



ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. xxxi.

An Act for the Improvement of the City of *Hereford*, and for other Purposes, and of which the Short Title is “The *Hereford* Improvement Act, 1854.” [2d June 1854.]

WHEREAS an Act was passed in the Fourteenth Year of George the Third, Chapter Thirty-eight, intituled *An Act for paving, repairing, cleansing, and lighting the Streets and Lanes in the City of Hereford and Suburbs thereof, and removing Nuisances and Annoyances therein, and for creating a Fund towards the Expense thereof, by inclosing divers Waste Grounds within the Liberties of the said City, and for the better Application of Charity Money for setting the poor People of the said City to work, and to enable Bodies Corporate to alienate their Houses and Lands within the said City*, and by that Act certain Persons (in this Act called the Commissioners) were appointed Commissioners for putting it into execution, and Powers for the Improvement of the City were conferred on them: And whereas by that Act Provision was made for the Inclosure and Allotment of the Waste Lands and Commons called respectively “*Old Widmarsh*” and “*New Widmarsh*” and “*Monk Moor*,” and which Waste Lands and Commons have been allotted and inclosed accordingly: And whereas an Act was passed in the Fifty-sixth Year of George the Third, [Local.] 5 A Chapter 14 G. 3. c. 38.

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- 56 G. 3. c. 23. Chapter Twenty-three, intituled *An Act to enlarge, amend, and render more effectual the Provisions of an Act of His present Majesty, for paving and lighting the City of Hereford, and removing Nuisances therein, and for enabling the Corporation of the said City to sell and apply the Produce of certain Messuages and Lands in establishing Market Places and otherwise improving the said City*, and thereby the Mayor, Aldermen, and Citizens of the City of *Hereford* (in this Act called "the Corporation") were empowered to establish Markets, and further Provision for the Improvement of the City by the Commissioners was made: And whereas by an Act passed in the First Year of Her Majesty, intituled *An Act for amending the Provisions of Two Acts of Parliament relating to the City of Hereford, and for limiting the Duration of Saint Ethelbert's or the Nine Days Fair held annually in the said City, and transferring the Jurisdiction and the Tolls thereof*, that Fair was vested in the Corporation, and further Provision for the Improvement of the City by the Commissioners was made: And whereas by an Act passed in the Fifth Year of *George the*
- 1 & 2 Vict. c. 69.
- 5 G. 4. c. 77. Fourth, intituled *An Act for lighting with Gas the City of Hereford and the Suburbs and Liberties thereof*, the *Hereford Gaslight and Coke Company*, in this Act called "the Gas Company," were established, and under that Act they have provided Gasworks and supply Gas for the City: And whereas it is expedient that further Provision be made for the Improvement of the City, and that the Corporation be empowered to make and maintain new Market Places and Places for holding Fairs, with Roads or Approaches thereto, and new Main and Branch Sewers, and to improve the Sewage and Drainage of the City, and to make and maintain Waterworks, and to supply Water to the City, and to provide a Cemetery for the City, and also to acquire and maintain the Gasworks of the Gas Company, and that other Powers for the Improvement of the City and the Regulation of the Police thereof be conferred on the Corporation: And whereas by the first and secondly recited Acts the Commissioners were authorized to raise not exceeding Seven thousand Pounds on Mortgage, which they accordingly did, and by the thirdly-recited Act they were authorized to sell the mortgaged Property, in order to satisfy the Amount charged thereon, and they sold Part thereof accordingly, but the Proceeds thereof were insufficient to satisfy the whole Charge, and their present Debt is One thousand four hundred Pounds, for which the unsold Part of the Property is an adequate Security: And whereas it is expedient that the Corporation be authorized to raise Money for the Satisfaction of that Debt, and for the other Purposes of this Act, and to levy Rates for the Purposes of this Act: And whereas, in order to avoid Inconveniences arising from having several Local Acts of Parliament relating to the same Matters in force at the same Time, it is expedient that the recited Acts be repealed, and other Provisions made in lieu thereof:
- And

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And whereas it is expedient to provide for the Dissolution of the Gas Company, and the Repeal of their Act, in the event of their Gasworks being acquired by the Corporation: And whereas such several Purposes 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, as follows:

I. This Act may be cited for any Purpose as "The *Hereford* Short Title. Improvement Act, 1854."

II. This Act shall commence and have effect on and from the Commence-
Fourth *Wednesday* next after the passing thereof. ment of Act.

III. This Act shall be put in force for all the Purposes thereof Limits of
within the City of *Hereford* and the Suburbs and Liberties thereof Act.
(in this Act called the City), and for the Purposes of Sewage and Drainage, and of the Waterworks respectively, also within the further Limits in that Behalf appearing by the Provisions of this Act relating to those several Purposes.

IV. The several Words and Expressions to which, by the Acts Same Mean-
wholly or partially incorporated with the Act, Meanings are assigned, ings to Words
have in this Act the same respective Meanings, unless there be in the in incorpo-
Subject or Context something repugnant to or inconsistent with such rated Acts
Construction. and this Act.

V. This Act shall be executed by the Corporation acting pursuant Execution of
to the Powers and Provisions of the Act of the Sixth Year of *William* Act by the
the Fourth, for the Regulation of Municipal Corporations, and all other Corporation.
Statutes and Laws from Time to Time in force relating to the Municipal Corporation of the City of *Hereford*; and, subject to the Powers and Provisions of this Act, the several Powers and Provisions of that Act, and such other Statutes and Laws so from Time to Time in force, shall extend and apply to the Powers, Provisions, and Purposes of this Act.

VI. Subject to the Provisions of this Act, the first, secondly, and Three first-
thirdly recited Acts are by this Act repealed. recited Acts
repealed.

VII. Notwithstanding such Repeal, the Corporation shall for the Corporation
Purposes of this Act remain and be seised and possessed of and to remain
entitled to all the Lands, Buildings, Fairs, Markets, Franchises, entitled to
Privileges, Moneys, Property, Effects, Choses in Action, Claims and their Pro-
Demands

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Demands whatsoever, of or to which the Corporation under or by virtue of the repealed Acts or any of them, or any existing Charter or Grants from the Crown by Her Majesty or Her Predecessors, or otherwise howsoever, were immediately before the Commencement of this Act seised, possessed, or in any way entitled, at Law or in Equity, or otherwise howsoever, with the Appurtenances.

Property of
Commission-
ers trans-
ferred to
Corporation.

VIII. Subject to the Provisions of this Act, all the Lands, Buildings, Estates, Moneys, Property, Effects, Choses in Action, Claims and Demands whatsoever, of or to which the Commissioners, under or by virtue of the recited Acts or any of them, or otherwise howsoever, were immediately before the Commencement of this Act seised, possessed, or in any way entitled, at Law or in Equity, or otherwise howsoever, with the Appurtenances, are by this Act transferred to and vested in and shall be the Property of the Corporation for the Purposes of this Act; and the Corporation from Time to Time, under the Authority of this Act, may dispose of such of those Lands, Buildings, and Estates as under the repealed Acts or any of them the Commissioners, if those Acts were not repealed, and this Act were not passed, might dispose of.

Corporation
to continue
entitled to
Powers un-
der other
Acts.

IX. Notwithstanding such Repeal, but subject to the Provisions of this Act, the several Clauses and Provisions whatsoever in favour of or relating to the Corporation and the Commissioners respectively contained in any Act or Acts other than the repealed Acts, and which immediately before the Commencement of this Act are in force, shall on and from the Commencement of this Act apply to the Corporation and their respective Officers and Servants, and shall continue and be in full Force accordingly, and the Corporation and their respective Officers and Servants may and shall accordingly, and for the Purposes of this Act, be subject and entitled to, and have, exercise, and enjoy, under or by virtue of those Clauses and Provisions respectively, all such Liabilities, Rights, Interests, Powers, Authorities, and Privileges whatsoever respectively as, in case this Act were not passed, the Corporation and the Commissioners respectively, and their respective Officers and Servants under or by virtue of the same, might be subject or entitled to, or might have, exercise, or enjoy.

Compensa-
tion to
Bishop of
Hereford un-
der thirdly-
recited Act
to continue.

X. Notwithstanding such Repeal, the Corporation shall be and remain liable to make to the Lord Bishop of *Hereford* and his Successors the Compensation by the thirdly-recited Act provided to be made to him and them with respect to *Saint Ethelbert's* or the Nine Days Fair.

Present and
future Rights
and Liabili-

XI. Notwithstanding such Repeal, and except only as is by this Act otherwise expressly provided, everything before the Commencement

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ment of this Act done and suffered respectively under the repealed Acts respectively shall be as valid as if this Act were not passed, and such Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Repeal had not happened, and this Act were not passed, would be incident to and consequent on any and every thing so done and suffered respectively; and with respect to all such Things so done and suffered respectively, and all such Rights, Liabilities, Claims, and Demands; the Corporation shall, to all Intents and Purposes, represent the Commissioners.

ties under re-
pealed Acts
saved.

XII. Notwithstanding such Repeal, all Conveyances, Leases, Mortgages, Bonds, Securities, Deeds, Contracts, and Agreements made or entered into before the Commencement of this Act, to, with, in favour of, or by, for, or on behalf of the Corporation and the Commissioners respectively, or any Person on their respective Behalf, shall be and remain as good, valid, and effectual in favour of, against, and with reference to the Corporation, and may be proceeded on and enforced in the same Manner, to all Intents and Purposes, as if this Act were not passed.

Convey-
ances, &c. to
remain.

XIII. Notwithstanding such Repeal, any Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the Corporation or the Commissioners before the Commencement of this Act shall not abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall, from and after the Commencement of this Act, continue to take effect both in favour of and against the Corporation, in the same Manner to all Intents and Purposes as, if this Act were not passed, the same might take effect in favour of and against the Corporation and the Commissioners respectively, and may be enforced by and against the Corporation accordingly.

Actions, &c.
not to abate.

XIV. Notwithstanding such Repeal, all Rates which immediately before the Commencement of this Act are due and payable, or accruing due and payable, under the repealed Acts respectively, to the Corporation and the Commissioners respectively, shall from and after the Commencement of this Act be payable to and may be collected and recovered by the Corporation in like Manner as any Rates under this Act may be collected and recovered by the Corporation.

Rates due at
Commence-
ment of Act
to be re-
covered.

XV. Notwithstanding such Repeal, all Persons who should immediately before the Commencement of this Act owe any Sum of Money to the Corporation and the Commissioners respectively, or to any Persons on their respective Behalf, shall pay the same, with all Interest (if any) due or to accrue due for the same, to the Corpora-

Debts due to
and by the
Corporation
and the Com-
missioners
respectively
to be paid to
and by the
Corporation.

[Local.]

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tion;

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tion; and all Debts and Moneys which immediately before the Commencement of this Act are due or owing by or recoverable from the Corporation and the Commissioners respectively, or for the Payment of which the Corporation and the Commissioners respectively are or but for this Act would be liable, shall be paid, with all Interest (if any) due or to accrue due thereon, by or be recoverable from the Corporation.

Byelaws,
&c. to remain
in force for
a Time.

XVI. Provided always, That all Byelaws, Rules, and Regulations made under the repealed Acts, and in force on the Commencement of this Act, shall continue in full Force for only Six Months after the Commencement of this Act, unless the same be sooner repealed, altered, or varied under this Act.

Officers to
continue.

XVII. Notwithstanding such Repeal, every Officer and Servant appointed by virtue of or acting under the Authority of the repealed Acts respectively shall hold and enjoy his Office and Employment, with the Salary thereunto annexed, and be deemed an Officer and Servant of the Corporation, until he be removed from such Office and Employment, and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Terms, and Penalties, in all respects whatsoever, as if he were appointed under this Act.

Books to be
Evidence.

XVIII. Notwithstanding such Repeal, all Books and other Documents by the repealed Acts respectively directed or authorized to be kept, and which if this Act were not passed would be receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere accordingly.

8 & 9 Vict.
c. 18. incor-
porated.

XIX. "The Lands Clauses Consolidation Act, 1845," is incorporated with this Act: Provided always, that the Corporation shall not, except as by this Act expressly provided, take any Land otherwise than by Agreement.

Power to
take Lands
for Works.

