ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. cclvi.

An Act for paving, lighting, watching, draining, cleansing, and improving the Town of *Saint Ives* and the Neighbourhood thereof in the County of *Huntingdon*. [22d *July* 1847.]

WHEREAS the Town of *Saint Ives* in the County of *Huntingdon* is a large and populous Place, having a considerable Market, and it would be of great Advantage to the Inhabitants thereof and Persons resorting thereto, and of public Utility, if the said Town and the Neighbourhood thereof, within the Limits hereafter described, all within the County of *Huntingdon*, were properly paved, lighted, watched, sewered, drained, cleansed, and otherwise regulated and improved; but the same 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, That the several Acts of Parliament following, that is to say, "The Lands Clauses Consolidation Act, 1845," "The Commissioners Clauses Act, 1847," and "The Towns Improvement Clauses Act, 1847," and "The Towns Police Clauses Act, 1847," shall, save so far as they are expressly varied

8 & 9 Vict. c. 18. and 10 & 11 Vict. cc. 16. 34. & 89. incorporated with this Act.

varied or altered by this Act, be incorporated with and form Part of this Act.

Act to be carried out by Commissioners.

II. And be it enacted, That the Commissioners and their Successors, qualified as herein-after mentioned, shall be the Commissioners for the Purposes of this Act, and for making and maintaining all Works and Conveniences which they may deem necessary for such Purposes, subject to the Provisions contained in this Act and the several Acts and Clauses of Acts incorporated herewith, and shall be called "The *Saint Ives* (*Hunts*) Improvement Commissioners."

Appointment and Qualification of Commissioners.

III. And be it enacted, That every Male Person of full Age who shall be rated to the Rate made for the Relief of the Poor upon Lands, Tenements, and Hereditaments within the Limits of this Act hereafter described in the net annual Value of Forty Pounds or upwards, or who shall be seised or possessed or in the Enjoyment of the Rents and Profits of Lands, Tenements, and Hereditaments within such Limits of the net annual Value of Forty Pounds for an Estate not less than a Life in being for his own Use, shall, during the Time that he shall be so rated or seised or possessed as aforesaid, be a Commissioner under this Act.

Short Title.

IV. And be it enacted, That in citing this Act it shall be sufficient to use the Expression of the "*Saint Ives* (*Hunts*) Improvement Act, 1847."

Commissioners neglecting to act.

V. And be it enacted, That if any Person having qualified under this Act to act as a Commissioner shall fail to act as such in the Execution of this Act for Two Years, such Commissioner shall be deemed to have refused to act, and therefore shall cease to be a Commissioner for a Period of Two Years from the Time of his having so failed to act; after the Expiration of which Period, upon his again making the Declaration required by this Act, he shall be capable of acting as a Commissioner until he shall disqualify himself as aforesaid, or become disqualified to act in any other Manner before mentioned.

First and other Meetings.

VI. And be it enacted, That the Commissioners acting under the Powers of this Act shall hold their first General Meeting at the *Unicorn* Inn in *Saint Ives* aforesaid, or some other convenient Place within the said Town of *Saint Ives*, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, on the first *Tuesday* that may happen next after One Month from the passing of this Act, and shall then and there proceed to put this Act into execution.

Power to borrow on Mortgage.

VII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to borrow at Interest, on the Credit of the several Rates or Assessments by this Act granted, any Sum of Money not exceeding the Sum of Five thousand Pounds, and in the event of any Part ofsuch Sum of Money being repaid by the Commissioners to reborrow the same, and so *toties quoties*, and so nevertheless that there shall not be owing on the Security aforesaid any more than the Sum of Five thousand Pounds in the whole at

any

any Time; and for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners, or any Five of them, may assign over the said Rates, Assessments, Rents, and other Property, or such Part or Parts thereof, with such other Security upon the Remainder of the said Rates, 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 Interest for the same.

Enforcing Payment of Arrears.

VIII. And in order to provide for the Recovery of the Arrears of Interest of any such Mortgage at the respective Times at which such Interest shall become due, be it enacted, That if such Interest, or any Part thereof, shall for Thirty 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.

Principal and Interest.

IX. And with respect to any Principal Money, be it enacted, That if such Principal Money and Interest be not paid within Six Months after the same have become payable, and after Demand thereof in Writing, the Mortgagee, if his Debt amount to the Sum of One thousand Pounds, may alone, or if his Debt does not amount to the Sum of One thousand Pounds he 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 One thousand Pounds, require the Appointment of a Receiver, by an Application to be made as herein-after provided.

