ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

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Cap. xl.

An Act for the Improvement of the Town of *Wellington* in the County of *Salop*.

[2d *June* 1854.]

WHEREAS it is expedient that Provision should be made for the more efficient paving, sewering, draining, lighting, cleansing, regulating, and otherwise improving the Town of *Wellington* in the Parish of *Wellington* and County of *Salop*, and for the Establishment and Regulation of a Cattle Market and Slaughter-houses, and of Public Baths and Wash-houses therein, and for the Purchase and vesting in Commissioners of the several Undertakings of the *Wellington* Market Hall Company, the *Wellington* Waterworks Company, and the *Wellington* Coal and Gaslight Company, and also for the Establishment of a public Cemetery within the said Parish: And whereas Part of the said Parish of *Wellington*, within which the said Town is situate, has for the Purpose of lighting with Gas been formed into a District under the Provisions of an Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Ninety, 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

be transferred to and exercised by the Commissioners to be appointed under this Act: And whereas a Board for the Repair of the Highways of the Townships of *Wellington*, *Watling Street*, and *Arleston*, within which the said Town of *Wellington* is situate, has been appointed under the Provisions of the Act of the Fifth and Sixth Years of the Reign of His said late Majesty King *William* the Fourth, Chapter Fifty, and it is expedient that the Powers of the said Board, in so far as the same are exercised within the Limits herein-after prescribed, should be transferred to and exercised by the said Commissioners: And whereas 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms.

I. In construing this Act the Words and Expressions following shall have the Meanings hereby assigned them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "Special Act" in the Sections of the said General Acts incorporated herewith shall mean this Act:

The Word "Owner" used with reference to any Lands or Buildings in respect of which any Work is required to be done, or any Rates to be paid, or with reference to the Right of voting at any Election, shall mean the Person for the Time being entitled to receive, or who, if such Lands or Buildings were let to a Tenant at Rackrent, would be entitled to receive the Rackrent from the Occupier thereof; and when used in reference to the Purchase of any Lands or other Property shall include all Persons enabled to sell Lands under the Provisions of "The Lands Clauses Consolidation Act, 1845:"

"Street" shall include Ways, Footpaths, Passages, Courts, Highways, Roads, Streets, Alleys, Thoroughfares, or Roads open to the Public within the Limits of this Act:

"Occupier" shall not include a Lodger or a Party in the Occupation as Tenant of a furnished House let for a less Period than One Year, but shall include the Party by whom such furnished House is so let:

To "pave" shall include the making or forming of a hard Surface to a Roadway or generally repairing the same by broken Stone or other Material, as well as pitching:

"Premises" shall include all Lands, Dwelling-houses, Shops, Counting-houses, Warehouses, Vaults, Cellars, Stables, Breweries, Manufactories, Mills, and other Houses and Buildings, Yards and Places, and Hereditaments of any Tenure:

The

The Expression "the Commissioners" in this Act shall mean "The *Wellington* Improvement Commissioners:"

The Expression "the Limits" in this Act shall mean the Limits of this Act.

Commencement of Act.

II. That this Act shall commence and take effect on and from the First Day of *July* One thousand eight hundred and fifty-four.

Short Title.

III. That this Act shall for all Purposes be sufficiently described as "The *Wellington* (*Salop*) Improvement Act, 1854."

Limits of Act.

IV. That the Limits of this Act (except as to the lighting of certain Roads as herein-after mentioned) shall include all Premises lying within the Limits defined by a broad Red Line drawn on a Plan in triplicate of the District, authenticated by the Signature of the Honourable *Edward Pleydell Bouverie*, Chairman of the Committee of Ways and Means of the House of Commons, and of which One Copy is deposited in the Private Bill Office of the House of Commons, and another Copy is to be deposited by the Commissioners with the Clerk of the Peace for the County of *Salop* at his Office in *Shrewsbury*, and the other Copy is to be retained by the Commissioners, and to be open to Inspection at all reasonable Times; and for the Purposes of lighting, the Limits of this Act shall include, in addition to the Premises lying within the Limits above described, all Premises lying within the Limits defined by a broad Blue Line drawn on the said Plan authenticated as aforesaid.

Excepting Turnpike Roads within the Limits from the Jurisdiction of Commissioners.

V. Provided always, That all Turnpike Roads within the Limits aforesaid are hereby excepted from the Jurisdiction of the Commissioners acting in the Execution of this Act, and that the Trustees of the *Wellington* District of the *Watling Street* Turnpike Road in the County of *Salop* shall continue to have, exercise, and enjoy all such and the same Powers, Rights, and Privileges within the said Limits in all respects as if this Act had not been passed.

Act to be carried into execution by Commissioners.

VI. That this Act shall be carried into execution by means of Commissioners, to be called "The *Wellington* Improvement Commissioners," and such Commissioners shall be qualified and elected as herein-after mentioned; and such Commissioners shall be incorporated by the Name of "The *Wellington* Improvement Commissioners," and shall have perpetual Succession, a Common Seal, Powers to sue and be sued, and to purchase and hold Lands, and such other Powers as are by this Act and the Acts incorporated herewith conferred upon them.

VII. That

10 & 11 Vict. c. 16. incorporated.

VII. That "The Commissioners Clauses Act, 1847," 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.

Number and Quorum of Commissioners.

VIII. That the Number of Commissioners for putting this Act into execution shall be Fifteen, and that a Quorum of the said Commissioners shall be Five.

First Commissioners.

IX. That *Saint John Chiverton Charlton*, *Thomas Campbell Eyton*, the Reverend *Benjamin Banning*, *William Shakeshaft Lawley*, *William Wyley*, *William Turner*, *John Slaney*, *John Benson*, *James Webb*, *Robert Hobson*, *Richard Groom*, *Richard Lawrence*, *William Edwards*, *John Whitfield*, and *Thomas Turner* (Grocer), or such of them as are duly qualified in Terms of this Act, shall be the First Commissioners, and shall continue in Office until other Commissioners shall be elected in their Place in manner herein-after provided.

Qualification of Commissioners.

X. That every Male Person of full Age who at the Time of his Election, and during the Exercise of his Office, shall be rated to the Relief of the Poor within the said Limits, and who shall, at the Time of his Election, have paid all the Rates for the Relief of the Poor, and the Rates made under the Authority of this Act in respect of any Premises, upon an annual rateable Value of not less than Twenty-five Pounds, or who shall be seised or possessed (whether resident within the Limits or not) of Rents or Profits of Lands within the Limits, of the annual Value of Forty Pounds or upwards, for an Estate of Freehold, or who, being resident within the Limits, shall be possessed of Personal Estate to the Value of One thousand Pounds over and above all Debts and Engagements, shall be qualified to act as a Commissioner under this Act.

First Election of Commissioners.

XI. That the First Election of Commissioners shall take place at a Meeting of the Persons entitled to vote for such Commissioners to be holden in the Town of *Wellington* on the Third *Wednesday* of *June* in the Year One thousand eight hundred and fifty-five, and at such Hour and Place as the First Commissioners shall appoint, and the Persons duly qualified to vote at such Election shall elect Commissioners in lieu of the Commissioners then retiring by Rotation, and the Chairman of the Commissioners shall be the returning or presiding Officer of such First Election and all future Elections: Provided always, that when such Chairman shall go out of Office by Rotation, or when from any other Cause there shall be no Chairman of the Commissioners for the Time being, One of the Commissioners who shall have been longest in Office without going out by Rotation,

and

and who shall not then be going out by Rotation, to be nominated by the other Commissioners not then going out by Rotation, shall be the returning or presiding Officer at that Election; and for the Purpose of nominating such returning or presiding Officer, when from any Cause he shall not have been nominated at the last monthly or adjourned Meeting of the Commissioners before the Election, a Meeting of the Commissioners shall be convened by the Clerk to be holden at the usual Place of Meeting, of which Meeting Notice of not less than Three clear Days shall be given to the Commissioners.