XX. And whereas Plans and Sections showing the Lines, Situation, and Level of the Roads, the Sewers, the Waterworks, and other Works by this Act respectively authorized, and also Books of Reference thereto, containing the Names of the Owners and Lessees or reputed Owners and Lessees and Occupiers of the Lands in or through which those Works are intended to be made or to pass, and the Streams and Waters which are intended to be taken, interfered with, or used for the Purposes of this Act, have been deposited with the Clerk of the Peace for the County of *Hereford*: Therefore, subject to the Provisions of this Act, the Corporation from Time to Time may enter upon, take, interfere with, and use such of those Lands, Streams, and Waters respectively

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respectively as they think requisite for the several Purposes of this Act.

XXI. Subject to the Provisions of this Act, the Corporation from Time to Time may enter upon, take, and use for the Purposes of the Markets in the City such of the Lands specified in Schedule (A.) to this Act annexed as they think expedient.

Power to take Land in Schedule (A.) for Market Places.

XXII. Subject to the Provisions of this Act, the Corporation from Time to Time may enter upon, take, and use for the Purposes of the Cemetery by this Act authorized such of the Lands specified in Schedule (B.) to this Act annexed as they think requisite.

Power to take Land in Schedule (B.) for Cemetery.

XXIII. The Powers of the Corporation for the compulsory Purchase of those Lands, Streams, and Waters for the Purposes of this Act shall not be exercised after the Expiration of Four Years after the passing of this Act.

Period for compulsory Purchases limited.

XXIV. The Corporation from Time to Time may, by Agreement, purchase any Lands, Streams, and Waters, or may, by Agreement, purchase or take on Lease any Easement, Right, Power, or Privilege in, over, or affecting any Lands, Streams, and Waters which they think requisite for any of the Purposes of this Act, and may acquire the same on such Terms and Conditions as they think fit, and may subsequently purchase the Reversion of any such Easement, or the Discharge thereof from the Rents, Covenants, and Obligations reserved or contained in or by any such Lease or Grant.

Power to take Lands by Agreement.

XXV. The Persons empowered by this Act to convey Lands shall have full Power to make to the Corporation Grants of any Lands, Streams, and Waters, and Grants or Leases of any Easements, Rights, Powers, and Privileges in, over, and affecting any Lands, Streams, and Waters.

As to the Power of Persons to convey Lands.

XXVI. Provided always, That by every Lease or Grant taken by the Corporation under this Act of any Easement, Right, Power, or Privilege in, over, or affecting any Land, Stream, or Water, from any Person under Disability or Incapacity to sell and convey Lands otherwise than under this Act, there should be reserved not less than the best yearly Rent or Remuneration obtainable for the same, and to be ascertained accordingly by the Valuation of Two able practical Surveyors, and a Fine, Premium, or Forfeit shall not be paid for any such Lease.

Rents, &c. in Leases from incapacitated Persons.

XXVII. All Lands, Waters, Streams, Easements, Rights, Powers, Privileges, and Property whatsoever by this Act vested in or from Time

Lands, &c. purchased by Corporation

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to be Part of Corporate Estates and City Fund. Time to Time acquired under this Act by the Corporation, shall be vested in them, and the Rents, Issues, and Profits thereof shall be Part of their City Fund.

10 & 11 Vict. c. 14. incorporated. XXVIII. The "Markets and Fairs Clauses Act, 1847," is incorporated with this Act: Provided always, that Sections 31 and 32 of that Act do not apply to any of the now existing Market Places or Places for Fairs or Slaughter-houses of the Corporation.

Power for making Market Houses. XXIX. Subject to the Provisions of this Act, the Corporation from Time to Time may make and provide, in or upon any Lands from Time to Time vested in them by or under this Act for the Purposes of the Markets, such Market Houses and Market Places and Places for Fairs, with all proper Approaches and Conveniences connected therewith, for the Sale of such Cattle, Provisions, Goods, and other marketable Commodities as the Corporation from Time to Time think fit to permit to be sold therein respectively, and may maintain, improve, alter, or discontinue, as they think fit, any now existing and future Market Houses, Market Places, and Places for Fairs from Time to Time vested in them for the Purposes of this Act.

Corporation to maintain and regulate Markets and Fairs in Hereford. XXX. Subject to the Provisions of this Act, the Corporation from Time to Time may maintain and regulate the Markets in the City for supplying the Inhabitants of the City and the Neighbourhood thereof with such Cattle, Provisions, Goods, and other marketable Commodities as the Corporation from Time to Time think fit to allow to be brought and sold therein, and may maintain and regulate the Fair held in the City in such Manner as they from Time to Time think proper, and may appoint such Places in the City, and Times for the holding of such Markets and Fairs respectively, as they from Time to Time think proper.

Market and Fair Days. XXXI. The Markets and Fairs shall be held on such Days and within such Hours in every Day as the Corporation from Time to Time appoint: Provided always, that a Market or Fair shall not be held on *Sunday, Christmas Day, Good Friday*, or any Day appointed for a Public Fast or Thanksgiving: Provided also, that, until the Corporation otherwise appoint, the existing Markets and Fairs shall be held on the now accustomed Days.

Leases of Stalls, &c. XXXII. The Corporation from Time to Time may let any of the Stands, Stalls, Sheds, Places, or other Conveniences in the Market Places and Places for Fairs from Time to Time under their Regulation by virtue of this Act, to any Person, for any Term not exceeding Three Years, at such Rents and on such Terms and Conditions as are mutually agreed on.

XXXIII. The

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XXXIII. The Lessee of every such Stand, Stall, Shed, Place, or other Convenience, his Executors, Administrators, and Assigns, with the Consent of the Corporation, may assign the same for the Residue of his Term.

As to Assignment of Leases.

XXXIV. The Corporation from Time to Time may appoint Inspectors of Weights and Measures to act within the Limits of this Act, and the Parts within those Limits shall be a separate District for the Inspection of Weights and Measures accordingly, and may provide for the Purposes of this Act such Copies of the Imperial Standard Weights and Measures as they think fit; and every Person appointed by the Corporation an Inspector of Weights and Measures may and shall execute the Duties of his Office, with the like Powers, Liberties, and Indemnities, and be subject to the like Provisions, Restrictions, Pains, and Penalties, as any Person appointed to the Office by the General or Quarter Sessions.

Inspectors of Weights and Measures to be appointed.

XXXV. The Corporation from Time to Time, if and when they think fit, may provide such Slaughter-houses as are from Time to Time sufficient for the slaughtering of Cattle for the Supply of the City and the Neighbourhood thereof, and such Slaughter-houses shall be deemed Part of the Market Places.

Slaughter-houses to be provided.

XXXVI. After the Expiration of Ten Days from the Publication and posting of Notice by the Corporation of their having provided sufficient Slaughter-houses for the City, it shall be lawful for the Corporation from Time to Time to direct Complaint to be made to the Recorder of the City for the Time being of any Slaughter-house which shall have been in use as such before and at the Time of the passing of this Act, and which shall appear to the Corporation to be a Nuisance or injurious to the Health of the Inhabitants, and thereupon the Recorder shall summon the Person by or on whose Behalf any such Slaughter-house may be carried on, and shall inquire into such Complaint, and the Recorder may, by Order in Writing under his Hand, direct such Person to discontinue or remedy the Nuisance complained of within such Time as to the Recorder shall appear expedient; and after any such Order every Person who shall use any Slaughter-house mentioned therein contrary to the Terms and Directions of such Order shall be subject and liable to all such and the same Penalties as he would have been subject and liable to if such Slaughter-house had not been used as such before and at the Time of the passing of this Act.

After Notice of Slaughter-houses being provided, those having been before in use to be discontinued.

XXXVII. If any Person spoil, deface, or injure any Part of any Market Place, or the Buildings, Fences, Stalls, or Standings thereof

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Penalty for committing Damages and Nuisances in or

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the Market
Place.

or in any Market Place cause any Obstruction, or commit any Damage or Injury, every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds, and shall pay such Sum as the Justice before whom the Conviction for such Penalty takes place thinks reasonable Satisfaction for the Injury done by such Person.

Market
Tolls, &c. as
in Schedule
(C.)

XXXVIII. The Corporation from Time to Time may demand and take, from any Person occupying or using any Stand, Stall, Shed, Place, or Convenience in any Market Place or Place for a Fair, or any Building or Ground connected therewith, or bringing into such Market Place or Place for a Fair, Building or Ground, any marketable Commodity specified in the Schedule (C.) to this Act annexed, such Tolls as the Corporation from Time to Time appoint, not exceeding the Tolls specified in that Schedule.

Tolls for the
Cattle Mar-
ket, as in
Schedule
(D.)

XXXIX. The Corporation from Time to Time may demand and take, from any Person bringing into any Cattle Market or Place for a Cattle Fair any Cattle or other live Stock specified in the Schedule (D.) to this Act annexed, such Toll as the Corporation from Time to Time appoint, not exceeding the Tolls specified in that Schedule.

Weighing
and Mea-
suring Tolls
as in Sche-
dule (E.)

XL. The Corporation from Time to Time may demand and take for the weighing or measuring of any Article sold or brought for Sale by Weight or Measure in any Market Place or Place for a Fair, or any Building or Ground connected therewith, from any Person having such Article weighed or measured at any Weighing House or Weighing Place provided by the Corporation, any Tolls not exceeding the Tolls specified in the Schedule (E.) to this Act annexed.

Tolls for
weighing
Carts, &c. as
in Schedule
(F.)

XLI. The Corporation from Time to Time may demand and take for the weighing of Carts, from the Person requiring the same to be weighed, such Tolls as the Corporation from Time to Time appoint, not exceeding the Tolls specified in the Schedule (F.) to this Act annexed.

Slaughter-
house Tolls
as in Sche-
dule (G.)

XLII. The Corporation from Time to Time may demand and take, from any Person slaughtering Cattle in any Slaughter-house belonging to the Corporation, any Tolls not exceeding those specified in the Schedule (G.) to this Act annexed.

Collection of
Tolls.

XLIII. The several Tolls from Time to Time may be demanded and taken by such Officers and Servants of the Corporation or other Persons as the Corporation from Time to Time appoint.

XLIV. The

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XLIV. The Corporation from Time to Time, in and upon the Lands in that Behalf delineated on the Plans and Sections and referred to by the Book of Reference respectively deposited for the Purposes of this Act, and in the Line and Situation, and on the Levels and within the Limits of Deviation shown in that Behalf in those Plans and Sections, may make the several new Roads and Approaches by this Act authorized, and the Works and Conveniences connected therewith.

Power for Corporation to make new Roads.

XLV. The new Roads and Approaches by this Act authorized comprise the following ; to wit,

New Roads authorized.

First, a Road commencing in *Widemarsh Street* at a Point opposite *Friars Street*, and terminating in the Road leading from *Clarence Place* to *Widemarsh Mill* at a Point therein nearly opposite a Dwelling House in the Occupation of the Reverend *Thomas Gretton* :

Secondly, a Road commencing from and out of that Road at that Point opposite *Friars Street*, and terminating at or near a Railway now in course of Construction at a Point about Three hundred Yards in the North of the Road known as *Above Eign* :

Thirdly, a Road commencing at the *Leominster Turnpike Road* at *Widemarsh*, and terminating at or near *Widemarsh Mill* :

Fourthly, a Road commencing at the End of *Clarence Place*, and terminating at *Widemarsh Mill*, and the widening and altering of the existing Road leading from *Clarence Place* to *Widemarsh Mill*, so as to be used as a Portion of that Road :

Fifthly, a Road commencing at or near the *Wellington Public House* in *Widemarsh Street*, and terminating at or near *Clarence Place*, and the arching over or otherwise covering of the Town Brook, so as to form a Portion of that Road :

All which Roads will pass from, through, or into, or be situate within the Parishes of *All Saints* and *Holmer*.

XLVI. The Corporation may stop up a public Footpath which leads from *Brook Side* near the Town Brook into the Road leading to *Widemarsh Mill*.

Footpath to be stopped.

XLVII. The Corporation, from Time to Time, in and upon the Lands in that Behalf delineated on the Plans and Sections and referred to by the Book of Reference respectively deposited for the Purposes of this Act, and in the Line and Situation and on the Levels and within the Limits of Deviation shown in that Behalf in those Plans and Sections, may make the several Sewers and Sewerage Works by this Act authorized, and the Works and Conveniences connected therewith.

