ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

****

Cap. xxxii.

An Act for defining the Boundaries of the Parishes of *Whittlesey Saint Mary* and *Whittlesey Saint Andrew* in the *Isle of Ely* in the County of *Cambridge* for Ecclesiastical Purposes, for the Union of the said Parishes for other Purposes, and for better paving, lighting, watching, cleansing, and otherwise regulating and improving the Town of *Whittlesey*. [26th *June* 1849.]

WHEREAS the Boundaries of the respective Parishes of *Whittlesey Saint Mary* and *Whittlesey Saint Andrew* in the *Isle of Ely* in the County of *Cambridge* are intermixed and confused: And whereas it would tend greatly to the Benefit of the Inhabitants of the said Parishes if for the general Administration of the Affairs of the said Parishes other than for Ecclesiastical Purposes the same were united into One Parish: And whereas the Parish of *Whittlesey Saint Mary* is a Vicarage, with the Parish Church thereto belonging, and *John Walbanke Childers* Esquire has contracted for the Purchase of the Advowson and Right of Patronage of such Vicarage and Parish Church, and the Reverend *Simeon Lloyd Pope* is the present Vicar thereof: And whereas the Parish of *Whittlesey Saint Andrew* is a Vicarage, with the Parish Church thereto

belonging, and is in the Patronage of Your Majesty, and under Twenty Pounds Value in Your Majesty's Books, and the Reverend *Edmund Reynolds* is the present Vicar thereof: And whereas there is at *Coates* a consecrated Chapel situated in the Parish of *Whittlesey Saint Mary* or in the Parish of *Whittlesey Saint Andrew*, called the Chapel of the *Holy Trinity*, which was built partly out of Funds placed by Parliament at the Disposal of Your Majesty's Commissioners for building new Churches, and the Reverend *Thomas Bedford* is the present Minister of such Chapel: And whereas the Churches of the aforesaid Parishes of *Saint Mary Whittlesey* and *Saint Andrew Whittlesey*, and also the Chapel of the *Holy Trinity* at *Coates* aforesaid, are locally situate in the Diocese of *Ely*, and are subject to the Jurisdiction of the Bishop of *Ely*: And whereas it would tend greatly to the spiritual Advantage of the Inhabitants of the respective Parishes of *Whittlesey Saint Mary* and *Whittlesey Saint Andrew* if a defined pastoral Superintendence was established with respect to such Parishes, and if the respective Parish Boundaries of such Parishes were for Ecclesiastical Purposes settled, and if such Parishes were respectively made for Ecclesiastical Purposes separate and distinct Parishes, and a District for Ecclesiastical Purposes assigned to the said Chapel of the *Holy Trinity* at *Coates* as aforesaid: And whereas in consequence of the Confusion of the Boundaries of the said Two Parishes the Churchwardens, Overseers, and other parochial Officers have for many Years past been appointed by the Inhabitants of the Two Parishes jointly and indiscriminately, and such Officers have acted for and been considered as the parochial Officers of the said Two Parishes jointly and indiscriminately, and have not exercised their respective Functions in the separate Parishes independent of the other Parish: And whereas it is expedient that Powers should be granted for lighting, paving, watching, cleansing draining, regulating and improving the Streets, Highways, public Passages and other Places within the Town of *Whittlesey* in the *Isle of Ely* in the County of *Cambridge*, as hereinafter more particularly defined: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act each of the said Parishes of *Saint Mary Whittlesey* and *Saint Andrew Whittlesey* shall for ever thereafter be a separate and distinct Parish for all Ecclesiastical Purposes, and their present Parish Churches respectively shall be the Churches of each such distinct and separate Parish, and that the Boundaries of the Parish of *Saint Mary Whittlesey*, including the District Chapelry to be assigned out of the said Parish of *Saint Mary Whittlesey*, as herein-after mentioned, to the Chapel of the *Holy Trinity* at *Coates* in *Whittlesey*, shall be deemed to be comprised within the Limits next herein-after mentioned, that is to say, proceeding from *Oakley Dike* North-eastwardly along the Middle of *Old Bevill's Leam* to *Angle Bridge*, thence Westward along the Middle of the Watercourse called *Whittlesey Dike* to *Beals* otherwise *Haynes Bridge* in the Town of *Whittlesey*, thence along the Centre of the *Town Drain*, separating the Premises of *Henry Haynes* Esquire from the

St. Mary Whittlesey and St. Andrew Whittlesey to be separate and distinct Parishes for Ecclesiastical Purposes.

the Property of the late *John Russell*, to *Paradise Lane*, thence along the Centre of *Paradise Lane*, crossing *London Street*, along the Middle of *Falcon Street*, to the Middle of *Alms House Street*, thence Westwardly to *Broad Street*, thence Northwardly to the Centre of *Whitmore Street*, thence Westwardly to the Middle of *Windmill Street*, thence Northwardly, down the Centre of *Baunce Lane*, to the Middle of the public Road, thence Eastwardly to the Middle of the Highway or Street called *Delph*, thence Northwardly, by the Centre of *Delph Dike*, to the *Dog and Doublet Bridge*, including all the District East of the said Boundary and South of *Smith's Leam*; and the Parish of *Saint Andrew Whittlesey* shall be deemed to be and comprise all such Parts of the said Parishes of *Saint Mary Whittlesey* and *Saint Andrew Whittlesey* as are not included within the Limits of the Parish of *Saint Mary Whittlesey* as above defined.

Endowment of Saint Mary's Church, Whittlesey.

