



ANNO QUADRAGESIMO SEXTO

GEORGI II. REGIS.

Cap. 42.

An Act for paving, cleansing, lighting, watching, and regulating the Streets, Lanes, and other public Passages and Places within the City of *Lichfield*, and the Suburbs thereof. [23d May 1806.]

WHEREAS the Streets, Lanes, and other public Passages and Places within the City of *Lichfield*, and the Suburbs thereof, are not sufficiently paved, cleansed, lighted, or watched, and are subject to various Incroachments, Obstructions, Nuisances, and Annoyances: And whereas it would be of great Benefit and Convenience to the Inhabitants of the said City, and the Suburbs thereof, and to all Persons resorting to or travelling through the same, if the said Streets, Lanes, and other public Passages and Places, were well and sufficiently paved, cleansed, lighted, and watched, and all Incroachments, Obstructions, Nuisances, and Annoyances therein were removed, and Provision made for preventing the like in future; But as the several Purposes aforesaid cannot be effected and carried into Execution without the Aid and Authority of Parliament; May it please Your Majesty, That it may be enacted; and be it enacted, by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That the Bailiffs and Citizens, and the Sheriff of the said City for the Time being, the Ministers of the several Parishes of *Saint Mary*, *Saint Michael*, and *Saint Chad*, in the said City for the Time being, the Head Master of the free Grammar School in the said City for the Time being, the Master of *Saint John's* Hospital without the Bars of the said City for the Time being, and the Feoffees and Sidesmen of the Conduit Lands in the said City for the Time being, who shall be severally resident in the said City and County of the City of *Lichfield*, and also the Occu-
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piers for the Time being, of all Dwelling-houses and Buildings within the said City, which with the Offices, Courts, Yards, and Gardens therewith respectively occupied, are now or shall hereafter be rated or assessed, or liable to be rated or assessed, at and after the Yearly Rent or Value of Twenty Pounds, or upwards, by virtue of this Act, shall be and they are hereby declared to be Commissioners for putting this Act into Execution.

Penalty on acting without being duly qualified.

II. And be it further enacted, That if any Person not being so nominated and duly qualified shall act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered on the Information of any Person or Persons whatsoever in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on behalf of the Plaintiff than that such Person has acted as a Commissioner in the Execution of this Act; and the Money so to be recovered shall after Payment of the Costs and Expences attending the Recovery thereof be paid one Moiety to the Informer or Prosecutor, and the other Moiety to the Treasurer to the said Commissioners, to be applied for the Purposes of this Act: Provided always, that all Acts and Proceedings of any Person or Persons acting as a Commissioner or Commissioners in the Execution of this Act, although not duly qualified as aforesaid, previous to his, or their being convicted of the said Offence, shall notwithstanding such Conviction be as good, valid, and effectual, as if such Person or Persons had been duly qualified to act as such Commissioner or Commissioners according to the Directions of this Act.

Commissioners to be sworn, &c.

III. Provided also, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (except in appointing the first Meeting to be holden in pursuance of this Act, in case the same shall not be holden on the Day herein appointed, and in administering the Oath or Affirmation herein after mentioned to the other Commissioners) until he shall have taken the Oath hereinafter mentioned, or being one of the People called Quakers, have made a solemn Affirmation before One or more of the said Commissioners, at a Meeting to be holden by virtue of this Act (which Oath or Affirmation any One of the said Commissioners is hereby empowered to administer) and such Oath or Affirmation shall be in the Words or to the Effect following:

Oath or Affirmation.

‘ I, *A. B.* do swear [*or, being one of the People called Quakers, I, A. B. do solemnly affirm*] that I am duly qualified to act as a Commissioner in the Execution of an Act made in the Forty-sixth Year of the Reign of His Majesty King GEORGE the Third, intituled, An Act, &c. [*Here set forth the Title of the Act*] according to the Provisions and Directions of the said Act; and that I will act truly and impartially, according to the best of my Skill and Judgment, in the Execution of the Powers and Authorities reposed in me as a Commissioner in and by the said Act. So help me God.’

IV. Provided

IV. Provided likewise, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act during such Time as he shall hold any Office or Place of Profit under the said Commissioners, or during such Time as he shall have any Share or Interest in any Contract or Work to be performed or done under any of the Powers of this Act, or in any matter wherein he shall be in anywise personally or beneficially interested [except as a Creditor on the Rates or Assessments herein directed to be made, levied, and collected]; but that it shall and may be lawful to and for the Justices of the Peace for the City and County of *Lichfield* to act as such in the execution of this Act notwithstanding their being Commissioners, except only in Cases wherein they shall be personally interested.

Commissioners not to act where interested.

V. And be it further enacted, That the said Commissioners shall and they are hereby required to meet on the third *Thursday* next after the passing of this Act at the Guildhall in the said City, between the Hours of Ten of the Clock in the Forenoon and One of the Clock in the Afternoon, for the Purpose of carrying this Act into Execution, and shall and may then, and from time to time afterwards, adjourn themselves to meet at the Guildhall aforesaid, or at any other convenient Place within the said City, between the Hours aforesaid, for the Purpose of proceeding in the Execution of this Act: and if it shall so happen that there shall not appear at the First or at any future Meeting of the said Commissioners appointed to be holden in pursuance of this Act, a sufficient Number of Commissioners to act or to adjourn to another Day (Two Commissioners to be deemed sufficient for the Purpose of Adjournment), or if the said Commissioners shall refuse or neglect to adjourn, or shall adjourn, and it shall be deemed necessary that a Meeting of the said Commissioners should be holden on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case any Five or more of the said Commissioners, or the Clerk for the Time being to the said Commissioners, shall and may call a Meeting to be holden on such Day between the Hours aforesaid, by Notice in writing, (such Notice being signed by the Commissioners so calling such Meeting, or by the said Clerk, and affixed on the Door of the Guildhall within the said City Ten Days at least previous to the Day of holding such Meeting, exclusive of the Day of giving such Notice, and the Day of such intended Meeting,) as they or he shall think proper; and at all Meetings to be holden in pursuance of this Act the said Commissioners shall pay and defray their own Expences.

Commissioners' Meetings.

VI. And be it further enacted, That no Act of the said Commissioners shall be good, valid, or effectual, unless done at some public Meeting to be holden by virtue of this Act (except as may be herein excepted); and that all Powers and Authorities by this Act granted to or vested in the said Commissioners, shall and may from time to time be exercised by the major Part of them present at such Meeting, the whole Number present at such Meeting not being less than Five, and all the Orders and Proceedings of the said Commissioners present at such their several Meetings shall have the same Force and Effect as if the same were made or done by all the said Commissioners for the Time being (save and except as may be herein excepted), and at every such Meeting of the

No Act valid except at a Meeting.

said

ſaid Commiſſioners a Chairman ſhall and may be appointed; and when and as often as it ſhall happen that there ſhall be an equal Number of Votes upon any Queſtion (including the Chairman's Vote) the Chairman ſhall have the deciſive or caſting Vote.

No Order to be revoked unleſs Twice the Number of Commiſſioners that made the Order, be preſent.

VII. And be it further enacted, That no Order made by the ſaid Commiſſioners ſhall be revoked or altered at any ſubſequent Meeting, unleſs at ſome Meeting to be holden for that expreſs Purpose, nor unleſs Notice, ſpecifying the Revocation or Alteration intended to be made, ſigned by the Commiſſioners deſiring ſuch Revocation or Alteration, be inſerted in ſome public Newspaper uſually circulated in the ſaid City, and alſo affixed on the Door of the Guildhall within the ſaid City, Ten Days at the leaſt previous to the Day of holding ſuch Meeting, (excluſive of the Day of giving ſuch Notice and the Day of ſuch intended Meeting) nor unleſs Twice the Number of Commiſſioners ſhall attend at ſuch Meeting to revoke or alter ſuch Order, of thoſe who were preſent when the ſame was made; any Thing herein contained to the contrary thereof notwithstanding.

Proviſion for General Annual Meeting of the Commiſſioners.

VIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to meet on the Firſt *Thursday* in the Month of *February*, Yearly, at the Guildhall within the ſaid City, and that at ſuch General Annual Meeting the Accounts of all Monies received and paid from time to time by virtue or in Execution of this Act, by any Perſon or Perſons whomſoever, ſhall be produced and ſtated to the ſaid Commiſſioners.

Entry of Commiſſioners Proceedings.

IX. And be it further enacted, That fair and regular Entries ſhall be made (in a Book or Books to be provided for that Purpose) of all the Acts, Orders, Directions, Regulations, and Proceedings of the ſaid Commiſſioners relative to the Execution of this Act, and of the Names of the Commiſſioners who ſhall be preſent at the reſpective Meetings; and ſuch Entries ſhall be ſigned or ſubſcribed by the Chairman of each reſpective Meeting, and being ſo ſigned or ſubſcribed ſhall be deemed Originals, and ſhall be allowed to be read in Evidence in all Courts whatſoever, in all Caſes, Suits, and Actions, touching any thing done in purſuance of this Act.

For Appointment of Officers.

X. And be it further enacted, that it ſhall and may be lawful to and for the ſaid Commiſſioners from time to time to elect and appoint a Treasurer and a Clerk, and alſo One or more Aſſeſſor or Aſſeſſors, Collector or Collectors, Receiver or Receivers, of the Rates or Aſſeſſments to be raiſed and levied by virtue of this Act, and alſo a Surveyor or Surveyors, and ſuch or ſo many other Officers as they ſhall find neceſſary for the Execution of this Act; and the ſaid Commiſſioners ſhall take from every ſuch Treasurer, Collector, and Receiver, ſuch Security as they ſhall think proper for the due Execution of his Office; and it ſhall and may be lawful to and for the ſaid Commiſſioners from time to time to remove, ſuſpend, or diſplace all or any of ſuch Officers as they ſhall ſee Occaſion, and appoint another or others in the room or place of ſuch of them as ſhall be ſo removed, ſuſpended, or diſplaced, and alſo in the room of ſuch as ſhall die, or reſign their reſpective Offices; and alſo from time to time by and out of the Monies to be raiſed by virtue

tue of this Act, to appoint and pay such Salaries, Gratuities and Allowances to the respective Officers, and to all other Persons, who shall be employed by them the said Commissioners in the Execution of this Act, as they shall judge reasonable or proper; and all such Officers so to be appointed as aforesaid shall, under their Hands, at such Time and Times, and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all Monies which shall have been by such Officers and Persons respectively received by virtue or for the Purposes of this Act; and how much thereof hath or have been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments and Disbursements, and shall pay all such Monies as shall remain in their respective Hands, to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same; and all the said Officers and Persons respectively shall, on the First *Thursday* in the Month of *February* yearly (although not thereunto required by the said Commissioners) lay their respective Accounts before the said Commissioners, in order that the same may be audited, passed, and allowed by them, if approved of; and all the said Officers and Persons respectively so accounting as aforesaid, shall upon Oath verify their said respective Accounts; and if any such Officer or Person shall not make and render, or shall refuse to verify upon Oath any such Account, or to produce or deliver up the Receipts or Vouchers relating to the same, or to make such Payment as aforesaid, or shall not deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Eight Days after being thereunto required by such Commissioners, all Books, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act; or give Satisfaction to the said Commissioners respecting the same, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands, to the said Commissioners, or as they shall direct or appoint, then and in any of the Cases aforesaid such Commissioners may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, for the Recovery of such Books, Papers, and Writings, and also of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made by the said Commissioners, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Justice of the Peace for the City, County, or Place wherein such Officer or Officers, Person or Persons so neglecting or refusing shall reside or be, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Officer or Officers, Person or Persons so refusing or neglecting, to be apprehended, and upon his or their appearing, or having been summoned and not appearing, or not being found, to hear and determine the Matter of Complaint in a summary Way; and if, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justice that any of the Monies which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required upon the

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Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Officer or Officers, Person or Persons can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the Goods or Chattels distrained; or if it shall in Manner aforesaid appear to such Justice that such Officer or Officers, Person or Persons shall have refused or neglected to render or give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto; or that any Books, Papers, or Writings as aforesaid, shall be in the Custody or Power of such Officer or Officers, Person or Persons, and that he or they shall have neglected or refused to deliver or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice shall commit every such Offender so appearing, or when found, to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize; until he shall give and make a true and perfect Account and Payment as aforesaid; or until he shall have compounded with the said Commissioners; and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners are hereby empowered to make,) and until he shall deliver up such Vouchers, Books, Papers and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners; Provided always, that no such Officer or Person who shall be so committed for Want of sufficient Distress shall be detained in Prison by virtue of this Act for any longer Space of time than Three Calendar Months.

For Appointment of Officers occasionally, in case of Death or Incapacity.

XI. And be it further enacted, That if any Collector or Receiver of the Monies to be levied by virtue of this Act shall die, or become incapable of acting in the Execution of this Act, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to appoint another Person to be Collector or Receiver, of the same Monies until a Collector or Receiver shall be appointed by the said Commissioners at a Meeting to be holden in pursuance of this Act; any Thing herein contained to the contrary thereof notwithstanding.

Commissioners may make Contracts.

XII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to enter into any Contract or Contracts for paving, flagging, repairing, cleansing, and lighting the several Streets, Lanes, public Passages and Places within the said City and Suburbs thereof, or any of them, or for furnishing Materials or any Matters or necessary Things whatsoever, or for any other the Purposes of this Act; but before any such Contract or Contracts shall be entered into, Fourteen Days Notice at the least shall be given in some public Newspaper circulated in the said City of Lichfield, expressing the Purpose or Purposes of such Contract or Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered to the said Commissioners at a certain Time and Place in such Notice to be mentioned; and the said Commissioners shall, and they are hereby required to take Security from every such Contractor for the due Performance of his or her Contract.

XIII. And

XIII. And be it further enacted, That no such Contract or Contracts shall be deemed good or valid if the same shall have been made for a longer Space or Term than Five Years from the Time of entering into such Contract or Contracts.

Contracts not to be entered into for more than Five Years.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, from Time to Time and at all Times hereafter, to compound and agree with any Person or Persons on account of any Breach or Non-performance of such Contract or Contracts for such Sum or Sums of Money as they shall think proper, so as the Sum so compounded and agreed for be not less than the Injury or Damage sustained by the Breach or Non-performance of such Contract or Contracts, and all Costs, Charges, and Expences which shall be occasioned thereby.

Commissioners may compound with Persons for Breach of Contracts.

XV. And be it further enacted, That every such Contract or Contracts shall specify the several Works to be done, and the Prices to be received or paid for the same, and the Time or Times when the said Works shall be completed, and the Penalties to be suffered in case of Non-performance thereof, and shall be signed by the said Commissioners, and also by the Person or Persons contracting to perform such Works respectively, which Contract or Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Commissioners.

Contracts to be signed by the Commissioners.

XVI. And be it further enacted, That all the present and future Pavements, Flagstones, and Curbstones, in the several Streets, Lanes, and other public Passages and Places within the said City and Suburbs thereof, and the Stones, Gravel, and other Materials of which, as well the Footways as Carriageways of such Streets, Lanes, and other public Passages and Places, do and shall consist, and also all Lamps, Lamp-irons, Lamp-posts, Watch Boxes, Watch Houses, and other Houses and Buildings, which shall be erected or fixed up by virtue of this Act, and all Materials, Implements, and other Things which shall be purchased or provided by the said Commissioners for the Purposes of this Act; shall belong to and be the Property of and the same is and are hereby vested in the said Commissioners; and the said Commissioners shall and may cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment [as the Case may require] against any Person or Persons who shall steal, take, or carry away, detain, spoil, injure, or destroy the several Articles and Things hereby vested in them the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred; is or are the Property of "The Commissioners for the Improvement of the City of Lichfield," without particularly mentioning or specifying the Name or Names of all or any of such Commissioners; and the said Commissioners shall have full Power and Authority from Time to Time to sell and dispose of, for the Purposes of this Act, all or any of the said Articles and Things, or any Part or Parts of the same respectively, to such Person or Persons, and in such Manner, as they the said Commissioners shall think proper; and if any Person or Persons shall wilfully or maliciously break up, injure, destroy,

Pavements, &c. vested in the Commissioners.

destroy, or otherwise damage any of the Articles or Things hereby vested in them the said Commissioners, or any of the Works done by them in pursuance of this Act; every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and shall moreover pay such Sum or Sums of Money as shall be a full Satisfaction for the Damages so by him or her done as aforesaid, and such Damages shall be ascertained by, and may together with the said Penalty be recovered before, any Justice of the Peace for the City and County of *Lichfield*; and in case such Offender shall not on Conviction pay such Forfeiture, and also such Satisfaction as aforesaid, the Justice before whom such Conviction shall take place, shall and he is hereby required to commit such Offender to the Common Gaol or House of Correction of and for the said City, there to be kept to Hard Labour for any Space of Time not exceeding Three Calendar Months, and such Offender shall not be discharged before the Expiration of the Time for which he shall be so committed, unless such Penalty and Satisfaction shall be sooner paid and given.

