duly obtained.

Arrears may be enforced by Appointment of a Receiver.

LXXIV. And in order to provide for the Recovery of the Arrears of Interest of any Mortgage to be made under any of the Provisions of this Act, at the respective Times at which such Interest shall become due, be it enacted, That if such Interest or any Part thereof shall, for Twenty-eight Days after the same shall have become due, and Demand thereof shall have been made in Writing, remain unpaid, the Mortgagee may require the Appointment of a Receiver, by an Application to be made as herein-after provided.

As to Recovery of Principal and Interest.

LXXV. And with respect to any Principal Money to be borrowed under the Provisions herein-before contained, be it enacted, That if such Principal Money be not paid within Six Months and the Interest be not paid within Three Months after the same shall have become payable respectively, and after Demand thereof in Writing, the Mortgagee, if his Debt amount to the Sum of Five thousand Pounds, may alone, or, if his Debt do not amount to the Sum of Five thousand Pounds, may, in conjunction with other Mortgagees whose Debts, being so in arrear after Demand as aforesaid, shall, together with his, amount to the Sum of Five thousand Pounds, require the Appointment of a Receiver, by an Application to be made in the Manner provided by "The Commissioners Clauses Act, 1847;" and if

if a Receiver shall be appointed, and the Commissioners shall fail to levy a Rate, it shall be lawful for the Receiver to apply to the Justices in Petty Sessions assembled, and such Justices are hereby empowered and required to levy the Rates, according to the Provisions of this Act, until such Time as the Mortgagee's Claim shall be liquidated; and such Rates so levied shall be as valid in every respect as if levied by the Commissioners.

Sinking Fund to be provided.

LXXVI. That the Sum to be set apart and appropriated out of the respective Monies in the Hands of the Commissioners as a Sinking Fund, to be applied in paying off the respective Principal Monies which shall have been borrowed on Mortgage under this Act, shall be in each Year respectively not less than One Thirtieth Part of the respective Monies so borrowed; but the Portion of such Fund required for paying off Monies borrowed on account of the Gasworks, and in connexion therewith, shall be kept distinct from the Residue of such Fund, and shall be formed from Monies received on account of Gas Rates and Rents, and in connexion with the Gasworks exclusively, and no Part of such Monies shall be applied in or towards the Residue of such Sinking Fund, and the Commissioners shall cause proper and distinct Accounts to be kept accordingly.

Commissioners to ascertain the Sums necessary for lighting, paving, &c.

LXXVII. That the Commissioners shall, on some convenient Day in every Year, ascertain the respective Sums of Money necessary to be raised for the Payment of all the Expenses of lighting, watching, draining, and regulating the Streets within the Limits of this Act, and of improving the same, and carrying the Purposes of this Act into execution, and of the Expenses of forming, paving, sewering, repairing, and maintaining the several Carriageways, Roads, and Streets within the Limits of this Act, or incidental thereto, and for the Payment of any Interest chargeable on all or any of the Rates, Assessments, and Works made by virtue of this Act, or for the Repayment of any Principal Monies which may be due on any Mortgages or other Securities as aforesaid, as to the Commissioners shall seem proper.

Commissioners may levy Rates.

LXXVIII. That it shall be lawful for the Commissioners, once in every Year, or oftener if they think fit, to make One or more equal Rate or Rates, Assessment or Assessments, to be called "The General Improvement Rate," and to be signed by Five of the Commissioners, upon all Land, Estates, and Property, of every Sort, Kind, and Description, for the Time being liable to be rated to the Relief of the Poor within the Limits of this Act, for all the Purposes of this Act not herein otherwise expressly provided for; but such Rates or Assessments shall not exceed in any One Year Two Shillings in the Pound: Provided always, that while any Part of the Money to be

borrowed in pursuance of the Powers herein contained of borrowing any Sum or Sums not exceeding in the whole One thousand Pounds, and any Sum or Sums not exceeding in the whole Six thousand five hundred Pounds, shall remain unpaid, it shall not be lawful for the Commissioners to levy less than Two Shillings in the Pound in any One Year for such General Improvement Rate.

Houses and Buildings to be rated at Rackrent, and Land at One Fourth of annual Value.