II. And be it enacted, That the distinct and separate Parish and Vicarage of *Saint Mary Whittlesey* as aforesaid shall continue to be a Vicarage, and shall be endowed as at present with the Glebe Lands, Rent-charges on Land, Monies, and Dividends on the Government Securities specified in the First Schedule to this Act annexed, in addition to any other Endowments thereto bolonging, and in addition to the surplus Fees, Dues, *Easter* Offerings, and all other Fees whatsoever now payable to the Minister thereof, and also in addition to the Rent-charge on the Small Tithes herein-after authorized to be made or confirmed by the Owner of such Tithes, as an Augmentation of the Endowment of such Vicarage.

Further Endowment of St. Mary's Whittlesey.

III. And be it enacted, That it shall and may be lawful (the Statutes of Mortmain or any other Law to the contrary notwithstanding) for the present or any future Owner of the Tithes of *Saint Mary Whittlesey* as aforesaid, being seised of an Estate of Inheritance in Fee Simple in such Tithes, or being otherwise enabled to make such Grant, to create, by Writing under his Hand and Seal, a perpetual Rent-charge on such Tithes in favour of the Vicarage of *Saint Mary Whittlesey* as aforesaid, or in like Manner to confirm or increase any voluntary or customary Payment herein-before made out of such Tithes in favour of such Vicarage, to the Extent altogether of Seventy Pounds *per Annum*; and such Rent-charge shall be binding on the Owner of such Tithes, his Heirs and Assigns; and the Vicar for the Time being of such Vicarage shall have the same Remedies for recovering such Rent-charge, or such Part thereof as shall be in arrear, as any other Vicar has by Law for the Recovery of a Rent-charge in arrear; and the Instrument by which such Rent-charge shall have been so created, increased, or confirmed shall be registered in the Registry of the Diocese of *Ely*, and an examined Copy thereof, to be furnished by the Registrar thereof, shall be admitted in all Courts, civil, ecclesiastical, and criminal, as Evidence of such Rent-charge having been so created, increased, or confirmed.

Endowment of Saint Andrew Whittlesey.

IV. And be it enacted, That the distinct and separate Parish of *Saint Andrew Whittlesey* as aforesaid shall continue to be a Vicarage, and shall be endowed as at present with the annual Rent-charge in lieu of Tithes fixed and apportioned under the Act for the Commutation

tation of Tithes in *England* and *Wales* on the Lands set forth or described in an Award under such Act bearing Date on or about the Sixth Day of *February* One thousand eight hundred and forty-one, and such distinct and separate Parish shall also be endowed as at present with the Glebe Lands, Tenements, and Hereditaments specified or mentioned in the Second Schedule to this Act annexed, in addition to any other Endowments belonging to such Vicarage, and in addition to the Surplice Fees, Dues, *Easter* Offerings, and all other Fees whatsoever now payable to the Vicar of *Saint Andrew Whittlesey*.

Present Vicars to be continued Vicars of the respective distinct and separate Parishes.

V. And be it enacted, That the present Vicar of the Church of *Saint Mary Whittlesey* and the present Vicar of *Saint Andrew Whittlesey* shall continue to be respectively Vicars of the distinct and separate Parishes of *Saint Mary Whittlesey* and *Saint Andrew Whittlesey*, without any fresh Presentation, Induction, Institution, or other Form of Law being had, observed, or required, and they and their respective Successors shall be Vicars, and Bodies Politic and Corporate, and capable of taking and holding such Messuages, Lands, Tithes, and Hereditaments as now belong respectively to them, or any Augmentation or other Endowment granted or to be granted to them, as any other Vicar is by Law entitled to do; and such respective Vicars shall be entitled to take, receive, and recover such and the like Fees, Dues, and *Easter* Offerings as were payable and recoverable to and by the present respective Ministers of *Saint Mary Whittlesey* and *Saint Andrew Whittlesey* before the passing of this Act, and shall have the like Remedies for recovering the Tithes, Rent-charges, or other Endowments respectively belonging to them, as by Law appertain to the Recovery of the same by other Incumbents; and such respective Vicars shall be subject as now to the Jurisdiction of the said Bishop of *Ely* for the Time being, and they and the respective Patrons of such distinct and separate Parishes shall be subject to the like Laws as are now and shall for the Time being be in force in respect to Ecclesiastical Benefices, and to the Presentation, Institution, and Induction thereto, and shall have all such Rights as they now have, save and except as is herein excepted.

Appointment of Churchwardens.

VI. And be it enacted, That Two fit Persons shall be annually appointed respectively Churchwardens for each of the Churches of *Saint Mary Whittlesey* and *Saint Andrew Whittlesey*, such Persons residing within such respective distinct and separate Parishes; and the Appointment of Two such Persons respectively shall in each Case take place at the next annual Period of appointing Parish Officers, at a Meeting of Vestry to be summoned and conducted in the usual Manner prescribed by Law, and every subsequent Appointment of such Persons shall in like Manner take place at the usual Period of appointing Parish Officers; and in each such Case One of such Persons shall be chosen by the Vicar for the Time being of each such distinct and separate Parish, or the Minister serving the same in the Absence of such Vicar, and the other by the Parishioners, to be the Churchwardens of each such distinct and separate Parish; and the Two Persons, when so appointed and elected Churchwardens, in each Case shall appear and be admitted according to Law, and shall do,

do, perform, and execute all lawful Acts, Matters, and Things incident to the Office of Churchwarden; and the Persons so to be appointed and chosen Churchwardens shall continue in their said Office until others shall be appointed and chosen in their Stead; and after the first Appointment and Election of the respective Churchwardens under the Provisions of this Act the former Right or Custom of choosing Churchwardens for the Two united Parishes of *Whittlesey Saint Mary* and *Whittlesey Saint Andrew* shall cease and determine: Provided always, that no Churchwarden appointed or chosen by virtue of this Act shall be by virtue of his Office an Overseer of the Poor.

Repairs of Churches of such distinct and separate Parishes.