Pavements
of Turnpike
Roads not
vested in the
Commission-
ers.

XVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to vest in the said Commissioners any of the Pavement of the Carriage Ways and Footways which have been paved, amended, and repaired, so long as the same shall continue to be amended and repaired by the Trustees acting in the Execution of an Act, made in the Twenty-ninth Year of the Reign of His present Majesty, intituled; 'An Act for enlarg-
'ing the Terms of Three Acts, made in the Second, Seventeenth,
'and Twenty-eighth Years of his late Majesty, for repairing the Roads
'from *Colehill*, through the City of *Lichfield*, and the Town of *Stone*,
'to the End of the County of *Stafford*, in the Road leading towards
'*Chester*, and several other Roads in the said Acts mentioned, in the
'Counties of *Warwick* and *Stafford*, and City and County of the
'City of *Lichfield*; and for making more effectual Provision for re-
'pairing and widening the said Roads, and other Roads therein men-
'tioned in the said County of *Stafford*,' save and except the said Com-
missioners shall contract with the said Trustees of the said Turnpike Roads for the paving, maintaining, or repairing such Carriage Ways and Footways, which Contract or Contracts it shall be lawful for the said Commissioners to make and enter into.

Persons
chargeable to
Statute-Work
to continue
so.

XVIII. Provided also, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute-Work, or are or shall be chargeable towards repairing and amending the several Highways within the said City and Suburbs thereof intended to be paved, repaired, and amended by the said Commissioners by virtue of this Act, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said City and County of *Lichfield*, and they are hereby required and empowered, upon Application made to them by the said Commissioners, or by their Clerk or Surveyor, by their Order yearly to adjudge and determine what Part or Proportion of the Statute-Work shall every Year be done upon the said Highways by the Inhabitants of the respective Parishes or Places in which the said Highways do lie, and also what Proportion of the Money received

Justices to
determine
Differences
touching
Statute
Work.

received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute-Work as aforesaid, shall be by him, her, or them, paid to the said Commissioners or to their Treasurer; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons, (within Fourteen Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute-Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, and may be directed by any Law or Statute in Force and Effect for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute-Work as aforesaid, to do such Number of Days Statute-Work in every Year upon the said Highways as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Times, (not being Hay-time or Harvest-time) and in such Parts of the said Highways, as the said Commissioners, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute-Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Commissioners or their Treasurer, at such Time or Times as they the said Justices shall direct, and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute-Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor of the said Commissioners, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Highways, shall be found idle or negligent by any Surveyor to the said Commissioners, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Parts of the said Highways; all which Forfeitures shall be paid to the Treasurer to the said Commissioners, and applied towards the amending of the said Highways; and in case the said

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Surveyor

Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Commissioners may compound for Statute Work.

XIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute-Work to be by them done on the said Highways, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Parishes or Places in which the said Highways shall lie and be situate, for a certain Sum of Money by the Year or otherwise, as the said Commissioners shall think reasonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the several Highways within the said City and Suburbs thereof intended to be paved, repaired, and amended by the said Commissioners by virtue of this Act, which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer of the said Commissioners, in Advance, on or before the First *Thursday* in the Month of *February* in each and every Year, otherwise the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments within such Parish or Place shall not be permitted to compound for that Year.

For getting Materials to repair the Streets, &c.

XX. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Commissioners, and to and for all such Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather, and take away, any Stones, Gravel, Sand, or other Materials for making or repairing the Highways within the said City and Suburbs thereof intended to be paved, amended, and repaired by the said Commissioners by virtue of this Act, out of or from any Common or Waste Ground, River or Brook, in any Parish, Township, Hamlet, Division, District, or Place, in the said City and County of *Lichfield*, or in any neighbouring Parish, Township, Hamlet, Division, District, or Place, without paying any Thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor, or other Persons as aforesaid, may by Order of the said Commissioners (such Order to be made at some Meeting of the said Commissioners to be holden in pursuance of this Act, and a Copy thereof to be given to such Surveyor or Surveyors, attested and signed by the Clerk to the said Commissioners) search for, cut, dig, get, gather, and take away, any such Materials as aforesaid, in, off, from, and out of the private Lands, Fields, or Grounds, of any Person or Persons where the same may be had or found; such Lands, Fields or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees, making or tendering such Satisfaction for the Damages done thereby to the Owners and Occupiers of such Grounds where and from whence the same shall be cut,

cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Highways shall be carried, according to their respective Rights and Interests in such Grounds, as the said Commissioners shall judge reasonable; and in case of any Difference between the said Commissioners, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning such Damages, it shall and may be lawful to and for any Two or more of the Justices of the Peace of the County, City, or Place, where such Materials shall be so cut, dug, gotten, gathered, taken, and carried away or over, on Fourteen Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle and determine the Matters of such Payment and Damages, and the Judgment or Order of the said Justices shall be final and conclusive to all Parties.

XXI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away, any Materials for repairing such Highways out of or from any inclosed Lands or Grounds until One Calendar Month's Notice in Writing, signed by the Surveyor, shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before the said Commissioners, or Two or more Justices of the Peace acting for the County, City, or Place, where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case the said Commissioners, or such Justices, shall and may authorize such Surveyor or other Person or Persons to dig, get, gather, and carry away such Materials at such Time or Times as to the said Commissioners or Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent pursuant to such Notice, the said Commissioners or Justices shall and may make such Order therein as they respectively shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

Notice to be given to the Occupiers of inclosed Lands before Materials are to be taken.

XXII. And be it further enacted; That if any Person or Persons whomsoever shall remove or take away any Stones or Gravel, or any Materials laid upon such Highways, or upon any Part thereof, for the Repair thereof, without the Order of the said Commissioners, or of their Surveyor or Surveyors for that Purpose, or if any Person or Persons whomsoever shall take away any Stones or Gravel, or any Materials which shall have been dug or gathered by or by the Order of the said Commissioners, or their Surveyor or Surveyors, in any Lands, Fields, or Waste Grounds, River or Brook, for the Purpose of amending such Highways, or any Part or Parts thereof, or shall get or take away any Stones or Gravel or Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials for amending the said Highways, or any Part or Parts thereof, before the said Surveyor or Surveyors, or his or their Workmen shall have discontinued working therein for the Space of Six Weeks; (except the Owner or Occupier of any Private Ground, and Persons authorized by such Owner or Occupier

Penalty on taking away Materials got by Order of the Surveyor.

to

to get Materials therein for his or her own private Use only, and not for Sale) every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Persons having paved before their Houses Commissioners to purchase the Flags, &c.

XXIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to vest in the said Commissioners any of the broad Flags or Curb-stones which the Owner or Occupier of any House or Building shall have laid down at his or her own Costs and Charges in the Footpath along the Front of such House or Building, until such broad Flags or Curb-stones shall have been bought and purchased by the said Commissioners; but the said Commissioners shall and they are hereby required to buy and purchase the same; and in case any Difference or Dispute shall arise between the said Commissioners and such Owner or Occupier touching or concerning the Value thereof or Price to be paid for the same, then and in every such Case such Difference or Dispute shall be settled and determined by any Justice of the Peace for the said City and County of the City of *Lichfield*.

Where Materials for paving may be lodged.

XXIV. And be it further enacted, That during the Time any Street, Lane, Passage, or Place, shall be new paving, flagging, or repairing, or any of the Grates, Drains, or other Sewers therein shall be altering or repairing, the said Commissioners shall have Power to order the necessary Materials to be lodged in that or any adjoining Street, Lane, Passage, or Place, or Streets, Lanes, Passages, or Places, according to their Discretion, as also to stop the Way through that or any adjacent Highway, Street, Lane, Passage, or Place, so long as they shall judge necessary; and the said Commissioners, and all Persons acting by or under their Direction as aforesaid, are hereby indemnified from any Prosecution or Action whatsoever respecting the same.

Paviours and Carters to be appointed, and Horses to be purchased.

XXV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to appoint such and so many Paviours, Artificers, Workmen, Labourers, Carters, and others, and also to purchase such Horses, Carts, Tools, and Implements, as they shall judge necessary for the Purpose of carrying this Act into Execution.

Power for Commissioners to pave the Streets, &c.

XXVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required from Time to Time to cause the several Streets, Lanes, and other public Passages and Places within the said City and the Suburbs thereof, or any Part or Parts thereof, as well the Carriage as Footways, to be new paved, flagged, repaired, and amended, and the Pavements and Flagging thereof to be taken up and relaid, and the Ground thereof to be raised, lowered, or altered from Time to Time in such Manner and with such Materials, as they the said Commissioners shall think fit, and to cause to be cut or made in, through, over, or under any of the said Streets, Lanes, public Passages and Places, any new Tunnels, Gutters, Sinks, Drains, Sewers, or Watercourses, for conveying the Water from the same respectively, and also to cause any of the present Gutters, Sinks, Drains, Sewers, and Watercourses, to be stopped up, or opened, or widened, and the Form thereof to be altered, turned, varied, or changed, in such Manner as they the said Commissioners shall think fit; and it shall and

and may be lawful to and for the said Commissioners to take up, remove, or cause to be taken up and removed, all or any Posts, Rails, Pales, or Trees, in such Streets, Lanes, Passages or Places, or any of them, as they the said Commissioners shall judge useless or to be a Nuisance or Obstruction to Foot Passengers, Horses, or Carriages.

XXVIII. And be it further enacted, That the several Bridges situated in any of the Streets, Lanes, public Passages and Places within the said City and the Suburbs thereof, which before the passing of this Act were or had been repaired, maintained, and supported by the Bailiffs and Citizens of the said City, shall in future be repaired, maintained, and supported by the said Commissioners out of the Rates or Assessments, and other Monies to be received by them by virtue of this Act; any Law, Usage, or Custom, to the contrary thereof in any wise notwithstanding.

Repair of
Bridges.

XXIX. And be it further enacted, That if any Person or Persons shall at any time take up the said Pavements and Flagging, or any Part of the same respectively, or make or cause to be made any Alteration in any Tunnel, Gutter, Sink, Drain, Sewer, or Watercourse in any Street, Lane, public Passage or Place, in the said City or the Suburbs thereof, without the previous Consent in Writing of the said Commissioners, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in case the Person or Persons so taking up any such Pavement or Flagging, or any Part of the same respectively, or any such Tunnel, Gutter, Sink, Drain, Sewer, or Watercourse, shall not within Six Days after Notice in writing by the Surveyor to the said Commissioners, given to or left at the last or usual Place or Places of Abode of such Person or Persons, cause the same Pavement and Flagging respectively which shall have been so taken up to be reinstated, and the Tunnel, Gutter, Sink, Drain, Sewer, or Watercourse so altered, to be put into its former State, then and in every such Case it shall and may be lawful to and for the Surveyor to the said Commissioners to cause the same respectively to be so done, the Costs and Charges whereof shall be borne and paid by the Person or Persons who shall have taken up or altered such Pavement or Flagging, Tunnel, Gutter, Sink, Drain, Sewer, and Watercourse, or any Part thereof respectively, and in case of Non-payment thereof on Demand, such Costs and Charges shall and may be levied and recovered in such and the like manner as any Penalty is by this Act directed to be levied and recovered.

Pavement
not to be al-
tered without
Consent of
Commission-
ers.

XXX. And be it further enacted, That if any Householder or Householdors within the said City or Suburbs thereof shall make Complaint in Writing under his, her, or their Hand or Hands, and shall leave the same at the last or usual Place of Abode of the Surveyor or Surveyors to the said Commissioners, of any Defect or Want of Repair in any of the Pavements in any of the said Highways, Streets, Lanes, Passages or Places, either before or after the same shall have been new paved or repaired by virtue of this Act, Seven Days before the next Meeting of the said Commissioners, then and in every such Case the said Surveyor or Surveyors shall view the said Pavement, and report the Condition thereof to the said Commissioners at their next Meeting, and if the said Surveyor or Surveyors to whom such Notice shall be given or left as aforesaid, shall

Inhabitants
to give No-
tice to Sur-
veyors, when
Pavements
want any
Repairs.

[Loc. & Per.]

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upon

upon such View find the Pavements complained of to be bad or defective, the said Commissioners shall and may order their Contractor or Contractors, Paviour or Paviours, to repair the same within such Time as they the said Commissioners shall judge necessary for the Repair thereof, which Time shall be specified in such Order; and if the Contractor or Contractors, Paviour or Paviours, to whom such Order shall be given, shall not repair and amend such Pavements within such Time as he or they shall be directed by the said Commissioners to repair and amend the same, then and in every such Case the said Contractor or Contractors, Paviour or Paviours, shall forfeit and pay any Sum not exceeding Five Shillings for every Day that the same bad or defective Pavement shall remain unrepaired after the Time limited by the said Commissioners in their said Order; and One Moiety of every such Penalty shall be applied and paid to such complaining Inhabitant for his or her loss of Time and Trouble in and about the Premises, and the other Moiety shall be applied to the Purposes of this Act.

If Surveyors think such Pavement not defective, Commissioners to view the same.

XXXI. Provided always, and be it further enacted, That if the said Surveyor or Surveyors shall on any such View or Views be of Opinion that the Pavement or Pavements mentioned to be bad or defective by such Householder or Householders in such Notice is not bad or defective, then and in such Case the said Commissioners, or any Five or more of them, shall forthwith proceed to view the said Pavement and their Opinion and Order concerning the same after such View shall be final and conclusive; any thing in this Act contained to the contrary thereof in any wise notwithstanding.

Power for Owners of Waterpipes to take up Pavement to repair the Pipes.

XXXII. And be it further enacted, That it shall and may be lawful to and for the Owners or Proprietors for the Time being of the public Water Works within the said City and the Suburbs thereof, and to and for any Person or Persons acting by or under their Authority, and also for any other Person or Persons who shall and may have any Pipe or Pipes for conveying Water from any public main Pipe or other Water Work, to take up any Part of the Pavement or Flagging within any of the said Streets, Lanes, or other public Passages or Places, whenever it shall be found necessary for the Purpose of repairing or laying down any such Water Pipe, such Owners or Proprietors, and other Persons respectively, first causing Notice to be given to or left at the House of the Surveyor to the said Commissioners of their Intention to take up such Pavement or Flagging for the Purposes aforesaid; and the said Surveyor shall cause such Pavement or Flagging to be properly re-laid and repaired as soon as the Work for which the same shall have been taken up shall be completed; and all the Costs, Charges, and Expences attending the re-laying and repairing thereof, shall be reimbursed to the said Commissioners by the Person or Persons who shall have caused such Pavement and Flagging respectively to have been taken up as aforesaid, and in Default of Payment thereof, within the Space of Fourteen Days next after Notice in writing specifying the Amount of such Costs, Charges, and Expences, left by the Surveyor to the said Commissioners at the Dwellinghouse or last or usual Place of Abode of the Person or Persons at whose Desire or on whose Account such Pavement or Flagging shall have been taken up, then and in every such Case such Costs, Charges, and Expences, shall and may be levied and

and recovered in such and the like Manner as any Penalty is by this Act directed to be levied and recovered.

XXXIII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously hurt, injure, damage, or take up any Pipe or Pipes laid down or which may hereafter be laid down for the Purpose of supplying the said City, or any Inhabitant or Inhabitants of the said City or the Suburbs thereof with Water, then and in every such Case every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall moreover pay such Sum or Sums of Money as shall be a full Satisfaction for the Damages so by him or her done as aforesaid, and such Damages shall be ascertained by, and may together with the said Penalty be recovered before, any Justice of the Peace for the City and County of *Lichfield*; and in case such Offender shall not on Conviction pay such Forfeiture and also such Satisfaction as aforesaid, the Justice before whom such Conviction shall take place shall and he is hereby required to commit such Offender to the Common Gaol or House of Correction of and for the said City, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months, and such Offender shall not be discharged before the Expiration of the Time for which he shall be so committed unless such Penalty and Satisfaction shall be sooner paid and given.