Power for Corporation to make Sewers and Sewerage Works.

XLVIII. The

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Main and
Branch
Sewers au-
thorized as
herein-
named.

XLVIII. The Main and Branch Sewers and Sewerage Works by this Act authorized comprise the following; to wit,

SOUTHERN GROUP.

First, a Main Sewer, commencing at a Point near the *Saracen's Head* Inn on the South Side of *Wye Bridge*, and terminating in or upon the Shores of the River *Wye* at a Point nearly opposite to *Hinton Cottage*:

Secondly, a Main Sewer, commencing at a Point near *Saint Martin's Church*, and terminating by a Junction with the first-described Sewer at a Point near the Field and Garden Ground belonging to Mrs. *Martha Clee Powell* and Miss *Skryme*:

Thirdly, a Branch Sewer, commencing in *Hinton Lane* at a Point near *Hinton House*, and continued thence in a Northerly Direction until it joins the secondly-described Sewer at a Point near the *Ship Inn* in *Ross Road*:

Fourthly, a Main Sewer, commencing at or near the *Gallows Tumps*, and terminating at a Point near the *Wye Bridge Toll Gate*.

MIDDLE OR LOW LEVEL GROUP.

Fifthly, a Sewer commencing at a Point near the old City Wall, opposite *St. Nicholas's Church*, and terminating in or near the Shore of the River *Wye* at or near *Quay Lane*:

Sixthly, a Branch Sewer running into the fifthly-described Sewer through a Portion of *Wye Bridge Street*:

Seventhly, a Branch Sewer commencing in *Quay Lane*, and discharging itself into the River *Wye* at the End of that Lane:

Eighthly, a Sewer commencing at a Point on *Broomy Hill* near a Messuage belonging to *Thomas Evans Esq.*, and terminating near the Railway Bridge at the *Barton*.

NORTHERN GROUP.

Ninthly, a Main Trunk Sewer commencing at a Point near the Railway Bridge at *Eign Gate*, passing thence to a Point near the *Stone Bow Bridge*, thence proceeding in an Easterly Direction across the Fields near *Scutt Mill*, under the *Ledbury Turnpike Road*, by the Mill Stream belonging to *Eign Mill*, and discharging itself into the River *Wye* at a Point between the *Whalebone Inn* and the *Bone Mill*:

Tenthly, a Main Sewer commencing at a Point at the Northern End of the *Ledbury Turnpike Road* called *Folly Lane*, and terminating by a Junction with the ninthly-described Sewer at the Point where it is intended to cross the *Ledbury Turnpike Road*:

Eleventhly, a Sewer commencing at the *Ailstone Hill Turnpike Gate*, and running into the ninthly-described Sewer at a Point near the *Stone Bow Bridge*:

Twelfthly,

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Twelfthly, a Sewer commencing at or near a Messuage belonging to Mr. *Honiatt* at *St. Owen's Gate*, and terminating by a Junction with the ninthly-described Sewer at the Point where it is intended to cross the *Ledbury Turnpike Road* :

Thirteenthly, a Main Sewer commencing at the Toll Gate at *St. Owen's Gate*, and terminating by a Junction with the ninthly-described Sewer at a Point near the Commencement of *Commercial Road* :

Fourteenthly, a Sewer from the *Burcott Row* near *Widemarsh* to a Point near the *Stone Bow Brook* :

Fifteenthly, a Sewer commencing at or near the *Bull's Head Inn* on *Widemarsh Common*, and terminating by a Junction with the ninthly-described Sewer in *Commercial Road* :

Sixteenthly, a Sewer commencing at a Point in *High Street* opposite a Dwelling House in the Occupation of Mr. *Head*, and terminating by a Junction with the ninthly-described Sewer in *Friars Street* :

Seventeenthly, a Sewer commencing at the *White Cross* near the City, and terminating at or near the Railway Bridge, *Eign Street Without* :

Eighteenthly, a Main Sewer commencing at or near the Railway Bridge at the *Barton*, and terminating at a Point near *All Saints Church* by a Junction with the ninthly-described Sewer :

Nineteenthly, a Sewer commencing at a Point in *Moorfield Place*, and falling into the ninthly-described Sewer near the *Red Lion Inn* :

Twentiethly, a Main Sewer commencing at a Point near the *Oak Inn*, *Bridge Street*, and terminating in *Saint Nicholas Square* :

Twenty-first, Branch Sewers from, out of, or into those Sewers respectively, or some of them, and passing from, through, into, or along the Streets, Lanes, or Places following, or some of them; to wit,

The Freehold Land Society's Premises at *Widemarsh*, *Catherine Street*, *Chapel Street*, *Maylord's Lane*, *Gomond's Lane*, *Little Gaol Lane*, the Workhouse, *Blue School Lane*, the *Sally Walk*, *Green Lane* and *Mill Lane*, *Castle Street*, *Ethelbert Street*, *Ferrers Street*, *Barroll's Lane*, *Cathedral Close*, *Saint John's Street*, *Offa Street*, *St. Peter Street*, *Church Street*, *Capuchin Lane*, *East Street*, *West Street*, *Pig Market*, *Berrington Street* and *Little Berrington Street*, *Victoria Street*, *Bowsey Lane*, *Bewell Street*, *Harley Court*, *Ethelbert Lane*, and under the proposed Site for the Cattle Market :

All which Main and Branch Sewers will pass from, through, or into or be situate within the Parishes of *All Saints*, *Saint Peter*, *Saint Owen*, *Saint John the Baptist*, *Saint Nicholas* and *Saint Martin*, *Holmer*, and the Township of *Tupsley*, in the Parish of *Hampton Bishop* :

[Local.]

5 D

Twenty-

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Twenty-second, a Tank or Reservoir, or Tanks or Reservoirs, for receiving or containing Sewage in a Field at the Back of a House called *Tupsley Lodge*, situated in *Scut Mill Road* in the Township of *Tupsley* in the Parish of *Hampton Bishop*.

Sewer fifthly described not to be constructed without Consent.

XLIX. Provided always, That the Sewer fifthly herein-before described shall not be constructed through the Land or Ground of the Bishop of *Hereford* lying between the Palace of *Hereford* and the River *Wye*, without the previous Consent in Writing of the Bishop of *Hereford* for the Time being.

Certain Provisions of 10 & 11 Vict. c. 17. incorporated.

L. The "Waterworks Clauses Act, 1847," except the Provisions thereof "with respect to the Amount of Profit to be received by the Undertakers when the Waterworks are carried on for their Benefit," is incorporated with this Act.

Power to make herein-named Waterworks.

LI. Subject to the Provisions of this Act, the Corporation from Time to Time may make and maintain the Waterworks by this Act authorized in the Line and on the Levels, within the Limits of Deviation, and in and upon the Lands delineated in that Behalf on the Plans and Sections and described in that Behalf in the Book of Reference respectively deposited for the Purposes of this Act, and may, in and upon any Lands in that Behalf vested in and acquired by the Corporation under this Act, make and maintain, alter and discontinue, any Works and Conveniences for the Purposes of the Waterworks.

LII. The Waterworks by this Act authorized comprise the following ; to wit,

First, a Reservoir situate at *Broomy Hill* in the Parish of *Saint Nicholas*, partly in Fields lying to the South of the Road leading from *Hereford* to *Warham*, and partly in Fields lying on the North of that Road, and belonging to the Bishop of *Hereford* and his Lessee :

Secondly, a Cut from the River *Wye*, commencing about Three hundred Yards along the *Newport, Abergavenny, and Hereford* Railway Bridge, in a Field belonging to the Bishop of *Hereford* and his Lessee, *Robert Lane* Esquire, situate in the Parish of *Saint Nicholas*, and passing through that Field to an Engine Pump to be erected in an adjoining Field, and an Aqueduct or Pipe from such Engine Pump to that Reservoir :

Thirdly, an Aqueduct or Pipe leading from that Reservoir to a Point near the *Barton* Toll Gate, and Main and Supply Pipes from that Point, such Reservoir, Cut, and Aqueduct and Works to be situate within the Parishes and other Places of *All Saints, Saint Peter, Saint Owen, Saint John Baptist, Saint Nicholas, Saint*

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Saint Martin, Holmer, Tupsley, and Hampton Bishop, or some of them:

Fourthly, the diverting and impounding of the Waters of the navigable River *Wye*, and Waters which now supply that River, and the diverting and lowering of the Town Brook which now supplies a Pond or Reservoir at or near the *Castle Mill*, and the excavating and deepening of the Reservoir:

Fifthly, the altering and diverting for the Purposes of the Waterworks of the Road leading from *Hereford* to *Warham*, commencing at a Point called the *Broomy Hill Stile* on the East, and terminating at a Point on the Summit of *Broomy Hill* on the West, and the substituting and providing of another Road in lieu thereof in the Parish of *Saint Nicholas*.

LIII. The Waterworks shall be completed within Seven Years after the passing of this Act, and on the Expiration of that Period the Powers of the Corporation for making the Waterworks, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed: Provided always, that the Corporation from Time to Time may enlarge and extend their Water Mains, Pipes, and Waterworks whenever they think it necessary for supplying Water within the Limits in that Behalf of this Act.

Period for
Completion
of Water-
works.

LIV. For the flushing and cleansing of the Sewers by this Act authorized, and the cleansing of the Market Places and Places for Fairs, the Corporation from Time to Time may divert, take, and use so much of the Waters of the Town Brook as they from Time to Time think requisite.

Power to take
Water from
Town Brook
for certain
Purposes.

LV. Subject to the Provisions of this Act, the Corporation from Time to Time may make, lay down, maintain, alter, and discontinue such Reservoirs, Conduits, Watercourses, Gauges, Mains, Pipes, Apparatus, Works, and Conveniences, and may, upon any Lands from Time to Time vested in them for the Purposes of the Waterworks, make such Buildings, and may do all such other Things as they from Time to Time think proper for collecting and storing Water, and supplying Water within the Limits in that Behalf of this Act, and may, by means of the Waterworks, collect and store Water, and supply Water within those Limits, and sell and dispose of the Water as they from Time to Time think fit.

Power for
Corporation
to supply
Water.

LVI. The Corporation shall, at the Request of the Owner or Occupier of any Dwelling House or Part of a Dwelling House in any Street in which any Water Main of the Corporation from Time to Time is laid, or on the Application of any Person who, under the Provisions of this Act, is entitled to demand a Supply of Water for domestic

Obligation
on Corpora-
tion to supply
Water for
domestic
Purposes.

domestic

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domestic Purposes, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for domestic Purposes, at Rates not exceeding the Rates in this Act specified.

What are not domestic Purposes.

LVII. A Supply of Water for domestic Purposes does not, within the Meaning of this Act, include a Supply of Water for Cattle, or for Horses, or washing Carriages, where such Horses or Carriages are kept for Hire, or for any Trade, Manufacture, or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purpose whatsoever.

Water Rates for domestic Purposes, as herein named.

LVIII. The Rates at which the Corporation shall furnish a Supply of Water for domestic Purposes are such Rates as the Corporation from Time to Time think fit, not exceeding the following Rates; (to wit,)

Where the yearly Value of the House or Part of a House supplied does not exceed Five Pounds, at the yearly Rate of Eight Shillings and Eightpence:

Where the yearly Value exceeds Five Pounds and does not exceed Ten Pounds, at the yearly Rate of Twelve Shillings:

Where the yearly Value exceeds Ten Pounds and does not exceed Fifteen Pounds, at the yearly Rate of Sixteen Shillings:

Where the yearly Value exceeds Fifteen Pounds and does not exceed Twenty Pounds, at the yearly Rate of Twenty Shillings:

Where the yearly Value exceeds Twenty Pounds and does not exceed Thirty Pounds, at the yearly Rate of Twenty-five Shillings:

Where the yearly Value exceeds Thirty Pounds and does not exceed Forty Pounds, at the yearly Rate of Thirty Shillings:

Where the yearly Value exceeds Forty Pounds and does not exceed Fifty Pounds, at the yearly Rate of Forty Shillings:

Where the yearly Value exceeds Fifty Pounds and does not exceed Sixty Pounds, at the yearly Rate of Fifty Shillings:

Where the yearly Value exceeds Sixty Pounds and does not exceed Seventy Pounds, at the yearly Rate of Sixty Shillings:

Where the yearly Value exceeds Seventy Pounds, at the yearly Rate of Four Pounds *per Centum* on the Value of the House or Part of the House:

Provided always, that the Rate on any single House or Part of a House shall not exceed Four Pounds.