VII. And be it enacted, That each of the Churches of the separate Parishes of *Saint Mary Whittlesey* and *Saint Andrew Whittlesey* shall be maintained at the Costs and Charges of the Parishioners of such respective Parishes, and all Sums of Money requisite for that Purpose, and for defraying the Expenses attending the Performance of Divine Service therein, shall be provided by Rates to be made, raised, and levied within such respective Parishes, and shall be applied to the Repair and Maintenance of such Churches respectively, and the Payment of the Expenses attending the Performance of Divine Service therein; and such Parishioners respectively shall meet in Vestry for such Purposes in all respccts as Parishioners generally are by Law entitled to do; and each such Vestry shall, so far as relates to the Ecclesiastical Concerns of the said respective Parishes, have the usual Powers of a Parish Vestry.

Present Rights of Patronage to the Churches of these distinct and separate Parishes not to be altered or affected by this Act.

VIII. Provided always, and be it enacted, That nothing in this Act contained shall alter or affect the Patronage or Right of Presentation at present existing to the respective Churches of *Saint Mary Whittlesey* and *Saint Andrew Whittlesey*, but such Patronage or Right of Presentation shall belong to, and, when Occasion shall require, may be exercised, as to the separate and distinct Parish of *Saint Mary Whittlesey*, by the said *John Walbanke Childers* Esquire, his Heirs and Assigns, or other the Person being the Patron of the Church of *Saint Mary Whittlesey*, and as to the said distinct and separate Parish and Vicarage of *Saint Andrew Whittlesey*, by Her Majesty, Her Heirs and Successors, in right of the Crown.

Church Commissioners may assign a District Chapelry to the Chapel at Coates.

IX. And be it enacted, That it shall be lawful for Her Majesty's Commissioners for building new Churches to assign out of the distinct and separate Parish of *Saint Mary Whittlesey* as aforesaid a District Chapelry to the Chapel of the *Holy Trinity* at *Coates* aforesaid, under the Provisions of the Church Building Acts, or some or One of them; and such District Chapelry, and the said Chapel, and the Minister thereof, shall be subject to the same Rules, Regulations, and Provisions as are enacted under the Provisions of the Church Building Acts respecting District Chapelries, and the Churches and Ministers thereof, except so far as the same are altered by or are inconsistent with the Provisions of this Act.

Provision for Repair of Chapel at Coates.

X. And be it enacted, That for the Purpose of repairing and keeping in repair the Fabric of the said Chapel at *Coates*, and of providing for

for the Expenses attending the Performance of Divine Service in such Chapel, the Churchwardens for the Time being of the said distinct and separate Parish of *Saint Mary Whittlesey* shall be empowered and they are hereby required annually to make, raise, and levy, by means of a Church Rate within the said distinct and separate Parish of *Saint Mary Whittlesey*, including also the District Chapelry assigned or to be assigned to the said Chapel at *Coates*, the Sum of Fifteen Pounds as a Provision for the Repairs of and Expenses attending the Performance of Divine Service at the said Chapel at *Coates*, and to pay over in each and every Year such Sum to the Churchwardens for the Time being of the said Chapel of *Coates*, to be applied by the said last-mentioned Churchwardens to the necessary Repairs and Payment of such Expenses, who shall account for the same, and pay over any Surplus that may remain to the next succeeding Churchwardens of such District Chapelry, to be by them in like Manner applied and accounted for from Time to Time.

Right of Patronage as to the Chapel at Coates.

XI. And be it enacted, That the Patronage and Right of Presentation or Nomination to the said Chapel of the *Holy Trinity* at *Coates*, both before and after the Assignment of a District Chapelry thereto, as herein-before mentioned, shall hereafter belong to, and, when Occasion shall require, may be exercised alternately by Her Majesty, Her Heirs and Successors, and by *John Walbanke Childers* Esquire, his Heirs and Assigns, or other the Person being the Patron of the Church of *Saint Mary Whittlesey*, and the first Turn or Right of Presentation which shall occur after the passing of this Act shall belong to the said *John Walbanke Childers* or other Person as aforesaid: Provided that nothing herein contained shall affect or be construed to affect the present Tenure of the Reverend *Thomas Bedford* as Incumbent or Minister of the said Chapel.

Endowment of Chapel at Coates.

XII. And be it enacted, That the Endowment of the said Chapel at *Coates*, consisting of the Lands, Houses, Rent-charges, and Dividends specified in the Third Schedule to this Act annexed, and all Fees assigned by any Order in Council forming the District Chapelry to the Minister of such Chapel, shall be held and received and enjoyed by the Incumbent of such Chapel for the Time being for his own Use and Benefit, together with any other Augmentation or Endowment which has been or may be granted to such Incumbent.

Union of Parishes.

XIII. And be it enacted, That from and after the passing of this Act the said Parishes of *Whittlesey Saint Mary* and *Whittlesey Saint Andrew* shall, for all Purposes other than the Ecclesiastical Purposes herein-before set forth and provided, become and be united into One Parish by the Name of the United Parishes of *Saint Mary* and *Saint Andrew Whittlesey* in the *Isle of Ely* in the County of *Cambridge*, and that all Laws which at the Time of the passing of this Act shall extend or be applicable to Parishes in *England* in general shall extend and be applicable to the Parish hereby constituted, to the Intent that the said Parishes of *Whittlesey Saint Mary* and *Whittlesey Saint Andrew* may for all Purposes whatsoever, except as herein-before or herein-after otherwise provided, be united into One Parish by the Name above mentioned.

XIV. And

As to Vestry and Meetings.