Penalty on
Persons
damaging
Waterpipes.

XXXIV. And be it further enacted, That if the said Commissioners, or any Person or Persons acting by or under their Authority, shall, in the paving, flagging, repairing, or amending of any such Highways, Streets, Lanes, Passages or Places, or in making or repairing any Sewer or Drain, or in otherwise carrying the Powers of this Act into execution, hurt, damage, or injure any such Water Pipe or Pipes as aforesaid, then and in every such Case the said Commissioners shall and they are hereby required to make Satisfaction and Compensation for the same, (on Demand made to their Treasurer) to the Owner or Owners of the Pipe or Pipes so hurt, damaged, or injured, and in case of Neglect or Refusal to make the same as aforesaid, such Satisfaction and Compensation shall and may be recovered from the said Commissioners by an Action at Law in any of His Majesty's Courts of Record at *Westminster*.

Commissioners
injuring
Waterpipes,
to make Sa-
tisfaction.

XXXV. And be it further enacted, That when and so often as any Main Pipe or Pipes belonging to any Feoffees of Conduit Lands who now furnish or shall hereafter furnish the Inhabitants within the said City and the Suburbs thereof with Water, and which now lie or shall hereafter be laid under Ground in any of the said Highways, Streets, Passages, or Places, shall happen to break, burst, or decay, so as to require to be repaired, then and in every such Case the Surveyor or Surveyors of the said Commissioners for the Time being, or such other Person or Persons as the said Commissioners shall appoint for that Purpose, shall forthwith give or cause to be given Notice thereof in Writing to the Wardens of the said Conduit Lands, or One of them, who are hereby required to take up the Pavement, and open the Ground at or near the Place where such Repair shall appear to be wanting, and such Wardens are hereby required to cause or procure the said Main or Mains, Pipe or Pipes, to be repaired, and afterwards to fill up the said Ground and ram down the same, within Six Days next after such Notice to be given: and as soon as such Main
or

Pavement
and Water-
pipes when
broken, by
whom to be
repaired.

or Pipe shall have been so repaired, and the Ground so filled up and rammed down, he or they shall give or cause to be given Notice thereof in Writing to the Paviour or Contractor for the Time being of the said Commissioners; and if the Warden or Wardens of the said Conduit Lands to or for whom such Notice shall be given or left at his or their last Place or Places of Abode, shall, by the Space of Six Days next after the giving or leaving of such Notice as aforesaid, refuse or neglect to take up such Pavements, and open such Ground, or refuse or neglect to cause or procure such Main or Mains, Pipe, or Pipes, to be amended and repaired, or afterward to fill up the Ground so taken up, or to give such immediate Notice of his having so done to the Paviour or Contractor of the said Commissioners for the Time being, then and in every such Case the Person or Persons so respectively refusing or neglecting, shall for every such Offence severally forfeit and pay any Sum not exceeding Forty Shillings; and if any Main or Mains, Pipe or Pipes, not belonging to the Feoffees of Conduit Lands, shall happen to break, burst, or decay as aforesaid, in any of the said Streets, Lanes, Passages, or Places, then and in every such Case the respective Owner or Owners thereof shall forthwith cause the Ground over the same to be opened, and such Main or Mains, Pipe or Pipes, to be repaired, and Notice thereof in Writing to be given to the Clerk for the Time being of the said Commissioners, or in Case of Refusal or Neglect so to do shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and if any Pavement shall be broken or taken up for the Purpose of making, repairing, or altering any Main Pipe, Vault, or Drain, or for any other Purpose whatsoever, then and in every such Case the Person or Persons so breaking or taking up the said Pavement, or causing the same to be so broken or taken up, shall, as soon as the nature of the Work will permit, cause the Ground to be filled in, and Notice thereof in Writing to be given to the Paviour or Contractor of the said Commissioners for the Time being, or in case of Refusal or Neglect so to do, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and if such Paviour or Contractor to whom any such Notice as aforesaid shall be so given, shall, by the space of Six Days next after such Notice given to him as aforesaid, refuse or neglect to re-lay and repair the Pavement so broken up, then and in every such Case the Person so refusing or neglecting shall forfeit and pay any Sum not exceeding Five Shillings for every Day such Pavement shall continue unrelaid or unrepaired after the Expiration of the said Six Days: Provided always, that if it shall so happen that at any Time there shall be no regular or fixed Appointment of a Paviour or Supervisor of the said Feoffees of Conduit Lands, then and in such Case such Notice as aforesaid shall be delivered to or left at the Dwelling-house or Dwelling-houses, or usual Place or Places of Abode of the Wardens of the said Conduit Lands for the Time being, or one of them, who shall in every such Case be substituted in the room of such Paviour or Supervisor, to all the Intents and Purposes aforesaid.

Pavement to be relaid by the Space of Six Days.

Proviso.

Feoffees of Conduit Lands to pay to the Commissioners the Expence of new laying

XXXVI. Provided also, and be it further enacted and declared, That the Charges and Expences of re-laying the Pavement which shall be broken or taken up for the Purposes of laying down, repairing, or amending any such Main or Mains, Pipe or Pipes, shall be reimbursed and paid to the said Commissioners, or to such Person as they shall appoint to receive the same, by the Wardens for the Time being of the said Conduit

Conduit Lands, to the Feoffees whereof such Main or Mains, Pipe or Pipes shall belong, or if the same shall not belong to any of the said Feoffees of Conduit Lands, then by the respective Owner or Owners thereof, and if such Wardens of the said Conduit Lands, or the respective Owner or Owners of such Main or Mains, Pipe or Pipes, liable to reimburse and pay such Charges and Expences, shall refuse or neglect to pay the same within Fourteen Days next after Demand thereof in Writing, signed by the Clerk of the said Commissioners, and left at the Dwelling-house or Dwelling-houses, or last Place or Places of Abode of the Wardens of the said Conduit Lands, or either of them, together with a Bill to be annexed to such Demand, containing an Account of such Charges and Expences, then and in every such Case the Money so expended shall and may be recovered by the said Commissioners of and from the said Feoffees of Conduit Lands, or other Person or Persons so liable thereto, by Action or Actions of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record, at *Westminster*, to be commenced within Six Calendar Months next after such Demand respectively, in which Action or Actions, Suit or Suits respectively, no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

XXXVII. Provided likewise, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any of the said Feoffees of Conduit Lands, from time to time as Occasion shall require, from taking up and repairing by their own Workmen, Paviours, or Supervisors, any Part of the Pavement within the said City and the Suburbs thereof, not exceeding the Distance of Ten Feet from the Water Plugs, Drawing Plugs, and Fire Plugs belonging to the said Feoffees of Conduit Lands; provided nevertheless, that in case such Pavement so taken up by the said Feoffees of Conduit Lands, their Workmen, Paviours, or Supervisors, shall not be properly re-laid to the Satisfaction of the said Commissioners or their Surveyor or Surveyors for the Time being, then upon Notice given to the Wardens of the said Conduit Lands, or either of them, the said Pavement shall within Six Days after such Notice be again taken up and re-laid at the Expence of the said Feoffees of Conduit Lands that shall have so taken up or caused to have been taken up the said Pavement, and in case the said Pavement so taken up shall not be re-laid for the Space of Six Days in a proper Manner, and to the Satisfaction of the said Commissioners, or their Surveyor or Surveyors for the Time being, then the said Feoffees of Conduit Lands so neglecting to re-lay the said Pavement in a proper Manner shall forfeit and pay to the said Commissioners any Sum not exceeding Forty Shillings, and the said Commissioners shall cause such Pavement to be taken up and re-laid by their own Workmen and Paviours, and the Expence thereof shall be borne and defrayed by the said Feoffees of Conduit Lands so neglecting to re-lay the same in a proper Manner; any thing herein contained to the contrary notwithstanding.

XXXVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from time to time to compound and agree with the said Feoffees of Conduit Lands for a certain Sum of Money, by the Foot or other Measure, as the said Commissioners shall think reasonable, for the Purpose of laying down or repairing

[*Loc. & Per.*]

9 B

such

the Pavement
when Pipes
are broken,
&c.

Feoffees of
Conduit
Lands may
repair the
Pavement by
their own
Workmen,
within Ten
Feet of their
Plugs, &c.

Commission-
ers may com-
pound with
Feoffees of
Conduit
Lands.

such Parts of the said Streets, Lanes, Passages, or Places as shall be necessary to be taken up by the Workmen of the said Feoffees of Conduit Lands, for the Purposes of laying down, replacing, altering, or amending any of the said Mains or Pipes.

Owners of
Pipes to re-
lay or repair
them at their
own Charges.

XXXIX. Provided always, and it is hereby enacted and declared, That the Charges and Expences of re-laying or repairing the Pavement which shall be broken or taken up for the purpose of repairing or amending any such Pipe or Pipes not belonging to any Feoffees of Conduit Lands, shall be paid to the Commissioners for putting this Act in Execution, or to such Person or Persons as they shall appoint to receive the same, by the respective Owner or Owners of such Pipe or Pipes; and that the Charges and Expences of making, repairing, altering, cleansing, or emptying any Sewer, Drain, or Vault, or of re-laying and repairing the Pavement so broken or taken up for any of the Purposes aforesaid, shall be paid to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, by the Person or Persons who shall take up or cause the said Pavement, or any Part thereof, to be taken up for the Purposes aforesaid: and in case the respective Owner or Owners of such Pipe or Pipes as aforesaid, or other Person or Persons as aforesaid, shall neglect or refuse to pay what shall have been so laid out and disbursed for the Purposes aforesaid, within Fourteen Days next after Notice thereof in Writing, signed by the Clerk to the Commissioners for putting this Act in Execution, and left at their respective Dwelling-houses, or last Place of Abode, together with a Bill annexed thereto (which Notice shall contain an Account of such Charges and Expences) that then and in every such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against all or any or either of the respective Persons aforesaid, for the Recovery of such Sum or Sums of Money as they shall have so laid out and expended for the Purposes aforesaid in which Action or Actions no Essoign, Protection, or Wager of Law, or more than One Impar lance shall be allowed.

Power for
Commission-
ers to name
the Streets,
&c. and to
number the
Houses.

XL. And be it further enacted, That it shall and may be lawful to and for the said Commissioners and they are hereby empowered to describe and determine the Limits and Extent of the several Streets, Lanes, public Passages and Places, within the said City and Suburbs thereof in such Manner as they shall think proper; and shall and may cause to be placed on a conspicuous Part of some House or other Building, at or near the End or Corner of every such Street, Lane, public Passage or Place, the Name by which such Street, Lane, public Passage or Place, is usually or properly or shall thereafter be called or known, and may order and direct the several Houses, Shops, Warehouses, and Buildings within the said Streets, Lanes, public Passages and Places, or any of them, to be numbered with Figures, placed or painted on the Door of every such House, Shop, Warehouse, or Building, or such other Part thereof as the said Commissioners shall think proper; and if any Person shall wilfully destroy, obliterate, or deface any such Number, Figure, Name, or Description, or any Part thereof, or cause or procure the same to be done, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on
Owners not

XLI. And be it further enacted, That when any such Number, or Numbers painted or put on any House, Tenement, or other Premises within

within the said City and Suburbs thereof, shall be defaced or rubbed out, the Owner or Owners, Occupier or Occupiers of such House, Tenement, or other Premises where the Number or Numbers shall be so defaced or rubbed out, shall, upon personal Notice given to him, her, or them, or upon Notice in Writing left at such House, Tenement, or other Premises, signed by the Clerk to the said Commissioners, cause the said Number or Numbers to be in the same or like Manner painted or put on such House Tenement, or other Premises, within Fourteen Days after such Notice, and in case of Neglect or Refusal to comply with such Order, every such Owner or Occupier shall forfeit and pay for every such Offence a Sum not exceeding Forty Shillings.

restoring
Numbers.

XLII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby required to nominate and appoint any Person or Persons, and to purchase any Cart or Carts, or other Carriage or Carriages, and also any Horse or Horses, for the Purpose of cleansing the several Streets, Lanes, Passages and Places within the said City and Suburbs thereof, and of carrying away the Dust, Dirt, Filth, Rubbish, Cinders, or Ashes from any House or Houses, or other Premises within the same, or it shall and may be lawful to and for the said Commissioners to contract with any Person or Persons for cleansing the same, and for carrying away the Dust, Dirt, Cinders, or Ashes from any House or Houses, or other Premises within the same.

Commissioners may direct the Streets to be cleaned.

XLIII. And be it further enacted, That the Person or Persons employed by or contracting with the said Commissioners for cleansing the several Streets, Lanes, public Passages, and Places, within the said City and Suburbs thereof, or the Person or Persons employed by or acting under the Direction of such Person or Persons so contracting with the said Commissioners, shall Twice in every Week (that is to say) on every *Tuesday* and *Saturday* between such Hours of those respective Days, and also on such other Days, and at or between such Hours, as the Commissioners aforesaid shall from time to time appoint, sweep, and collect together all Dust, Dirt, Filth, or Rubbish, in such Streets, Lanes, public Passages, and Places, and shall also bring or cause to be brought a Cart or other proper Carriage into such Streets, Lanes, public Passages, and Places, where such Cart or other Carriage can pass, and shall at his or their Approach with such Cart or other Carriage, and not before, by sound of Bell, Voice, or otherwise, give notice to the Inhabitants of his or their coming, and give the like Notice in every Court, Passage, or Place into which such Cart or Carriage cannot pass, and such Person or Persons so employed by or contracting with the said Commissioners, shall immediately take the Dust, Dirt, Rubbish, Cinders, Ashes, and other Filth, (except Filth from any Privy or Necessary-house) from the respective Premises in such several Streets, Lanes, public Passages, and Places, and put the same into such Cart or Carriage, all which Dust, Dirt, Rubbish, Cinders, Ashes, and Filth, (except as aforesaid) as well as all such Dust, Dirt, Dung, Ashes, and other Filth as shall be swept up and collected together as aforesaid, such Person or Persons shall then immediately, or as soon as may be, carry away, or cause to be carried away to the Place or Places appointed for depositing the same, upon Pain of forfeiting any Sum not exceeding Twenty Shillings for every Offence or Neglect therein; and the Person or Persons so employed or contracting as aforesaid, shall cause the Words "Scavenger's Cart," to be

Scavengers
Duty.

be painted in large Roman Letters on the Front, or on some other conspicuous Part of every Cart or Carriage, used for the Purposes aforesaid, on Pain of forfeiting any Sum not exceeding Twenty Shillings for every Neglect therein.

For preventing Persons from throwing Dirt into the Street.

XLIV. And be it further enacted, That if any Person or Persons whosoever shall throw, cast, or lay, or cause to be thrown, cast, or laid, any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth whatsoever, into or in any Street, Lane, or other public Passage or Place within the said City or Suburbs thereof, (except as herein excepted) every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, or if any Person or Persons whosoever shall throw or cast any such Dust, Dirt, Dung, Offal; Rubbish, Ashes, or other Filth, or Thing whatsoever, into any Sewer, Drain, Sink, or Watercourse, under the Direction of the said Commissioners within the said City or Suburbs thereof, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty not to extend to Rubbish or Dirt occasioned by building or repairing Houses.

XLV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to subject any Person whomsoever to any Penalty by this Act inflicted, for or on account of any Rubbish or Dirt being laid or placed in any such Street, Lane, public Passage or Place as aforesaid, occasioned by the building, pulling down, altering, or repairing his or her House or other Building, so as there be full and sufficient Space in the Opinion of the said Commissioners, or of their Surveyor for the Time being, left in or at the side of the Street, Lane, public Passage or Place where such Rubbish or Dirt shall lie or be placed, for Carriages to pass and re-pass, and a sufficient Way kept clean for foot Passengers, by the Person or Persons laying, or causing such Rubbish or Dirt to be laid or placed, and so as a sufficient Light be at his, her, or their own Expence, set and maintained at the Place where such Rubbish or Dirt shall be so laid or placed, from Sun-set to Sun rise, to prevent any Mischief happening to Passengers or Cattle, and so as the same be inclosed and fenced about in such Manner and within such Time as the said Commissioners shall, by any Notice to be by their Order given to or left with such Person or Persons, direct and appoint, and so as such Rubbish or Dirt be removed at the Expence of the Person or Persons so laying or causing the same to be laid within a Time to be expressed in a Notice to be in like Manner given by the said Commissioners.

No Person but a Scavenger to remove any Dirt, Dust, &c.