LXXIX. That the Owners and Occupiers of Houses, Buildings, Courtyards, Yards, and Gardens, and all other Property within the Limits of this Act, except Farmhouses and Farm Buildings, and other Houses, Cottages, and Buildings beyond the Limits of the Town District, and except Arable, Meadow, or Pasture Land, Woodlands, Market Gardens or Nursery Grounds, within any of the Limits of this Act, shall be rated at the full annual Value of the same; and that Owners and Occupiers of the said excepted Lands and Premises shall for Three Years from the passing of this Act (the Interval between the passing of this Act and the Twenty-fifth Day of *March* next following being considered as the First of such Three Years) be rated at One Fourth of the full annual Value of the same, and thenceforth at One Eighth of such full annual Value: Provided always, that Lands used as a Railway within the Limits of this Act shall be rated under the Powers of this Act at One Fourth only of the net annual Value of the same.

How Value of Property to be ascertained.

LXXX. That the full annual Value of all Property rateable under this Act shall be ascertained according to the next preceding Assessment for the Relief of the Poor within the Limits of this Act.

Owner to pay Rates on Property assessed at 6*l.* and under.

LXXXI. That the Owner of all rateable Property of which the full annual Value does not exceed the Sum of Six Pounds, or which is let to weekly or monthly Tenants or in separate Apartments, shall be rated to and pay the Rates (except the Gas Rates) directed to be hereby made and levied, instead of the Occupiers thereof.

Composition for Rates upon Tenements under the annual Value of 6*l.*

LXXXII. That when the full annual Value of any House or Premises liable to Assessment under this Act does not exceed the Sum of Six Pounds, or whenever any House or Premises liable to such Assessments is or are let to weekly Tenants or in separate Apartments, and the Rents become payable or are collected at any shorter Period than quarterly, the Commissioners may from Time to Time, if they shall think fit, compound with the Owner of any such House or Premises for the Payment of any of the Rates to be made under this Act, upon such reduced Estimate of the full annual Value, not being less than Two Thirds of the full annual Value at which the House or Premises is or are then assessed, as the Commissioners shall think reasonable; and the Amount of such Composition shall be recoverable in

in the same Manner in all respects as the Rates in respect of which it may have been made; provided that such Composition shall be paid whether such House or Premises shall be occupied or not.

Power to remit Rate.

LXXXIII. Provided always, That it shall be lawful for any Two Justices in Petty Sessions assembled to reduce or remit the Payment of any Rate on account of the Poverty or Sickness of any Person liable to Payment of the Rate.

Application of Money raised on Mortgage, and of Rates other than Gas Rates.

LXXXIV. That the Money herein-before authorized to be raised on Mortgage shall be applied for the Purposes herein-before mentioned, (except that no Part of the Sum not exceeding Twelve thousand five hundred Pounds herein-before authorized to be raised on Mortgage shall be applied either in Payment of Interest or towards the Sinking Fund; and the Money which shall arise from the Rates, Assessments, and Rents, or which shall be received by the Commissioners under this Act, or any Act incorporated herewith, on any other Account, and which is not herein-before in this Clause or by this Act otherwise specifically appropriated, shall be applied, first, in Payment of the Costs, Charges, and Expenses of or incident to the obtaining and passing of this Act; secondly, in paying the Interest from Time to Time to become payable on any Money borrowed on Mortgage or otherwise under the Provisions of this Act, except Money borrowed on Mortgage of the Gasworks and Gas Rates, or any of them; thirdly, in setting apart a Sinking Fund, as herein-before provided, for paying off the Principal Sums borrowed on the Credit of the said Rates, Rents, and Works, except Gasworks and Gas Rates; and, fourthly, in carrying the several Purposes of this Act into execution, except so far as regards Gasworks, lighting with Gas, and the Matters and Things in connexion therewith.

Application of Gas Rates and Rents.

LXXXV. That the Money which shall arise from the Gas Rates, Rents, and Assessments to be raised or received under this Act or any Act incorporated herewith shall be applied, first, in paying the Interest from Time to Time to become payable on any Money borrowed on Mortgage of the said Gasworks and Gas Rates, or otherwise on the Credit thereof, under the Provisions of this Act, secondly, in setting apart a Sinking Fund, as herein-before provided, for paying off the Principal Sum so borrowed, and thirdly in carrying the Purposes of this Act into execution, so far as regards Gasworks, lighting with Gas, and the Matters and Things in connexion therewith.

Power to levy Highway Rate.