XIV. And be it enacted, That from and after the passing of this Act the Vestry Room of the Church of *Saint Mary Whittlesey* shall be the Vestry Room of the said Parish called "The United Parishes of *Saint Mary* and *Saint Andrew Whittlesey* in the *Isle of Ely* in the County of *Cambridge*," for all Purposes other than Ecclesiastical Purposes, as herein-before otherwise provided; and that all Notices of Vestry Meetings for such Purposes other than Ecclesiastical Purposes as aforesaid, and all other Notices relating to the parochial Concerns of the said Parish, shall be published in the Churches of *Saint Mary Whittlesey* and *Saint Andrew Whittlesey* respectively in the usual Manner prescribed by Law; and that at all Vestry Meetings of the united Parish established by this Act the Vicar of the Church of *Saint Mary Whittlesey* shall be entitled to act as Chairman, and if he shall not be present or shall decline to act then the Vicar of the Church of *Saint Andrew Whittlesey* shall be entitled to act as Chairman.

Officers appointed before passing of this Act continued.

XV. And be it enacted, That the Churchwardens and Overseers, and all other Persons who before the passing of this Act shall have been appointed or who at the Time of the passing of this Act shall be holding any Office or Employment in either of the aforesaid Parishes of *Whittlesey Saint Mary* or *Whittlesey Saint Andrew*, shall and may hold, enjoy, and execute their respective Offices and Employments in the said Parish called "The United Parishes of *Saint Mary* and *Saint Andrew Whittlesey* in the *Isle of Ely* in the County of *Cambridge*," until the Time for which such Officers or Persons may have been appointed respectively shall have expired, or until they shall have been removed therefrom by due Course of Law; and the said Overseers and other Persons, except the said Churchwardens, shall be removable in like Manner as they or any or either of them might have been removed by Law if appointed to their respective Offices or Employments after the passing of this Act; and the Churchwardens existing at the Time of the passing of this Act shall have the same Powers, Privileges, and Advantages in the said Parish established by this Act, and shall be subject to the same Liabilities, as if this Act had not been passed; and the said Overseers and other Officers and Persons, except the said Churchwardens, shall have the same Powers, Privileges, and Advantages in the said Parish established by this Act as if they had been respectively appointed after the passing of this Act.

Existing Rates to be collected.

XVI. And be it enacted, That it shall be lawful for the Persons who at the Time of the passing of this Act shall be acting in the Offices of Churchwardens, Overseers of the Poor, Surveyors of the Highways, or any other parochial Office, and whether acting for the said Parishes of *Whittlesey Saint Mary* and *Whittlesey Saint Andrew* separately, or for such Parishes as an united Parish, notwithstanding any Invalidity in the Appointment of such Persons to their respective Offices, and also for the Persons who shall be appointed to any of the aforesaid Offices after the passing of this Act, to collect and levy all Rates or Assessments which shall have been made before the passing of this Act for the Relief of the Poor, or any other parochial Purpose within the said Parishes respectively or either of them, whether such Rates shall have been made for the said Parishes separately or for the said Parishes as an united Parish; and that for the Purpose of obviating

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any Difficulty which might arise in the Collection of such last-mentioned Rates or Assessments, on account of the Confusion of the Boundaries of the said Parishes, the said Parishes respectively shall for the Purpose of such Collection be deemed to be comprised within the Limits herein-before laid down for the Definition thereof for the Ecclesiastical Purposes herein-before mentioned.

Acts of Persons acting for United Parishes to be valid.

XVII. And be it enacted, That all Acts, Deeds, Transactions, Matters, and Things made, done, or executed before the passing of this Act, by any Person or Persons acting nominally for the United Parishes of *Whittlesey Saint Mary* and *Whittlesey Saint Andrew* in the Offices of Surveyors of the Highways or Overseers of the Poor, or any other parochial Office respectively, shall be as valid and effectual in Law as if the said Parishes had been legally united into One Parish at the Time of such Act, Deed, Transaction, Matter, or Thing.

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

XVIII. And be it enacted, That the "Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, except as herein-after mentioned.

Commissioners not to take Land, except by Agreement.

XIX. Provided always, and be it enacted, That nothing in this Act, or in the said "Lands Clauses Consolidation Act, 1845," shall authorize the Commissioners appointed under this Act to purchase or take any Lands, unless with the Consent of and by Agreement with the Owners, Lessees, or Occupiers thereof.

10 & 11 Vict. cc. 15, 16. 34. and 89. incorporated with this Act.

XX. And be it enacted, That "The Commissioners Clauses Act, 1847," excepting so much thereof as relates to the Election and Rotation of Commissioners; "The Towns Improvement Clauses Act, 1847," excepting so much thereof as relates to Plans of the District within the Limits of the special Act, to naming the Streets and numbering the Houses, to the Prevention of Smoke, to the Construction of Houses for Prevention of Fire, to supplying Buildings with fresh Air, to Lodging Houses and to Slaughter-houses; "The Towns Police Clauses Act, 1847," excepting so much thereof as relates to public Bathing; and "The Gasworks Clauses Act, 1847," except so much thereof as relates to the Supply of Gas, and to the Amount of Profit to be received by the Undertakers, shall (save as they are expressly varied, excepted, or altered by this Act) be incorporated with and form Part of this Act.

Short Title.

XXI. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Proceedings, it shall be sufficient to use the Expression "The *Whittlesey* Improvement Act, 1849."

Appointment and Qualification of Commissioners.

XXII. 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 of the Parish established by this Act in respect of Lands, Tenements, or Hereditaments situate within the Limits of the Town of *Whittlesey* as defined by this Act, in the net annual Value of Fifteen Pounds or upwards, or who shall be seised or possessed, or in the Enjoyment of the Rents and Profits, of Lands, Tenements, or Hereditaments within such

such Limits of the net annual Value of Thirty 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, or in such Enjoyment as aforesaid, be a Commissioner under this Act: Provided always, that in estimating the Property in respect of which any Person is rated to the said Rate for the Relief of the Poor, for the Purpose of determining whether or not such Person is qualified to be a Commissioner under this Act, no House or Building which shall be rated to the said Rate for the Relief of the Poor at a less annual Value than Fifteen Pounds shall be taken into consideration.