XLVI. And be it further enacted, That if any Person or Persons whosoever, other than the Person or Persons employed by or contracting with the said Commissioners for cleansing the several Streets, Lanes, or other public Passages or Places within the said City or Suburbs thereof, or the Person or Persons employed by or acting under the Direction of the Person or Persons so contracting as aforesaid, shall take or carry away or cause to be taken or carried away any Dirt, Dust, Dung, Ashes, or other Filth, out of any of such Streets, Lanes, or other public Passages or Places as aforesaid, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings:

Pro.

Provided always, that nothing herein contained shall extend or be construed to extend to prevent any Person or Persons from preserving and keeping any Soil, Dirt, Dust, Dung, Ashes, Cinders, Manure, Muck, Filth or Rubbish, which shall have arisen or have been made within his, her, or their Houses, Yards, or other Premises, or from making use of the same for the Purpose of manuring any Lands in his, her, or their own Occupation, so as such Soil, Dirt, Dust, Cinders, Dung, Ashes, Manure, Muck, Filth, or Rubbish, be not laid down or placed in any Street, Lane, public Passage or Place, within the said City or Suburbs thereof, for any longer time than shall be necessary for loading and carrying away the same, nor be suffered to remain so as to be any Annoyance to any of the Inhabitants of the said City or the Suburbs thereof; but in case any Person or Persons so reserving such Soil, Dirt, Dust, Dung, Ashes, Cinders, Manure, Muck, Filth, or Rubbish, shall thereby annoy any of the said Inhabitants, or shall permit or suffer the same to remain in any such Street, Lane, public Passage or Place, for any longer Time than from Sun-rise to Sun-set, before the same shall be carried away or removed, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings for every Day that such Annoyance shall be suffered to remain after the Time limited as aforesaid.

Persons to be at Liberty to keep or dispose of Dust, &c. for their own Use.

XLVII. And be it further enacted, That the respective Occupiers of Houses or other Buildings in the several Streets, Lanes, public Passages and Places within the said City and Suburbs thereof, shall and they are hereby required to cause to be well and sufficiently swept and cleaned the Footways or Foot Pavements before, behind, and at the Sides of their respective Houses, or other Buildings (as the Situation thereof shall require) every Morning in the Year between the Hours of Six and Nine of the Clock, upon Pain of forfeiting and paying for every Neglect therein any Sum not exceeding Five Shillings.

Direction for sweeping Footways.

XLVIII. And be it further enacted, That if any Person shall empty any Necessary-house, or carry any Night-Soil along any Market-place, Street, Lane, or other public Passage or Place within the said City or Suburbs thereof, before the Hour of Twelve at Night, in any Part of the Year, or after the Hour of Seven in the Morning, between Michaelmas Day and Lady-day, or after the Hour of Six in the Morning, between Lady-day and Michaelmas day, or put or cast any Night soil in or near any of the said Market-places, Streets, Lanes, or other public Passages or Places, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

The Time of emptying Necessary-houses directed.

XLIX. And be it further enacted, That if any Person shall without the previous Consent in Writing of the said Commissioners make or branch any Drain into any public Sewer or Drain under the Management or Direction of the said Commissioners, every such Person so offending shall for every such Sewer or Drain forfeit and pay any Sum not exceeding Five Pounds; and all private Sewers or Drains now made or which shall hereafter with the Consent of the said Commissioners be made within any Street, Lane, public Passage or Place, within the said City or Suburbs thereof, and which do or shall issue into any public Sewer or Drain under the Management or Direction of the said Commissioners shall be repaired

Private Drains not to be made without Consent of Commissioners, and if made by their Leave, to be cleaned by their Order,

[Loc. & Per.]

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and

and cleansed, under the Direction of the Surveyor or other proper Officers of the said Commissioners, at the Costs and Charges of the Owner or respective Owners of the Houses, Lands, or Tenements, to which such private Sewer or Drain doth or shall belong, and such Costs and Charges, to be ascertained and settled, in Case of Dispute, by some Justice of the Peace for the said City and County of *Lichfield*, shall, on Non-payment thereof on Demand, be levied and recovered by Warrant of such Justice by Distress, and Sale of the Goods and Chattels of the Occupier or respective Occupiers of the Premises; and all such Occupiers, their Executors and Administrators, are hereby empowered to deduct and retain out of their respective Rents, such Costs and Charges as they respectively shall pay for or on behalf of the Owner or respective Owners, of such Premises respectively, which Costs and Charges so paid shall be considered as Money actually paid for Rent due or to become due to such Owner or respective Owners, who shall allow the Deduction upon the Receipt of the Remainder of his, her, or their Rent or respective Rents.

Provision for
Lighting the
Streets, &c.

L. And be it further enacted, That it shall and may be lawful to and for the said Commissioners and they are hereby authorised and empowered from time to time and at any Time or Times hereafter, to purchase and provide such and so many Glass Lamps of such Sorts and Sizes, and also such and so many Lamp-irons and Lamp-posts as they shall judge necessary, and to direct the same to be affixed or set up upon or against the Walls or Palisadoes of all or any of the several Houses, Buildings, or Bridges, or upon or against any other Walls, or in or upon such other Places within the said City and Suburbs thereof, and to be altered, taken down, or renewed in such Manner as they shall think fit, and to cause such Lamps or any of them to be lighted at such Seasons of the Year, on such Evenings, and at such Hours of the Evening, and to be kept burning for so many Hours, as shall to them seem necessary or proper for the well and sufficiently Lighting of all or any of the said Streets, Lanes, public Passages and Places, within the said City and the Suburbs thereof.

Penalty for
wilful Da-
mage to
Lamps.

LI. And be it further enacted, That if any Person or Persons shall wilfully take away, break, throw down, displace or damage any Lamp or Lamps already set up or that shall be set up by virtue of this Act by Order of the said Commissioners, or by any Person or Persons at his, her, or their own Expence for the Purpose of lighting any of the said Streets, Lanes, Passages, or Places, or shall wilfully extinguish the Light or Lights within the same, or shall throw down or damage the Posts, Irons, Cover, or other Furniture of any such Lamp, it shall and may be lawful to and for any Person or Persons whomsoever, who shall see any such Offence committed, to seize, and also for any other Person or Persons whomsoever to assist in seizing, the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to convey and deliver him, her, or them into the Custody of a Watchman, or of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said City and County of *Lichfield*, and such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear, or be produced to give Information or Evidence touching such Offence, and if the Party or Parties accused shall be convicted, either by his, her, or their Confession, or upon such Information or Evidence as aforesaid, then
and

and in every such Case he, she, and they shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall moreover pay such Sum or Sums of Money as shall be deemed by such Justice to be a full Satisfaction for the Damage so by him, her, or them done as aforesaid; and in case such Offender or Offenders shall not on Conviction pay such Forfeiture, and also such Satisfaction as aforesaid, such Justice is hereby required to commit him, her, or them to the Common Gaol or House of Correction of and for the said City, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months, and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be so committed, unless such Forfeiture and Satisfaction shall be sooner paid and given.

LII. And be it further enacted, That in case any Person or Persons shall carelessly, negligently, or accidentally break, throw down, or damage any Lamp or Lamps hung out or set up by Order of the said Commissioners, or by any Person or Persons at his, her, or their private Expence, or the Posts, Iron, Covers, or other Furniture thereof, and shall not immediately upon Demand make Satisfaction for the Damage done thereto, then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the said City and County of *Lichfield* upon Complaint to him made by One or more credible Witness or Witnesses to summon before him the Party or Parties who shall be complained of for doing such Damage as aforesaid, and upon hearing the Allegation and Proofs on both sides, or Non-appearance of the Party or Parties so complained of, to award such Sum or Sums of Money, by way of Satisfaction to the said Commissioners, or to the other Owner or Owners of such Lamp or Lamps (as the Case shall be) for such Damages as such Justice shall think reasonable; and in Case of Neglect or Refusal to pay any Sum or Sums of Money so awarded upon Demand, it shall and may be lawful to and for such Justice and he is hereby required to cause the same to be raised and levied in such and the like Manner as any Fines, Penalties, or Forfeitures are by this Act directed to be raised and levied.

Satisfaction
for acciden-
tal Damage
to Lamps,
&c.

LIII. And be it further enacted, That the said Commissioners shall and they are hereby required from time to time to appoint such Number of able-bodied Men as they shall judge proper, to be employed as Watchmen within the said City and Suburbs thereof, during the Night time, under such Regulations, and subject to such Orders, as the said Commissioners shall make and give from time to time in that behalf, and to provide proper Watch-houses, Watch-boxes, or Places for the Reception of such Watchmen, and for the safe Custody of such Persons as may be apprehended by such Watchmen while on Duty, and to pay such Watchmen reasonable Wages or Allowances, and also to appoint One or more fit Person or Persons in the stead of any Watchman or Watchmen who shall die, or who shall be discharged from his or their Office for Neglect of Duty, or other Misbehaviour in Office, and also to impose from time to time any Fine not exceeding Forty Shillings on any Watchman or Watchmen for every such Neglect or other Misbehaviour (such Fine to be deducted out of the Wages of such Watchman or Watchmen), and from time to time to make such Orders and Regulations as they the said

Power for
Commission-
ers to appoint
Watchmen.

Com-

Watchmen's
Duty.

Commissioners shall judge expedient for the better Government of the Watchmen to be so appointed, and to repeal such Orders and Regulations, or any of them, and to substitute others; and it shall and may be lawful to and for such Watchmen and they are hereby required in their respective Stations to apprehend and secure in some proper Place or Places of Security, to be for that Purpose appointed within the said City or the Suburbs thereof, all Malefactors, Rogues, Vagabonds, and Disturbers of the public Peace, and all suspected Persons who shall be found wandering or misbehaving themselves during the Hours of keeping Watch, and to conduct all such Persons as soon as conveniently may be before some Justice of the Peace for the said City and County of *Lichfield*, to be examined and dealt with according to Law.

Penalty on
Vicuallers
harbouring
Watchmen
while on
Duty.

LIV. And be it further enacted, That if any Vicualler or Keeper of any Public House, shall knowingly harbour or entertain, or suffer to remain in his or her Public House any such Watchman as aforesaid, during any Part of the Time appointed for his being on Duty, every such Vicualler or Keeper shall on Conviction forfeit and pay for the First Offence any Sum not exceeding Twenty Shillings, and for the Second and every other Offence of the the same kind, any Sum not exceeding Five Pounds.

Power to re-
ward Watch-
men dis-
abled.

LV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to give such Rewards in Money to the Watchmen respectively to be appointed as aforesaid, who may be disabled or wounded in the Execution of their Office, as they the said Commissioners shall think reasonable, such Money to be paid out of the Monies to be raised for the Purposes of this Act.

Occupiers of
Houses to
take down
Posts, Signs,
&c.

LVI. And be it further enacted, That the Occupier of every House, Building, or Tenement within the said City, shall, and he and she is hereby required at his or her own Costs and Charges, within Twenty-one Days after Notice in writing, signed by any Five or more of the said Commissioners, delivered to such Occupier, or left at his or her usual or last Place of Abode, to cause all Posts which the said Commissioners shall think useless or inconvenient, and likewise all Steps, Iron or other Rails, Palisadoes, Pillars, Walls, or Fences projecting over or upon the Footpaths within any of the said Streets, Lanes, or other public Passages or Places, to be taken down, removed, or altered, and also all Window Hatches, and Doors opening and leading over, upon, or from the said Footpaths into Vaults, Cellars, Entries, or Under Kitchens, to be removed or altered, so that the same may not be dangerous or incommodious to Passengers, and all Signs, or other Emblems used to denote the Trade, Occupation, or Calling of any such Occupier, and all Sign-posts, Sign-irons, Pent-houses, Porches, Sheds, Show Glasses, and Show Boards, Watering Tubs and Troughs, Pumps, and Stalls projecting into any of the said Streets, Lanes, public Passages or Places, to be taken down and removed; and in case any such Occupier shall neglect or refuse so to do, it shall be lawful for the said Commissioners and they are hereby required to cause the same to be taken down, removed, carried away, altered, or reformed, in such Manner as they shall think proper, and to cause such Signs, or other Emblems, or such Parts thereof as they may think proper, to be affixed, or placed in the Fronts of the
Houses,

On Neglect
Commission-
ers to take
down Signs,
&c.

Houses, Shops, Warehouses, or Buildings whereto they belong, or were before affixed, and not otherwise, and shall return to the Owner thereof so much of the said Signs, or other Emblems, Sign-posts, Sign-irons, and Show Boards, and of the Materials of the said Pent-houses, Sheds, and other Things so taken down, removed, carried away, altered, or reformed, as shall not otherwise have been made use of, and the Costs, Charges, and Expences incurred thereby shall be paid out of the Money to arise by virtue of this Act, and shall and may be recovered of the Occupier of such House, Building, or Tenement, in like manner as the Rates or Assessments to be made in pursuance of this Act are hereby directed to be recovered; and if any Cellar Window, Cellar Door, Under Entry, or Kitchen, shall be left open after Sun-set in any Evening, or be opened before Sun-rising in the Morning, without being sufficiently lighted to prevent Accidents happening therefrom, then and in every such Case the Occupier of such Cellar, Vaults, Under Entry, or Kitchen, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that the said Commissioners shall and they are hereby authorized and empowered, upon Application made to them for that Purpose, by the Owner or Occupier of any House or other Building, to allow and pay to such Owner or Occupier, out of the Money arising by virtue of this Act, such Sum of Money towards the Expence which may have been incurred by such Owner or Occupier by the taking down, removing, or altering any such Posts, Steps, Iron or other Rails, Palisades, Walls, or Fences, Window Hatches, and Doors, Signs, or Sign-posts, Sign-irons, Pent-houses, Porches, Sheds, Show Glasses, and Show Boards, Watering Tubs and Troughs, Pumps, and Stalls, as the said Commissioners shall think reasonable or proper; provided that every such Alteration or Removal shall have been made agreeably to the Order and under the Direction of the said Commissioners.

Penalty on leaving open Cellar Windows, &c. in the Night-time.

Commissioners may allow the Expences of Alterations, &c.

LVII. And be it further enacted, That the Occupier of every House, Building, or Tenement, and the Churchwardens of every Parish, and the Minister or Deacon officiating in every Meeting-House, or Chapel, in the said City, shall and he or she is hereby required at his or her own Costs and Charges, within such Time and in such Manner as the said Commissioners shall from time to time, (by Notice in writing under their Hands to be delivered to every such Occupier, Churchwarden, Minister, or Deacon as aforesaid, or left at his or her usual or last Place of Abode) direct to take down or cause to be taken down all Spouts and Gutters which now or hereafter shall belong to such House or Building, or to any Church, Meeting-house, or Chapel in the said City, and to cause the Water to be conveyed from the Roof or Roofs of or belonging to such House, Building, or Tenement, Church, Meeting-house, or Chapel, by proper and sufficient Pipes or Trunks to be fixed to and down the Sides thereof, and carried under the Flag or other Pavement to the common Channel; and in case any such Person shall neglect or refuse so to do, it shall be lawful for the said Commissioners and they are hereby required to cause the same to be done, and to levy the Costs and Charges attending the same upon or from the Persons aforesaid, in like Manner as the Rates or Assessments to be made in pursuance of this Act are hereby authorized and directed to be levied and recovered; and every such Person being Tenant at Rack Rent may deduct and retain the same out

Occupiers of Houses to take down Spouts and Gutters.

Tenants to deduct the Expences out

[Loc. & Per.]

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of

of their
Rents.

of his or her Rent, and the Person entitled to the Rent of such Premises is hereby required to allow such Deduction.

For prevent-
ing future
Projection.