Qualification of Electors.

XII. Every Owner of Premises within the Limits, and every Occupier of such Premises, exceeding the net annual Value of Six Pounds, who shall be rated to any Rate under the Provisions of this Act, and who shall, on or before the Day previous to the Day of Election of Commissioners, have paid all the Rates which shall have become payable by him under the Provisions of this Act at any Time previous to the Commencement of the Sixth Month next before such Election, shall be entitled to vote for Commissioners at such Election, according to the Scale prescribed in the Section numbered Twenty-four of the said "Commissioners Clauses Act, 1847;" and if the same Person be both Owner and Occupier, he shall be entitled to vote both as Owner and Occupier: Provided always, that no Person rated as an Occupier shall be entitled to vote as such in the Election for Commissioners in the Year One thousand eight hundred and fifty-five, unless he shall have been rated under the Provisions of this Act, nor at any subsequent annual Election, unless he shall have been rated for the Period of One whole Year immediately preceding the Day of Election in each Year; but nevertheless the Premises in respect of the Occupation of which any Person shall have been so rated need not be the same, but may be different Premises.

Votes by Corporate Bodies.

XIII. That in case of Property belonging to a Corporation aggregate, or to a Joint Stock or other Company, or to any Body of Proprietors, such Corporation, Company, or Body of Proprietors shall be deemed to be One Owner for the Purpose of voting under this Act, and shall vote by Proxy appointed in Writing under their Common Seal (in case of a Corporation), or in any other Case under the Hands of any Three Directors or other Persons in the Direction or Management of the Company or Concern, and no Member of such Corporation, and no Proprietor or Person interested in such Company or Concern, shall be entitled to vote individually as Owner in respect of such Property, and such Appointment of Proxy shall be exhibited to the returning Officers at the Time of Election.

Annual Meeting.

XIV. That the Annual Meeting of the Commissioners shall be held on the Third *Wednesday* in the Month of *June* in each Year within the said Limits.

Certain Sections of 8 & 9 Vict. c. 18. incorporated.

XV. That "The Lands Clauses Consolidation Act, 1845," except the Sections with respect to the Purchase and taking of Land otherwise than by Agreement, shall be incorporated with this Act.

Power to purchase Lands by Agreement.

XVI. That the Commissioners may from Time to Time purchase by Agreement with the Owners, Lessees, and Occupiers thereof any Lands which they may require for any of the Purposes of this Act, not exceeding Twenty Acres in the whole, and shall resell such Parts of the Lands so purchased as shall not be required for such Purposes.

Commissioners to make Compensation for Damages.

XVII. That the Commissioners shall make good all Damage which may be done by them, their Officers, Agents, Servants, or Workmen, to any Lands or Buildings in carrying into execution any of the Powers of this Act, and shall pay to the Owners, Lessees, and Occupiers of any such Lands or Buildings such Amount of Compensation for the Injury done as shall be agreed upon between them and such Owners, Lessees, and Occupiers respectively, and if they cannot agree as to the Amount of such Compensation, or the Proportions thereof to be paid to the Owners, Lessees, and Occupiers respectively, then the Amount of such Compensation, and also the Proportions which the Persons claiming the same are entitled to, shall be determined in manner provided by the said Lands Clauses Consolidation Act for determining Questions of Compensation with respect to Lands purchased or taken under the Provisions thereof.

11 & 12 Vict. c. 63. incorporated, except the Parts herein named.

XVIII. That "The Public Health Act, 1848," except the following Parts thereof, viz.,

The Part thereof which, in the Copies thereof printed by the Printers to the Queen's most Excellent Majesty, precedes the Section thereof numbered II. directing the Places in which the Act may be applied;

The several Sections thereof numbered respectively IV. to XXXVII. both inclusive;

The Section L. authorizing Churchwardens and Overseers in Parishes of less than Two thousand Inhabitants to provide Sewers, Wells, and Pumps;

The Sections LXXXVI. to CVI. both inclusive, in respect to Rates;

The Sections CVII. to CXIV. both inclusive, in respect to the Mortgage of Rates;

The Sections CXIX. to CXXII. both inclusive, in respect to general Superintendance;

The Section CXXXVIII. directing how the Local Board of the non-corporate Districts may sue and be sued;

The Sections CXLI. and CXLII. with regard to Orders in Council;

The Section CLII. with regard to the Amendment of the Act;

And

And so much of the said Act as provides for the Consent, Sanction, Approval, or Authority of the General Board of Health;
Shall be incorporated with and form Part of this Act.

Commissioners to be Local Board of Health.

XIX. That the Commissioners shall be, within the Limits of this Act, the Local Board of Health under "The Public Health Act, 1848."

Certain Parts of 10 & 11 Vict. c. 34. incorporated with this Act.

XX. That so much of "The Towns Improvement Clauses Act, 1847," as relates to the Matters 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,) so much thereof as relates

To the Construction of the said Towns Improvement Clauses Act, and of this Act;

To making and maintaining the public Sewers, with the Exception of Sections XXIII. XXVII. XXVIII. and XXIX.; provided always, that the Expenses of making, maintaining, and cleansing the present and any future Sewers within the Limits shall be defrayed out of the General Improvement Rate herein-after authorized, and that the Commissioners shall not make any Sewer Rate, either general or special, distinct from the said General Improvement Rate;

To the Drainage of Houses;

To naming the Streets, and numbering the Houses;

To improving the Line of the Streets, and removing Obstructions;

To ruinous or dangerous Buildings;

To Precautions during the Construction and Repair of the Streets and Houses;

To the Prevention of Nuisances, with the Exception of Sections XCIX. to CIII. both inclusive;

To the Prevention of Smoke;

To the Construction of Houses for the Prevention of Fire;

To supplying Buildings with fresh Air;

To lighting the Town or District;

To Things to be done by the Commissioners by special Order only; provided always, that the taking and adopting by the Commissioners of any Street as a public Highway shall be considered extraordinary Business, and requiring special Notice to be given to the Commissioners;

To Clocks;

To Entry by the Commissioners or their Officers in execution of this Act and the said Towns Improvement Clauses Act;

To insuring the Execution of the Works required to be done by the Owners or Occupiers of Houses or Lands;

To the Manner of making Rates, with the Exception of Section CLXXXI.;

To the Appeal to be made against any Rate;

To the Recovery of Rates; and any Rate under this Act may also be recovered by Plaint or Action of Debt;

To Byelaws; and this Power shall extend to the making of Byelaws for the Purposes of any Act incorporated herewith;

To the Tender of Amends;

To the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices.

Purchase of Lands for opening new Streets.

XXI. 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 benefitted 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.

Houses not to be built in close Courts.

XXII. That it shall not be lawful for any Person (except with the Consent of the Commissioners) to build any House in any Court the Passage or 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.

XXIII. That the Owner of any vacant or unbuilt-on Land adjoining to any Street or Road within the Limits shall, to the Satisfaction of the Commissioners, sufficiently fence off from the adjoining Street or Road such Land with a good and substantial Fence, of the Height of Five 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 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* after such Notice shall have been put upon

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 Notice, 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 recovered by Action in any Court of competent Jurisdiction.

Baths and Wash-houses.

XXIV. 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 to be levied and raised under this Act, and the Moneys to be received and the Income derived from Baths and Wash-houses.

Transferring to Commissioners Powers of Inspectors of lighting under 3 & 4 W. 4. c. 90.