As to Commissioner neglecting to act.

XXIII. And be it enacted, That if any Person, having qualified under this Act to act as Commissioner, shall fail to act as such in the Execution of this Act for Two Years, such Commissioner shall at the Expiration of such Two Years 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 by such Failure to act as aforesaid, or become otherwise disqualified under the Provisions of this Act.

Act to be carried out by Commissioners.

XXIV. And be it enacted, That the Commissioners herein-before named, and their Successors, 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 in the Acts and Clauses of Acts incorporated herewith, and shall be called "The *Whittlesey* Improvement Commissioners."

Limits of Act for Improvement Purposes.

XXV. And be it enacted, That this Act, with respect to lighting, paving, watching, cleansing, draining, regulating, and improving, shall be put in force within and shall comprise the following Limits; (that is to say,) proceeding from the North Side of *Long Gravel* along the Road in a Northwardly Direction to *Priors Piece*, thence Westward along the Road to *Church Field*, thence North-westwardly in a direct Line to the West Corner of the House of *Ann Hollis* now erecting in *Stonald Field*, thence Northwardly in a direct Line to and including the Premises of *George Benson* in the same Field, thence North-eastwardly in a direct Line to and including the Premises now in the Occupation of *William Medlock* in *Delph*, then Eastward to and including the Premises called the *Whitehouse* in *Delph* aforesaid, thence in a South-eastwardly Direction to the House now in the Occupation of *John Goodley* in *Bassenhally Field*, thence in a direct Line Southward and Eastward, crossing the *March Road*, to the *Railway* Hotel in *Lattersey Field*, thence South-westwardly to *Ashling's Bridge*, thence along *Whittlesey Dyke* to the Workshop of *James Read* Boatwright, thence Westward along the North Side of the *Gores* and the South Side of *Orchards* in *Briggate* to the West Corner of Mr. *Jeremiah Astling*'s Orchard, and thence North-westwardly to *Long Gravel*.

Commissioners to light, pave, &c. Streets.

XXVI. And be it enacted, That the Commissioners shall and may, subject to the Provisions of this Act, and of the Acts and Clauses of Acts incorporated herewith, cause to be lighted, paved, watched, regulated,

lated, and improved the Streets, Highways, public Passages and other Places within the Limits of the Town of *Whittlesey* aforesaid, and for that Purpose may exercise all the Powers vested in them by this Act, and the Acts and Clauses of Acts incorporated herewith.

General Meeting of Commissioners.

XXVII. And be it enacted, That the Commissioners for executing this Act shall hold their First General-Meeting at some convenient Place within the Limits of the Town of *Whittlesey*, as defined by this Act, on the Third *Tuesday* after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, and proceed to put this Act into execution.

Not compelled to hold monthly Meetings.

XXVIII. Provided always, and be it enacted, That nothing in this Act, or the said "Commissioners Clauses Act, 1847," shall extend to compel the Commissioners to hold monthly Meetings for the Transaction of general Business.

Commissioners to provide Places for Deposit of Stone, &c.

XXIX. And be it enacted, That it shall be lawful for the Commissioners to provide Lands and Buildings fit and convenient for the depositing of Stone and other Materials for the Highways, and for such Purposes, and for any other Purposes of this Act, to purchase or hire any Lands, Messuages, or Buildings which shall by the Commissioners be considered necessary, of and from any Person who shall be willing to let or sell the same, or to cause any new Erection or Building to be made upon any Land or Ground which shall be purchased or hired under the Provisions of this Act, or of the Acts or Clauses of Acts incorporated with this Act: Provided always, that the Lands and Buildings so to be purchased shall be situate within the Boundaries of the Parish hereby established, and shall not exceed in Quantity in the whole the Amount of Three Acres.

As to Conveyances made to Commissioners.

XXX. And be it enacted, That all Conveyances and Leases of Lands to be purchased or hired by the said Commissioners may be made to Two or more of the said Commissioners, as Trustees for the said Commissioners.

Commissioners to sell superfluous Lands.

XXXI. And be it enacted, That the said Commissioners shall sell and dispose of any Lands, Tenements, or Hereditaments vested in them by virtue of this Act, and the several Acts and Clauses of Acts incorporated with this Act, which shall not be required for the Purposes of this Act, within Five Years after the same shall not be required, in the same Manner as superfluous Lands are required to be sold under the said "Lands Clauses Consolidation Act, 1845."

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

XXXII. 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 and the said "Lands Clauses Consolidation Act, 1845," shall be applied and disposed of in paying off any Principal Monies at the Time due and owing on the Credit of the Rate herein-after defined as the Improvement Rate hereby authorized to be made.

Width of Streets.

XXXIII. And be it enacted, That every new Street, not being a Carriage Road, shall be at least Ten Feet wide in the narrowest Part thereof.

XXXIV. And

Vaults and Drains to be kept in repair.

XXXIV. And be it enacted, That all Vaults, Cellars, Sewers, or Drains hereafter to be made under any Street or Way within the said Limits of the said Town of *Whittlesey* shall be kept in substantial Repair, 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 Expenses incurred thereby from the Owner thereof; and such Owner shall forfeit a Sum not exceeding Twenty Shillings for every Day such Vault, Arch, Sewer, Cellar, or Drain shall continue out of substantial Repair after Notice in Writing shall have been given to him by the Commissioners to repair the same, and a reasonable Time for completing such Repair shall have elapsed after the Service of such Notice.

Commissioners may purchase or erect Gasworks.

XXXV. And be it enacted, That it shall be lawful for the said Commissioners, if they shall think fit, at any Time after the passing of this Act, to contract with the Owner or Owners for the Time being of the Gasworks situate in *Delph* in *Whittlesey* aforesaid for the Purchase of such Gasworks, and to provide such other Gasworks as they shall think necessary, either by the Purchase of any existing Gasworks for the Time being, or by erecting any Gasworks upon any Land which may be purchased or hired by the said Commissioners under the Powers of this Act.