LVIII. And be it further enacted, That if any House or other Building in or near any Street, Lane, or other public Passage or Place within the said City and the Suburbs thereof shall, after the passing of this Act, be made, erected, or built in such Manner or Form as in the Front or in any of the Gables or Sides thereof to project into or over such Street, Lane, or other public Passage or Place, or in any other Manner or Form than in a perpendicular Line or Direction upwards from the Foundation of such House or Building, or if any Spout, Pipe, or Trunk for conveying Water from the Roof, Eaves, or Cornices of any House or other Building in any Street, Lane, or other public Passage or Place in the said City or the Suburbs thereof, shall be affixed otherwise than from the Roofs, Eaves, or Cornices thereof by such Spouts, Pipes, or Trunks, in the Fronts or Sides of such Houses or Buildings respectively, and brought down to the Ground, or if any Sign, Sign-iron, Sign-post, or other Post, Shed, Pent-house, Step, Stair, Bow Window, Window Shutter, Stump, Rail, Pale, Palisadoe, Porch, Bulk, Show Glass, Show Board, Pool, Cesspool, Cistern, or Reservoir for Water, or any other Encroachment or Projection against, or in the Front or Outside of any House, or other Building within or adjoining to any Street, Lane, public Passage or Place within the said City or the Suburbs thereof shall be made, erected, or built so as to obstruct the free and commodious Passage along any of the Carriage or Footways of the same, then and in every such Case the Owner and Owners of every such House or other Building, Sign, Sign-iron, Sign-post, or other Post, Shed, Pent-house, Step, Stair, Bow Window, Window Shutter, Stump, Rail, Pale, Palisadoe, Porch, Bulk, Show Glass, Show Board, Pool, Cesspool, Cistern, or Reservoir for Water, or other Encroachment or Projection which shall be so made, erected, or built as aforesaid, or of every such Spout, Pipe, or Trunk which shall be so made or affixed otherwise than as aforesaid contrary to this Act, shall for every such Offence forfeit and pay any Sum not exceeding Five Shillings a Day for every Day such House, or other Building, Sign, Sign-iron, Sign-post, or other Post, Shed, Pent-house, Step, Stair, Bow Window, Window Shutter, Stump, Rail, Pale, Palisadoe, Porch, Bulk, Show Glass, Show Board, Pool, Cesspool, Cistern, or Reservoir for Water, Spout, Pipe, or Trunk, or other Encroachment or Projection, shall continue in such State as is herein provided against; and it shall and may be lawful to and for the said Commissioners (whether any of such Penalties or Forfeitures shall be levied or not) to cause all such Houses, and other Buildings, Signs, Sign-irons, Sign-posts, and other Posts, Sheds, Pent-houses, Steps, Stairs, Bow Windows, Window Shutters, Stumps, Trees, Rails, Pales, Palisadoes, Porches, Bulks, Show Glasses, Show Boards, Pools, Cesspools, Cisterns, and Reservoirs for Water, Spouts, Pipes, Trunks, and other Encroachments and Projections, or any of them, to be taken down, taken away, and removed.

Persons hav-
ing a greater
Estate than
21 Years
deemed Own-
ers of Houses,
&c.

LIX. Provided always, and be it further enacted, That in all Cases where any Encroachments or Projections as aforesaid shall be made against or in the Front of any House or Building wherein any Person or Persons shall have any Estate, Term, or Interest originally granted for Twenty-one Years, or Three Lives, upon which any Fine or Fines hath

hath or have been paid, or any greater Estate, shall be and be deemed to be the Owner or Owners of such House or Building, so as to be liable to the Penalties and Forfeitures which may be incurred by the Owner or Owners thereof.

LX. And be it further enacted, That if any Person or Persons shall upon any of the Footways or Foot Pavements to be made or repaired under the Powers in this Act contained, run, draw, drive, or carry any Truck, Wheel, Sledge, Wheelbarrow, Handbarrow, Bier, or Carriage whatsoever, or roll any Cask or Tub, other than for the necessary loading or unloading thereof into, upon, from, or out of any Carriage, or for any longer Space than the Extent of the Premises in the Occupation of the Person from whose House or Building such Cask or Tub shall have been rolled (such Premises adjoining to or having immediate Communication with the House or Building from which such Cask or Tub shall have been rolled); or if any Person shall wilfully ride, lead, or drive any Horse, or other Beast, or any Cattle whatsoever on any of the said Footways or Foot Pavements, or set any Cask, Tub, Pail, Bucket, Stool, Bench, or any other Matter or Thing on, or so as in any Manner to cause any Obstruction or Impediment in the Footway, or on the Foot Pavement, or shall in any Street, Lane, or other public Passage or Place within the said City or Suburbs thereof, or in any Church or Chapel Yard, burn, dress, or cleanse any Cork, or hoop, fire, cleanse, wash or scald any Cask or Tub, or hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber, or make or repair any Coach, Chaise, Waggon, Sledge, or other Carriage, (except such Carriage as may want immediate Repair from any sudden Accident on the Spot, or which cannot be conveniently removed for that Purpose), or if any Person shall in any Street, Lane, or other public Passage or Place within the said City or the Suburbs thereof, shoe, bleed, or carry any Horse, or other Beast, or Cattle (except in Cases of Accident), or if any Person shall in any of the said Streets, Lanes, public Passages or Places within the said City or the Suburbs thereof, show or expose any Stallion or Stone Horse, or make or assist in the making any Bonfire (except by the Permission of the Bailiffs of the said City for the time being, or one of them), or any Fire for firing Casks or Vessels, or let off or fire any Serpent or Rocket, or throw any Cracker, or Squib, or other Firework, or if any Person shall sift, throw, cast, or lay any Ashes (except in the Time of Frost only, and to prevent Accidents), or any Dust, Dung, Soil, Filth, Rubbish, Refuse of Garden Stuff, Blood, Offal, Skins, Carrion, or any other offensive Matter or Thing in any of the Streets, Lanes, public Passages or Places, within the said City or the Suburbs thereof, or shall kill or slaughter, or shall scald, singe, dress, or cut up any Animal, either wholly or in part, or wash any Skins in any of such Streets, Lanes, public Passages or Places, or cause or permit any Blood to run from any Slaughter House, Butchers Shop or Shamble, into the same, or any of them, or shall hang up, place, or expose to Sale, any Goods, Wares, or Merchandise whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butchers Meat, or other Matter or Thing; or projecting over the Foot or Carriage Way of any of such Streets, Lanes, public Passages or Places, or so as to obstruct or incommodate the Passage of any Person or Carriage therein, or shall wash or immerse the Skin of any Animal in either of the Pools called the *Minster Pool*, and *Stow Pool*, in the said City, or shall throw any dead Animal, or any

For preventing Annoyances in the Streets.

any Soil or Filth into either of the said Pools, or otherwise cause any Nuisance therein, or shall commit any other kind of Obstruction or Annoyance in any such Street, Lane, public Passage or Place within the said City or the Suburbs thereof, then and in every such Case every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Power to impound Beasts wandering in the Streets.

LXI. And be it further enacted, That if any Horse, Cow, or other Beast, or any sort of Swine, shall at any time be found wandering about any of the Streets, Lanes, or other public Passages or Places within the said City or the Suburbs thereof, it shall and may be lawful to and for any Person or Persons appointed by the said Commissioners to seize and impound such Horse, Cow, or other Beast, or such Swine, in one of the common Pounds of the said City, or in such other Place as the said Commissioners shall appoint, and the same there to detain until the Owner or Owners thereof shall for every such Horse, Cow, or other Beast, and for every such Head of Swine so impounded, pay any Sum not exceeding Five Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Sum, Charges, and Expences, shall not be paid within Five Days after such impounding, it shall and may be lawful to and for the said Commissioners to sell or cause to be sold the same, and the Money arising from such Sale, after deducting the said Sum, and the Charges and Expences of impounding, keeping, and selling such Horse, Cow, or other Beast, and Swine, shall be paid on Demand to the Person whose Property the Horse, Cow, or other Beast, or Swine so sold, shall appear to have been.

Penalty on slaughtering or driving Cattle on the Lord's Day

LXII. And be it further enacted, That if any Person or Persons shall at any Time slaughter in any Street, Lane, public Passage or Place, within the said City or the Suburbs thereof, or drive for the Purpose of slaughtering in any such Street, Lane, public Passage or Place, any Cow, Ox, Sheep, Swine, or other Beast or Beasts, on a Sunday, Good Friday, Christmas Day, or General Thanksgiving or Fast Days, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For preventing Carts and Carriages, &c. being left in the Streets.

LXIII. And be it further enacted, That if any Cart, Waggon, Sledge, Dray, or other Carriage used for the Purpose of conveying or carrying Goods, Merchandise, or any other Materials or Things whatsoever, shall at any time be left or suffered to stand or continue in any Street, Lane, public Passage or Place in the said City or the Suburbs thereof, for any longer Time than shall be necessary for the loading or unloading thereof, or shall be set or placed athwart or across any Part of any such Street, Lane, public Passage or Place aforesaid (although for the Purpose of loading or unloading the same), so as that there shall not be sufficient and convenient Room left for another Carriage to pass, or if any Stage-Coach or other Carriage let to Hire, (except any Coach, Chariot, or other Carriage licensed or used in the said City as a Hackney Coach, Chariot, or Carriage, standing in such convenient Place or Places as the said Commissioners shall appoint,) shall be suffered to stand in any Street, Lane, public Passage or Place, within the said City or the Suburbs thereof, for a longer Time than shall be necessary for taking up and letting down Passengers

or

or Travellers, or for loading or unloading their Luggage, or if any Stage Waggon shall unload any Goods, Wares, or Merchandise with which it shall be laden, or shall be left with or without any Horse or Horses thereto for the Space of Half an Hour in any such Street, Lane, public Passage or Place, or if any Timber, Stone, or other Thing whatsoever be drawn in any such Street, Lane, public Passage or Place, without the same being placed on a Sledge or Carriage for that Purpose, or if any Timber, Iron, Lead, Bricks, Stones, Lime, Mortar, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Casks, Goods, Wares, Merchandise, Materials, or Things, Rubbish, Dust, Dirt, Dung, Filth, or other Nuisance or Annoyance whatsoever, shall be so thrown, laid, placed, or left, in any such Street, Lane, public Passage or Place as aforesaid, (except in building, taking down, adding to, altering, or repairing any House or Building, or for any of the Purposes authorised or required to be done in virtue or pursuance of this Act, in which Cases the same shall, if the Commissioners shall think proper and direct, be fenced and inclosed in the Manner herein expressed,) and the same (except as last aforesaid) shall be suffered to remain for a longer Space of Time than shall be necessary for the housing or removing thereof, then and in every such Case the Owner or Driver of every such Waggon, Cart, Dray, Sledge, Coach, Chaise, or other Carriage as aforesaid, and the Owner of any such Timber, Iron, Lead, Bricks, Stone, Lime, Mortar, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Casks, Goods, Wares, Merchandise, Materials or Things, Dirt or Rubbish, as aforesaid, or the Person or Persons causing such Annoyance as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings: and it shall and may be lawful to and for the said Commissioners to cause every Waggon, Cart, Dray, or other such Carriage, standing, being, or remaining contrary to the Provisions and Directions in this Act contained, in any Street, Lane, public Passage or Place within the said City or the Suburbs thereof, without Horse or other Beast thereto, to be seized and removed to such Place within the said City or the Suburbs thereof, as shall by the said Commissioners be appointed for that Purpose, and Notice of the seizing of such Waggon, Cart, Dray, or other Carriage, and of the Place to which the same shall have been removed, shall be given by the Person or Persons seizing or removing the same, to the Owner or Owners, Driver or Drivers thereof, in case he, she, or they can be found; and it shall and may be lawful to and for the said Commissioners to detain or cause to be detained such Waggon, Cart, Dray, or other Carriage, until the Owner or Owners thereof, or other Person or Persons on his, her, or their Behalf, shall pay any Sum not exceeding Ten Shillings for every such Waggon, Cart, Dray, or other Carriage, to the Person or Persons seizing and removing the same, together with the reasonable Costs and Expences of such Seizure and Removal; and in case such Sum, Costs, and Expences, shall not be paid within Five Days after such Seizure and Removal, it shall and may be lawful to and for the said Commissioners to sell or cause to be sold such Waggon, Cart, Dray, or other Carriage, and the Money arising from such Sale, after deducting such Sum, and the Costs and Expences of seizing, removing, and selling such Waggon, Cart, Dray, or other Carriage, shall be paid on Demand to the Owner or Owners thereof.

LXIV. And be it further enacted, That in case any Slaughter-house, Hogsty, Necessary-house, or other noisome or offensive Building or Place
 [Loc. & Per.] For removal of Nuisances.

Place whatsoever in or near any of the Streets, Lanes, public Passages or Places, within the said City or the Suburbs thereof, shall by the said Commissioners be deemed a Nuisance to any of the Inhabitants thereof, or Persons residing therein, it shall and may be lawful to and for the said Commissioners, upon Complaint thereof to them made by any such Inhabitant, or other Person or Persons, by Notice in Writing under the Hands of the said Commissioners, or under the Hand of their Clerk for the Time being, to order any such Nuisance or Offence to be removed, and in case the same shall not be removed within Sixty Days after such Notice given to the Person or Persons who ought to remove the same, or left at his, her, or their last or usual Place of Abode, such Person or Persons shall forfeit and pay any Sum not exceeding Five Shillings for every Day that the same shall continue unremoved after the Expiration of the Time mentioned in such Notice.

Hoads to be erected.

LXV. And be it further enacted, That if any Person or Persons whatsoever shall make or cause to be made any Mortar, or deposit, or cause to be deposited any Bricks, Stones, Lime, Sand, or any other Materials for building or repairing any House, Shop, or other Building, or for any other Purpose whatsoever, or shall sift, screen, or flake, or cause to be sifted, screened, or flaked, any Lime, in any Street, Passage, or Place within the said City or the Suburbs thereof (except within a Hoard or Inclosure to be erected for that Purpose), he, she, or they, so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

New Buildings to have Party Walls of a certain Thickness, and no Building to be covered with Thatch.

LXVI. And, for the better preventing Damage by Fire within the said City and the Suburbs thereof; Be it further enacted, That if any Person shall erect or build, or cause to be erected or built, any House or other Building adjoining to any other House or Houses, Building or Buildings, within the said City or the Suburbs thereof, unless the End or Side of such new House or other Building, which shall adjoin any such other House or Building, shall consist of a Party or Division Wall of Brick or Stone, of the Thickness of Fifteen Inches at the least, or if any Person shall cover or cause to be covered any House or other Building, within any of the said Streets, Lanes, or other Places, in the Whole or in Part with Thatch or Straw, then and in every such Case the Owner of every such House or other Building erected without such Party or Division Wall or Walls, or with a cover of Thatch or Straw as aforesaid, shall forfeit and pay any Sum not exceeding Forty Shillings for every Month such House or other Building shall continue without such Party or Division Wall or Walls, or with such covering of Thatch or Straw as aforesaid.

Streets to be watered.

LXVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to cause such of the said Streets, Lanes, Passages and Places, as they shall think proper, to be from time to time watered in such Manner and at such Seasons of the Year as they the said Commissioners shall direct and appoint.

Power for Commissioners to purchase Lands, &c.

LXVIII. And be it further enacted, That for the Purpose of making the narrow Parts of the said Streets, Lanes, and other public Passages, and Places safe and commodious for Carriages and Passengers, and for opening proper Communications between any of the said Streets, Lanes, and

and other public Passages and Places, or any of them, and for altering, widening, and improving the present Communications between the said Streets, Lanes, and other public Passages and Places, or any of them, and for otherwise improving the said City and the Suburbs thereof, in Manner by this Act directed, it shall be lawful for the said Commissioners to treat and agree with such Person or Persons, or Body or Bodies Politic or Corporate, Spiritual or Lay respectively, as shall be or be deemed to be Owners of or interested in any such Houses, Buildings, Erections, Projections, Encroachments, Lands, Tenements, or other Hereditaments within the said City or the Suburbs thereof, as they the said Commissioners shall think right and proper to be taken or used for the Purposes of this Act, for the absolute Purchase thereof respectively, or for the Damage to be done thereto respectively in the Execution or for the Purposes of this Act, and to take down or alter all or any of such Houses, Buildings, Erections, Projections, Encroachments, Tenements, or Hereditaments, to be so purchased, or any Part or Parts of the same respectively, and to appropriate all or any of the Ground or Sites thereof respectively, and also to appropriate all or any of the Lands to be so purchased for all or any of the Purposes aforesaid, as they the said Commissioners shall think fit.