XXV. That all and every the Powers and Authorities of the said Inspectors for lighting formed within the said Parish of *Wellington* in pursuance of the Powers of the said recited Act of the Third and Fourth *William* the Fourth, Chapter Ninety, shall, so soon as this Act shall come into operation, be and the same are hereby transferred to and shall be exercised by the Commissioners acting in the Execution of this Act, who shall thenceforth be the sole Inspectors for carrying out the Provisions of the said last above-recited Act and of this Act, within the Limits above prescribed: Provided always, that all Contracts for lighting entered into and made by the said Inspectors under the Authority of the said last above-recited Act, previous to the Commencement of this Act, shall be binding on, and enforced by and against, and incumbent on the said Commissioners acting under this Act, and all Persons, Parties to the said Contracts, as fully as they would have been binding or enforceable by and against and incumbent on the said Inspectors respectively, and all such other Persons, if the Powers of the said Inspectors had not been so transferred as aforesaid; and the several Rates and Assessments made in virtue of the said last above-recited Act previous to the Commencement of this Act may be levied and recovered by the Commissioners acting under this Act in the same Way and with the same Powers as they might have been levied and recovered by the said

Contracts for lighting to be adopted.

Inspectors respectively acting under the said last above-recited Act, and such Rates and Assessments, when so levied and recovered, shall be paid to the Commissioners acting under this Act, and shall be by them applied to the Purposes of this Act.

Board appointed under 5 & 6 W. 4. c. 50. for Repair of Highways to cease to exercise Powers under that Act.

XXVI. That from and after the Commencement of this Act the Board appointed for the Repair of the Highways for the Townships of *Wellington*, *Watling Street*, and *Arleston* as aforesaid, under the Provisions of the Act of the 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 in so far as relates to all Highways within the said Townships of *Wellington* and *Watling Street*, and the said Board, and all Officers and Servants appointed by them, or by virtue of or acting in execution of the said last-mentioned Act, or any such other Act as aforesaid, 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, within the Limits of this Act, save as regards any Salaries or Emoluments or other Moneys which may be 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 Commencement of this Act, in so far as the same relate to Highways or Premises within the Limits of this Act, shall vest in and belong to the Commissioners appointed or to be appointed by virtue of this Act; and all Sums of Money due to or from the said Board, in virtue of their Office, in respect of Highways or Premises within the Limits of this Act, shall be deemed to be due or owing, as the Case may be, to or by the said Commissioners, and may be sued for and recovered accordingly: Provided always, that in all other respects the Powers and Authorities of the said Board shall remain in full force and effect.

Property of Inspectors of lighting and of Highway Board vested in Commissioners.

XXVII. That from and after the Commencement of this Act all the Messuages, Buildings, Lands, and Hereditaments, Estates, Rights, and Privileges, and all the Lamps, Lamp Posts, Books, Papers, Writings, Maps, Plans, and other Property, of what kind soever, which at or immediately previous to such Period shall belong to or be vested in the Inspectors of lighting acting in execution of the before-recited Act for any of the Purposes of the said recited Act, and all the Messuages, Buildings, Lands, and Hereditaments, Estates, Rights, and Privileges, of what kind soever, situate or being within the Limits of this Act, which at or immediately previous to such Period as aforesaid shall belong to and be vested in the said Highway Board acting in the Execution of the before-recited Acts, or any of them, for any of the Purposes thereof, shall be and the same are hereby

hereby vested in the Commissioners to be appointed by virtue of this Act, and their Successors, for the like respective Estates, Rights, and Interests, as the same would have remained vested in or would have belonged to the said Inspectors or Board, or any of them, acting under the said recited Acts, or any of them, if this Act had not been passed.

Contracts to remain in force.

XXVIII. Provided always, That all Contracts, Agreements, Bonds, Covenants, Securities, and Engagements, Debts, and Liabilities entered into, made, or incurred before the Commencement of this Act, to, with, or by the said Inspectors of lighting or the Board of Surveyors of Highways, or any Person acting by virtue of the said recited Acts, or any of them, on behalf of such Inspectors or Board, 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, made, or incurred, 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 under this Act, and may be enforced by the same Commissioners, and by the other Party or Parties thereto (not being Inspectors or Board under the said recited Acts, or any Person acting in their Behalf) accordingly, and the Liability of the Inspectors or Board under the said recited Acts, and of any Person acting on their Behalf in respect of any such Contract, Agreement, Bond, Covenant, Security or Engagement, shall immediately upon the Commencement of this Act cease and determine, and be transferred to the Commissioners for the Time being under this Act.

Books of late Inspectors, &c. to be Evidence.

XXIX. That all Rate Books and all Entries therein, and all Registers and Books of Proceedings, and other Books whatsover of the said Inspectors or Board, under the said recited Acts or any of them, kept in pursuance of the said Acts or any of them, and made Evidence thereby, or which might have been received as Evidence at the Time of the Commencement 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.

XXX. That no Action, Suit, Prosecution, or other Proceeding whatsoever commenced by or against the said Inspectors or Board acting in execution of any or either of the recited Acts, shall abate, cease, be discontinued, or be prejudicially affected by this Act; and the Commissioners shall be liable in respect of any Act done or omitted to be done by the said Inspectors or Board in like Manner and Degree as the said Inspectors or Board would have been liable if this

this Act had not been passed; and all Persons who, before the Commencement of this Act, shall have committed any Offence, or incurred any Penalty or Forfeiture under the Provisions of any of the said recited Acts, may be sued and prosecuted for such Offences, Penalties, and Forfeitures, in such and the like Manner as they might have been sued and prosecuted respectively if this Act had not been passed.

Fire Plugs may be marked.

XXXI. That it shall be lawful for the Commissioners to mark on any House or Building, in such conspicuous Places as they see fit, the Position of any Fire Plug or Water Main for the Purpose of ready Access thereto.

Obstructions, Nuisances, &c.

XXXII. That the Provisions of "The Towns Police Clauses Act, 1847," with respect to Obstructions and Nuisances in the Streets, and with respect to Fires, and with respect to Places of public Resort, shall be incorporated with and form Part of this Act.

Penalty on Carters injuring Pavement by unloading Carts thereon.

XXXIII. That if any Carter or other Person having the Charge of any Cart or other like Carriage shall break, damage, or injure the Pavement, Flagging, or Kerbstones of any Footway within the Town, by driving over the same, or by discharging the Contents of any Cart or like Carriage thereon, he shall forfeit a Sum not exceeding Forty Shillings for every such Offence over and above the Amount of Damage done to such Flagging, Pavement, or Kerbstone, the Amount of which Damage may be included in any Conviction for any such Offence.

Conversion of Sewage into Manure.

XXXIV. That the Commissioners may from Time to Time cause the Sewage and Refuse within the Limits to be converted into Manure, and may provide such Works and Conveniences for that Purpose, and may sell and dispose of the Sewage and Refuse, and the Products of such Conversion thereof, as they think fit, and may purchase, take on Lease, or otherwise acquire any Lands for the Purposes of such Works and Conveniences, and may contract with any Persons for the Conveyance of such Sewage and Refuse, or any Part thereof, out of the Limits.

Commissioners may purchase the Market Hall, Markets, and Fairs.

XXXV. That it shall be lawful for the Commissioners, with the Approval of the Ratepayers as herein-after provided, to purchase by Agreement the Buildings called the Market Hall, with its Appurtenances, standing and being in the Market Place, in the said Town of *Wellington*, and also all such Markets and Fairs, and all such Stallages, Standages, Rents, Tolls, Dues, Profits, Rights, Emoluments, Easements, Hereditaments, Privileges, and Advantages incident thereto as the Market Hall Company, established by Deed of Settlement

ment dated the Sixteenth Day of *August* in the Year One thousand eight hundred and forty-one, are entitled to have, hold, take, exercise, use, and enjoy respectively in the Town, under or by virtue of a certain Charter made and granted by their Majesties *William* and *Mary*, in the Third Year of their Reign, to and in favour of *William Forester* Knight, and to which Charter, and the Rights, Powers, and Privileges therein contained, the said Market Hall Company have now acquired Right or otherwise howsoever; and it shall also be lawful for the Commissioners in like Manner to purchase all Stallages, Standages, Rights, Profits, Emoluments, Easements, Privileges, and Advantages belonging to or enjoyed by any other Person or Persons within the Limits of this Act.

Commissioners may improve the existing Markets.