LXXXVI. That it shall be lawful for the Commissioners from Time to Time to make, assess, and levy separate and distinct Rates, to be called "Highway Rates," within the Limits of the said Town District

District and the Limits of the said Rural District respectively, such Rates respectively to be applied in the Manner directed by the Provisions of the said Act, 5th and 6th *William* the Fourth, Chapter 50; provided that such Rates shall not as to either District exceed in any One Year the Sum of Two Shillings and Sixpence in the Pound on the full annual Value of the Property included in such Rate as provided by the said Act; and the Commissioners may appoint, if they see fit, Surveyors, Collectors, and other Officers for each such District, and they shall cause separate and distinct Accounts to be kept of all Monies collected and received under any such Rate in each District, and of all Payments and Disbursements in respect thereof, and they shall apply the Monies to be collected and received from each District under any such Rate as aforesaid for the Purpose of such District exclusively, but so nevertheless that each District shall, as near as may be, bear its own Expenses; and in case any such Expenses shall apply to or be incurred in respect of both Districts, the same shall be apportioned and divided between such Districts in a fair and equitable Manner: Provided also, that the Commissioners may from Time to Time, with the Consent of the Owners of Three Fifths of the Property in any proposed separate District, order the said Highway Rate so to be assessed and levied within the said Rural District to be assessed and levied upon separate and distinct Districts thereof; but if the Rate to be levied on any such separate District shall in any Year exceed the Highway Rate or the Average of the Highway Rates levied in such Year on the Residue of such Rural District by Twenty-five *per Cent.* in the Pound, such District shall be continued as a separate District thenceforth for Twenty Years, unless the Owners of Three Fifths in Value according to the rateable Value for the Purpose of the Highway Rate of the Property within the Limits of such District shall determine to the contrary, at a Meeting to be convened for the Purpose, of which Twenty-eight Days Notice shall be given by Advertisement in some weekly or more frequently issued Newspaper published in the County of *Lincoln*, and circulated within the Limits of this Act or the Neighbourhood thereof.

No Person disqualified by reason of being a Ratepayer or Commissioner.

LXXXVII. That no Person, although liable to the Payment of any Money towards the Rates authorized to be raised under this Act, shall by reason thereof be disabled to act as a Justice in the Execution of the same; nor shall any Justice who shall be a Commissioner be disabled to act as such Justice by reason of his being such Commissioner; nor shall any Mortgagee of the Rates to be levied under this Act be disqualified as a Commissioner.

Produce from Sale of superfluous Lands.

LXXXVIII. That all Monies which shall come to the Hands of the Commissioners in consequence of the Sale of any superfluous Lands, under the Provisions of this and the said "Lands Clauses Consolidation

solidation Act, 1845," shall be primarily applicable to the Sinking Fund established by this Act.

Fines to be paid to Treasurer of Commissioners.

LXXXIX. That all Fines, Penalties, and Forfeitures for any Offences under this Act or under any Act incorporated herewith shall be paid to the Treasurer of the Commissioners, to be by him carried to the Credit of the Commissioners, and applied by them for any of the Purposes of this Act.

Costs of Proceedings to be included in the Warrant.

XC. That it shall be lawful for any Justice who shall issue any Warrant of Distress for the Recovery of any Rate payable under this Act to order that the Costs of the Proceedings for the Recovery of such Rate shall be paid by the Person failing to pay such Rate, and such Costs shall be ascertained by such Justice, and levied by Distress, and the Justice shall include in his Warrant of Distress for the Recovery of the Rate the Amount of such Costs, and shall issue his Warrant accordingly.

Compensation in case of Damage by Commissioners.

XCI. That full Compensation shall be made out of the Rates to be levied under this Act to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to Amount the same shall be settled by Arbitration in the Manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to Disputes to be settled by Arbitration; or, if the Compensation claimed do not exceed the Sum of Twenty Pounds, the same may be ascertained by and recovered before Justices in a summary Manner.

Parties aggrieved as to certain Expenses may appeal.

XCII. That if in any Case in which the Commissioners are hereby and by any of the Acts or Portions of Acts incorporated herewith empowered to recover any Expenses incurred by them in a summary Manner, or to declare such Expenses to be Private Improvement Expenses, any Person shall deem himself to be aggrieved by the Decision of the Commissioners thereupon, he may, within Twenty Days after Notice of such Decision, and after Three clear Days Notice to the Commissioners of the Intent to appeal, address a Memorial to the Justices in Petty Sessions assembled, stating the Ground of his Complaint, and the Justices may make such Order as to them may seem equitable, and the Order so made shall be binding and conclusive upon all Parties; and if the Commissioners shall have proceeded to recover such Expenses in a summary Manner, the Justices may, if they shall think fit, order the Commissioners to pay to the Person so proceeded against such Sum as the Justices may consider to be a just Compensation for the Loss, Damage, or Grievance thereby sustained by them, and which shall be recoverable in the Manner provided by "The Towns Improvement Clauses Act, 1847,"

with respect to the Recovery of Damages not specially provided for.