LXIX. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate or Collegiate, and all Corporations, whether Aggregate or Sole, Spiritual or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or for Lunatics and Idiots, or other Trustees whomsoever, not only for and on behalf of themselves and their Successors, but also for and on behalf of their respective *Cestui que* Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, and also to and for all Femes Covert who are or shall be seised in their own Right, and to and for all Persons whether Tenants for Life, or Tenants in Tail General or Special, and to and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any Houses, or other Buildings, Erections, Projections, Encroachments, Lands, Tenements, or other Hereditaments; or any Part thereof, which the said Commissioners are by this Act enabled to purchase for any of the Purposes of this Act, to treat, contract, and agree with the said Commissioners for the Sale thereof or any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever of, in, and to the same, to the said Commissioners and their Successors, or to such Persons and their Heirs for ever, as the said Commissioners shall direct, in Trust, for them the said Commissioners for any of the Purposes of this Act; and that all Contracts, Agreements, Bargains, Sales, and Conveyances, which shall be so made by virtue and in pursuance of this Act, shall without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, be good, valid and effectual to all Intents and Purposes; not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of their said several and respective *Cestui que* Trusts, and all claiming or to claim by, from or under them; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof notwithstanding; and all Bodies Politic, Corporate or Collegiate, Cor-

Power for
Bodies Pol-
itic to sell.

porations

porations Aggregate or Sole, Spiritual or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Provision in
Cases of Re-
fusal or Ina-
bility to sell.

LX-X. And be it further enacted, That if any Body Politic, Corporate or Collegiate, or any Corporation, whether Aggregate or Sole, Spiritual or Lay, or any Femes Covert, or any Tenant for Life, or Tenant in Tail General or Special, Owner or Owners, Occupier or Occupiers, or other Person or Persons whomsoever, interested in any Building or Buildings, Erection or Erections, projecting into, over, or upon any of the Footways within the said City, or the Suburbs thereof, or of any Door or Doors of Cellars, or of any Steps belonging thereto, or in any other Projections or Encroachments upon any such Footway whatsoever, or in any Lands, Buildings, Houses, or other Buildings, Tenements, or other Hereditaments, which the said Commissioners are enabled by this Act to purchase or treat for, shall refuse to treat, contract, or agree as aforesaid, or by reason of Absence, or otherwise, shall be prevented from treating, contracting or agreeing, or shall decline or refuse to sell, convey, and dispose of the Premises whereof or wherein or whereunto they respectively shall be so seised, possessed, interested, or intitled as aforesaid, or their respective Rights, Titles, Claims, or Interests in, to, or upon the same, or any Part thereof, unto the said Commissioners, or to such Person or Persons as they shall nominate for the Purposes, and according to the Tenor, true Intent and Meaning of this Act, or shall not or cannot produce or make out a clear Title to the Premises they are in Possession of, or to the Interest they claim therein, to the Satisfaction of the said Commissioners, or if any Dispute or Difference shall arise touching such Purchase or Purchases, the said Commissioners are hereby empowered and authorized, before any General or Quarter Session of the Peace to be holden for the said City and County of *Lichfield*, or any Adjournment thereof, to give or cause to be given to such Owner or Owners, or the principal Officer or Officers of such Bodies Politic or Corporate; or to leave or cause to be left at the House of the Tenant in Possession Fourteen Days Notice in Writing, denoting and particularly describing, the Lands, Buildings, Houses, Erections, Projections, Encroachments, Tenements, or other Hereditaments intended to be purchased, and purporting that the Value thereof shall be adjusted and settled by a Jury at the said Session or Adjournment thereof; and the Justices at the said Session, or any Adjournment thereof, upon Proof to them made of such Notice having been so given or left, are hereby authorized and required to charge the Grand Jury at such Session assembled, or the Jury to try Prisoners at such Session, well and truly upon their Oath to assess the Value of the said Lands, Buildings, Houses, Erections, Projections, Encroachments, Tenements or other Hereditaments, comprised in the Notice so given, and the Damages and Recompence to be awarded or given for the same to the respective Owner or Owners thereof, according to their respective Interests therein; and to such Jury the said Commissioners, and all Persons interested in the said Lands, Buildings, Houses, Erections, Projections, Encroachments, Tenements, or other Hereditaments, shall have their lawful Challenges; and the Jury being so sworn and charged as aforesaid, and after proper Evidence on Oath to them given concerning the Nature, Quality, or Value of the Lands, Buildings, Houses, Erections, Projections, Encroachments, Tenements, or other Hereditaments

ments so to be sold and conveyed as aforesaid, shall by their Verdict assess the Damages and Recompence to be given for the same to the respective Owner or Owners thereof, according to their respective Interests therein; and such Verdict of the said Jury, and the Judgment of the said Justices upon the same shall be final, binding, and conclusive to the said Commissioners, and to all Persons and Parties interested in the said Lands, Buildings, Houses, Erections, Projections, Encroachments, Tenements, and other Hereditaments; and such Verdict, and the Judgment of the Justices thereupon, shall be fairly entered and kept among the Records of the Sessions for the said City and County of *Lichfield*, and the same, or true Copies thereof, shall be taken to be good and effectual Evidence and Proof in any Court of Law or Equity whatsoever, and all Persons may have recourse to the same gratis, and take Copies thereof, paying Sixpence for every Seventy-two Words, and so in proportion for any greater or less Number of Words: Provided always, that in case the Sum or Sums so assessed by the said Jury, and ordered and adjudged to be paid by the said Commissioners, as a Satisfaction to the Owners, Occupiers, or others, for their respective Interests in the said Premises, shall not be paid, tendered, or left according to the true Intent and Meaning of this Act, within Six Calendar Months after the same shall have been so assessed, ordered, and adjudged, then and in such Case the Verdict of the said Jury shall not be binding upon the said Parties; any Thing herein contained to the contrary thereof, in anywise notwithstanding.

Provision that Verdicts shall not be binding, unless Money paid within Six Calendar Months.

LXXI. And be it further enacted, That in all Cases where any Verdict shall have been given for a greater Sum or Recompence than shall have been previously offered by or on the Behalf of the said Commissioners, for any such Lands, Buildings, Houses, Erections, Projections, Encroachments, Tenements, or other Hereditaments, for Damages as aforesaid, all the Expences of taking such Inquest, and of the Witnesses attending thereon, and recording or entering the Verdict and Judgment thereupon, shall be paid by the said Commissioners out of the Monies to arise by virtue of this Act, but if a Verdict shall be given for no greater or for a less Sum than shall have been so previously offered by or on the Behalf of the said Commissioners, then and in every such Case such Expences shall be paid by the Owners of or Persons interested in the Premises in question; provided, that whenever by Absence any Person or Persons shall have been prevented from treating with the said Commissioners, the whole of such Costs and Expences shall be borne and paid by the said Commissioners; and whenever any Costs or Charges shall or may be payable to the said Commissioners, such Costs and Charges shall and may be deducted out of the Sum to be paid by the said Commissioners to the said Owners or Persons respectively interested.

Provision for Payment of Costs of Verdicts.

LXXII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate or Collegiate, Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatic, Idiot, Femes Covert, or other *Cestui que* Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or any Person under any other Disability or Incapacity whatsoever, such

Provision for Application of Compensation where equal to 200l.

[*Loc. & Per.*]

9 F

Money

Money shall, in case the same shall be equal to or exceed the Sum of Two Hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the said Commissioners; to the Intent that such Money may be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrances, or Part thereof, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court of Chancery to be sold for the Purpose aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from time to time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Provision for Application of Compensation where less than 200l. and exceeding 20l.

LXXIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two Hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands), be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Commissioners (such Nomination and Approbation to be signified in Writing under the

the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising therefrom, may be applied in Manner hereinbefore directed so far as the Case be applicable, without requiring or being required to obtain the Direction or Approbation of the said Court of Chancery; provided also, that where such Money so agreed or awarded to be paid as last before mentioned, shall be less than the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall direct, or in Case of Infancy or Lunacy then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Provision for Application of Money, where less than 20l.

LXXIV. And be it further enacted; That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of England in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*] subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable, and the Cashier or Cashiers of the Bank of England who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank,

subject to the Order of the Court of Chancery on Motion.

LXXV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be

Where any Question shall arise touching the Title to Money to be paid the Person who shall be in Possession

purchased

of the Lands, &c. at the Time of such Purchase shall be deemed entitled thereto according to such Possession only, &c.

purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery, and the Dividends and Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Trustees.

LXXVI. Provided also, and be it further enacted, That when by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from time to time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act, who shall from time to time pay such Sums of Money for such Purposes as the said Court shall direct.

Form of Conveyance.

LXXVII. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments, to be made to the said Commissioners, and their Successors, shall be made in the Form, or to the Effect following (videlicet):

I, A. B. of ... in Consideration of the Sum ... to me paid by the Commissioners for improving the City of *Lichfield* acting by virtue of an Act of Parliament, made in the Forty-sixth Year of the Reign of King George the Third, intituled [*here insert the Title of this Act*] Do hereby grant and convey unto the said Commissioners and their Successors, all [*here describe the Premises to be conveyed*] and all my Right, Title, and Interest to and in the same and every Part thereof, to hold to the said Commissioners and their Successors forever. In Witness whereof I have hereunto set my Hand and Seal this ... Day of ... in the Year of our Lordnes ...

And every such Sale, Conveyance, and Assurance so made, shall be good, valid, and effectual to vest the Premises so conveyed in the said Commissioners and their Successors, freed and absolutely acquitted and discharged of and from and all Claims, Rights, Interests, Charges, and Incumbrances of all Persons whomsoever, to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

LXXVIII. And

LXXVIII. And be it further enacted, That every Sum of Money to be agreed for, awarded or assessed as aforesaid, shall be paid out of the Monies to be received by virtue of this Act, to the Party or Parties respectively entitled to such Monies, or to their Agents; and upon Payment thereof, or in Case of refusal to accept the same, on placing the same in the Bank of *England* in manner by this Act directed, (whether such Conveyance as aforesaid shall or shall not be made) all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons respectively to whose Credit or Use the same shall have been paid, in, to, and out of such Lands, Buildings, Houses, Tenements, or other Hereditaments, shall vest in the said Commissioners, and their Successors, in Trust, for effecting the Purposes of this Act, and they shall be deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment, with Livery of Seisin, Fine, Common Recovery, Surrender, or any other Conveyance or Assurance whatsoever; and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand, of the Person or Persons to whose Use or Credit such Payments shall have been made as aforesaid, but also shall extend to and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons, and every Person claiming under them, as effectually as Fines or Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law.

Provision for Payment of Purchase Money, &c. and for vesting of Property in the Commissioners.

LXXIX. And be it further enacted, That every Lessee or Tenant for Years, or at Will, and every other Person in Possession of any Lands, Buildings, Houses, Tenements, or other Hereditaments which shall be purchased by virtue, and for the Purposes of this Act, shall deliver up the Possession of such Premises to the said Commissioners, or to such Person or Persons as they shall appoint to take Possession of the same, upon having Notice from the said Commissioners, or the Person or Persons so appointed by them, to quit the same at such time or times as shall be required by such Notice, they the said Commissioners, or such Person or Persons, making such Satisfaction and Compensation to every such Tenant or Lessee as aforesaid, in case he or she shall be required to quit before the Expiration of his, her, or their Term in the Premises, as the said Commissioners shall deem just and reasonable; and in case any Dispute or Difference shall arise touching or concerning the same, such Satisfaction and Compensation shall be settled and ascertained by a Jury, in such and the like Manner as the Satisfaction and Compensation to be made by the said Commissioners for the Purchase of any Lands, Tenements, or Hereditaments is, and are herein directed to be settled and ascertained in Case of any Difference or Dispute about the same; and such Person or Persons in Possession shall at such time or times as he, she, or they shall be required by the said Commissioners, peaceably and quietly deliver up the Possession of the said Premises to the said Commissioners, or to the Person or Persons authorized by them to take Possession thereof; and if any such Person or Persons so in Possession as aforesaid, shall refuse to deliver up such Possession, then and in every such Case it shall and may be lawful

Power for delivery of Possession of Property purchased.

to and for the said Commissioners to issue their Precept or Precepts to the Sheriff of the said City of *Lichfield* to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the Issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to deliver up Possession as aforesaid, by Distress and Sale of his, her, or their Goods and Chattels.

Power for Commissioners to cause Buildings taken down to be formed into Streets, &c.

LXXX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to cause all and every the Houses, and other Buildings, Erections, Projections, and Encroachments, which shall at any time be purchased under the Powers and for the Purposes of this Act, or any of them, or any Part of them to be appropriated to the Purposes of this Act, or otherwise, to be taken down, and to cause so much of the Scites thereof, and of any other Land to be purchased under the Powers and for the Purposes of this Act, to be added to or laid into the Streets, Lanes, or other public Passages or Places, or to be formed and made into any new Streets, Lanes, or other public Passages or Places, for the Purpose of making Communications between any of the present Streets, Lanes, or other public Passages or Places, in such Manner as the said Commissioners shall judge proper; and the Land so added to or laid into the respective Streets, Lanes, or other public Passages or Places respectively, shall for ever afterwards be deemed Part thereof, and the same, and also such as shall be formed and made into any new Streets, Lanes, or other public Passages or Places as aforesaid, shall be used as common public Highways: Provided always, that it shall and may be lawful to and for the said Commissioners, to sell, or otherwise dispose of such Part or Parts of any Houses, Buildings, Lands, Tenements, or other Hereditaments, which may have been purchased under the Authority of this Act, for the Purpose of making such Alterations or Improvements as aforesaid, as may afterwards be found unnecessary for the Purpose first intended, to any Person or Persons willing to purchase the same; and that all Monies to be raised by any Sale or Sales as aforesaid shall be considered as Part of the General Fund applicable to the Purposes by this Act declared.

Power to resell the Land, and to sell useless Buildings or Land.

Directing that the Persons from whom Lands shall have been purchased by the Commissioners, shall have the first Offer of the Repurchase thereof.

LXXXI. Provided always, and be it further enacted, That the said Commissioners, before they shall sell and dispose of any such Lands, Tenements, or Hereditaments, shall first offer the same for Sale to the Person or Persons respectively from whom they shall have purchased such Lands, Tenements, or Hereditaments, and in case such Person or Persons shall not then and thereupon agree, or shall refuse to re-purchase the same, then and in every such Case any Affidavit, to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said City and County of *Lichfield*, by some Person or Persons no way interested in the said Lands, Tenements, or Hereditaments, stating that such Offer was made by or on Behalf of the said Commissioners, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made [*as the case may be*].

LXXXII. And

LXXXII. And be it further enacted, That the said Commissioners shall and may provide, erect, and fix a Machine for the Weighing of Carriages in such convenient Place in the said City as they shall think fit; and shall also provide or purchase a proper House or Building for a Machine-House, and shall from time to time appoint some fit Person to weigh all Carriages which shall be brought to such Machine; and such Person shall demand and take only such Fee or Fees as the said Commissioners shall determine to be a just and fair Compensation for his Trouble therein; and such Person shall be subject and liable to such Rules and Regulations as the said Commissioners shall think proper to make from time to time for his Conduct in such Office; and the said Commissioners shall and may from time to time as often as they shall think fit, remove any such Person so appointed and chuse another Person in his room or stead, and the Costs and Charges of providing or purchasing such House or Building and of providing, erecting, and fixing such weighing Machine, shall be paid out of any of the Monies to be raised by virtue of this Act.

Power to
fix a Weigh-
ing Machine.

LXXXIII. And be it further enacted, That if any Person or Persons whosoever shall sustain any Damage in his, her, or their Lands, Tenements, or other Hereditaments by reason of the Execution of any Powers given by this Act, then and in every such Case, Satisfaction and Compensation shall be made by the said Commissioners to such Person or Persons respectively out of the Monies to be raised by virtue of this Act; and in Case of any Difference or Dispute between such respective Persons and the said Commissioners respecting the Amount of such Damages, such Damages shall be settled and ascertained by a Jury in such and the like Manner as any Sum or Sums of Money to be paid by the said Commissioners for the Purchase of any Lands, Tenements, or Hereditaments, is and are herein directed to be settled and ascertained in Case of any Difference or Disputes about the same, and the same shall be recovered, levied, and applied in such and the like Manner.

Damages,
how to be
ascertained
and settled.