Application of Monies to be borrowed.

X. And be it enacted, That all the Money which shall be raised on the Credit of the Rates hereby authorized to be levied shall be applied in the first place in paying the Expences of obtaining and passing this Act or incident thereto, and afterwards in making such Improvements and Works within the Limits of this Act as the Commissioners may deem requisite, and for otherwise carrying the Purposes of this Act into execution as the Commissioners shall direct.

Power to purchase Lands with Consent.

XI. And be it enacted, That, subject to the Provisions of the "Lands Clauses Consolidation Act, 1845," it shall be lawful for the Commissioners to purchase any Lands, Tenements, or Hereditaments, whether of Freehold, Leasehold, Copyhold, or other Tenure, within the Limits of this Act, not exceeding Three Acres in Quantity, which may be required for any of the Purposes of this Act, and to contract for the absolute Purchase for a Consideration in Money of any such Lands, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Rent-charge, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Rights, Customs, and Services to which such Lands may be subject, and all other Estates or Interests in such Lands of what Kind soever.

Compulsory Powers not to be exercised.

XII. Provided always, and be it enacted, That nothing in the said Lands Clauses Consolidation Act or in this Act contained shall authorize the Commissioners to purchase, take, or use any Lands, unless

unless with Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

Conveyances and Leases of Land to be made to Two Commissioners in trust.

XIII. And be it enacted, That all Conveyances and Leases of Lands to be purchased or hired by the Commissioners may be made to Two or more of the Commissioners as Trustees for all the Commissioners; and the Execution of the Counterpart or Duplicate of any such Conveyance or Lease by such Two Commissioners shall be binding upon all the Commissioners.

Application of Monies arising from Sale of superfluous Lands.

XIV. And be it enacted, That all Monies which shall come to the Hands of the Commissioners in consequence of the Sale of any Lands under the Provisions of this Act, or of any of the Acts or Clauses of Acts incorporated herewith, shall be applied and disposed of in paying off any Principal Monies at the Time due and owing on the Credit of the Rates hereby authorized to be levied.

Limits of this Act.

XV. And be it enacted, That this Act shall be put in force for the Improvement of the said Town of *Saint Ives* and the Neighbourhood thereof within the Parishes of *Saint Ives*, *Hemingford Grey*, and *Fenstanton* aforesaid, as mentioned and described by the following Bounds and Limits; (that is to say,)

1st. As to the Limits of the Town and Parish of *Saint Ives*, this Act shall extend to the whole of the Parish of *Saint Ives* aforesaid, save and except to such Parts of the public Roads and Highways, not being Turnpike Roads, called or known by the Name of the *Houghton Road*, branching out of the *Bury and Stratton* Turnpike Road at or near *Green End* Turnpike Gate, and running West up to *Houghton Lordship*; also the Road known by the Name of *Saint Andrew's Way* situate on the North Side of the old Inclosures, and the Road branching out of *Saint Andrew's Way* called *Pig Lane*, and extending as far as the North Corner of an ancient Inclosure called the *Doles*, belonging to *Taylor White* Esquire:

2ndly. As to the Limits within the said Parish of *Hemingford Grey*, to commence on the Centre of the great Stone Bridge over the River *Ouze*, and proceed Westwardly up the said River to the North-west Corner of an Estate belonging to *Thomas Lindsell* next the Meadow Ditch, thence along the said Ditch to the Foot Bridge over the same entering the Meadow, thence Eastwardly in a straight Line along the Footpath on the South Side of the *Dolphin* Inn Premises to the Centre of the Turnpike Road dividing the Two Parishes of *Hemingford Grey* and *Fenstanton*, thence Northwardly along the Centre of the said Turnpike Road to the Centre of the said Stone Bridge where the said Boundary commenced, and also to extend to and over all Property within One hundred Yards of such last described Boundary Lines:

3rdly. As to the Limits within the said Parish of *Fenstanton*, to commence at the same Point on the said great Stone Bridge, and proceed in a South-eastwardly Direction down the said River to the North-east Corner of an ancient Ditch dividing the Boatwright's Yard from the Meadow Land of *William Bloom*, thence Westwardly

Westwardly in a straight Line up the said Ditch and on the South Side of the *White Horse* Inn Premises to the Centre of the Turnpike Road dividing the Two Parishes of *Fenstanton* and *Hemingford Grey*, thence Northwardly along the Centre of the said Turnpike Road to the Centre of the said Stone Bridge where the said Boundary Line commenced, and also to extend to and over all Property within One hundred Yards of such last described Boundary Lines.