Commissioners may raise Money for Expenses of Act.

XXXVI. And in order to raise Money for the Purpose of defraying the Expenses of applying for and obtaining this Act, be it enacted, That it shall be lawful for the said Commissioners to make One equal Rate or Assessment upon the Occupiers or Holders of rateable Property within the Limits of the Parish established by this Act, including Lands used as Arable, Meadow, or Pasture Ground, or as Woodlands, or Market Gardens or Nursery Grounds, according to the annual rateable Value of the same, to be called the "*Whittlesey* Improvement Act Expenses Rate," and the Money received by the said Commissioners by virtue of such Rate or Assessment shall be applied by them in defraying the Expenses of obtaining this Act: Provided always, that the said Occupiers shall be entitled to deduct One Half Part of the Monies paid by them in respect of such Rate out of the next or any subsequent Payment to their respective Landlords of the Rent payable by them as such Occupiers.

Commissioners to make Rates.

XXXVII. And in order to raise Money for the Purposes of carrying the Provisions of this Act and of the Acts and Clauses of Acts incorporated with this Act into execution, be it enacted, That it shall be lawful for the Commissioners, once in every Year, or oftener if they shall think it necessary so to do, to make One or more equal Rate or Rates, Assessment or Assessments, upon the Occupiers or Holders of rateable Property within the Limits of the Town of *Whittlesey* as defined by this Act, according to the annual rateable Value of the same, to be called "The *Whittlesey* Improvement Rate," so as such Rates or Assessments do not exceed in any Year the Sum of Three Shillings and Sixpence in the Pound on such annual rateable Value: Provided always, that it shall not be necessary for the Commissioners to make any Sewer Rate distinct from the said Improvement Rate.

XXXVIII. Pro-

Arable Land, &c. to be rated at One Fifth of annual Value.

XXXVIII. Provided always, and be it enacted, That every Person occupying Lands used as Arable and Meadow or Pasture Ground only, or as Woodlands, or Market Gardens or Nursery Grounds, shall be rated in respect of the same in the Proportion of One Fifth Part only of the net annual Value thereof.

Power to increase Rates beyond a certain Amount.

XXXIX. Provided always, and be it enacted, That if it shall at any Time appear that the said Sum of Three Shillings and Sixpence in the Pound is not sufficient for the Purposes for which the Improvement Rate is authorized to be levied, it shall be lawful for the Commissioners, with the Consent of the Majority of the Rate-payers assembled at the annual Meeting, to increase the said Rate for the current Year so as the same do not in any One Year exceed the Sum of Five Shillings in the Pound on such rateable Value as aforesaid: Provided always, that Notice of the Intention of the Commissioners to make any such Increase shall be given by them One Month previous to such annual Meeting, by Placards posted in some public Places, or on or near to the Doors of all Places of Public Worship, within the Limits of the Town of *Whittlesey* as defined by this Act.

Power to Justices to remit Rates.

XL. And be it enacted, That it shall be lawful for any Two Justices in Petty Sessions assembled, with the Consent in Writing of the Commissioners, to reduce, remit, or give Time for the Payment of any Rate, on account of the Poverty or Sickness of any Person liable to the Payment of the Rate.

Owners to be rated in certain Cases.

XLI. And be it enacted, That the Owners of all rateable Property within the said Limits of the Town of *Whittlesey* the yearly Rent or Value whereof respectively shall not exceed Five Pounds, or which shall be let to weekly or monthly Tenants, or in separate Apartments, shall be rated to and pay the Rates by this Act directed to be made, instead of the Occupiers thereof.

Power to borrow on Mortgage.

XLII. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to borrow at Interest on the Credit of the said *Whittlesey* Improvement Rate herein-before authorized to be made and levied, of and from any Person who shall be willing to advance the same, any Sum or Sums of Money which, together with any Sum previously borrowed on the Credit of the same Rate, shall not exceed the Sum of Ten thousand Pounds, and in the event of all or any Part of such Money being repaid by the Commissioners to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security of the said Rate any more than the Sum of Ten thousand Pounds in the whole at any One Time; and for securing the Repayment of the Monies so to be borrowed, with Interest at a Rate not exceeding Five Pounds *per Centum per Annum*, the Commissioners may mortgage and assign over the said Improvement Rate or any Part thereof to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Appointment of a Receiver,

XLIII. And be it enacted, That it shall be lawful for any Mortgagee or Mortgagees of the Commissioners to enforce the Payment of the

the Arrears of Principal and Interest due on any such Mortgage by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver in the event of the Principal Monies and Interest due on such Mortgage or Mortgages not being duly paid, the Amount owing to the Mortgagee or Mortgagees by whom the Application for a Receiver shall be made shall not be less than One thousand Pounds in the whole.

Application of Monies.

XLIV. And be it enacted, That all Monies to arise from the Rates to be raised and levied under the Name "The *Whittlesey* Improvement Rate," and all Money to be raised on the Credit of the same, and all other Money which may come into the Hands of the Commissioners in carrying the Provisions of this Act into execution, excepting the Monies to be raised by means of the said *Whittlesey* Improvement Act Expenses Rate, shall be applied in carrying the several Provisions of this Act into execution, as the Commissioners shall order and determine.

As to Service of Writs.

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

Saving Rights of Church Property.

XLVI. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend in any Manner to alter or affect the Tenure or Trusts of any Estates belonging to the Churches of *Saint Mary Whittlesey* or *Saint Andrew Whittlesey*, or either of such Churches, or to the Chapel of the *Holy Trinity* at *Coates* in *Whittlesey* aforesaid, except so far as such Tenures or Trusts are altered or affected by this Act.