Water may be supplied by Agreement.

LIX. The Corporation from Time to Time may supply any Person with Water for other than domestic Purposes, and may supply with Water for domestic Purposes any Person not entitled under this Act to demand a Supply of Water for domestic Purposes, for such Remuneration

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Remuneration and upon such Terms and Conditions as are agreed on between the Corporation and the Person desirous of having the Supply.

LX. Every Person using for other than domestic Purposes any Water supplied by the Corporation, and not having previously agreed with the Corporation for a Supply for such other Purposes, and every Person having agreed with the Corporation for a Supply of Water for any other than domestic Purposes, and using for any Purposes other than the Purposes so agreed on the Water so supplied by the Corporation, shall respectively for every such Offence forfeit and pay to the Corporation any Sum not exceeding Five Pounds and not less than Forty Shillings.

Penalty for using Water for other than domestic Purposes without Agreement.

LXI. The Corporation may at their own Instance, and shall at the Request of any Owner or Occupier of any Premises situate in or adjoining any Street in which any Main or Service Pipe of the Corporation shall be laid, and who requires a Supply of Water by Measure, for Purposes other than the Purposes in respect of which Rates are by this Act provided or limited, and by means of Communication Pipes and other necessary and proper Apparatus, to be provided, laid, and maintained at the Cost of the Person requiring such Supply, afford a Supply of Water by Meter, or other fit and sufficient Instrument or Mode for measuring and ascertaining the Quantity of Water so supplied, and may charge for such Supply not exceeding the following Rates for each One thousand Gallons ; (that is to say,)

Corporation may Charge by Quantity in certain Cases.

In respect of ordinary Service,

When the quarterly Consumption of Water does not exceed Fifty thousand Gallons, Ninepence :

When exceeding Fifty thousand Gallons and not exceeding One hundred thousand Gallons, Eightpence :

When exceeding One hundred thousand Gallons and not exceeding Two hundred thousand Gallons, Sevenpence :

When exceeding Two hundred thousand Gallons, Sixpence :

And in respect of high Service,

An additional Rate not exceeding Twenty-five *per Centum* upon the several Rates last herein-before specified and authorized for ordinary Service :

Provided, that the Corporation shall not be required so to supply Water in any less Quantity than Twenty-five thousand Gallons in any Quarter of a Year.

LXII. Provided always, That the Water to be supplied by the Corporation need not be constantly laid on under Pressure until after the Expiration of Two Years after the Commencement of this Act.

Water need not be laid on under Pressure.

[*Local.*]

5 E

LXIII. Pro-

The Hereford Improvement Act, 1854.

For prevent-
ing fouling
of Water.

LXIII. Provided always, That the Corporation shall not be compellable to supply with Water any Watercloset or any private Bath, or the Apparatus or Pipes connected therewith respectively, unless the same be so connected and used as to prevent the Waste or undue Consumption of the Water of the Corporation, and the Return of foul Air and other noisome and impure Matter into the Mains or Pipes belonging to or connected with the Mains or Pipes of the Corporation, or with respect to a private Bath, if it contain when filled for Use more than Sixty Gallons of Water.

Water may
be cut off in
certain Cases.

LXIV. If any Person supplied with Water by the Corporation wilfully do or cause to be done anything in contravention of the Provisions of this Act, or wilfully omit to do anything which under such Provisions ought to be done for the Prevention of the Waste, Misuse, or undue Consumption, or the Contamination of the Water of the Corporation, the Corporation may turn off the Water supplied by them to such Person, and cease to supply such Person with Water, and also may recover from such Person in any Court of competent Jurisdiction the Amount of any Loss or Injury which the Corporation sustain by reason of any such Act or wilful Omission.

Supply of
Water for
public Pur-
poses.

LXV. The Corporation from Time to Time may provide a gratuitous Supply of Water to any Hospitals, Infirmaries, public Baths and Washhouses, and other public Buildings in the City, and any other public or charitable Purposes within the City.

For Protec-
tion of New-
port, Aber-
gavenny, and
Hereford
Railway
Company.

LXVI. And whereas it is intended that certain of the Sewers or Culverts authorized by this Act shall be constructed on the Land of the *Newport, Abergavenny, and Hereford* Railway Company, and beside and nearly close to the Railway of that Company, and shall be carried into the Sewer or Culvert of that Company: Be it enacted, That the said Sewers or Culverts, and all the Works connected therewith, so far as they will be situate upon the Lands of the said Railway Company or may affect their Railway, and any Alteration in the said Railway or the Works connected therewith incident to the Works of the Corporation, shall be made and shall be for ever after maintained under the Superintendence and to the Satisfaction of the Engineer for the Time being of the said Railway Company, but at the Expense of the Corporation; and if at any Time there shall be such an Accumulation of Sewage Matter brought into any Culvert of the Company as to endanger such Culvert, then the Corporation shall forthwith cause the said Sewage Matter to flow by some other Channel, until the same can with Safety be conveyed into the said Culvert; and if any Difference shall arise between the said Engineer and the Corporation as to the Nature of the said Works, or their Situation or Dimensions, or as to the Necessity of any Alteration in the Works of the Company,
or

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or any new Works to be performed by the Company in consequence of the Works of the Corporation authorized by this Act, or as to the Necessity of diverting the Sewage Matter from the Company's Culvert, such Differences shall be referred to the Arbitration of some Civil Engineer, to be nominated by the President for the Time being of the Board of Trade, and his Decision shall be final.

LXVII. The Corporation shall not, for the Purposes of the new Roads and Approaches by this Act authorized, take or enter upon any Lands belonging to the *Worcester and Hereford* Railway Company, or which that Company is now authorized to take for the Purposes of their Undertaking, without the Consent of the *Worcester and Hereford* Railway Company in Writing under their Common Seal first had and obtained; and any Alteration in the *Worcester and Hereford* Railway, or the Works connected therewith, incident to the Works of the Corporation, shall be made and shall be for ever maintained under the Superintendence and to the Satisfaction of the Engineer for the Time being of the *Worcester and Hereford* Railway Company, but at the Expense of the Corporation; and if any Difference shall arise between the said Engineer and the Corporation as to the Nature of the said Works, or their Situation or Dimensions, or as to the Necessity of any Alteration in the Works of the said Company, or any new Works to be performed by the said Company in consequence of the Works of the Corporation authorized by this Act, such Difference shall be referred to the Arbitration of some Civil Engineer, to be nominated by the President for the Time being of the Board of Trade, and the Decision of the Arbitrator so appointed shall be final.

Corporation not to enter upon Lands of Worcester and Hereford Railway Company without Consent.

LXVIII. "The Cemeteries Clauses Act, 1847," is incorporated with this Act; and the Expression "the Company" in that Act means, for the Purposes of this Act, "the Corporation."

10 & 11 Vict. c. 65. incorporated.

LXIX. Subject to the Provisions of this Act, the Corporation from Time to Time may, in and upon the Lands from Time to Time vested in them for the Purposes of the Cemetery, make, alter, enlarge, improve, and maintain a Cemetery for the Burial of the Dead, with all such Chapels, Buildings, Works, and Conveniences as the Corporation think fit.

Power to make and maintain a Cemetery.

LXX. Provided always, That the Corporation shall not make the Cemetery or any Part thereof within Three hundred Yards of any House of the annual Value of Fifty Pounds, or having a Plantation or ornamental Garden or Pleasure Ground occupied therewith, except with the Consent in Writing of the Owner, Lessee, and Occupier thereof.

Consent to making of Cemetery.

LXXI. When the Corporation have provided a Cemetery, and have made all such Arrangements as they think necessary for Burials therein,

Notice of Cemetery

The Hereford Improvement Act, 1854.

being ready
for Burials.

therein, and when a Portion thereof is consecrated, they shall give Notice for Two successive Weeks in some Newspaper published in the City, and by Notices affixed for the same Time on or near the principal Doors of all the Churches and Chapels of Ease in the City, that the Cemetery is ready for Burials, and after the Expiration of that Period Burials may be had therein.

Burials in
certain
Churches
and Burial
Places may
be discon-
tinued.

LXXII. After such Publication as aforesaid of Notice of the Cemetery being ready, it shall be lawful for the Corporation, with the Approbation of the Bishop of the Diocese for the Time being, from Time to Time, by Writing under their Common Seal and under the Hand of the Bishop, to direct that Burials shall be wholly or partially discontinued in the following Churches, Churchyards, and Burial Grounds, or any of them; to wit, *Saint Peter's Church, Saint Peter's Burial Ground, Saint Owen's Burial Ground, All Saints Church, All Saints Burial Ground, Saint John Baptist Burial Ground, Saint Martin's Church, Saint Martin's Churchyard, Saint Nicholas' Church, Saint Nicholas' Churchyard and Burial Ground*, or in any other existing Burial Place within the Parishes of *All Saints, Saint Peter, Saint Owen, Saint Martin, Saint Nicholas, and Saint John Baptist*; and a Copy of any such Direction shall be affixed for Two successive Weeks on or near the principal Doors of all the Churches and Chapels in the Parish or Parishes in which the Churches or Burial Places to which the same relates are situate; and from and after the Expiration of One Month after such Publication of any such Direction Burials shall be discontinued, either wholly or partially, according to the Terms of the Direction, in the Churches, Churchyards, or Burial Places to which the same relates.

Penalty for
having Bu-
rials in those
Places.

LXXIII. Every Person who, after the Expiration of the said Period of One Month, buries, or causes, permits, or suffers to be buried, any Corpse or Coffin in any Church, Churchyard, or Burial Ground, contrary to any such Direction, shall for every such Offence forfeit any Sum not exceeding Fifty Pounds.

Compensa-
tion for Loss
by Discon-
tinuance of
Burials.

LXXIV. When any such Discontinuance of Burial affects any Persons interested in any such Church, Churchyard, or Burial Ground, reasonable Compensation shall be made by the Corporation to all such Persons for all Loss, Damage, or Expense sustained by them by reason of the Discontinuance of such Burials as might lawfully, and without Disregard to Public Health and Decency, reasonably take place therein, if Burial therein were not so discontinued; provided such Persons or their Agents, within Three Months after such Discontinuance, state in Writing to the Corporation the Particulars of their Claim for such Compensation, with the Particulars of such Loss, Damage, or Expense; and every such Claim shall be examined into,
and

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and the Compensation to be paid shall be decided by Arbitration in manner provided by the Lands Clauses Consolidation Act, 1845.

LXXV. After the Discontinuance of Burials in those Churchyards and Burial Grounds, or any of them, the Corporation may, if they think it expedient, with regard to Public Health or Decency, and with the Approval of the Bishop of the Diocese, fill up, level, fence, pave, plant, or embellish the same, and do all such other Things as the Corporation think requisite for rendering the same inoffensive; and for such Purposes the Corporation, and their Officers, Workmen, and Servants, shall have free Access thereto: Provided always, that the Corporation shall make full Compensation for all Damage occasioned by such Work.

As to the filling up of Graves.

LXXVI. Provided always, That where, by virtue of any Faculty legally granted, or by Usage, or Purchase, or otherwise, there was on the Eleventh Day of *November* One thousand eight hundred and fifty-three any exclusive or other Right of Burial in any Church, Churchyard, or Burial Ground mentioned in any such Direction, the Corporation from Time to Time may, on Application to them, and on their being satisfied that the Exercise of such Right would not be injurious to Health, grant a Licence for the Exercise of such Right during such Time and subject to such Conditions and Restrictions as they think fit; but any such Licence shall not prejudice or in anywise affect the Authority of the Ordinary or of any Person who, if this Act were not passed, might prohibit or control Burial under such Right, and shall not dispense with any Consent which but for this Act would be required, or otherwise give to such Right any greater Force or Effect than it would have if this Act were not passed.

Licence for Burials not in Cemetery.

LXXVII. Subject to the Provisions of this Act, the Inhabitants of the City shall have the same or equivalent Rights of Burial in the Cemetery as in case this Act were not passed they would have in or under any Church, Churchyard, or Burial Ground mentioned in any such Direction; and the Incumbent of any Parish or other Ecclesiastical District in the City shall, on the Request of the Relatives of the Deceased, by himself or his Curate, on giving such Notice as the Corporation by their Regulations require, have the same Rights and Privileges for and with respect to the Performance of Religious Service at the Burial of Bodies of Inhabitants of such Parish or Ecclesiastical District in the consecrated Part of the Cemetery as if it were the Burial Ground of such Parish or Ecclesiastical District.