Commissioners to pave, &c.

XVI. And be it enacted, That the Commissioners shall and may, subject to the Provisions of this Act and the Acts incorporated herewith, cause to be paved, lighted, watched, sewered, drained, cleansed, and otherwise regulated and improved the Town of *Saint Ives* and the Neighbourhood thereof within the Limits aforesaid, and do all necessary Acts for promoting the Health and Convenience of the said Town or District, and for that Purpose may exercise all the Powers vested in them by this Act and the Acts and Clauses of Acts incorporated herewith.

Streets, &c. vested in the Commissioners.

XVII. And be it enacted, That, save and except as herein-after mentioned, the Management of all the present and future Streets within the Limits of this Act, being public Highways or public Streets or Lanes, and the Pavement and other Materials thereof respectively, shall become and be vested in the Commissioners.

Act not to vest the "Old Sheep Market" and the "Market Hill" in Commissioners.

XVIII. Provided always, and be it enacted, That nothing in this Act contained shall be construed to vest the Ground or Soil called or known by the Name of "The Old Sheep Market" and "The Market Hill" in the said Commissioners, or deemed or taken to authorize, oblige, or subject the said Commissioners to alter, repair, or amend the said Sheep Market and Market Hill, but the said Commissioners shall have full Power and they are hereby authorized, from Time to Time, as and when they may deem necessary, to break and dig out the Earth and Soil of the said Sheep Market or Market Hill for the Purpose of laying down Gas Pipes, erecting Gas Posts, or making any Drain or Sewer to communicate with the present public existing Drains or Sewers in the said Streets, or any new Drains or Sewers to be hereafter made in the said Streets; and where they commence breaking or digging the Ground for any of such Purposes they shall and will at their own Costs, and without the least unnecessary Delay, execute and complete the Work and repair and make good the Soil so broken and dug, and the Surface of the Ground shall be left by them in the same State it was previously to being so broken or dug up, or as near thereto as can be; and further that it shall and may be lawful for the said Commissioners and they are hereby authorized to sweep, cleanse, and keep clean the Surface of the said Sheep Market and Market Hill, and remove and carry away the Manure, Dirt, Filth, and Sweepings therefrom, to be by them disposed of as they shall think proper, and also shall and may water the Surface of the said Ground as and when they may deem necessary; provided further, that the said Commissioners shall have no Authority to break or in any way interfere with (without first obtaining the Consent of the Duke of *Manchester* or his Agent in Writing) the

Ground whereon the old Workhouse and Premises stood, and which was purchased by the late Duke, and is now used as additional Ground for Sheep Market, but the said Commissioners shall and may, so long as the said Ground is continued to be so used, sweep, cleanse, and water the same.

Vaults and Drains to be kept in repair.

XIX. And be it enacted, That all Vaults, Arches, Cellars, Sewers, or Drains now or hereafter to be made in or under any Street within the Limits of this Act shall be kept in substantial Repair by the Owners thereof to the Satisfaction of the Commissioners; and in case any such Vault, Arch, Cellar, Sewer, or Drain shall at any Time not be in such substantial Repair, it shall be lawful for the Commissioners to put the same into substantial Repair, and to recover the Expences incurred thereby from the Owner or Occupier thereof, or the Owner or Occupier of any Tenement to which such Vault, Cellar, Sewer, or Drain may belong, or with which the same may be connected and used, and such Owner or Occupier shall also forfeit a Sum not exceeding Twenty Shillings for every Day such Vault, Arch, Cellar, Sewer, or Drain shall continue out of substantial Repair, after Notice in Writing shall have been given to him by the Commissioners to repair the same, and a reasonable Time for completng such Repair shall have elapsed after the Service thereof.

As to Service of Writs, &c.

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

Regulating Width of new Streets.

XXI. And be it enacted, 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 be Thirty Feet wide in the narrowest Part thereof, or being a Foot Passage shall be at least Ten Feet wide in the narrowest Part thereof.

Lamps to be set up.