Confirming Orders of Poor Law Board.

XLVII. And be it enacted, That all Orders, Rules, and Regulations heretofore issued by the Poor Law Commissioners to the Churchwardens and Overseers of the United Parishes of *Saint Mary* and *Saint Andrew Whittlesey*, or to the Board of Guardians of such United Parishes, shall, if otherwise lawful, be and be deemed to have been valid for all Purposes, although the said Parishes were not in Law united, whether such Parishes shall have been described in such Orders, Rules, or Regulations as a Union, or as a Parish, or as United Parishes.

Saving as to Patronage of St. Mary.

XLVIII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and all other Persons, Bodies Politic and Corporate, and their Heirs, Successors, Executors, and Administrators respectively, save and except the Right Reverend *Thomas* Lord Bishop of *Ely* and his Successors, the said *John Walbanke Childers*, his Heirs and Assigns, and the said *Simeon Lloyd Pope* and his Successors, Vicars of *Saint Mary Whittlesey* aforesaid, all such Estate, Right, Title, Claim, and Demand of, in, to, or out of the Advowson and Right of Patronage of the Vicarage of *Saint Mary Whittlesey*, and all and singular the Tithes, Tithe Rents, Glebe Lands, Endowments, Rent-charges, and Emoluments of the said Vicarage, as they or any of them had before the passing of this Act, or could or might

have held or enjoyed in case this Act had not been passed: Provided always, that the Saving hereby made shall not extend so as in any way to interfere with or disturb the Settlement of the Boundaries of the said Parishes of *Saint Mary Whittlesey* and *Saint Andrew Whittlesey* respectively as defined and established for Ecclesiastical Purposes by this Act.

Saving Rights of Lords of Manors, &c.

XLIX. And be it enacted, That nothing herein contained shall extend to, or be deemed, construed, or taken as in anywise extending to extinguish, prejudice, or affect any Rights, Privilege, or Franchise now belonging to any Lord of a Manor in respect of any Market or Fair usually holden within the Limits of the Town of *Whittlesey* as defined by this Act, but that all such Rights, Privileges, and Franchises respectively shall remain, continue, and be used, exercised, and enjoyed in the same Manner in all respects as if this Act had not been made.

Undertaking not to be exempt from 11 & 12 Vict. c. 63.

L. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Commissioners or District from the Provisions of the Public Health Act, 1848, or of any general Act relating thereto or to the Subject Matter thereof which may pass during this present or any future Session of Parliament.

Public Act.

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

The

The SCHEDULES to which this Act refers.

The FIRST SCHEDULE.

An Account of the Monies, Glebe Lands, and other Endowments belonging to the Church of Saint Mary Whittlesey; viz.,

An annual Stipend payable by the Owner of the Small Tithes (now J. W. Childers, Esquire), which has been voluntarily increased for the last Forty Years by the Sum of Fifty Pounds, making in the whole Seventy Pounds.

A Parcel of Land in Lattersey Field in Whittlesey aforesaid, containing 27A. 2R. 24P., Part of 28A. 3R. 5P. (more or less), bounded on the North by the Twenty-fifth private Road, on the South by the Benwick Road, on the West by Allotments to John Burnham, John Bellars, and Henry John Bellars respectively, and on the East by Allotments to Thomas Ground and Elizabeth Vokes respectively, now in the Occupation of Charles Boultbee and others, at yearly Rents amounting together to the Sum of Eighty-two Pounds.

N.B.—1A. 0R. 21P., the Remainder of this Land, was sold to the Eastern Counties Railway Company for the Sum of *252l.* 16*s.*, which has been invested in Consols.

Eight Acres Two Roods and Twenty-one Perches (more or less) of Land situate in Bassenhally Moor in Whittlesey aforesaid, bounded on the North by Green Drove, on the East by Lands of Henry Clarke, on the South by the Counter Drain, and on the West by Land of John Boyce, in the Occupation of William Dial, at the annual Rent of Twelve Pounds.

Ten Acres and Eight Perches (more or less) of Land, situated at Black Bush in Whittlesey aforesaid, bounded on the North by Lands late belonging to Elizabeth Ground, Widow, on the East by the Mill Drain, on the South by Lands belonging to the Trustees of Farcet School, and on the West by the Long Drove, now in the Occupation of Mr. James Read junior, at the annual Rent of Sixteen Pounds.

Four Acres (more or less) of Land in the Parish of Paston in the County of Northampton, bounded on the North by Carr Dike, on the East by Land now or late of George Holman, and on the South and West by Land of Mr. John Parker, now in the Occupation of Mr. Joseph Preston, at the annual Rent of Eight Pounds.

A yearly Rent-charge of Thirty Shillings for preaching a Sermon on Good Friday, charged on a Piece of Land at Coates by the Will of Mary Hutchinson deceased.

An

An annual Sum of Twenty-eight Pounds Thirteen Shillings and Four-pence, being the Dividends arising from Eight hundred and fifty Pounds granted by Queen Anne's Bounty, and Two hundred and nine Pounds from the Parliamentary Grant Fund, which were invested in the Three per Cent. Consols.

The annual Sum of Eight Pounds Six Shillings and Two-pence, being the Dividends arising from the Purchase Money of the Land sold to the Eastern Counties Railway Company, which was invested in the Three per Cent. Consols.

The SECOND SCHEDULE.

An Account of the Glebe Land, Tenements, Monies, and other Endowments belonging and appertaining to the Parish Church of Saint Andrew Whittlesey.