LXXXIV. And, for raising Money towards defraying the Costs, Charges, and Expences of obtaining this Act, and of carrying the same into Execution; Be it further enacted, That it shall and may be lawful to and for the said Commissioners and they are hereby authorized and required, Once or oftener in every Year as they shall see Occasion, to cause such Sum and Sums of Money to be raised by a Rate or Assessment on the several Tenants and Occupiers of all Houses and Buildings, with the Gardens, Yards, and Appurtenances thereto belonging, situate, lying, and being in the said City of *Lichfield* and the Suburbs thereof, not exceeding in the Whole in any one Year of the first Six Years (such Six Years to be computed from the Commencement of the first Rate) the Sum of Two Shillings and Sixpence in the Pound of the Annual Value of such Houses and Buildings respectively, with the Gardens, Yards, and Appurtenances thereto belonging, and after the Expiration of such first Six Years, not exceeding in any one Year the Sum of One Shilling and Sixpence in the Pound of such Annual Value, such Annual Value to be from time to time ascertained by the respective Sums such Houses and Buildings respectively, with the Gardens, Yards, and Appurtenances thereto belonging, shall be respectively rated at for the Relief of the Poor of the several Parishes, Liberties, or Places in which the same shall respectively stand

Rates.

stand or be, or in such other Manner as the said Commissioners shall think proper; and the first Year, for which such Rate or Assessment shall be made shall commence on the Twenty-fourth Day of *June* One thousand eight hundred and Six; and the Money thereby to arise shall be paid, by equal Quarterly Payments, to the respective Collectors of the Rates to be appointed as aforesaid, and shall be by every such Collector paid over to the said Commissioners or to such other Person, at such Times, and in such Manner, as they the said Commissioners shall from Time to Time direct: Provided always, that such Rate or Assessment shall not be construed nor deemed nor taken to extend to any public Buildings hereinafter enumerated, which are directed to be assessed in manner hereinafter mentioned.

Not to extend to public Buildings.

Extent of the Suburbs.

Not to extend to any Houses, &c. in the Close.

LXXXV. And be it further enacted, That for the several Purposes of this Act all Houses and Buildings, with the Gardens, Yards, and Appurtenances thereto belonging, situated in the City and County of the City of *Lichfield*, and within the Distance of Half a Mile from any public Street in the said City, (save and except as herein excepted,) shall be deemed and taken to be situated in the said City of *Lichfield* or the Suburbs thereof: Provided always, that nothing herein contained shall extend or be construed, deemed, or taken to extend to enable the said Commissioners to tax or assess any Houses, Buildings, Gardens, Yards, or Tenements situated in the Close of the Cathedral Church of *Lichfield*, in the County of *Stafford*.

Power for Commissioners to order the Parish Rate Books to be produced, &c.

LXXXVI. And, in order to ascertain the Rates and Assessments to be made by virtue of this Act; Be it further enacted, That the said Commissioners shall and may and they are hereby authorized and empowered to cause all or any of the Books or Assessments of Rates towards the Relief of the Poor of the respective Parishes, Liberties, and Places within the said City and County of *Lichfield*, to be brought before them, and to take a Copy or Copies of such Books or Assessments, or of any Part or Parts thereof without Fee or Reward; and if any Person or Persons in whose Custody or Power any of the said Books or Assessments shall be, shall refuse or neglect to attend the said Commissioners with such Books or Assessments in his, her, or their Custody or Power, or to permit or suffer the said Commissioners to take or cause to be taken a Copy or Copies thereof, then and in every such Case every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power for Commissioners to amend Rates, if improper, &c.

LXXXVII. And be it further enacted, That if the said Commissioners shall at any Time or Times neglect or omit to rate or assess any Person or Persons liable to pay or to be charged with any Rate or Assessment to be made by virtue of this Act, or shall in any such Rate or Assessment over-rate or under-rate any Person or Persons liable to pay any such Rate or Assessment, then and in every such Case it shall and may be lawful to and for the said Commissioners to rate and assess in the said Rate or Assessment such Person or Persons so omitted to be rated and assessed, and to lessen or raise the Rate or Rates, Assessment or Assessments, of such Person or Persons so over-rated or under-rated, or otherwise to alter or amend such Rate or Assessment as aforesaid, so as to make the same conformable to the true Intent and Meaning of this Act; and it shall and may be lawful

ful to and for the said Commissioners and they are hereby empowered to strike out the Name or Names of any Person or Persons not liable to the Payment of the Rates hereby directed to be made; and that all such Additions to or Alterations or Amendments in such Rates or Assessments shall be as valid and effectual as if the same had been Part of the Rates or Assessments originally made.

LXXXVIII. Provided always, and be it further enacted, That in all Cases where any Person or Persons shall remove from or quit any Lands, Tenements, or Hereditaments, for or in respect of which such Persons shall be rated or assessed or be liable to be rated or assessed by virtue of this Act, such Person or Persons shall be liable to pay such Rate or Assessment in Proportion to the Time that he, she, or they occupied the same respectively, in like Manner as if he, she, or they had not removed from or quitted such Lands, Tenements and Hereditaments; and in all Cases where any Person or Persons shall come into or occupy any Lands, Tenements, or Hereditaments, for or in respect whereof he, she, or they shall be rated or assessed or be liable to be rated or assessed as aforesaid, out of or from which any other Person or Persons shall be removed, or which at the Time of making any such Rate or Assessment was empty or unoccupied, the Person or Persons coming into or occupying such Lands, Tenements, or Hereditaments, (although his, her, or their Name or Names may not be inserted in the Rate) shall be liable to pay such Rate or Assessment in Proportion to the Time that such Person or Persons shall occupy the same, in like Manner as if he, she, or they had been originally rated or assessed by Name for such Lands, Tenements, or Hereditaments, such Proportion to be settled and ascertained in Case of Dispute by the said Commissioners.

Apportionment of Rates between quitting and incoming Occupiers.

LXXXIX. And be it further enacted, That when any Messuage, House, or Building, within the said City or the Suburbs thereof, shall be let into separate Tenements or into separate Rooms or Apartments, it shall and may be lawful to and for the said Commissioners in each and every such Case to rate or assess the Landlord or Owner with the whole Rate or Assessment under this Act, and the Landlord or Owner shall in each and every such Case be charged with and liable to pay the Whole of the Rate or Assessment accordingly; but that it shall and may be lawful to and for every such Landlord or Owner to recover of his or her respective Tenant a proportionable Part of every such Rate or Assessment as Rent, and by the same Means as he or she shall or may be enabled to recover his or her Rent or respective Rents.

Rates on Houses, &c. let into Tenements, at a Rent not exceeding Pounds per Annum.

XC. Provided always, and be it further enacted, That no Person or Persons shall be liable to pay any Rate or Assessment to be made under the Authority of this Act for or in respect of any Messuages, Houses, Buildings, Gardens, Tenements, or Appurtenances, which shall be unoccupied during the Whole of the Quarter of a Year in or for which the Quarter's Portion of Rate or Assessment demanded shall have become or accrued due.

Houses, &c. unoccupied not rateable.

XCI. And be it further enacted, That after any Rate or Rates, Assessment or Assessments shall have been so rated, assessed, and charged by the said Commissioners for the Purposes of this Act, the Collector or

Mode of Recovery of Rates.

[Loc. & Per.]

9 H

Collectors

Collectors appointed by the said Commissioners for such Purpose shall and he and they is and are hereby required to collect the same accordingly; and in case any Person or Persons who shall be rated or assessed, or subject or liable to the Payment of any Rate or Assessment to be made, or laid, or made payable by virtue of this Act, shall refuse or neglect to pay such Rate or Assessment to any Collector to be appointed as aforesaid, for the Space of Twenty-one Days after personal Demand made by the Collector or Collectors thereof, or Demand in Writing under the Hand of such Collector, and left at the last or usual Place of Abode of the Person or Persons so refusing or neglecting to pay as aforesaid, or on the Premises so charged with such Rate or Assessment, then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the said City and County of *Lichfield*, by Warrant under his Hand and Seal, to authorize and direct the said Collector, or any other Person, to levy such Rate or Assessment, and all Arrears thereof, by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing or neglecting to pay as aforesaid, or on the Goods and Chattels found on such Premises, rendering the Overplus (if any) to the Owner or Owners of the Goods and Chattels to be so distrained, on Demand, after deducting the Costs and Charges of recovering the same, and of such Distress and Sale; or it shall and may be lawful, to and for the said Commissioners to recover any such Rate or Rates, Assessment or Assessments, due and payable by virtue of this Act, by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*, wherein no Effign, Protection, Wager of Law, or more than One Impar lance, shall be allowed.

Guildhall
and other
Buildings to
be rated by
Measure.

XCII. And, for raising a further Sum of Money towards enabling the said Commissioners to carry the several Purposes of this Act into Execution; BE it further enacted, That it shall be lawful for the said Commissioners and they are hereby required Once in every Year to rate and assess the several Sums of Money hereinafter mentioned upon the several and respective Buildings, Tenements, and Hereditaments hereinafter directed to be rated and assessed, by the Yard, running Measure; and the first Year for which such Rate or Assessment shall be made shall commence at and be computed from the said Twenty-fourth Day of *June* One thousand Eight hundred and Six, and the Monies so to be rated and assessed shall from time to time be paid, by equal Quarterly Payments, to the Collector or Collectors to be appointed as aforesaid, and be paid over by such Collector or Collectors into the Hands of the Treasurer to the said Commissioners; that is to say, such Sum as the said Commissioners shall rate and assess not exceeding the Sum of One Shilling upon all the several Churches, Chapels, Meeting-Houses, Halls, Gaols, Church Yards, Chapel Yards, Meeting-House Yards, Alms Houses, Hospitals, Market-House, Theatre, Workhouses, and other public Buildings whatsoever, situated on the Sides of or which form any Part of the said Streets, Lanes, public Passages and Places, hereby directed to be paved, cleansed, lighted, or watched, or adjoining thereto, for every Yard, running Measure, of the Length of the several and respective Buildings or Places aforesaid adjoining to such Streets, Lanes, Passages and Places.

By whom
the Rates on

XCIII. And be it further enacted, That the Rates or Assessments so to be made and laid upon any Hall, Gaol, public or other Building,

Building, belonging to the Bailiffs and Citizens of the said City, shall be paid by the Senior Bailiff of the said City; and the said Rates or Assessments so to be rated and assessed upon any Parish Church or Church Yard shall be paid by the Churchwardens of such Parish; and the said Rates or Assessments so to be rated and assessed upon any Hospitals or Alms Houses shall be paid by the respective Masters, Wardens, or Governors thereof; and the Rates or Assessments so to be rated and assessed upon any Meeting House, Chapel, Chapel Yard, and Meeting-House Yard, shall be paid by the respective Ministers and Deacons, or other Persons usually officiating therein; and the Rates or Assessments to be rated and assessed upon the said Theatre, shall be paid by the Proprietors thereof; and the Rates or Assessments so to be rated and assessed upon public Workhouses, and other public Buildings not within any of the Descriptions aforesaid, shall be paid by the respective Keepers or Managers thereof; and such Rates or Assessments shall be paid by the respective Officers and Persons rated, assessed, or charged therewith, to the respective Collectors appointed by the said Commissioners, in such Quarterly or other Proportions as the said Commissioners shall direct; and in Case of Default in Payment, such Rates or Assessments shall and may from time to time be levied and recovered by Distress and Sale of the Goods and Chattels of any One or more of the Officers or Persons so respectively rated, assessed, or charged therewith, in the same Manner as if such Officers or Persons respectively were the actual Owners or Occupiers of such Property, and were or had been rated, assessed, or charged as such; and all such Officers and Persons respectively may charge the Sum or Sums so rated, assessed, or charged on them respectively after Payment thereof, to or in their respective Accounts.

Halls, Gaols,
&c. shall be
payable.

XCIV. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any Rate or Rates, Assessment or Assessments, to be made in pursuance of this Act, such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, may by himself, herself, or themselves, or by his, her, or their Agent or Agents, apply to the said Commissioners at any of their Meetings, and it shall and may be lawful to and for the said Commissioners on such Application to mitigate or reduce any such Rate or Rates, Assessment or Assessments, and to give such Relief in the Premises, as to them the said Commissioners shall seem just and reasonable; and it shall and may be lawful to and for the said Commissioners, upon the Appeal or Complaint of any Person or Persons subject and liable to the Payment of any Rate or Rates, Assessment or Assessments, by virtue of this Act, whose Rent shall not exceed the Sum of Five Pounds a Year, to mitigate, reduce, or lessen such Rate or Rates, Assessment or Assessments, and also to excuse or remit the Payment thereof by reason of the Inability of such Person or Persons to pay the same.

Power to
mitigate
Rates.

XCV. And whereas the Bailiffs and Citizens of the said City have anciently paved and maintained certain of the Streets, Lanes, Passages and Places within the said City: And whereas the Bailiffs and Citizens of the said City are willing and desirous to pay a certain Sum of Money Annually in order to be discharged from the Costs, Charges,

Rate on the
Bailiffs and
Citizens.

ges, and Expences of maintaining and repairing such Pavement; Be it therefore further enacted, That the said Bailiffs and Citizens shall and they are hereby required to pay or cause to be paid to the said Commissioners, or to their Treasurer for the Time being, or to such other Person or Persons as the said Commissioners shall appoint to receive the same, the Sum of Forty Pounds in each and every Year, by four equal Payments, and in Default of Payment thereof, or of any Part thereof, the same shall and may be levied and recovered by such Ways and Means as are herein provided for the Recovery of any Rate or Assessment to be rated or assessed by virtue of this Act; and in Consideration of such Annual Payment the said Bailiffs and Citizens shall be and are hereby declared to be freed, exonerated, and for ever discharged from all future Charges and Expences of making, repairing, and cleansing any of the Pavements, Sewers, Drains, Grates, Sinks, Gutters, and Watercourses within the said City (except such Rates and Assessments as they or their Successors may be liable to as Owners or Occupiers of any Houses, Lands, Tenements, or Hereditaments, which shall be liable to the Rate by virtue of this Act) and that all such Parts of the said City as before the Passing of this Act were or had been paved, repaired, or cleansed at the Expence of the said Bailiffs and Citizens shall for ever hereafter be paved, repaired, and cleansed under the Direction of the said Commissioners.

Power to
borrow Mo-
ney.

XCVI. And be it further enacted, That it shall and may be lawful to and for any Five or more of the said Commissioners from time to time to borrow and take up at Interest such Sum or Sums of Money as they shall judge necessary, not exceeding in the whole the Sum of Two Thousand Pounds for the Purposes of this Act, upon the Credit of the Rates or Assessments to be laid and collected by virtue of this Act; and by Writing under their Hands and Seals to assign all or any Part of the said Rates or Assessments to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, as a Security for the principal Money to be advanced, with legal Interest for the same, and the Costs and Expences of such Assignment thereof, to be made as hereafter mentioned, shall be from time to time defrayed by the said Commissioners out of the Monies to be so borrowed; and every such Assignment shall be in the Words or to the Effect following:

Form of
Assignment.

WE of the Commissioners appointed by or in pursuance of an Act made in the Forty-sixth Year of the Reign of King George the Third, and intituled [*here set forth the Title of this Act*] in Consideration of the Sum of _____ advanced and lent by *A. B.* upon the Credit and for the Purposes of the said Act, Do hereby grant and assign unto the said *A. B.* [*or, to his Trustee or Trustees, as the Case may require*] his Executors, Administrators, and Assigns such Proportion of the Rates or Assessments arising by virtue of the said Act, as the said Sum of _____ doth or shall bear to the whole Sum which may at any time be borrowed or become due and owing, or be charged upon the Credit of the said Act, to be had and holden from this _____ Day of _____ until the said Sum of _____ with Interest, at _____ *per Centum per Annum*, for the same, shall be repaid and satisfied. In Witness whereof we the said Commissioners have _____ here-

hereunto set our Hands and Seals the Day of
in the Year

And all such Assignments shall be numbered, commencing with Number One, and so proceeding in an arithmetical Progression ascending, whereof the common Excess or Difference shall always be one; and every such Security shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators and Assigns, to the Payment thereof, and to all Profit and Advantage thereon, according to the true Intent and Meaning of this Act.

XCVII. And be it further enacted, That in case the said Commissioners shall think it advisable or more advantageous to raise all or any Part of the Money to be borrowed under this Act, by granting Annuities for Lives instead of Assignments as aforesaid, it shall be lawful for any Five or more of the said Commissioners and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners, any Sum or Sums of Money as to the said Commissioners shall seem right and proper, for the absolute Purchase of any Annuity or Annuities to be paid and payable during the natural Life of every such Contributor, or the natural Life of such Person as shall be nominated by or on the behalf of such Contributor, at the time of Payment of his or her Contribution or Purchase Money, so that no such Annuity do exceed the Rate of Ten Pounds *per Centum per Annum* upon a single Life, except in such Cases where the Person for whose Life any Annuity shall be paid, be of the Age of Sixty-three Years or upwards, and the Expence of every such Grant shall be defrayed by the said Commissioners, and the Grant of every such Annuity shall be in the Words, or to the Effect following.