XXII. And be it enacted, That it shall be lawful for the Commissioners, and they are hereby authorized and empowered, from Time to Time to purchase and provide such and so many Lamps, and such Lamp Irons and Lamp Posts, and all other Matters and Things for lighting such Lamps, either by Oil or Gas, as they shall judge necessary, and to cause such Lamps or any of them to be lighted at such Seasons of the Year, on such Evenings, in such Manner, and at such Hours of the Evening, and also on the Mornings of Market Days, and to be kept burning for so many Hours, as shall to them the said 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.

Commissioners may contract for same and provide Gasometer.

XXIII. Provided always, and be it enacted, That it shall be lawful for the Commissioners to make any Contract for lighting the Streets within the Limits of this Act with Gas, and to provide and erect Gasometers and other Works by purchasing the present Gasometer in the Parish of *Fenstanton* aforesaid, or erecting another Gasometer either

either within or without the Limits of this Act, and to prepare or permit the preparing or laying down of all necessary Iron or other Pipes, Reservoirs, Matters, and Things necessary for the lighting the Streets within the Limits of this Act with Gas.

Commissioners to repair Damage done to the Walls, &c. by affixing or altering Lamp Irons.

XXIV. And be it enacted, 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.

Incorporation of Part of 10 & 11 Vict. c. 15.

XXV. And be it enacted, That all the Clauses and Provisions of the "Gasworks Clauses Act, 1847," with respect to Waste and Misuse of Gas, or Injury to the Pipes and other Works, and with respect to the breaking up of Streets for the Purpose of laying Pipes, and with respect to the Provision for guarding against fouling Water or other Nuisance from the Gas, shall be incorporated with and form Part of this Act.

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

XXVI. And be it enacted, That the Commissioners shall, within Twenty-one Days after the Thirty-first Day of *December* or some other convenient Day in every Year, ascertain the respective Sums of Money necessary to be raised for the Payment of all Expences 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 Expences of forming, paving, sewering, repairing, and maintaining the several Carriageways, Roads, and Streets within the Limits of this Act or incident thereto, and for the Payment of any Interest chargeable on the Rates and Assessments 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.

XXVII. And be it enacted, 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 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, according to the annual Value of the same, but such Rates or Assessments shall not exceed in any One Year Three Shillings and Sixpence in the Pound for all the Purposes of this Act.

Rating of Houses, Buildings, &c.

XXVIII. And be it enacted, That the Owners and Occupiers of Houses, Buildings, Courtyards, Yards, and Gardens (not being Market Gardens or Nursery Grounds), and all other Property not being Arable, Meadow, or Pasture Land, or Woodlands, or Market Garden or Nursery Ground, shall be rated at the net annual Value of the same, and that Owners and Occupiers of Arable Land, Meadow, Pasture Land, Woodlands, Market Gardens, Nursery Grounds, and all

all other Land, except as aforesaid, shall be rated at One Fifth of the net annual Value of the same.

Distinct Sewers Rate not to be made.

XXIX. And be it enacted, That, notwithstanding any thing in the said Towns Improvement Clauses Act contained, it shall not be lawful for the Commissioners to make a Sewer Rate distinct from any other Rate which they may be authorized to make under this Act.

Power to Commissioners or Justices to remit same Rate.

XXX. Provided always, and be it enacted, That it shall be lawful for the Commissioners or 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 the Payment of the Rate.

Owners to pay the Rates in certain Cases.

XXXI. And be it enacted, That the Owners of all rateable Property within the Limits of this Act which shall be let by such Owners, the yearly Rent or net Value whereof shall be under Five Pounds, or which shall be let to weekly or monthly Tenants or in separate Apartments, shall be rated to and pay the Rates by this Act directed to be made instead of the Occupiers thereof.

Application of Rate.

XXXII. And be it enacted, That the Money which shall arise from the said Rates, or other Money to be received by the Commissioners under this Act, shall be applied, after Payment of the Expences of obtaining and passing this Act, first, in paying the Interest from Time to Time to become payable on any Money borrowed on Mortgage under the Provisions of this Act; secondly, in defraying the Expences of paving, cleansing, watering, draining, lighting, and watching the said Streets within the Limits of this Act, and of improving the same, and carrying the several Purposes of this Act into execution; and, thirdly, in paying off the Principal Sums borrowed on the Credit of the Rates.

No Toll Gate to be erected or Tolls collected within a certain Distance of the Town.