XXXVI. That from and after the Completion of the Purchase from the Market Hall Company herein-before mentioned, it shall and may be lawful for the Commissioners to maintain and improve or alter, as they shall think fit, the present Market or Markets, Fair or Fairs, and also to establish, erect, and maintain Stalls, Standings, Sheds, Booths, Shambles, and proper Conveniences within the said Market Place, or such other Place or Places within the Limits as they may think proper, for the Sale of Provisions, Goods, Wares, and Merchandise, and other marketable Commodities, and to alter or enlarge the said Market Hall, or otherwise to improve it, or to pull it down, and to sell and dispose of the same, and any other Property, Rights, or Hereditaments which may have been purchased from the said Market Hall Company, and erect a more suitable and convenient Building in lieu of the said Market Hall, and to repair and reinstate the same from Time to Time as they shall see fit, and to appoint such Person as they may think proper for the Care, Custody, and Conservation thereof.

10 & 11 Vict. c. 14. incorporated, except certain Sections.

XXXVII. That the Provisions of "The Markets and Fairs Clauses Act, 1847," with respect to Slaughter-houses, and with respect to weighing Goods and Carts, and with respect to the Stallages, Rents, and Tolls to be taken by the Undertakers (except the Sections numbered respectively XXXI. and XXXII.), and with respect to the Byelaws to be made by the Undertakers, shall be incorporated with and form Part of this Act; and the Expression "the Undertakers" in "The Markets and Fairs Clauses Act, 1847," shall mean the Commissioners; and the Expression "the Market or Fair" contained in the same Act shall mean any Market or Fair within the Limits purchased or provided by the Commissioners; and the Expression "Stallages, Rents, and Tolls," and "Tolls," contained in the same Act, shall mean the Tolls mentioned in the Schedule to this Act annexed.

Power to provide additional Sites for Markets and Fairs.

XXXVIII. That it shall be lawful for the Commissioners, after the Completion of the Purchase by them from the Market Hall Company as aforesaid, to purchase or provide such additional Places or Sites for the holding of Markets or Fairs as they shall from Time to Time think fit.

Power to construct Cattle Market.

XXXIX. That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Commissioners at any Time after the Completion by them of the Purchase of the Property and Interests of the Market Hall Company, under the Provisions of this Act, to construct a Market Place with all necessary Buildings and Works, Approaches and Conveniences thereto, for the Exposure and Sale of Cattle and Live Stock usually sold in Cattle Markets.

Power to prohibit holding of Cattle Markets in the public Street.

XL. That it shall be lawful for the Commissioners, at any Time after they shall have provided a proper Site for holding a Cattle Market, to prohibit the holding of any such Market in any public Street or Place within the Limits of this Act, and Notice of such Prohibition shall be published in some Newspaper published or circulating in the County of *Salop*, and shall state the Day on which such Prohibition shall come into operation, being not sooner than Twenty-one Days after the Day on which the Newspaper containing such Notice shall be published, and shall also describe the Place which shall have been provided by the Commissioners for the holding of such Market, and

Copy of such Notice shall be affixed on the usual Market Place at *Wellington*, and at such other public and conspicuous Places within the Limits of this Act as the Commissioners shall direct, for Three Market Days at least immediately before such Prohibition shall come into operation.

Power to levy Rents, Stallages, &c. for Cattle Fairs, Markets, &c.

XLI. That the Commissioners may demand and take such reasonable Tolls, Rents, or Charges for the Use of any Place to be provided by them for holding Cattle Fairs as they shall think fit, not exceeding the Sums specified in the Schedule to this Act, and such Tolls, Rates, or Charges shall be paid and recoverable in the same Manner as Tolls in respect of Cattle brought to the Market; and the Sections of the said Markets and Fairs Clauses Act with respect to the Stallages, Rents, and Tolls to be taken by the Undertakers herein-before incorporated, shall apply to such Tolls, Rents, or Charges accordingly; and when the existing Market Place shall have been vested in the Commissioners under the Provisions of this Act it shall be lawful for them to levy and take such Stallages, Rents, and Tolls in respect of Markets and Fairs as they may think fit, not exceeding the Sums specified in the Schedule to this Act.

XLII. That

Commissioners may lease Markets and Tolls.

XLII. That the Commissioners may from Time to Time demise the Market Hall and Market Places, and Places for Cattle Fairs, and any of them, and any Part thereof respectively, and the Weighing Places and Weighing Machines, and any of them respectively, and the Stallages, Rents, and Tolls for the Market and Fairs, and any of them respectively, for any Term not exceeding Three Years, upon such Terms as are agreed upon between them and the Person to whom the respective Demise is made: Provided always, that before making any such Demise for any Period exceeding One Year they shall, by Advertisement or otherwise as they think fit, give not less than One Month's public Notice of their Intention to make the same, and of their Willingness to receive Tenders in Writing in that Behalf: Provided also, that the Commissioners may, if they think fit, require that every Person making any such Tender shall thereby undertake to accept such Demise if his Tender be accepted.

Commissioners may let Stalls in Markets and Fairs.

XLIII. That the Commissioners may from Time to Time demise or let any of the Shops or Stalls, Sheds, Stands, Places, and other Conveniences in the Market Hall, and Market Place, and Fairs, to any Person for any Period not exceeding Three Years, upon such Terms and Stipulations as are agreed upon between them and the Person to whom the respective Demise or letting is made: Provided always, that the Commissioners, before making any such Demise or letting for any Period exceeding One Year, shall, by Advertisement or otherwise as they think fit, give not less than One Month's public Notice of their Intention to make the same, and of their Willingness to receive Tenders in Writing in that Behalf, and may, if they think fit, require that every Person making such Tender shall thereby undertake to accept such Demise or letting if his Tender be accepted.

Lessee of Stalls may assign with Consent.

XLIV. That the Lessee and Assignee respectively of any such Shop, Stall, Shed, Stand, Place, or other Convenience, his Executors and Administrators, may with, but shall not without, the Consent of the Commissioners, assign the same for the Residue of his Term therein.

Power to borrow Money for Purchase of the Market, &c.

XLV. That the Commissioners may borrow such Moneys as they may require for the Purchase of the said Market Hall and Market and Fair Rights, and also for such additional Sites for holding Markets or Fairs as aforesaid, on Mortgage of the said Market Hall and additional Sites, and of the Tolls and other Profits of the Markets and Fairs, and of the General Improvement Rate to be levied under the Provisions of this Act.

XLVI. That

Application of Profits of Markets and Fairs.

XLVI. That all Tolls and other Profits which the Commissioners shall receive from the Markets and Fairs shall be applied as follows; (that is to say,)

First, in paying the current ordinary Expenses of keeping up and maintaining the Market Places and Buildings connected therewith, and all other Expenses incident to the Markets and Fairs:

Secondly, in paying the Interest upon the Principal Moneys borrowed on Mortgage of the said Market Places, Tolls, and Profits of the Market and Fairs and General Improvement Rate, under the Power for that Purpose herein contained:

Thirdly, in setting apart a Sum equal to not less than a Thirtieth Part of such Principal Moneys, for the Purpose of forming a Sinking Fund, to be invested in the Manner prescribed by the Eighty-fourth Section of "The Commissioners Clauses Act, 1847," and to be applied exclusively from Time to Time in paying off the Principal Moneys so borrowed:

Fourthly, the Residue of such Tolls and Profits shall be added to the said General Improvement Rate.

Saving Rights with respect to Markets and Fairs.

XLVII. That the Sections of "The Markets and Fairs Clauses Act, 1847," incorporated with this Act, shall not be held or construed to confer upon the Commissioners any Right, Power, Privilege, or Authority in derogation of any Franchise, Right, or Privilege to hold Markets or Fairs, or take any Stallages, Rents, Tolls, or Dues in respect thereof to which the said *Wellington* Market Hall Company or any Person or Persons may for the Time being be entitled; nor shall this Act or any Act incorporated herewith confer upon the Commissioners any Rights, Powers, Privileges, or Authorities in or over or with reference to any Markets or Fairs, or any Stallages, Rents, Tolls, or Dues in respect thereof, until they shall have purchased the present and existing Markets, Fairs, Rights, and Franchises of the said *Wellington* Market Hall Company, or other Person or Persons entitled to any Markets, Stallages, Rents, Tolls, or Dues within the said Limits.