Power for
Commission-
ers to raise
Money by
Annuities.

WE of the Commissioners appointed by or in
pursuance of an Act of Parliament made in the Forty-sixth Year
of the Reign of King George the Third, and intituled [*here set forth
the Title of this Act*] in Consideration of the Sum of
paid by *A. B.* to *C. D.* the Treasurer appointed in pursuance of the
said Act, Do hereby grant unto the said *A. B.* an Annuity or Yearly
Sum of _____ out of the Rates or Assessments, granted
or arising by virtue of the said Act, which Annuity or Yearly Sum of
_____ shall be paid to the said *A. B.* or his Assigns during
the Term of his natural Life, [*or, to the said A. B. his Executors, Ad-
ministrators, or Assigns, during the natural Life of C. D. as the Case
may be*] upon the _____ Day of _____
in every Year during the natural Life of him the said _____
at the Guildhall of the said City, the first Payment thereof to be made
upon the _____ Day of _____ next ensu-
ing the Date hereof: In Witness whereof we the said Commissioners
have hereunto set our Hands and Seals the _____ Day of _____
in the Year _____

And every such Grant shall be good, valid, and effectual in the Law,
without any Enrolment or Registry of the Memorial thereof; and every
[*Loc. & Per*] 9 I Annuity

Annuity so granted as aforesaid, shall be and is hereby charged upon and shall be payable and paid by the Treasurer to the said Commissioners out of the said Rates or Assessments, and other Money to be received by virtue of this Act, according to the Grant of such Annuity.

Power of transferring Mortgages and Annuities in a prescribed Form.

XCVIII. And be it further enacted, That it shall and may be lawful to and for the Persons entitled to any of the Securities for the Money to be borrowed upon legal Interest as aforesaid, or to be raised by the granting of Annuities as aforesaid; and their respective Executors, Administrators, or Assigns, (as the case may be) at any time, by Writing under their Hands and Seals, to transfer such Securities to any Person or Persons whomsoever, which Transfer may be in the Words or to the Effect following:

Form of Transfer.

I, *A. B.* being entitled to the Sum of _____ [or, an Annuity of _____] secured to *C. D.* and his Assigns, or, his Executors, Administrators, and Assigns, *as the Case may be*], by virtue of an Assignment [or, Grant of an Annuity] bearing Date the _____ Day of _____ under the Hands and Seals of _____ of the Commissioners acting in the Execution of an Act of Parliament made in the Forty-sixth Year of the Reign of King George the Third, and intituled [*here set forth the Title of this Act,*] upon the Credit of the Rates or Assessments granted or payable by the said Act; Do hereby Transfer all my Right and Title in and to the same Sum, [or Annuity] and all Interest and other Money now due and owing thereon, unto *E. F.* his Executors, Administrators, and Assigns, Dated the _____ Day of _____

And a Copy of every Security or Assignment, and of every Grant or Annuity which shall have been made in pursuance of this Act, and an Extract or Memorial of every Transfer thereof respectively, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, which Extract or Memorial shall signify and contain the Date, Names of the Parties, and Sums of Money thereby transferred, to which Book any Person interested shall at all reasonable Times have Access, and have free Liberty to inspect the same without Fee or Reward; and for the Entry of every such Transfer the said Clerk shall be paid by the Person to whom such Transfer shall be made, the Sum of Two Shillings and Sixpence and no more, and every such Transfer, after Entry thereof as aforesaid, shall entitle the Person to whom the Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred, without any other Registry or Enrolment whatsoever.

Provisions for the Payment of Creditors by Lot.

XCIX. And, in order that no Preference may be given to any of the Persons who shall have advanced and lent Money upon the Credit of the Rates and Assessments to be made and raised respectively by virtue of this Act; Be it further enacted, that the said Commissioners (if there shall be more Creditors than one) shall cause the Numbers of all Assignments or Securities granted and then in force for securing the Principal Monies lent and advanced upon the Credit of the said Rates or Assessments, of which Part shall be then intended to be paid off, to be written upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled up in the same Form as nearly as may be, and be put into a Box or Wheel, and the

the Number or Numbers of the said Assignments or Securities shall be drawn separately out of the said Box or Wheel by the Clerk to the said Commissioners; and after every such Ballot the said Commissioners shall cause Notice, signed by their Clerk, to be given to or left at the last or usual Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot; and where there is only One Creditor, to give Notice to such Creditor of the said Commissioners' Intention to pay him or her as aforesaid; and every such Notice shall express the Sum to be paid off, together with the Interest due thereon, and that the same will be paid on a Day and at a Place to be specified in such Notice, such Day not being sooner than Six Calendar Months after the Day of giving or leaving such Notice as aforesaid; and the Interest of the Principal Money to be paid off shall from and after the Day to be so specified, cease and be no longer paid or payable, unless such such Money shall be demanded pursuant to such Notice, and not paid, but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the Day so specified, shall nevertheless be payable on Demand.

C. And be it further enacted, That in case the said Commissioners can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Interest than the Assignments or Securities which shall be then in force shall bear, it shall be lawful for the said Commissioners from Time to Time to charge the said Rates or Assessments in Manner aforesaid with such Sum or Sums of Money as they shall think proper, and the Interest thereof, at such low Rate as aforesaid, and to pay off and discharge the Assignments or Securities bearing a higher Rate of Interest, according to the Directions and Regulations herein prescribed for paying off Assignments or Securities.

Power to borrow Money at a lower Interest to discharge Securities at a higher Rate.

CI. And be it further enacted, That all Money to arise by or from the said Rates or Assessments hereby granted or to be received from the Bailiffs and Citizens of the said City, or to be levied or received from time to time by virtue of this Act, and all the Money which may be borrowed on the Credit thereof or advanced for Annuities as aforesaid, shall be paid to the Treasurer to the said Commissioners, or to such Person or Persons as they shall appoint, and shall be applied and disposed of in the first place in paying and defraying the Charges and Expences which shall be incident to and attending the obtaining and passing of this Act, and of the Interest for the Money which shall have been advanced for defraying such Charges and Expences, and in the next place from time to time in defraying the Costs, Charges, and Expences of paving, cleansing, lighting, and watching the several Streets, Lanes, and other public Passages and Places in the said City and the Suburbs thereof in Manner hereby directed, and of carrying the several other Purposes of this Act into execution, and in paying and defraying all Costs, Charges and Expences which the said Commissioners or any of their Officers may sustain or be put unto in carrying this Act into execution, or in prosecuting or defending any Prosecutions, Actions, or Suits, for or concerning any of the Monies granted or arising by virtue of this Act, or in any Manner relating to the execution of this Act, or of any thing to be done by virtue thereof, and for such other Uses and Purposes as herein expressed, and for no other Use, Intent or Purpose whatsoever.

Application of Money raised or borrowed.

CII. And

Provision for
the bringing
and defend-
ing Actions
in the Name
of the Clerk.

CII. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk for the Time being; and that all Actions or Suits that may be necessary or expedient to be brought by the said Commissioners for the Recovery of any Penalty or Sum of Money due or payable by virtue of this Act to the said Commissioners, or for or in respect of any other Matter or Thing relating to this Act, may be brought in the Name of the said Clerk, and that no Action or Suit which may be brought, commenced, or prosecuted by or against the said Commissioners or any of them, by virtue or on account of this Act, in the Name of their Clerk, shall abate or be discontinued by the death, Suspension, or Removal of such Clerk, or by any Act or Default of such Clerk done or suffered, without the Consent or Direction of the said Commissioners, but the Clerk to the said Commissioners for the Time being shall be always deemed Plaintiff or Defendant in every such Action or Suit [*as the Case may be*] except in such Action or Actions as shall be prosecuted between the said Commissioners and their Clerk for the Time being, in which Action or Suit any One of the said Commissioners shall or may be Plaintiff or Defendant [*as the Case may be*]: Provided always, that every such Clerk or Commissioner in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall always be reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, and Expences as such Clerk or Commissioner shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant therein, and shall not be personally answerable or liable for the Payment of the same, or any Part of them, unless such Action or Suit shall arise in consequence of his own wilful Neglect or Default, or have been brought, or commenced, or be defended, without the Order or Direction of the said Commissioners.

Penalty on
Persons in-
terrupting or
assaulting
Workmen.

CIII. And be it further enacted, That if any Person or Persons shall at any Time or Times obstruct, hinder, or molest any of the Commissioners or any Treasurer, Secretary, Clerk, Assessor, Collector, Receiver, Surveyor, Watchman, or other Officer or Officers, Workman, Person or Persons whomsoever, who is, are, or shall be employed by virtue of this Act in the Performance of his or their Duty, or of any of the Matters or Things to be done in virtue or pursuance thereof, every such Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

The Mode
of Recovery
and Applica-
tion of Pe-
nalties and
Forfeitures.

CIV. And be it further enacted, That all Penalties and Forfeitures by this Act imposed and incurred, (for the Recovery whereof no other Method hath been directed by this Act) shall be levied by Distress and Sale of the Offender's Goods and Chattels by Warrant, under the Hand and Seal of any Justice of the Peace for the County, City, or Place where the Offence shall be committed, or where the Offender shall be or reside, which Warrant such Justice is hereby empowered and required to issue upon Confession of the Party or Parties, or upon the Evidence of any credible Witness upon Oath, and the Overplus of the Money (if any) arising by such Distress and Sale, shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of recovering such Penalties and Forfeitures, and of such Distress and Sale, and all such Penalties and Forfeitures, when recovered shall,
if

if not herein directed to be otherwise applied, be paid to the Treasurer of the said Commissioners; and be applied by them for such of the Purposes of this Act as the said Commissioners shall think fit; and in case sufficient Goods and Chattels cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall and may be lawful to and for such Justice and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction for any time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the same, shall be sooner paid or satisfied.

CV. And be it further enacted, That in all Cases where any Person or Persons shall be convicted of any Offence against this Act, or any Matter in pursuance thereof, the Conviction shall be in the Words or to the Effect following (*videlicet*):

Form of Conviction of Offenders.

City and County }
of Lichfield } BE it Remembered, that on this
Day of _____ in the Year of Our Lord

A. B. is duly convicted before
of His Majesty's Justices of the Peace for the
of having [*here state the Offence against the Act, as the Case may be,*] contrary to the Form of the Statute in that Case made and provided; and I [*or, we, as the Case may be*] Do declare and adjudge that *A. B.* hath forfeited for his [*or her, as the Case may be*] said Offence, the Sum of _____ Given under my Hand [*or, our Hands, as the Case may be*] the Day and Year first above-written.

CVI. And be it further enacted, That in all Cases where the said Commissioners, or any Justice or Justices of the Peace, is or are by this Act authorized or required to examine any Person or Persons on Oath, it shall be lawful for such Commissioners, and Justice or Justices respectively, to administer such Oath; and that if any Person or Persons shall upon his or her Examination upon Oath, before the said Commissioners, or Justice or Justices respectively, wilfully and corruptly give false Evidence, such Person or Persons so offending, and being thereof duly convicted, shall be, and is, and are hereby declared to be subject and liable to such Pains and Penalties as by any Law now in being Persons convicted of wilful and corrupt Perjury are subject and liable to: Provided always, that no Person or Persons shall be subject or liable to the Payment of any Penalty or Forfeiture imposed by this Act, for any Offence against this Act, unless Information shall be given of the Offence, within Three Calendar Months next after such Offence shall have been committed.

Power to administer Oaths,

limiting the Time for Information of Offences.

CVII. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to or concerning the Execution of this Act, no Inhabitant of the said City and County of Lichfield shall be deemed to be an incompetent Witness by reason of his or her being charged with and liable to pay any Rate or Assessment by virtue of this Act.

Power for Inhabitant to be Witnesses.

[*Loc. & Per*]

9 K

CVIII. And

Power for
Justices to
make Allow-
ances to In-
formers and
Witnesses.

CVIII. And be it further enacted, That it shall and may be lawful for the Justice or Justices of the Peace before whom any Offender shall be convicted of any Offence against this Act, if he or they shall think fit, to allow and pay any Part of the Fine, Penalty, or Forfeiture, which shall be imposed and received of any such Offender convicted before him of any such Offence as aforesaid (unless herein otherwise directed), not exceeding One Moiety thereof, to the Informer or Informers, Witness or Witnesses against such Offender, in such Shares and Proportions as to such Justice or Justices shall seem meet.

CIX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment which shall be made, or be demanded in pursuance of this Act, after an Appeal made to the said Commissioners in manner by this Act directed, against such Rate or Assessment; or if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order, Judgment, or Determination of the said Commissioners, or by any Penalty imposed, or by any Conviction made, or by any other Thing done in pursuance of this Act (save and except in such Cases where any Order, Judgment, or Determination is herein directed to be final or conclusive, and save and except in such Cases for which any particular Method of Relief is herein appointed) such Person or Persons may appeal to the Justices of the Peace at any General Quarter Session of the Peace to be holden for the said City and County of *Lichfield*, within Three Calendar Months next after the Cause of Complaint shall have arisen, or at any Adjournment of such Session, the Person or Persons appealing first giving or causing to be given to the Clerk to the said Commissioners Fourteen Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, and forthwith after such Notice, and before any Distress shall be taken in consequence of any such Conviction, entering into a Recognizance before some Justice of the Peace, for such County, City or Place, with sufficient Sureties conditioned to try such Appeal, and to abide the Order of and to pay such Costs as shall be awarded by the Justices at such Session, or Adjournment thereof; and the Justices at the said Session, or Adjournment thereof, upon due Proof of such Notice having been given, and of such Recognizance having been entered into as aforesaid, shall hear and finally determine every such Appeal in a summary Way, and award such Costs to the Party appealing, or appealed against, as the said Justices shall think proper, and shall and may at their Discretion discharge or mitigate all or any of the Penalties or Forfeitures incurred by the Party or Parties appealing, and the Determination of the said Justices in their said General Quarter Session or Adjournment thereof, shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

Justices may
relieve on
appeal from
Rates.

CX. And be it further enacted, That on any Appeal from any Rate or Rates, Assessment or Assessments, to be made by the said Commissioners for the Purposes of this Act, the Justices at such General or Quarter Sessions shall and may amend the same if they shall so think proper, in such Manner as may be necessary for giving Relief to the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, aggrieved, with-
out

out quashing or altering such Rate or Rates, Assessment or Assessments, with respect to any other Person or Persons, Body or Bodies Politic, Corporate or Collegiate, mentioned in the same; but if upon Appeal from the whole Rate or Rates, Assessment or Assessments, it shall be found necessary to set aside the same, then and in such Case the said Justices shall and may order a new Rate or Rates, Assessment or Assessments, to be made in Manner herein directed.

CXI. And be it further enacted, That no Order, Verdict, Rate, Assessment, Judgment, Conviction, or other Proceeding, touching or concerning any of the Matters aforesaid, or touching or concerning any Offence against this Act, shall be quashed or vacated for want of Form only, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Proceedings
not to be
quashed or
removed by
Certiorari.

CXII. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Distresses not
unlawful for
want of
Form.

CXIII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode, Thirty Days before such Action shall be commenced, of such Intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff not
without No-
tice, or after
Tender of
Amends.

CXIV. Provided also, and be it further enacted, That no Action or Suit shall be brought, commenced, or prosecuted against any Person or Persons for any thing done or to be done by virtue or in pursuance of this Act after Three Calendar Months next after the Fact committed, or the Cause of such Action shall have arisen; and every such Action shall be brought and laid in the County where the Cause of Action shall arise, ex-

Limitation
of Actions.

cept

General
Issue.

cept where the same shall arise in the City and County of the City of *Lichfield*, and in that Case every such Action shall be brought and laid in the City and County of the City of *Lichfield*, or in the County of *Stafford*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead at his, her, or their Election specially, or the General Issue, and give this Act, and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance or by the Authority of this Act; and if upon the Trial of such Action or Suit it shall appear to have been so done, or that such Action or Suit shall have been brought before the Expiration of Thirty Days next after such Notice shall have been given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the time limited for bringing the same as aforesaid, or be brought or laid in any other County than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and in all Cases where a Verdict shall be found for any Defendant or Defendants in such Action or Suit, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited, or if upon Demurrer Judgment shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such and the like Remedy for recovering the same, as any Defendant or Defendants hath or have for recovering Costs of Suit in any other Cases by Law.

Public Act.

CXV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded,

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