XXXIII. And be it enacted, That it shall not be lawful for the Trustees of any Turnpike Road within the Parish of *Saint Ives* to erect any Toll Gate or Bar, or to collect any Toll, on any Part of their respective Turnpike Roads nearer to the Town of *Saint Ives* than where the present Toll Gates are now placed upon or across their respective Roads, nor to collect any Toll within or upon the Street or Way beginning at the North Corner of the Vicarage Garden, and extending South up to the *Waits*, thence along the *Waits* Bullock Market, *Crown Street*, and *Bridge Street* to the old Stone Bridge, nor within or upon the Road or Street beginning at the East End of *Darwood's Pond*, and extending along the present Road Westwardly and Southwardly up to and along the *White Hart Lane* Sheep Market and *Crown Street* to the *Crown* Inn Gateway where the *Somersham* Turnpike Trust ends, nor shall such Trustees lay out any Money upon the said Streets or Ways: Provided always, that nothing in this Act or the said Acts incorporated herewith contained shall be deemed or construed to preclude such Trustees from collecting any Toll or laying out any Money upon any Turnpike Road

Road within the Limits of this Act, and not included within the Limits of the said Streets or Ways herein-before defined.

Expences of Act.

XXXIV. And be it enacted, That the Costs and Expences of or incident to the obtaining and passing this Act, with Interest on all Monies which shall have been advanced for that Purpose, shall be paid out of any Monies hereby authorized to be borrowed on Mortgage, and raised by the several Rates to be made as aforesaid, or which shall otherwise come to the Hands of the Commissioners by virtue of this Act, in such Proportions or in such Manner as they shall think proper.

Not to lessen or affect Rights or Duties of Surveyors of Highways.

XXXV. Provided always, and be it enacted, That, except as herein-before provided, nothing in this Act contained shall extend or be construed to extend to affect or alter the Liability of or the Obligation on the Trustees of the Turnpike Roads passing through the said Town of *Saint Ives* or the Parishes aforesaid to repair or amend the Turnpike Roads in the said Parishes, nor to lessen, diminish, affect, or take away the Powers and Provisions, Rights, Privileges, Liabilities, and Authorities, contained in any general or local Turnpike Act now in force, nor to affect or alter the Liability of or the Obligation on His Grace the Duke of *Manchester* as Lord of the Manor of *Saint Ives* to repair or amend the Roads or other Places in the said Parish of *Saint Ives*, *Hemingford Grey*, and *Fenstanton*, and which he is now liable to repair and amend.

Saving Rights of the Lord of the Manor of Saint Ives.

XXXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, lessen, prejudice, alter, vary, or diminish any Right of the Lord of the Manor of *Saint Ives*, with the Sleap and Burstellars, to continue, or to make, erect, set, or place, Booths, Stalls, Benches, Posts, Rails, Forms, and other Things within the Market Places or Streets in the said Town of *Saint Ives* for the Purposes of the Market, or within any of the Market Places or other public Places, during the usual Time of holding any Fair within the said Town as heretofore used and accustomed, nor his Right to any Rents, Fines, Services, Estrays, Customs, Tolls, Duties, or Profits whatsoever payable to him for or in respect of any Markets or Fairs or otherwise, or of any Booths, Stalls, Benches, Posts, Rails, and Forms, or other Things, to be there made, erected, set, or placed as aforesaid, nor any other Right, Custom, Liberty, or Franchise whatsoever belonging to the Lord or Lords of the Manor or Manors within the said Town, but the said Lord or Lords of the said Manor or Manors, his and their Heirs and Assigns, shall continue to enjoy all such Rights, Liberties, Privileges, and Franchises, and to have, receive, and enjoy all such Rents, Fines, Customs, Tolls, Duties, and Profits, in as full, ample, and beneficial a Manner as he or they could or might or ought to have done in case this Act had not been made.

Interpretation of Act.

XXXVII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned

assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Words "General or Quarter Sessions" shall mean the General or Quarter Sessions of the Peace to be held at *Huntingdon* in and for the County of *Huntingdon*:

The Word "Street" shall include any public Square, Street, Court, or Alley, Footpath, Footway, Highway, Lane, Road, Thoroughfare, Passage, or Place, and Market Place, within the Limits of this Act:

The Word "Land" and the Word "Tenements" shall extend to Messuages, Buildings, Land, Tenements, Hereditaments, and other Property of any Tenure or Description whatsoever:

The Word "House" and the Words "Dwelling House" shall include any Messuage, Tenement, Warehouse, Manufactory, Building, or other Inclosure.

Public Act.

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

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1847.