As to Rights of Burial in Cemetery.

LXXVIII. For the Purposes of the Laws relating to the Poor which concern the Burial of poor Persons, and of all other Enactments under which Burials are authorized or directed to take place in the

As to Parish Burials.

[*Local.*]

5 F

Burial

The Hereford Improvement Act, 1854.

Burial Ground of a Parish, the consecrated Part of the Cemetery shall, for the Burial of the Bodies of Persons dying in any Parish in the City in which any Burial Place may be discontinued, be the Burial Ground of the Parish.

Removal of
Bodies to
Cemetery.

LXXIX. The Relatives of any deceased Person, with the Consent of the Incumbent or other Persons having the Care and Control of any of the said Churches, Churchyards, and Burial Grounds in which the Body of such deceased Person has been interred, and with the Consent and subject to the Regulations of the Corporation, and upon Payment of such Fees as they determine, may cause such Body to be removed to and interred in the Cemetery, without any Faculty for that Purpose.

Limit of Size,
&c. of Graves
in Cemetery.

LXXX. A Grave shall not be dug in the Cemetery of less than Seven Feet in Depth, and more than One Body shall not be interred in any One Grave in the Cemetery, except where more than One Member of the same Family is to be buried at One and the same Time, in which Case the Grave shall be dug so wide that the Coffins containing their Bodies may be placed Side by Side, and One Coffin shall not be placed above another.

Re-opening
of Graves.

LXXXI. A Grave in the Cemetery shall not be re-opened until Twenty Years have elapsed from the original or last opening thereof; but after the Lapse of every such Period the Ground may be re-opened for Burials as by this Act provided.

Sixty Inches
of Soil to be
left above
Coffins in
Graves.

LXXXII. From and after the Commencement of this Act a Coffin containing a Corpse shall not be buried in any Grave in the City, not being a Vault or Catacomb, without at least Sixty Inches of Soil between the ordinary Surface of the Burial Ground and the upper Side of the Coffin being immediately after the Burial of such Person placed in a permanent Manner in the Grave, so as effectually to close the same; and if any Person having the Preparation or the immediate Charge of the Grave to receive any such Coffin permit such Coffin to be buried in such Grave, or if any Person having the Control of the Burial Ground knowingly permit any such Coffin to be buried in any Grave in which there is not so placed immediately after the Burial of such Coffin Sixty Inches at least of Soil, measuring from the ordinary Surface of the Burial Ground to the upper Surface of such Coffin, every such Person having such immediate Charge and every such Person having such Control shall respectively be liable for every such Offence to a Penalty not exceeding the Sum of Ten Pounds.

Penalty for
disturbing
Corpses.

LXXXIII. If any Person, having the Preparation of any Grave in the City, not being a Vault or Catacomb, in the Course of the Preparation

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Preparation thereof knowingly or wilfully displace or disturb any undecomposed or only partly decomposed Corpse or Part of a Corpse, or any undecomposed or only partly decomposed Coffin or Part of a Coffin, every such Person shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

LXXXIV. The Corporation may, if they think fit, at any Time build or provide in such Place within the City as they think fit a House for the Reception and Care of the Bodies of the Dead before and until Burial, and make Arrangements for the Reception and Care of such Bodies therein, and appoint a fit Officer for such House of Reception, and such House shall be deemed Part of the Cemetery. House for Reception of the Dead.

LXXXV. For securing in the Case of Burials in the Cemetery to Persons having the Care and Conduct of Funerals the Means of having the same conducted according to a just and regulated Scale of Charges, the Corporation may, if they think fit, provide a public Hearse or public Hearses for the Conveyance of Bodies to Burial, and provide and keep, or hire or contract for the Use of Horses for drawing the same, and may demand and take Charges for the Use of such Hearses according to such Scale. Power to Corporation to provide Hearses.

LXXXVI. The Corporation, if they think fit, from Time to Time, may invite and receive Tenders for Contracts for the undertaking of such Funerals, according to Classes arranged with reference to the Nature and Amount of the Matters and Services to be furnished and rendered, but so that in respect of the lowest of such Classes the Funeral may be conducted with Decency and Solemnity; and every such Tender shall specify the Class or Classes and Number of Funerals the Person tendering is willing to undertake. Power to invite and receive Tenders for Funerals.

LXXXVII. The Corporation, if they think fit, from Time to Time, may enter into such Contracts as they think proper with any Persons, binding them to undertake during specified Periods Funerals of Persons, or any Class or Number of such Funerals, according to a fixed Scale of Payments, and with such Stipulations as appear to the Corporation necessary for ensuring the decent Performance of such Funerals, or may enter into distinct Contracts binding different Contractors to furnish and render different Parts of the various Matters and Services requisite for such Funerals. Contracts for Funerals.

LXXXVIII. Whenever the Corporation fix any such Scale of Charges, or enter into any such Contract, they shall give public Notice thereof, and of the Payments to be made for Hearses, and for Funerals, Matters, and Services to be furnished and rendered by the Contractors, and of such other Matters as the Corporation think fit, Public Notice of Charges and Contracts for Funerals.
for

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for the Information and Convenience of Persons desirous of having Funerals conducted accordingly.

Duties of
Contractors
for Funerals.

LXXXIX. Every such Contractor during the Continuance of his Contract, when requested by or on behalf of any Person having the Care of any Funeral, of his Desire to have it undertaken, or to have any Matter or Service for it furnished or rendered by the Contractor according to the Terms of his Contract, (such Request specifying the Class according to which he is desirous to have it so undertaken, furnished, or rendered,) shall undertake, furnish, or render it as if the Contract were, with respect to the Funeral Matters or Services in question, entered into by the Contractor with such Person, and the Contractor and such Person shall have the like Rights and Remedies as if the Contractor and such Person had agreed for the undertaking, furnishing, or rendering of such Matters or Services on the Terms expressed in the Contract and applicable thereto.

Charges for
Vaults, &c.
in Cemetery.

XC. Subject to the Provisions of this Act, the Corporation from Time to Time may fix a Scale of Charges for the Purchase of Vaults and Graves in the Cemetery, and of Fees for Tombs, Tombstones, Grave-digging, and the opening of Vaults and Graves, Registration, the Performance of Burial Rites, and for the Use of all Things relating to Funerals, and a Table of such Scale of Charges and Fees shall be published and hung up by the Corporation in a conspicuous Place in the Cemetery, and such Charges and Fees shall be recoverable in a summary Manner.

Charges in
consecrated
and unconse-
crated Parts
to be the
same.

XCI. Provided always, That in every such Scale of Charges the total Amount of Payments to be charged in respect of Burials of the like Class in the consecrated and unconsecrated Parts of the Cemetery shall be the same.

Extra Fees.

XCII. Whenever the Body of any Person is brought from any Place beyond the City for Interment in the Cemetery, the Corporation may demand and take such extra Fees as they think fit for such Burial.

Regulations
for Burials in
a consecrated
Part of Ce-
metery to be
approved by
Ordinary.

XCIII. Provided always, That any Regulations for Burials in the consecrated Part of the Cemetery made by the Corporation by virtue of Section 38. of "The Cemeteries Clauses Act, 1847," shall not be of any Force until approved under the Hand and Seal of the Ordinary of the Diocese.

Fees to In-
cumbents.

XCIV. The Corporation shall, on the Burial of every Body within the Cemetery, pay to the Incumbent for the Time being of the Parish or Ecclesiastical District whence the Body is removed for Burial
such

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such a Sum as that Incumbent would be entitled to if this Act were not passed, and the Body was buried within that Parish or Ecclesiastical District.

XCV. In consideration of such Fees, those Incumbents shall be responsible for the Performance of the Service for the Burial of the Dead in the consecrated Part of the Cemetery, either by themselves or their Curates, or some Clerks in Holy Orders provided or approved by them respectively, as if the Cemetery were the respective Parishes or Ecclesiastical Districts of those Incumbents respectively.

Burial Service to be performed by Incumbents.

XCVI. Provided always, That in every Case in which any such Incumbent fails, either by himself or his Curate, or some Clerk in Holy Orders provided or approved by him, to perform such Service, and the Service is performed by any Clerk in Holy Orders provided by the Corporation, the Fee payable to such Incumbent in respect of the Burial shall be paid, not to him, but to the Clerk in Holy Orders by whom such Service was actually performed.

Or, failing them, by Clerk provided by Corporation.

XCVII. The Corporation from Time to Time may, by Agreement with the Incumbent of any Parish or Ecclesiastical District in the City, fix a Scale of Fees to be thenceforth paid to the Incumbent of that Parish or Ecclesiastical District, and his Successors, in lieu of the Fees payable to him under this Act, and the Fees so fixed shall thenceforth be paid by the Corporation, and accepted by that Incumbent and his Successors: Provided always, that any such Agreement shall not be of any Effect until approved by the Ordinary of the Diocese under his Hand and Episcopal Seal, and also by the Patron of the Benefice to which the Agreement has reference, under his Hand, or under Seal if such Patron be a Corporation.

Future Scales of Fees Incumbents.

XCVIII. The Corporation shall, on the Burial of every Body within the Cemetery, except where it is buried at the Expense of any Parish or Ecclesiastical District, or Union of Parishes for the Relief of the Poor, pay to the Parish Clerk of the Parish or Ecclesiastical District whence the Body is removed for Burial, if he held the Office of Parish Clerk of such Parish or Ecclesiastical District on the Eleventh Day of *November* One thousand eight hundred and fifty-three, but not otherwise, such a Sum as he would be entitled to if this Act were not passed, and the Body were buried in that Parish or Ecclesiastical District.

Fees to Parish Clerks.

XCIX. "The Gasworks Clauses Act, 1847," except the Provisions thereof with "respect to the Amount of Profit to be received by the Undertakers when the Gasworks are carried on for their Benefit," is incorporated with this Act; and the following Expressions

10 & 11 Vict. c. 15. incorporated.

[*Local.*]

5 G

in

The Hereford Improvement Act, 1854.

in that Act have, for the Purposes of this Act, the following Meanings; (to wit,) "the Undertaking" means the Gasworks by this Act authorized to be maintained and made respectively, and "the Undertakers" means the Corporation.

Power for Corporation and Gas Company to enter into Contracts.

C. From Time to Time the Corporation and the Gas Company, and Persons claiming under the Gas Company, may make and carry into effect all such Contracts and Arrangements for the Purchase or other Acquisition by or Lease to the Corporation of all or any of the Gasworks, Lands, Buildings, Mains, Pipes, Works, Plant, Conveniences, and Property of the Company, upon such Terms and Conditions whatsoever as the Parties to such Agreement mutually agree on.

Gasworks to vest in Corporation accordingly;

CI. According to the Terms and Conditions of any such Contract or Arrangement for the Transfer of the Gasworks of the Gas Company to the Corporation, the Gasworks, Lands, Buildings, Mains, Pipes, Works, Plant, Conveniences, and Property of the Gas Company comprised therein shall, by virtue of this Act, be vested in the Corporation, subject to all the Mortgages, Debts, Charges, and Liabilities to which the Gas Company or their Property are then liable, except only so far as the Payment or Satisfaction thereof is otherwise provided for by or between the Parties to such Agreement.

and to be maintained, &c. by them.

CII. From and after the Time when the Gasworks of the Gas Company are vested in the Corporation, according to this Act, the Corporation may maintain, alter, or discontinue the same as they think best for the Purposes of this Act.

Powers to make Gasworks, and supply Gas.

CIII. Subject to the Provisions of this Act, the Corporation from Time to Time may make, lay down, maintain, alter, and discontinue such Gasworks and Retorts, Gasometers, Receivers, Meters, Drains, Sewers, Mains, Pipes, Apparatus, Works, and Conveniences, and may upon any Lands from Time to Time by or under this Act vested in or acquired by them for the Purposes of the Gasworks make such Houses and Buildings, and may do all such other Things, as they from Time to Time think proper for making and storing Gas and supplying Gas within the Limits in that Behalf of this Act, and may sell and dispose of the Gas and the Coke and other Products of the Manufacture of Gas, as they from Time to Time think fit.