The annual Sum of Four hundred and fifty-one Pounds, awarded pursuant to and subject to the Provisions of the Act for the Commutation of Tithes in England and Wales, by way of Rent-charge, to the Vicar of Whittlesey Saint Andrew, and which said Rent-charge is by the Award of John Maurice Herbert, Esquire, One of the Assistant Tithe Commissioners, fixed and apportioned upon the Lands comprised within the following Boundary; (that is to say,)

A Line commencing at the Point where Smith's Leam enters the Parishes of Whittlesey on the West, and proceeding thence in a North-eastern Direction along the Middle of Smith's Leam to the Dog and Doublet Bridge, thence Southward along the Middle of the public Highway leading from the Dog and Doublet to the Town of Whittlesey, thence along the Middle of the Highway or Street called Delph to the Street called Gracious Street, thence Westward along the Middle of Gracious Street to the Lane called Baunce Lane, thence Southward along Baunce Lane aforesaid to the Street called Whitmore Street, thence Westward along the Middle of Whitmore Street aforesaid to the Street called Church Street, thence Southward along the Middle of Church Street aforesaid to Briggate Bridge, thence Eastward along the Middle of the Watercourse called Whittlesey Dike to Angle Bridge, thence South-westward along the Middle of Old Bevill's Leam to Oakley Dike, thence North-westward along the outer Boundary of the District comprising the Two Parishes of Whittlesey Saint Mary and Whittlesey Saint Andrew to the said Point where Smith's Leam enters the said District on the West.

The Glebe consists of a Parcel of Land in Church Field in Whittlesey aforesaid, containing 6A. 0R. 6P. (more or less), bounded on the North by Allotments to Charles Boultbee, Matthew Dial, William Gibbs, and John Lamb respectively, on the East by the Town Road, on the South by the Thirteenth private Road, and an old Inclosure of Thomas Blunt, and on the West by an Allotment to Ann Lamb,

in the Occupation of Mrs. Mary Ruff, at the annual Rent of Eighteen Pounds.

N.B.—3A. 3R. 21P., Part of this, is Tithe-free, and 2A. 0R. 25P., the Remainder, is titheable, the apportioned Rent-charge being for the Vicar Four Shillings and Four-pence, and for the Impropriator Ten Shillings and Nine-pence, numbered on the Plan 3279 and 3279 a.

A Piece of Tithe-free Land in a Place called Bradley Fen in the Parish of Whittlesey, containing by Admeasurement 9A. 1R. 33P., bounded on the North by Premises of Robert Cambers, on the East by Stonald Field, on the South by the Sixth private Road, and on the West by Land of John Lawrence Wright, Esquire, now in the Occupation of John Rowell, at the annual Rent of Eighteen Pounds.

Eight Acres Three Roods and Twenty-four Perches, Part of a Piece of Land containing by Admeasurement 9A. 3R. 12P., situate and being in a Place called Oldeameer in the Parish of Saint Mary Whittlesey, bounded towards the North and West by Droveways, towards the South by Land of Richard Smith, and on the East by Land late of Alice Pidcock, since of John Peed, and now of William Kisby, as the same is now in the Occupation of Stephen Hurry, at the annual Rent of Eleven Pounds Ten Shillings.

N.B.—The remaining 3 Roods and 28 Perches were sold to the Eastern Counties Railway Company for One hundred and fifty Pounds, which was invested in the Purchase of Consols, and the Dividends received annually amount to Five Pounds Five Shillings and Sixpence; this is numbered on the Tithe Plan 1043 and 1044, and the Sum apportioned to the Vicar is Nineteen Shillings and Nine-pence, and to the Rector Two Pounds Nine Shillings and One Penny Halfpenny.

A Cottage in Church Street, Whittlesey, called the Vicarage House, in the Occupation of John Bellamy, at the annual Rent of Six Pounds.

The Surplice Fees amount annually to about the Sum of Ten Pounds.

There is also Tithe Rent-charge payable to the Vicar of Whittlesey Saint Andrew in respect of the following Glebe Lands belonging to the Vicar of Whittlesey Saint Mary; viz.

	£	s.	d.
An Allotment of Land in Lattersey Field in the Parish of Saint Mary Whittlesey, containing 24A. 2R. 3P., No. 866 on the Plan, the Tithe of which, payable to the said Vicar, is commuted at - - -	2	9	0
A Piece of Land in Bassenhalley Moor, containing 8A. 2R. 21P., No. 1451 and 1452 on the Plan; the Tithe to the said Vicar is commuted at - -	0	17	3
A Piece of Land in Black Bush, containing 10A. 0R. 8P., No. 3046 on the Plan; the Tithe to the said Vicar is commuted at - - - - -	1	0	1
	4	6	4

The THIRD SCHEDULE.

An Account of the Endowment of the Chapel of the Holy Trinity at Coates in Whittlesey in the Isle of Ely and County of Cambridge.

A Copyhold Messuage, with Outhouses, Yards, Gardens, and Appurtenances, situate and being at Coates aforesaid, purchased by the Governors of the Bounty of Queen Anne, in the Year One thousand eight hundred and forty-four, of the Honourable Selena Childers and John Walbanke Childers, Esquire, out of Monies appropriated to and for the Augmentation of the said Curacy, and by them surrendered to the Use of the Reverend Thomas Bedford and his Successors, Curates of the Curacy of Holy Trinity at Coates aforesaid, for ever, according to the Custom of the Manors of Whittlesey Saint Mary and Whittlesey Saint Andrew, for the perpetual Augmentation of the said Curacy.

The Sum of Seventy Pounds, being a perpetual and fixed annual Rent-charge arising from an Estate in the Parish of Whittlesey aforesaid, belonging to the said Selena Childers and John Walbanke Childers.

The Sum of Twenty Pounds, being also a perpetual and fixed annual Rent-charge, arising from an Estate in the Parish of Whittlesey aforesaid, belonging to Mr. Joseph Waddelow.

The Interest of about Two hundred Pounds, in the Hands of the Treasurer of the Bounty of Queen Anne.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1849.