Power to purchase Gasworks.

XLVIII. That it shall be lawful for the *Wellington* Coal and Gaslight Company, established under the Provisions of the Act Seventh and Eighth of *Victoria*, Chapter One hundred and ten, and commonly known as The Joint Stock Companies Registration Act, with the Consent of Three Fifths of the Votes of the Proprietors of such Coal and Gaslight Company, present in Person or by Proxy at any General Meeting of such Company specially convened for the Purpose, to sell to the Commissioners, and it shall be lawful for the Commissioners with the Consent of the Ratepayers, as herein-after provided, to purchase, at such Price and upon such Terms and Conditions as shall

shall be mutually agreed upon between the said Company and the Commissioners, the Undertaking, Rights, Powers, Easements, and Authorities of such Company (that is to say,) all and every their Gasworks of every Description, Mains, Pipes, and other Works, Real and Personal Estate and Effects and Privileges; subject, nevertheless, and without Prejudice to all Mortgages and other Debts of the said Company which shall be directly charged upon the said Gasworks Undertaking, or any Part thereof, and the Commissioners may borrow such Moneys as they may require for the Purchase of the said Undertaking on Mortgage thereof, and of the Rents and Profits to be derived therefrom, and of the Lighting Rate herein-after mentioned.

Power to sell and purchase Undertaking of Wellington Waterworks Company.

XLIX. That it shall be lawful for the *Wellington* Waterworks Company, established under the Provisions of the said Joint Stock Companies Registration Act, with the Consent of Three Fifths of the Votes of the Shareholders of such Company, present in Person or by Proxy at any General Meeting of such Company specially convened for the Purpose, to sell to the Commissioners, and it shall be lawful for the Commissioners with the Consent of the Ratepayers, as herein-after provided, to purchase, at such Price, and upon such Terms and Conditions as shall be mutually agreed upon between them, the Undertaking of the said Company, that is to say, all and every their Waterworks of every Description, Mains, Pipes, and other Works, Real and Personal Estate and Effects, Rights, Easements, Powers, Authorities, and Privileges, subject, nevertheless, and without Prejudice to all Mortgages and other Debts of the said *Wellington* Waterworks Company, which shall be directly charged upon the said Undertaking, or any Part thereof; and the Commissioners may borrow such Moneys as they may require for the Purchase of the said Undertaking on Mortgage thereof, and of the Rents, Rates, and Profits to be derived therefrom, and of the General Improvement Rate herein-after mentioned.

Receipt of Three Directors to be sufficient Discharge for Purchase Money.

L. That the Receipt in Writing under the Hands of any Three of the Directors for the Time being of the said *Wellington* Coal and Gaslight Company, and of the said *Wellington* Waterworks Company respectively, shall be a sufficient Discharge to the Commissioners for the Purchase Money of the Undertaking or Undertakings of such Company or Companies respectively, or for so much thereof as in such Receipt shall be expressed to have been received.

Payment and Application of Purchase Money.

LI. That the Sum agreed upon as the Price or Consideration for the Purchase of the Undertaking of the said Coal and Gaslight Company, or Waterworks Company, as the Case may be, shall be paid into such Bank as the Directors for the Time being of the selling Company shall appoint, to the Account of such Company, and shall be applied by such Directors in manner following; (that is to say,) first, in discharging

charging all outstanding Debts and Liabilities of the Company which shall not have been secured by Mortgage or other direct Charge upon the Undertaking, or any Part thereof; and, secondly, in making a fair rateable Division of the Residue thereof amongst the Shareholders of the Company in proportion to their respective Shares and Interests in the Undertaking sold.

Time and Place of Payment to Shareholders.

LII. That the Directors of the said Companies respectively shall give Notice of the Time and Place for Payment to the Shareholders of their respective Portions of such Purchase Money, in like Manner as they are required to give Notice of General Meetings of the Company, and shall pay the same accordingly to such of the Shareholders as shall apply for and give Receipts for the same.

Directors may deal with registered Shareholders as absolutely entitled.

LIII. That in carrying into execution the Provisions of this Act, with respect to the Payment of such Purchase Money to the Shareholders, the Directors of the said Companies respectively shall not be bound to regard any Manner of Trust, Limitation, Disposition, or Appointment of or affecting any Share in the Undertaking sold, or the Purchase Money for the same, but may deal with the Person who shall be registered in the Books of the Company as the Holder of such Share, or the Executors or Administrators of any such deceased Person, as the absolute Proprietor thereof, and the Receipt of such Person, or if Two or more Persons shall be jointly registered as the Holder of any Share, then the Receipt of any One of such Persons shall be a sufficient Discharge to the Directors for the Purchase Money therein expressed to be received for the same; and if any Person so registered as aforesaid, or his Executors or Administrators, shall be a Femme Covert, Infant, Lunatic, or otherwise under legal Disability, or shall be out of the United Kingdom, the Receipt of her or his Husband, Guardian, Trustee, Committee, or Agent, as the Case may be, shall be a sufficient Discharge, and the Directors shall not be bound to see to the Application of such Purchase Moneys, or be answerable for any Loss, Misapplication, or Non-application thereof; but, nevertheless, such Moneys shall, when paid by the Directors, be subject and liable to the same Trusts, Limitations, Dispositions, and Appointments, testamentary or otherwise, as the Share or Shares in respect of which they were paid was or were subject or liable to, or would have been subject or liable to, if the Undertaking had not been sold.

Purchase Money to be subject to same Trusts as the Shares.

Eventual Incorporation of Provisions of 10 & 11 Vict. c. 15.

LIV. That after the Completion of the Purchase of the Undertaking of the said *Wellington* Coal and Gaslight Company, "The Gasworks Clauses Act, 1847," shall be incorporated with and form Part of this Act; and the Word "Undertakers" in the said Act shall mean the Commissioners.

LV. That

Account and Application of Profits of Gasworks.

LV. That if and when the Undertaking of the *Wellington* Coal and Gaslight Company shall have been purchased by the Commissioners, the Commissioners shall keep a separate Account of their Expenditure and Receipts in respect of such Undertaking; and all Profits derived therefrom in every Year shall be applied as follows; (namely,)

First, in paying the Expense of maintaining, extending, and keeping in repair the Gasworks, Pipes, and other Apparatus comprised in such Undertaking;

Secondly, in paying the Interest on all Principal Moneys secured by Mortgage or other direct Charge upon the said Undertaking only, or by Mortgages thereof, and of the General Improvement Rate to be levied under this Act; and,

Thirdly, in setting apart a Sum not exceeding One Thirtieth Part of the Principal Moneys secured by Mortgage as aforesaid as a Sinking Fund for the Payment thereof; and the Remainder of such Residue, if any, shall be carried to the Account and applied in aid of the said General Improvement Rate.

Account and Application of Profits of Waterworks.

LVI. That if and when the Undertaking of the *Wellington* Waterworks Company shall have been purchased by the Commissioners, the Commissioners shall keep a separate Account of their Expenditure and Receipts in respect of such Undertaking; and all Profits derived therefrom in every Year shall be applied as follows; (namely,)

First, in paying the Expenses of maintaining, extending, and keeping in repair the Waterworks, Pipes, Mains, and Works comprised in such Undertaking;

Secondly, in paying the Interest on all Principal Moneys secured by Mortgage or other direct Charge upon the said Undertaking only, or of the said Undertaking and of the General Improvement Rate to be levied under this Act;

Thirdly, in setting apart a Sum not exceeding One Thirtieth Part of such Principal Moneys as a Sinking Fund for the Payment thereof; and the Residue (if any) of such Profits shall be carried to the Account and applied in aid of the said General Improvement Rate.