Power to place Pipes to light Buildings.

CIV. Subject to the Provisions of this Act, the Corporation may lay any Pipe, Branch, or other necessary Apparatus from any Main or Branch Pipe into, through, or against any Building for the Purpose of lighting it, and may provide and set up any Apparatus necessary for securing to any Building a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

CV. After

The Hereford Improvement Act, 1854.

CV. After the Corporation have provided sufficient Gasworks they shall, at the Request of the Owner or Occupier of any Dwelling House or Part of a Dwelling House or Shop in any Street in which any Gas Main of the Corporation is from Time to Time laid, furnish to such Owner or Occupier a sufficient Supply of Gas, at a Rate not exceeding the Rate of Six Shillings for One thousand Cubic Feet: Provided always, that the Corporation shall not supply Gas until they have acquired all the Gasworks in the City.

Corporation to supply Gas to Dwelling Houses and Shops.

CVI. The Corporation shall not be compellable to supply Gas except for the lighting of Dwelling Houses and Parts thereof and Shops, but may by Agreement supply Gas to any Persons for any other Purposes at such Rates and on such other Terms and Conditions as are from Time to Time mutually agreed as between the Corporation and the Persons respectively desirous of having such Supply.

Supply of Gas by Agreement.

CVII. Every Consumer of Gas supplied by the Corporation shall, on Request in Writing by the Corporation, consume by Meter, to be provided by them at his Expense.

Gas Meters.

CVIII. From and after the Time when the Gasworks of the Gas Company are vested in the Corporation according to this Act, the Affairs of the Gas Company shall be wound up, and the fourthly-recited Act shall be and is by this Act repealed, and the Gas Company shall be dissolved and wholly cease to exist: Provided always, that the Gas Company shall remain incorporated, and entitled to all their Powers, Authorities, Provisions, and Immunities under that Act, so far and so long, but only so far and so long, as is requisite for the winding up of their Affairs.

Repeal of fourthly-recited Act, and Dissolution of Gas Company.

CIX. Notwithstanding the Repeal of the fourthly-recited Act, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done and suffered respectively under the fourthly-recited Act shall be as valid as if this Act were not passed, and such Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Repeal had not happened and this Act were not passed, would be incident to and consequent on any and every thing so done and suffered respectively; and with respect to all such Things so done and suffered respectively, and all such Rights, Liabilities, Claims, and Demands, the Corporation shall, to all Intents and Purposes, represent the Gas Company.

Present and future Rights and Liabilities under fourthly-recited Act saved.

CX. Notwithstanding such Repeal, all Conveyances, Leases, Deeds, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made

Conveyances, &c. to remain.

The Hereford Improvement Act, 1854.

made or entered into before such Repeal, to, with, in favour of, or by, for, or on behalf of the Gas Company, or any Person on their Behalf, shall be and remain as good, valid, and effectual, in favour of, against, and with reference to the Corporation, and may be proceeded on and enforced in the same Manner, to all Intents and Purposes, as if the Corporation instead of the Gas Company or such Person had been Party to and executed the same, or had been named or referred to therein.

Actions, &c.
not to abate.

CXI. Notwithstanding such Repeal, any Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the Gas Company before such Repeal shall not abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue, and from and after such Repeal shall take effect, both in favour of and against the Corporation, in like Manner to all Intents and Purposes as, if such Repeal had not happened, the same would have continued and taken effect in favour of and against the Gas Company, and may be enforced by and against the Corporation accordingly.

Gas Rates
due at Re-
peal to be
recovered
by Corpora-
tion.

CXII. Notwithstanding such Repeal, all Gas Rates or Rents which immediately before such Repeal are due and payable or accruing due and payable to the Gas Company shall from and after such Repeal be payable to and may be collected and recovered by the Corporation, in like Manner as any Gas Rates or Rents may under this Act be collected and recovered by the Corporation.

Debts due to
and by the
Company
paid to and
by them.

CXIII. Notwithstanding such Repeal, all Persons who immediately before such Repeal owe any Sum of Money to the Gas Company, or to any Person on their Behalf, shall pay the same, with all the Interest (if any) due and payable or accruing for the same, to the Corporation; and all Debts and Moneys which immediately before such Repeal are due or owing by or recoverable from the Gas Company, or for the Payment of which the Gas Company are or but for such Repeal would be liable, shall be paid, with all Interest (if any) due and payable or accruing for the same, by or be recoverable from the Corporation.

Books to be
Evidence.

CXIV. Notwithstanding such Repeal, all Books, Certificates, Writings, and Documents by the fourthly-recited Act directed or authorized to be kept or made, and which if such Repeal had not happened would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly.

10 & 11 Vict.
c. 34. incor-
porated.

CXV. "The Towns Improvement Clauses Act, 1847," is incorporated with this Act.

CXVI. The

The Hereford Improvement Act, 1854.

CXVI. The Corporation from Time to Time may contract with any Person for the Sale or Disposal to him of the Sewage, Refuse, or Filth vested in the Corporation, or of which they may dispose, for such Period and on such Terms and Conditions as to the Manufacture thereof into Manure, and as to the Payments to be made to the Corporation, whether fixed or depending on the Amount of Profit arising from the Manufacture and Sale thereof as Manure, and as to the making or providing by such Person of any Buildings, Works, or Conveniences for receiving, storing, manufacturing, or distributing such Sewage, Refuse, Filth, or Manure, or as to the Expense of lifting the same or the deodorizing thereof, as the Corporation from Time to Time think fit.

Power for Corporation to contract for Sale and Manufacture of Sewage.

CXVII. The Corporation from Time to Time may agree with the Owners of any Lands within the Limits of this Act which the Corporation require for the Purpose of making, altering, or diverting any Streets, or for any other of the Purposes of this Act, for the absolute Purchase of any such Lands, either for a Consideration in Money or by way of Exchange for any Part of any such Street which may become needless; and the Lands so purchased shall be laid into the Streets or otherwise appropriated for such Purposes as the Corporation think fit; and all such Streets, when and as soon as the same are made, altered, or diverted, shall be public Streets.

Power to throw Lands into Streets by Agreement with Owners, &c.

CXVIII. Any Person shall not, after the Commencement of this Act, begin the making of any Vault, Arch, Cellar, Sewer, or Drain in or under any Street within the City, so as to interfere or communicate with any Sewer or Drain under the Control of the Corporation, without the Consent in Writing of the Corporation, obtained after giving Three Days previous Notice thereof in Writing, describing the Place and Situation thereof, to the Corporation or their Clerk or Surveyor.

Public Sewers not to be interfered with without Notice.

CXIX. All Vaults, Arches, Cellars, Sewers, or Drains now or hereafter made in or under any Street within the City shall be kept in substantial Repair by the Owners thereof to the Satisfaction of the Corporation; and in case any such Vault, Arch, Cellar, Sewer, or Drain be at any Time not in such substantial Repair, the Corporation may put the same into substantial Repair, and recover the Expenses incurred thereby from the Owner or Occupier thereof, or the Owner or Occupier of any Tenement to which such Vault, Cellar, Sewer, or Drain belongs, and such Owner or Occupier shall also forfeit a Sum not exceeding Twenty Shillings for every Day such Vault, Arch, Cellar, Sewer, or Drain continues out of substantial Repair, after Notice in Writing given to him by the Corporation to repair the same, and a reasonable Time for completing such Repair has elapsed after the Service thereof.

Vaults and Drains to be kept in repair.

[*Local.*]

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CXX.

The Hereford Improvement Act, 1854.

Corporation
may by
Agreement
make House
Drains at
Expense of
Owner.

CXX. The Corporation, by Agreement with the Owner of any Tenement within the City, may construct any Drain from such Tenement at his Expense, and the Expense thereof shall be repaid to them by such Owner, and may be recovered in manner by this Act provided for the Recovery of Rates.

Gutters.

CXXI. The Corporation may turn, tunnel, cover, or alter, in such Manner as they think proper, the Course of any Gutter or Channel running in, upon, or through any Street.

Under-
ground
Drains to be
formed.

CXXII. The Owner or Occupier of any House or Building in any Street in the City shall cause the Water to be conveyed from such House or Building, either by Drains or Tunnels below the Surface of the Pavement or Flagging of the Footpath, or by Iron Drain-gutters fixed in the Flagging or Pavement, and for that Purpose such Owner or Occupier may take up so much of the Pavement or Flagging of any Street as is requisite, and lay down such Drains or Tunnels, or fix such Iron Drain-gutters, under the Direction of the Corporation or their Surveyor, and all Damage thereby occasioned to the Pavement or Flagging of the Footpath or Carriageway shall be made good by or at the Expense of such Owner or Occupier.

No House to
be built until
a Drain has
been laid
from the Site.

CXXIII. It shall not be lawful to build any House in the City unless a covered Drain be first constructed to the Satisfaction of the Corporation or their Surveyor, of such Material and Size, at such Level, with such Fall, and into such Sewer or Drain of the Corporation, as they or their Surveyor shall direct.

Streets not
heretofore
paved to be
paved at the
expense of
Owner of
adjoining
Lands.

CXXIV. If at any Time any present or future Street, not being a Highway, be not well and sufficiently levelled, paved, and flagged, or otherwise made good to the Satisfaction of the Corporation, they may cause such Street, or the Parts thereof not so levelled, paved, and flagged, or otherwise made good, to be levelled, paved, and flagged, or otherwise made good, in such Manner as they think fit, and the Expenses incurred by them in respect thereof shall be repaid to them by the Owners of the Lands abutting on such Street, or the Parts thereof not so levelled, paved, and flagged, or otherwise made good, and according to the Length of the Frontage against the Street of their respective Premises, and such Expenses shall be Private Improvement Expenses, and recoverable accordingly, and thereafter such Street shall be repaired by the Corporation.

Owner or
Occupier to
pave Foot-
ways, if re-
quired.

CXXV. The Corporation from Time to Time may flag or form with Stones, or such Materials as they think fit, upon the Sides of any present or future Street in the City which shall be of the Width of Thirty Feet, and for the whole or such Part as they think fit of the
Length

The Hereford Improvement Act, 1854.

Length of such Street, a Causeway or Footway for the Use of Foot Passengers, of such Width as the Corporation think fit, and they shall have like Power with respect to any Causeway or Footway made of such Materials or in Width such as they disapprove, and the Expenses incurred by them in respect thereof shall be repaid to them by the Owners of the Lands abutting on the Footway so made or altered, and according to the Frontages of their respective Lands, and the same shall be Private Improvement Expenses, and recoverable accordingly.

CXXVI. The Owner of any present or future Court or Passage or any Part of any Court or Passage in the City shall flag or pave such Court or Passage, or the Part thereof whereof he is the Owner, and make a Drain through or along the same, or such Part thereof as the Corporation require, and keep such Flagging or Pavement and Drain in good Repair, and shall also cause the Houses therein belonging to him to be sufficiently drained, and so to be kept, and shall comply with this Enactment to the Satisfaction of the Corporation; and if any such Owner, for One Month after Notice in Writing from the Corporation or their Surveyor, given to or left for him at his usual or last known Place of Abode in *England*, or, if he be unknown or out of *England*, affixed to the Premises in respect of which the same is given, fail in any respect to comply with this Enactment, then and in every such Case such Owner shall for every such Default forfeit any Sum not exceeding Five Pounds, and any further Sum not exceeding Ten Shillings for every Week during which such Default continues, and the Corporation may do the Works required by them, and the Expenses incurred by them in that Behalf shall be Private Improvement Expenses, and recoverable accordingly.

Owners of Courts and Passages to flag and repair them.

CXXVII. Whenever the Corporation think it requisite, they may require the Owner or Occupier of any Licensed Victualling House or Beerhouse to provide and maintain, at his Expense, in a proper and convenient Situation near such House, and to keep, at the like Expense, duly cleansed, a proper and convenient Urinal; and every such Owner or Occupier who, after being thereunto required by the Corporation, wilfully fails to provide, to the Satisfaction of the Corporation, and within such Time as they in that Behalf appoint, or to maintain to their Satisfaction, such a Urinal as required by them, shall be liable to a Penalty not exceeding Twenty Pounds for every such Offence, and to a further Penalty not exceeding Forty Shillings for every Day during which the Offence continues; and every such Owner or Occupier who does not once in every Day, to the Satisfaction of the Corporation, cleanse such Urinal, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Owners of licensed Victualling Houses, &c. to provide Urinals.