Interpretation of Terms.

XCIII. That in this Act and any Act incorporated herewith the Word "House" shall include any Messuage, Tenement, Warehouse, Manufactory, or Building; and the Word "Buildings" shall include Houses; and that in such of the Clauses of this Act as relate to voting the Word "Owner" shall be construed to mean any Person for the Time being in the actual Occupation of any Property within the Limits of this Act rateable to the Relief of the Poor, and not let to him at Rackrent, or any Person receiving Rackrent of any such Property, either on his own Account or as Mortgagee or other Incumbrancer in possession.

Saving Rights of Lords of Manors, Commissioners of Sewers, Trustees, &c.

XCIV. That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, alter, or take away any Estates, Rights, Privileges, Exemptions, Powers, or Authorities vested in or reserved to any Lord or Lords of any Manors within the said Parish of *Spalding*, or any Commissioners of Sewers appointed by the Crown having Jurisdiction within the Limits of this Act, or the Trustees for the General Works of Drainage of *Deeping Fen* and the adjoining Commons, or the Trustees for the Drainage of Lands in *South Holland*, or the Trustees of the River *Welland*, or the Adventurers of *Deeping Fen*, or the Trustees for the Drainage of *Spalding* and *Pinchbeck*, but all such Estates, Rights, Privileges, Exemptions, Powers, and Authorities respectively shall remain, continue, and be held, used, exercised, and enjoyed in the same Manner in all respects as if this Act had not been passed.

Works not to be executed without the Consent of the Admiralty.

XCV. That it shall not be lawful for the Commissioners to construct any Sewer in, under, or across the River *Welland*, or to construct in such River any Work, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, may approve, such Approval being signified as last aforesaid; and where any such Sewer or Work shall have been constructed it shall not be lawful for the Commissioners at any Time to alter or extend the same without obtaining previously to making any such Alterations or Extension the like Consent or Approval; and if any such Sewer or Work shall be commenced or completed or altered, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners

Commissioners for executing the Office of Lord High Admiral, to abate, alter, fill up, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Commissioners, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly, with Costs of Suit.

Power to Admiralty to order local Survey of Works affecting the River Welland, at Expense of Commissioners.

XCVI. That if at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Commissioners executing this Act in, under, over, or affecting the River *Welland*, or of the intended Site thereof, the Commissioners shall defray the Cost of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Commissioners, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Commissioners.

Power to Admiralty to remove Obstructions to River Welland.

XCVII. That if any Sewer or Work to be constructed by the Commissioners in, under, or across the River *Welland*, or if any Portion of such Sewer or Work which may affect such River or Access thereto, shall be abandoned, or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Commissioners, and the Amount thereof shall be a Debt due from the Commissioners to the Crown, and be recoverable accordingly, with Costs of Suit.

SCHEDULE A.

Slaughter-houses.

	£	s.	d.
For every Bull, Ox, Cow, Bullock, Steer, Heifer, or other Beast -	0	1	0
For every Calf - - - - - - - -	0	0	6
For every Sheep or Lamb - - - - - -	0	0	4
For every Hog or Pig - - - - - -	0	0	6

SCHEDULE B.

Land to be taken, situate within the Parish of Spalding in the County of Lincoln, for Cemetery Purposes.

Description.	Owner or reputed Owner.	Occupier.
A Pasture and Two Arable Fields, or Pieces or Parcels of Land, bounded on the East in part by Land belonging to John Massey, in other part by Land belonging to Benjamin Addenbrooke Mossop, in further part by Land belonging to the Devisees of the late John Williams Greeves, and in remainder part by Land belonging to Thomas Bemrose; on the West in part by the Turnpike Road leading from Spalding to Donington, in other part by Land belonging to Theophilus Russel Buckworth, Esquire, in further part by Land belonging to John Garfit and the Assignees of Charles Green, some or One of them, and in remainder part by the Line of the Great Northern Railway; on the North in part by Land belonging to the said Theophilus Russel Buckworth, in other part by Land belonging to William Nicholls, and in remainder part by Land belonging to the said Thomas Bemrose; and on the South by Land belonging to John Richard Carter, Esquire.	Catherine Massey -	Thomas Wells.

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