Moneys set apart as a Sinking Fund may be invested, and the annual Profits treated as Profits of the Undertaking.

LVII. That the Moneys which by virtue of the Provisions aforesaid shall be set apart as a Sinking Fund shall be from Time to Time invested by the Commissioners in like Manner as other Moneys set apart as a Sinking Fund are by this Act directed to be invested, and the Dividends and annual Income to be derived from such Investments shall be carried to the Account of Profits of the Undertaking from the Profits of which such Sinking Fund has been formed; and such Investments may be changed from Time to Time for others of a like

like Nature, or may be sold out and realised, and the Money applied in Payment of Principal Moneys, for discharging which such Sinking Fund was established.

Eventual Incorporation of Provisions of 10 & 11 Vict. c. 17.

LVIII. That after the Completion of the Purchase by the Commissioners of the *Wellington* Waterworks Company, the said "Waterworks Clauses Act, 1847," 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 Undertakers:" Provided always, that the Commissioners shall not be bound to supply Water at constant Pressure at an Elevation of more than Thirty Feet above the Level of any Street within the Limits.

Power for Justices to order Repair of Reservoirs, and in certain Cases to direct the Water therein to be lowered.

LIX. And in order to provide against Accidents to Life or Property by the bursting of any Reservoir which may be purchased under the Provisions of this Act, be it enacted, That if and when the Purchase of the Undertaking of the said *Wellington* Waterworks Company shall be completed under the Provisions of this Act, it shall be represented to Two Justices by the Owners or Occupiers of any Dwelling-house, Mill, Factory, or other Works situate below any such Reservoir as aforesaid, and so as to be in danger of being destroyed or injured by the Water of such Reservoir in case it should escape therefrom, that such Reservoir is in a dangerous State, such Justices shall forthwith make Inquiry into the Truth of such Representation; and if they shall be satisfied that such Reservoir is in a dangerous State, they shall, by Writing under their Hands, order and require the Commissioners within a Time to be specified in such Writing to put such Reservoir into a proper State of Repair, or to construct such Works as may be necessary to remove the Danger; and in case the Commissioners shall not within the Time so limited, and to the Satisfaction of the Justices who shall have made such Order, or of any Two Justices, have repaired the said Reservoir or constructed the said Works, or in case, upon receiving such Representation as aforesaid, the Justices shall consider the Danger to be so imminent as not to admit of Delay, they may, if they shall think fit, by Writing under their Hands, order and direct the Officer in charge of such Reservoir, or any other Person or Persons whom they may think proper, to enter upon the Premises of the Commissioners, and to open the Sluices of such Reservoir, or otherwise to let off so much of the Water from such Reservoir as may be necessary to remove the Danger, and to keep the Water in such Reservoir at the reduced Level until the said Reservoir shall have been repaired, or such Work as aforesaid shall have been constructed to the Satisfaction of the Justices who shall have made such Order, or any other Two Justices, and who shall signify their Satisfaction by Writing superseding such Order,

Order, or until such Order shall be superseded upon Appeal as herein-after mentioned; and such Order may be in the Form or to the Purport and Effect following; (that is to say),

'To *A.B.*

'WE, the undersigned, Two of Her Majesty's Justices of the 'Peace acting in and for the County of Salop, do hereby order 'and direct you, and such Person or Persons as you may require to 'aid and assist you herein, forthwith to do all such Acts as may 'be necessary to lower the Water in a certain Reservoir known as 'the Reservoir, by the Space of Feet 'or thereabouts, and to keep the same at that Level until you 'shall be further instructed by us, or by Two other Justices of the 'Peace acting in and for the said County; and you shall do as 'little Injury as possible to the Property of the Commissioners; 'and in acting in obedience to the Premises this shall be your 'sufficient Warrant.

'Given under our Hands this Day of

'One thousand eight hundred and .

'(Signed) *C.D.*

'*E.F.*'

And no Person acting under and in pursuance of such Order shall be deemed a Trespasser; and any Person who shall obstruct or prevent such Person in the Discharge of such Order, or shall wilfully do any Act in contravention of such Order, shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds: Provided always, that, except when the Urgency of the Case will not admit of the Delay, the Justices, before making an Order to repair any such Reservoir, or to construct any Works as aforesaid, or to lower the Water in any such Reservoir, shall cause Notice to be given to the Clerk of the Commissioners, and shall hear and consider any Evidence that may be tendered on behalf of the Commissioners against the making of such Order: Provided also, that if the Commissioners shall consider themselves aggrieved by any such Order they may appeal against the same to any Quarter Sessions, upon giving to the Justices who shall have made such Order Three Weeks Notice in Writing of the Grounds of such Appeal; and the Court of Quarter Sessions shall hear and determine such Appeal, and may either confirm or supersede the Order of the said Justices as they may think proper; but until such Order shall be superseded it shall continue in full force, and all the Costs, Charges, and Expenses of applying for, obtaining, and enforcing such Order shall be borne by the Commissioners, unless the Justices making the Order shall direct such Costs, Charges, and Expenses, or a proportionate Part of them, to be borne by the Parties applying for such Order, which they are hereby authorized to do; and the Costs of any such Appeal as aforesaid shall be in the Discretion of the said Court of Quarter Sessions.

Undertakings of Market Hall, Waterworks, or Coal and Gas-light Companies, not to be purchased without Consent of certain Ratepayers.

LX. That, notwithstanding anything in this Act contained, it shall not be lawful for the Commissioners to purchase the Undertakings of the said *Wellington* Market Hall Company, the said *Wellington* Waterworks Company, and the said *Wellington* Coal and Gaslight Company, or any of them, without the Consent of Three Fifths of the Ratepayers assessed under this Act to the General Improvement Rate, and otherwise duly qualified to vote, signified at a Special Meeting of the said Ratepayers expressly convened for the Purpose by Advertisement for Two successive Weeks in a Newspaper published and circulating in the County of *Salop*.

Power to purchase Lands for Cemeteries.

LXI. That it shall be lawful for the Commissioners from Time to Time to purchase, in suitable and convenient Places, such Lands as they may think proper within the Parish of *Wellington* for making a Cemetery or Cemeteries, and to make the same accordingly: Provided always, that no such Cemetery, or any Part thereof shall be made within Three hundred Yards of any House, except with the Consent in Writing of the Owner, Lessee, and Occupier of such House.

Certain Portions of 10 & 11 Vict. c. 65. incorporated.

LXII. That the Sections of "The Cemeteries Clauses Act, 1847," with respect to the making of the Cemetery, and with respect to preventing Nuisances from the Cemetery, and with respect to Burials in the Cemetery, and with respect to exclusive Rights of Burial and monumental Inscriptions in the Cemetery, and with respect to Payments to Incumbents of Parishes or Ecclesiastical Districts, and to Parish Clerks, and with respect to the Protection of the Cemetery, are hereby incorporated with and shall form Part of this Act, and shall be applicable to every Cemetery that may hereafter be made or acquired by the Commissioners.

No Burial-ground to be established within the Limits without the Authority of Parliament or Consent of Commissioners; and no Corpse to be interred except in Burial-grounds legally constituted.

LXIII. That after the passing of this Act it shall not be lawful for any Person or Persons, except under the Authority of an Act of Parliament, to appropriate or set apart within the Limits any Land as a Burial Ground without the Consent in Writing of the Commissioners under their Common Seal first had and obtained, or to bury or cause or allow to be buried any Corpse in any Land within the Limits not being a Burial Ground legally constituted, or in any Manner to officiate or assist at any such Burial; and no Ground shall be appropriated or set apart as a Burial Ground without the previous Sanction and Authority of Her Majesty's Secretary of State for the Home Department, communicated to the said Commissioners in Writing; and every Person who, contrary to the true Intent and Meaning of this Enactment, shall offend by appropriating or setting apart any such Land without such Authority or Consent as aforesaid, or by burying or causing or allowing to be buried in any Land not being a Burial Ground legally constituted as aforesaid, or by officiating or assisting at

at any such Burial, shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.