CXXVIII. The

The Hereford Improvement Act, 1854.

10 & 11 Vict.
c. 89. incor-
porated.

CXXVIII. The "Town Police Clauses Act, 1847," except the Provisions thereof with respect to the Appointment, and the Powers, Duties, and Privileges of Constables, is incorporated with this Act; and the Expression "the Commissioners" in that Act means for the Purposes of this Act "the Corporation."

Regulations
of Corpora-
tion to be
observed,
under Pe-
nalty.

CXXIX. The Corporation from Time to Time may make such Rules and Orders as they think fit for regulating the Conduct of the Constables; and if any Constable do not faithfully observe and perform such Rules and Orders, every Person so offending shall for every such Offence forfeit a Sum not exceeding Forty Shillings, and, if the Corporation think proper, shall also be discharged from his Office or Employment.

Penalty on
Doors and
Shutters of
Blacksmiths
Forges not
being closed
in after Sun-
set.

CXXX. If any Blacksmith, Whitesmith, or other Person using a Forge, and having a Door, Window, or Aperture fronting or opening into or towards any Street within the City, do not close such Doors or fasten the Shutters of such Window and close such Aperture every Evening within One Half Hour after Sunset, so as effectually to prevent the Light from shining through the Doorway, Window, or Aperture into or upon such Street, every Person so offending shall for every such Offence forfeit a Sum not exceeding Twenty Shillings; but this Enactment shall not extend to Forges below the Pavement of the Street.

Penalty on
Persons cast-
ing Rubbish
into Water-
courses, &c.

CXXXI. If any Person wilfully, and so as to occasion any Injury or Annoyance, throw or place any Dirt, Ashes, Rubbish, or foul Water, or solid or fluid Refuse, or any other noxious or offensive Matter or Substance, into any Watercourse, Pond, Well, or other Reservoir of Water in the City, every Person so offending shall for every such Offence forfeit a Sum not exceeding Forty Shillings.

Dogs sus-
pected to be
mad may be
destroyed.

CXXXII. Any Constable may destroy any Dog or other Animal within the City reasonably suspected to be in a rabid State, and to have been bitten by any Dog or other Animal reasonably suspected to be in a rabid State.

Penalty on
Persons past-
ing Bills
without
Leave, or
writing on
Walls, &c.

CXXXIII. If any Person shall paste or affix, or cause to be pasted or affixed, on or against any Dwelling House, Shop, Warehouse, Building, Wall, or Pillar within the City any Posting Bill or other Paper without the Consent of the Owner or Occupier thereof, every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Shillings; and if any Person shall write upon or otherwise deface or mark any such Dwelling House, Shop, Warehouse, Building, Wall, Pillar, or any Lamp Post, by means of Chalk, Paint,
or

The Hereford Improvement Act, 1854.

or other Material, every Person so offending shall for every such Offence forfeit a Sum not exceeding Twenty Shillings.

CXXXIV. If any Person shall within the City maliciously or wantonly pull down, break, or damage any Board or other Material whereon any Notice of any Property on Sale or to be let shall be painted, printed, or written, and which Board shall be put up by or with the Consent of the Owner or Occupier of the Property wherein the same may stand or to which the same may be affixed, or shall maliciously or wantonly deface or obliterate any such Notice or any such Board, or shall maliciously or wantonly pull down, break, or damage any Pole which may be put up to support such Board, every Person so offending shall for every such Offence forfeit a Sum not exceeding Forty Shillings.

Pulling down
or damaging
Notice
Boards, &c.

CXXXV. If any Person shall wilfully break, destroy, throw down, damage, or spoil any of the Trees, Plants, Shrubs, or any of the Rails, Pales, Seats, Steps, Lamps, or other Articles in any public Walks, Gardens, Squares, Streets, Buildings, or public Places within the City, every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty on
Persons will-
fully damag-
ing Trees,
Plants, Rails,
&c. in public
Walks and
Places.

CXXXVI. If any Person shall convey or carry, or cause to be conveyed or carried, in any Manner, along or through any Street within the City, the Carcass or any Part of the Carcass of any slaughtered Cattle, without a sufficient Cloth Covering to the same, every Person so offending shall forfeit a Sum not exceeding Twenty Shillings.

Penalty on
Persons con-
veying Car-
casses or
Parts of Car-
casses of Cat-
tle without a
Covering.

CXXXVII. If any Person shall, within Fifteen Yards of any Street in the City, fire or burn any Cask, without such firing or burning being sufficiently and completely screened from such Street, every Person so offending shall forfeit a Sum not exceeding the Sum which such Person would be liable to forfeit under the Provisions of the "Town Police Clauses Act, 1847," incorporated herewith, if he had fired or burned a Cask in any Street in the City.

Penalty on
burning
Casks within
Fifteen Yards
of any Street
without a
sufficient
Screen.

CXXXVIII. For the Payment of any Expenses by this Act declared to be or to be recoverable as Private Improvement Expenses, or otherwise payable by any Owner, the Corporation from Time to Time, if they think fit, may make and levy on the Owner of the Property in respect of which the Expenses are incurred, in addition to all other Rates for the Purposes of this Act, a Rate or Rates to be called Private Improvement Rates, of such Amount or of such aggregate Amount as will, in the Judgment of the Corporation, be sufficient to discharge the Amount of such Expenses, with lawful Interest

Private Im-
provement
Rates.

[Local.]

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thereon

The Hereford Improvement Act, 1854.

thereon from the Time of the incurring thereof, and either in One Sum or by Instalments, within such Period, not exceeding Thirty Years, as the Corporation in every Case determine; and the Corporation shall have all such Rights and Remedies for the Recovery of such Private Improvement Rates as are provided by Sections 149, 150, 151, and 152 of "The Towns Improvement Clauses Act, 1847," for the Recovery of Expenses to be repaid by Owners to the Corporation.

Special
Sewers
Rates.

CXXXIX. For defraying the Expenses of making any new Sewer, or enlarging, altering, or arching over any old Sewer, or closing any open Sewer, vested in or acquired by the Corporation under this Act, the Corporation from Time to Time may make and levy, upon the Occupiers of all rateable Property within the City, a Rate or Rates, to be called Special Sewers Rates, and in accordance with the Provisions in that Behalf of "The Towns Improvement Clauses Act, 1847;" and the Special Sewers Rates may be levied upon such separate and distinct Districts as the Corporation from Time to Time think fit and appoint.

Corporation
not to make
General
Sewers
Rate.

CXL. The Corporation shall not make any General Sewers Rate, but (except as otherwise expressly provided by this Act) all Expenditure which might be defrayed by General Sewers Rates shall be defrayed by the Corporation out of their City Fund.

City Rate.

CXLI. For the Purpose of defraying any Expenditure under this Act for the defraying of which Provision or adequate Provision is not by this Act otherwise made, the Corporation from Time to Time may levy and raise by a City Rate, or as Part of the Amount to be raised by a City Rate, such Sums as they think requisite.

Form of
Rate as in
Schedule
(H.)

CXLII. The Form in the Schedule (H.) to this Act annexed, or a Form to the like Effect, with such Alterations (if any) as the Corporation think requisite, may be used for the City Rate or any other Rate for the Purposes of this Act, and shall accordingly be to all Intents and Purposes sufficient for such Rate, and it shall not be necessary for any such Rate to use any other Form.

Rates pro-
spective and
retrospec-
tive.

CXLIII. Any Rate made by the Corporation for any of the Purposes of this Act may be made either wholly prospectively or wholly retrospectively, or partly prospectively and partly retrospectively, and for defraying Liabilities incurred or to be incurred, or both.

Amount of
Rate may in-
clude Ex-

CXLIV. The Amount of any Rate made by the Corporation for any of the Purposes of this Act may, if the Corporation think fit, be such

The Hereford Improvement Act, 1854.

such Amount as in their Judgment will be sufficient to raise or discharge, not only the Sum in respect of which the Rate is made, but also such a Sum as will meet the Expenses, or what is in their Judgment a due Proportion of the Expenses, incurred and to be incurred in and about making and recovering such Rate; and the Amount of any City Rate made for any of the Purposes of this Act may, if the Corporation think fit, include any Sum required for any other of the Purposes of the City Rate.

penses of recovering same, &c.

CXLV. The Owners of all rateable Property the yearly rateable Value whereof does not exceed Ten Pounds, or which is let in separate Apartments, shall be rated to and pay the Rates made under this Act instead of the Occupiers thereof.

Owners to pay the Rate in certain Cases.

CXLVI. Provided always, That no Person occupying any Tenement not situate in or adjoining to any Street now formed or hereafter to be formed within the City, and not subject immediately before the passing of this Act to the Provisions of the recited Acts, or any Lands used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, or any Tenement upon the same, shall be rated for the Purposes of this Act, except only to the City Rate, and to that Rate only to such Extent and for such Purposes as such Person would have been rated in respect of such Lands or Tenements if this Act had not been passed.

Holders of certain Lands, &c. not to be rated to any greater Extent than previous to passing of this Act.

CXLVII. Provided also, That the Occupier of any Land covered with Water, or used only as a Canal or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall be rated for the Purposes of this Act in respect of the same in the Proportion of One Fourth Part only of the net annual Value thereof.

Occupiers of Railways, Canals, &c. to be assessed only in a certain Proportion.

CXLVIII. In addition to the Moneys which, in accordance with the Provisions of "The Towns Improvement Clauses Act, 1847," the Corporation may borrow on the Credit of the Special Sewers Rates, the Corporation from Time to Time, under the Authority of this Act, may borrow at Interest on Mortgage of the other Rates and Tolls to arise under this Act, or any Part thereof, all such Sums as they think requisite for any of the Purposes of this Act, not exceeding in the whole Twenty-eight thousand Pounds, and for the Purpose of paying off or after having paid off (otherwise than by the Sinking Fund) any Money so borrowed, may reborrow the Amount so paid off or to be paid off, and so *toties quoties*.

Power to borrow on Security of Rates.

CXLIX. If, for the Purpose of acquiring the Gasworks, or for any other Purpose relating to the Gasworks, the Corporation find it requisite

Power to borrow for Gasworks

The Hereford Improvement Act, 1854.

Purposes,
with Consent
of Treasury.

requisite to borrow Money, they from Time to Time, in addition to the other Moneys which they are by this Act authorized to borrow, may borrow at Interest on Mortgage of the Rates and Tolls to arise under this Act, or any Part thereof, all such Sums as they think requisite: Provided always, that the Corporation shall not so borrow without the Approval of the Commissioners of Her Majesty's Treasury, or Two of them, signified by Writing under their Hands.

Certain Pro-
visions as to
Mortgages, of
10 & 11 Vict.
c. 16. incor-
porated.

CL. The several Provisions of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, are incorporated with this Act, and the several Expressions "the Commissioners," and "the Clerk to the Commissioners," and "the Office of the Commissioners," in that Act, mean respectively for the Purposes of this Act, "the Corporation," and "the Town Clerk," and "the Town Clerk's Office."

Mortgagees
not to ascer-
tain Power
of Corpora-
tion to bor-
row.

CLI. Any Person from whom the Corporation from Time to Time propose to borrow any Money for any of the Purposes of this Act shall not be bound to inquire as to the Power or Duty of the Corporation to borrow or reborrow such Money or any Part thereof, or as to any Matter precedent to or otherwise affecting their Power to borrow or reborrow the same, but the Production of a Copy of this Act, and of a Resolution of the Corporation for the borrowing or reborrowing of such Money, shall, without further Evidence, be in favour of every Person in good Faith lending any Money to the Corporation for any of the Purposes of this Act sufficient Proof of their Power to borrow or reborrow the same, and of all Matters necessary for the due Exercise of such Power.

Validity of
Mortgages
under Act.

CLII. Every Instrument appearing on the Face thereof to be a Mortgage issued by the Corporation under this Act shall, in favour of every Person claiming in good Faith the Benefit, be as against the Corporation absolutely valid at Law and in Equity to all Intents and Purposes whatsoever.

Corporation
not bound by
Trusts affect-
ing Mort-
gages.