Power to borrow Money for Purposes of Cemetery.

LXIV. That the Commissioners may borrow such Moneys as they may require for the Purposes of any Cemetery on Mortgage of such Cemetery, and of the Profits thereof, and of the General Improvement Rate to be levied under the Provisions of this Act.

Application of Profits of Cemetery.

LXV. That all Profits which the Commissioners may receive from any Cemetery shall be applied as follows ; (that is to say,)

First, in paying the current ordinary Expenses of keeping up and maintaining such Cemetery, and otherwise incident thereto ;

Secondly, in paying the Interest upon the Principal Moneys borrowed on Mortgage of such Cemetery and of the Profits thereof, and of the General Improvement Rate, under the Power for that Purpose herein contained ;

Thirdly, in setting apart a Sum equal to not less than a Thirtieth Part of such Principal Moneys for the Purpose of forming a Sinking Fund to be invested in the Manner prescribed by the Eighty-fourth Section of "The Commissioners Clauses Act, 1847," and to be applied exclusively from Time to Time in paying off the Principal Moneys so borrowed ;

Fourthly, the Residue of such Profits shall be added to the said General Improvement Rate.

Power to make annually a Lighting Rate;

LXVI. That the Commissioners shall annually make a Rate, to be called the Lighting Rate, for the Payment of all Expenses which may from Time to Time be incurred by them in Lighting or causing or procuring to be lighted the Streets and other public Places and Buildings under their Control, and the Interest herein-before mentioned and such Rate shall be of such Amount as, together with the Balance of Moneys in their Hands applicable to the same Purpose, shall be sufficient to defray such Expenses, and also to defray any Interest upon Principal Moneys borrowed on Mortgage of the Undertaking of the said *Wellington* Coal and Gaslight Company, and of the said Lighting Rate, which the Profits for the Time being from the said Undertaking may be insufficient to pay ; and the said Rate shall be rated and assessed upon the Occupiers of all Lands, Buildings, Tenements, and Hereditaments rateable to the Relief of the Poor within the Limits of this Act, and shall be assessed upon the full and fair annual Value to which such Lands, Buildings, Tenements, and Hereditaments shall be rated or shall be rateable according to the last Valuation made and acted upon for the Rate for the Relief of the Poor within the said Limits, and such Rate shall be be levied and recovered as other Rates under this Act may be levied and recovered: Provided always, that the Occupier of any Land

Land used as Arable, Meadow, or Pasture Ground only, or as Woodland, Market Garden, or Nursery Ground, shall be assessed in respect of the same in the Proportion of One Third Part only of such net annual Value thereof, and that the Owner of the Tithe Commutation Rentcharge shall be assessed in respect thereof in the Proportion of One Third Part only of the annual Amount of such Rentcharge: Provided also, that whenever the Balance in the Hands of the Commissioners applicable to the Purposes aforesaid shall, in their Opinion, be sufficient to defray the Expenses chargeable upon the Lighting Rate for the ensuing Year no Lighting Rate for that Year shall be made or levied.

also a Highway Rate;

LXVII. That the Commissioners shall annually make a Rate, to be called "The Highway Rate," for the Payment of all Expenses which by this Act or the Laws relating to Highways may be payable out of the Highway Rate; and such Highway Rate shall be rated and assessed upon the Occupiers of all Lands, Buildings, Tenements, and Hereditaments in respect of which a Highway Rate is or shall by the Acts of Parliament for the Time being in force relating to Highways in *England* be authorized or directed to be rated and assessed, and shall be levied and recovered as any Rates by this Act may be levied and recovered.

and also a General Improvement Rate.

LXVIII. That in addition to the Lighting and Highway Rates by this Act authorized to be made, the Commissioners shall annually make a Rate, to be called "The General Improvement Rate," for the Payment of all Expenses which may from Time to Time be properly incurred by them in the Execution of this Act, and which may not otherwise be sufficiently provided for by this Act, and such Rate shall be of such Amount as, together with the Moneys which by virtue of this Act shall be added thereto or brought in aid thereof from Time to Time, shall be sufficient to defray the Expenses last aforesaid, and to make up any Deficiency in the Profits from the Markets and Fairs, or from Gasworks or Waterworks, or from any Cemetery, to pay the Interest for the Time being due on Principal Moneys borrowed under the Powers herein-before contained for the Purposes of the Markets and Fairs or of the Gasworks or Waterworks hereby authorized to be purchased, or of the Cemetery, and as shall be sufficient to defray the Interest upon all other Sums of Money charged upon or secured by Mortgage of the said General Improvement Rate, and as shall be sufficient to add to the Sinking Funds to be formed for Payment of Principal Moneys borrowed for the Purposes of Markets and Fairs, and Gas and Water Works, and Cemetery as aforesaid, or any or either of such Sinking Funds, such respective Sums or Sum as shall be necessary to ensure the Repayment of such Principal Moneys by means of such Sinking Funds in the course of Thirty Years, and as shall

shall be sufficient to pay a Thirtieth Part at least of all other Principal Moneys charged upon or due on Mortgage of the said General Improvement Rate.

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

LXIX. That the Owners and Occupiers of Houses, Buildings, Courtyards, Yards, and Gardens, and all other Property within the Limits of this Act, except as after excepted, shall be rated to the said General Improvement Rate at the full annual Value of the same: Provided always, that Owners and Occupiers of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and of all Lands covered with Water, and used only as a Canal, and any Towing-path to the same, and all Lands used as a Railway for public Conveyance within the Limits of this Act, shall be rated under the Powers of this Act, and of any of the Acts recited or incorporated herewith, at One Fourth only of the net annual Value of such Lands respectively.

Exemption from Rates.

LXX. That no Person shall be rated to any General Improvement Rate made in pursuance of this Act in respect of Tithes, or of any Building exclusively used for the Purposes of Religious Worship or public Charity, or Education of the Poor, or for any Two or more of such Purposes, or any Building or Land belonging to the Commissioners.

Owners of Property not exceeding 6*l.* annual Value to pay Rates.

LXXI. That the Owners of all rateable Property of which the full net annual Value does not exceed the Sum of Six Pounds, or which are let to weekly or monthly Tenants, or in separate Apartments, shall be rated to and pay all Rates of every Description by this Act directed to be made, instead of the Occupiers thereof.

Limit of Amount of Rates.

LXXII. That the total Amount of Rates, exclusive of Highway and Lighting Rates, to be levied in any One Year under the Provisions of this Act, after the First Year, shall not exceed the Sum of One Shilling in the Pound on the Assessment for the Relief of the Poor in the said Parish of *Wellington*; but for the First Year of the Operation of this Act it shall be lawful for the Commissioners to levy, in addition to the said Highway and Lighting Rates, an Amount not exceeding the Sum of One Shilling and Sixpence in the Pound on such Assessment as last aforesaid.

Power to increase Rate by Consent of Ratepayers.

LXXIII. That if at any Time it shall appear that the said Sum of One Shilling in the Pound is not sufficient for the Purposes of this Act, it shall be lawful for the Commissioners, with the Consent of Three Fifths (in Value) of the Ratepayers, assessed to the said General Improvement Rate, present at a Special Meeting to be called and held for the Purpose of increasing the Rate of One Shilling in the Pound, at which Special Meeting it shall not be lawful for any Ratepayer

who shall not have paid up any such Rate due from him under this Act to attend and vote (provided such Rates shall have been lawfully demanded) to increase the said Rate, so as the same shall not in any One Year exceed the Sum of Two Shillings in the Pound on such annual Value as aforesaid; and each Ratepayer shall be entitled to give as many Votes for or against increasing the said Rate as he would be entitled to give in the Election of Commissioners: Provided always, that Notice of the Intention of the Commissioners to hold such Special Meeting, and to make any Increase of Rate, shall be given by posting Handbills on the Church Door, and on some One or more of the Chapel Doors, within the Limits of this Act, and by Advertisement in a Newspaper published and circulating in the County of *Salop*, or otherwise as the Commissioners shall or may direct.