CLIII. The Corporation shall not be bound to see to the Execution of any Trust whatever, expressed, implied, or constructive, to which any Mortgage under this Act may be subject; and the Receipt of the Party in whose Name the Mortgage stands in the Registry of Mortgages, or if it stand in the Names of more Parties than One, the Receipt of One of the Parties named in that Register, shall from Time to Time be a sufficient Discharge to the Corporation for any Interest or other Sum payable in respect of such Mortgage, notwithstanding any Trust to which such Mortgage may then be subject, and whether or not the Corporation have had Notice of such Trust; and the Corporation shall not be bound to see to the Application of the Money paid upon any such Receipt.

CLIV. The

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CLIV. The Mortgagees of the Corporation under this Act may enforce the Payment of the Arrears of Principal and Interest due to them by the Appointment of a Receiver, and the Amount in arrear to authorize a Requisition for a Receiver shall be Three thousand Pounds.

Arrears may be enforced by Appointment of a Receiver.

CLV. The Amount to be set apart by the Corporation yearly out of the Rates levied under this Act (other than the Rates for Private Improvement Expenses) as a Sinking Fund shall be a Sum equal to One Thirtieth Part of the Moneys borrowed under this Act.

Amount to be Yearly set apart out of Rates for a Sinking Fund.

CLVI. The net Moneys from Time to Time received by the Corporation for the Sale of such Lands as might, if this Act had not been passed, have been sold by the Commissioners under Section Six of the thirdly-recited Act, after Payment of the Mortgage Debt thereon, shall be carried by the Corporation to the Credit of the Sinking Fund.

Application of Surplus Monies from Sale of Land.

CLVII. It shall be lawful for the Corporation, if they think fit, to carry to the Credit of the Sinking Fund any Monies which may be received by them for the Sale (subject to the Provisions of the Fifth and Sixth *William* the Fourth, Chapter Seventy-six,) of any Lands, Tenements, or Hereditaments now vested in the Corporation.

Power to carry certain Monies to the Credit of the Sinking Fund.

CLVIII. All Rates, Dues, Fees, Rents, Moneys borrowed, Damages, Penalties, and other Sums of Money and Income whatsoever received under this Act, or in carrying it into execution, by or for the Corporation, shall from Time to Time be carried to the Credit of their City Fund.

Income of Corporation under Act to be carried to the Credit of City Fund.

CLIX. All Payments and Expenses to be incurred and made by the Corporation in and about the carrying this Act into execution with respect to any of the Purposes thereof, except such of those Payments and Expenses as are by this Act expressly directed to be otherwise defrayed, shall be deemed Payments and Expenses incurred and made for the Benefit of the City of *Hereford*, and shall accordingly be paid and satisfied by and out of the City Fund as if the same were Charges thereon expressly directed by the Act of the Fifth and Sixth of *William* the Fourth, Chapter Seventy-six, to be defrayed thereout.

Expenditure of Corporation under Act to be made out of the City Fund.

CLX. For the Purpose of showing more clearly the Sources and Application of the Income of the Corporation under this Act, they shall keep distinct Accounts, to be called respectively "The Markets Account," and "The Roads Account," and "The Sewers Account,"

Distinct Accounts to be kept by Corporation.

[Local.]

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and "The Waterworks Account," and "The Cemetery Account," and "The Gas Account," and "The Police Account," of all their Receipts, Credits, Payments, and Liabilities under this Act with respect to the Execution thereof for the several Purposes of the Markets and Fairs, the Roads, the Sewers, the Waterworks, the Cemetery, the Gasworks, and the Police respectively, and shall keep another distinct Account, to be called "The General Improvement Account," of all their Receipts, Credits, Payments, and Liabilities under this Act with respect to the other Purposes and Provisions thereof: Provided always, that the Corporation from Time to Time may apportion between Two or more of those Accounts, as they think fit, any Items relating to more than One of those Purposes.

Contracts between Landlords and Tenants as to Taxes not to be affected.

CLXI. This Act or anything herein contained shall not alter or affect any Lease, Contract, or Agreement, either written or parol, between Landlord and Tenant, relating to the Payment of any Taxes, Rates, Assessments, or Impositions.

Commissioners may make Compensation for accidental Damage.

CLXII. In all Cases where, either from Accident or Failure of Works under the Control of the Corporation, Damage or Loss is occasioned to any Person; the Corporation may, where they think fit, make such reasonable Compensation as to the Corporation seems just for such Damage and Loss, although such Compensation may not be recoverable at Law against the Corporation.

Recovery of Sums not exceeding 50*l*.

CLXIII. Whenever any Person neglects to pay any Rate or Sum due under or for the Purposes of this Act to the Corporation, and the Amount so due do not exceed Fifty Pounds, the Corporation may recover the same, with full Costs of Suit, in any Court of competent Jurisdiction, and the Remedies of the Corporation under this Enactment shall be in addition to their other Remedies.

Application of Penalty.

CLXIV. The Justices by whom any Penalties are imposed under this Act, and which is not by this Act directed to be otherwise paid, shall award One Moiety thereof to be paid to the Corporation.

Contracts for supply of Gas or Water not to disqualify Councillors.

CLXV. Provided always, That a Person shall not be disqualified for being, continuing, or acting as a Councillor or a Member of the Corporation by reason of his being concerned in any Contract entered into by the Corporation for a Supply to any Person under this Act of Gas or Water; but any such Person shall not discuss, act, or vote as a Councillor or a Member of the Corporation on any Question touching any such Contract in which he or his Partner is directly or indirectly concerned, and every Person so offending shall thereupon be disqualified as being a Contractor with the Corporation.

CLXVI. A Per-

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CLXVI. A Person shall not be incapable of acting as a Justice in the Execution in any respect of this Act by reason of his being interested in any Contract under this Act for Supply of Water or Gas, or being liable under this Act to the Payment of any Toll, Rate, or other Money.

Liabilities to Rates, &c. not to disqualify Justices.

CLXVII. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act or otherwise in relation thereto shall be defrayed by the Corporation as Part of the General Improvement Expenses under this Act.

Expenses of Act.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Land to be taken for the Market Places.

A Messuage or Tenement, Lawn, Gardens, Greenhouse, Workshops, and other Outbuildings, together with a Piece of Meadow Land, belonging to William Heather, and in his Occupation, situate in the Parish of All Saints in the City of Hereford.

A Piece of Land, cultivated as a Nursery Garden, adjoining the last described Premises, belonging to William Heather, on Lease to and in the Occupation of William Davidson and George Davidson.

A Piece of Garden Ground belonging to William Heather, on Lease to and in the Occupation of Richard Hardman.

A public Footpath leading from Brookside into the Road leading from Clarence Place to Widemarsh Mill.

SCHEDULE (B.)

Land to be taken for the Cemetery.

Two Pieces of Ground belonging to the Bishop of Hereford and his Lessee Robert Lane, cultivated as Allotment Gardens, and situate near to Breinton Turnpike Road in the Parish of Saint Nicholas within the Liberties of the City of Hereford.

SCHEDULE (C.)

Market Tolls.

	s.	d.
From the Occupier of each of the Butcher's Shambles, per Week	-	2 6
For each and every of such Shambles, for every Market Day	-	2
For each Shop or Stall for Sale of Goods, Wares, and Merchandise on every Market Day	-	1 6
Ditto - ditto - every Fair Day	-	2
For each and every covered Basket for Sale of Eggs, Butter, or Poultry	0	3
Ditto - open Basket with Eggs, Ducks, or Fowls only	-	0 2
For every such Basket containing more than Two Couples of such Fowls or Ducks	-	0 3
For every Two Couples of live Fowls, or a less Number than Two Couples	-	0 1
For every Portion of Bench and Table as the same are distinguished and numbered	-	0 3
For every Goose, alive or dead, extending beyond such Portion or Space	-	0 1

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	s.	d.
For Stalls, Standings, or Places for laying down, placing, and exposing for Sale, Earthenware, manufactured Goods, Basket-makers and Coopers Wares, Onions, Seeds, and all other Articles, such Sums as are from Time to Time fixed and appointed, for every Yard in Width of the Stalls, Standings, Boards, or other Conveniences occupied by such Articles, not exceeding	0	9
For every Waggon-load of Apples, or Potatoes, or other Vegetables brought to the Market for Sale	1	0
For every Cartload of such Apples, Potatoes, or Vegetables	0	6
For selling and exposing to Sale the following Articles on Market or Fair Days, in the Markets:—		
For every Bag or Pocket of Hops, including weighing and Registry	0	4
For the standing of every Bag or Pocket of Hops for every Week after the Fair or Market Day on which the same is brought, or for any less Time than One Week	2	0
For every Tod, Sheet, Bundle, or Package of Wool, including weighing and Registry	0	6
For the standing of every Tod, Sheet, Bundle, or Package, for every Week after the Fair or Market Day on which the same is brought, or for any less Term than One Week	0	2
For every Tub, Barrel, or Cask of Salt Butter brought into the Markets for Sale, including weighing, the Sum of	0	4
For every Hundredweight of Cheese brought into the Market for Sale, including weighing, and for a less Quantity in proportion	0	4
For all other Goods, Wares, and Merchandises, Provisions, and every other Article whatsoever not herein-before enumerated, which is brought or exposed for Sale in the Markets, and other Accommodations, at and after the Rate for every Superficial or Square Yard occupied by such Articles, the Sum of	0	4

SCHEDULE (D.)

Cattle Market Tolls.

	s.	d.
For every Bull, Ox, Cow, Steer, or Heifer	0	4
For every Calf	0	1
For every Score of Sheep and Lambs, and so in proportion for any greater or less Number	1	8
For every fat Pig	0	3
For every Store Pig or Porker under 120lbs. dead Weight (not exceeding Ten in Number)	0	1½
For every Store Pig or Porker (exceeding Ten in Number)	0	1
For every Sow with sucking Pigs, 3d. for the Sow, and ½d. for each of the Pigs.		
For every Horse, Mare, or Gelding	1	0
For every Colt or Filley	0	6
For every Mule or Ass	0	4
For every Stallion exposed or shown on a Market or Fair Day	2	0

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SCHEDULE (E.)

Weighing and Measuring Tolls.

	<i>s.</i>	<i>d.</i>
For any Quantity not exceeding 28 Pounds Avoirdupois	0	1
" above 28 Pounds and not exceeding 56 Pounds Avoirdupois	0	2
" above 56 Pounds and not exceeding 100 Weight	0	3
And so in proportion for any greater or smaller Quantity.		
For measuring every Quantity of Goods or Things sold by Measure:—		
" not exceeding 1 Bushel	0	$\frac{1}{2}$
" more than 1 Bushel and not exceeding 2 Bushels	0	1
And for every Bushel beyond 2 Bushels	0	$\frac{1}{2}$

SCHEDULE (F.)

Cart Tolls.

	<i>s.</i>	<i>d.</i>
For weighing Waggon, Carts, Packages, or any Article or Thing on the Weighing Machine:—		
For every Waggon	1	0
For every Cart or other Carriage	0	6
For every Package, Parcel, or other Article or Thing	0	4

SCHEDULE (G.)

Slaughter-house Tolls.

	<i>s.</i>	<i>d.</i>
For every Bull, Ox, Cow, Bullock, Steer, or Heifer	1	0
For every Calf	0	6
For every Sheep or Lamb	0	3
For every Hog or Pig	0	9
For every other Beast	1	0

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SCHEDULE (H.)

Form of Rate.

CITY OF HEREFORD.—HEREFORD IMPROVEMENT ACT, 1854.

A [City or Special Sewers or Private Improvement] Rate, duly made this _____ Day of _____

Name of Owner.	Name of Occupier.	Name of Person rated.	Description of Property rated.	Name or Situation of Property rated.	Estimated Extent.	Gross Estimated Rental.	Rateable Value.	Rate at 6d. in the Pound.
John Smith -	James Smith -	James Smith -	Land and Buildings	West Farm -	£ 40 0 0	£ 60 0 0	£ 50 0 0	£ 1 5 0
Owner -	Occupier -	Occupier -	House -	In West Street -	0 1 2	30 0 0	25 0 0	0 12 6
Thomas Smith	George Smith	Thomas Smith	Cottage -	In East Street -	-	4 0 0	3 6 0	0 1 8

(L. S.) *Common Seal of the Corporation.*

Witness to the affixing of the Seal,

A. B. Town Clerk.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1854.