Power to borrow Money on Mortgage of the Rates.

LXXIV. That it shall be lawful for the Commissioners from Time to Time to borrow Money for any Purpose for which, by virtue of this Act, or of any of the incorporated Acts or otherwise, the Commissioners may require and lawfully take up Money on Mortgage (except where any such Money is by this Act expressly directed to be raised by Mortgage of some other Rate or Property of the Commissioners), on Mortgage of the General Improvement Rate: Provided always, that the Money so to be borrowed shall not at any Time exceed in the whole the assessable Value for One Year of the Premises assessable to such General Improvement Rate; and the Commissioners shall in every Year pay off not less than One Thirtieth Part of the Money so borrowed, and Interest thereof, by equal Instalments, until the whole of the Principal Money so borrowed and Interest thereof has been discharged.

Power to borrow Money to pay off former Mortgages.

LXXV. That if at the Time appointed by any Mortgage Deed for Payment of the Principal Money secured thereby the Commissioners are unable to pay off the same, they may, if they shall think fit, borrow such Sum of Money as may be necessary for the Purpose of paying off the whole or any Part of the Principal Money, and may secure the Repayment of the same, and the Interest to be paid thereon, in the same Manner in all respects, and upon the Rates or Property upon which the Principal Money to be paid off was secured.

Arrears may be enforced by the Appointment of a Receiver.

LXXVI. That the Mortgagees of the Commissioners shall be at liberty and are hereby empowered to enforce the Payment of the Arrears of Interest, or the Arrears of Principal and Interest for the Time being due to them, by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver the Amount owing to the Mortgagee or Mortgagees by whom Application for such Receiver shall be made shall not be less than One thousand Pounds in the whole.

LXXVII. That

Application of Profits from certain Works.

LXXVII. That all the Profits which the Commissioners shall receive from Baths and Wash-houses, after paying the current ordinary Expenses of keeping up and maintaining the same, and all other Moneys which they may from Time to Time receive, and whereof no special Application is directed by this Act, shall be added to the General Improvement Rate, and be considered and dealt with as Part and Parcel thereof.

Expenses of Act.

LXXVIII. That the Costs, Charges, and Expenses of and attending the passing of this Act, and preparatory thereto, shall be paid by the Commissioners.

SCHE-

SCHEDULE to which the foregoing Act refers.

SCHEDULE.

TABLE of TOLLS of MARKETS and FAIRS, shewing the several TOLLS, DUTIES, RENTS, and STALLAGE payable in the MARKETS if purchased by the Commissioners.

In the Beast Market.

	s.	*d.*
For every Horse, Mare, or Gelding bought or exposed to Sale - -	0	4
For every Colt, Filly, or Foal - - - - - -	0	2
For every Bull, Steer, Cow, or Heifer - - - -	0	3
For every Calf - - - - - - -	0	1
For every Mule or Ass - - - - - -	0	1
For every Sheep or Lamb - - - - - -	0	1
For every Swine or Hog - - - - - -	0	1
For every Sucking Pig - - - - - -	0	0½

And the following additional Tolls to be paid by the Buyers:—

For every Horse, Mare, or Gelding sold and entered in the Toll Book, an additional Toll on such Entry, to be paid by the Buyer, of	0	4
For every Horse, Mare, or Gelding sold, and not entered in the Toll Book - - - - - - -	0	2
For every Colt, Filly, or Foal - - - - -	0	1
For every Bull, Steer, Cow, Heifer, or other such Cattle - -	0	2
For every Sheep or Lamb - - - - - -	0	0½
For every Swine or Hog, except Sucking Pigs - - -	0	0½

In the Hay Market.

For every Load of Hay, Straw, or Fodder, brought or exposed to Sale - - - - - - - - -	0	8
For every Cartload of Hay, Straw, or Fodder - - -	0	4

In the other Markets.

From the Occupiers of each Butcher's Stall, according to the Size and Dimensions of the same, viz., for each Superficial Square Foot thereof:—

If the Stall and Passage in front thereof be covered over from the Weather:		
If taken by the Year, not exceeding the Sum of - - -	6	8
By the Half Year, not exceeding the Sum of - - - -	3	4
By the Quarter, not exceeding the Sum of - - - -	1	8
If otherwise taken or occupied, for each Market Day or other Day in the Week - - - - - - -	0	1¾

	s.	*d.*
If the Stall and Passage in front thereof be not covered over as above:		
If taken by the Year, not exceeding the Sum of - - -	6	0
By the Half Year, not exceeding - - - - -	3	0
By the Quarter, not exceeding - - - - -	1	6
If otherwise taken or occupied, for each Market Day or other Day in the Week - - - - - - -	0	1½
From the Occupier of each Stand for Vegetables raised above the Ground, with progressive Steps or Benches, according to the Size and Dimensions of the same; viz., for each Superficial Square Foot thereof:—		
If the Stand or Passage in front be covered over from the Weather:		
If taken by the Year, not exceeding - - - -	5	0
By the Half Year, not exceeding - - - - -	2	6
By the Quarter, not exceeding - - - - -	1	3
If otherwise taken, for every Market Day or other Day in the Week, not exceeding - - - - - - -	0	1½
If the Stand and Passage in front be not covered over as above:		
If taken by the Year, not exceeding - - - -	4	0
By the Half Year, not exceeding - - - - -	2	0
By the Quarter, not exceeding - - - - -	1	0
If otherwise taken or occupied, for each Market Day or other Day in the Week - - - - - - -	0	1
From the Occupier of each other Stand or Bench according to the Size and Dimensions of the same; viz., for each Superficial Square Foot thereof:—		
If the Stand or Bench and Passage in front thereof be covered over from the Weather:		
If taken by the Year, not exceeding - - - -	5	0
By the Half Year, not exceeding - - - - -	2	6
By the Quarter, not exceeding - - - - -	1	3
If otherwise taken, for each Market Day or other Day in the Week, not exceeding - - - - - - -	0	1½
If the Stand or Bench and Passage in front thereof be not covered over as above:		
If taken by the Year, not exceeding - - - -	4	0
By the Half Year, not exceeding - - - - -	2	0
By the Quarter, not exceeding - - - - -	1	0
If otherwise taken, for each Market Day or other Day in the Week, not exceeding - - - - - - -	0	1
From the Occupier of each Compartment or Space on the Surface of the Ground, according to the Size and Dimensions of the same; viz., for each Superficial Square Foot thereof:—		
If the Compartment or Space and the Passage adjoining the same be covered over from the Weather;		
If taken by the Year, not exceeding - - - -	3	10
By the Half Year, not exceeding - - - - -	1	11
By the Quarter, not exceeding - - - - -	0	11½
If otherwise taken, for each Market Day or other Day in the Week, not exceeding - - - - - - -	0	0¾

	s.	d.
From every other Person exposing any Article, Matter, or Thing for Sale in the said Markets, and not occupying any Stall, Stand, or Bench, nor any defined Compartment or Space on the Surface of the Ground:—		
If the Spot where such Person shall stand be covered over from the Weather:		
For every Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing, not containing more than One Bushel, not exceeding - - - - - -	0	1¾
For every additional Half Bushel - - - - -	0	0¾
If the Spot be not covered over as above:		
For every Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing, not containing more than One Bushel - -	0	1
For every additional Bushel - - - - -	0	0½

The above-mentioned Tolls and Stallage in the said Markets and Fairs to be paid and payable in respect of the Occupation of any Stall, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof for a Part or Portion of the Day or Space of Time, as by any subsequent Taker or Occupier of the same for any other Part or Portion of the Day or Space of Time.

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