



ANNO DECIMO

GEORGII IV. REGIS.

Cap. vi.

An Act for lighting, watching, cleansing, and otherwise improving and regulating the Hamlets or Liberties of *Duddeston* and *Nechells* in the Parish of *Aston*, near *Birmingham*, in the County of *Warwick*.
[13th April 1829.]

WHEREAS the Hamlet or Liberty of *Duddeston* within the Parish of *Aston*, near *Birmingham*, in the County of *Warwick*, is large and populous, and the Population thereof is greatly increasing : And whereas the Hamlet or Liberty of *Nechells* adjoins to *Duddeston* aforesaid : And whereas it would be a great Convenience to the Inhabitants of the said Hamlets, and to the Public, if the Streets, Roads, Lanes, public Passages and Places within such Hamlets or Liberties, were properly lighted, cleansed, watched, and otherwise improved and regulated ; but such beneficial Objects cannot be accomplished without the Aid and Authority of Parliament ; May it therefore 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 said Hamlets or Liberties of *Duddeston* and *Nechells* shall, for the several Purposes of this Act, be deemed and taken to be One Hamlet or Place, without any Distinction or Separation,

[*Local.*]

A a

Hamlets united for the Purposes of the Act, and the Limits ascertained.

tion, and that the Boundaries and Limits of the said Hamlets or Liberties, for the Purposes aforesaid, shall extend to and be determined and bounded by the Extent and Limits of the Lamps to be from Time to Time affixed and put up in the said Hamlets or Liberties by virtue of this Act.

Appointment
of Commis-
sioners.

II. And be it further enacted, That all His Majesty's Justices of the Peace for the County of *Warwick* residing within the said Parish of *Aston*, together with *James Armitage, John Badams, Philip Beck, William Botteley, William Bourne, William Charles Chapman, James Collins, Richard Brook Holding Dawes, John Ensell, William Gammon, George Joseph Green, Abraham Harding, Henry Hope, William Howell, Samuel Hudson, John Parnell Izon, Edward Madeley*, the Reverend *Samuel Francis Morgan* Clerk, *Joseph Pichard, William Henry Pitt, Josiah Robins, Thomas Ryland, John Shipley, Thomas Simms, Thomas Smith, William Thompson, Joseph Turton, Samuel Twamley, Philip Mellor Twells, John Whittingham, William Wilcox, James Wilkinson, Arthur Worboys*, and their Successors, to be appointed as herein mentioned, shall be and they are hereby appointed Commissioners for putting this Act in execution.

For electing
Commission-
ers on Vacan-
cies.

III. And be it further enacted, That when any of the Commissioners herein named, or at any Time to be elected in pursuance of this Act, (except the Magistrates acting for the County of *Warwick* as aforesaid,) shall, previous to the last *Friday* in *June* One thousand eight hundred and thirty-six, or in any subsequent Interval between any future Septennial General Election of Commissioners, die, or refuse to act as or be rendered incapable of being a Commissioner or acting as such in manner herein mentioned, it shall and may be lawful for the remaining Commissioners, at any Meeting in pursuance of this Act, at which Meeting not less than Eleven Commissioners shall be present, to elect one other Person, being an Inhabitant within the Limits of this Act, to supply the Place of every Commissioner so dying, or refusing to act or being rendered incapable of acting as herein is mentioned, Notice in Writing, signed by any Two or more of the said Commissioners, of such Meeting, and of the Purpose and Intent thereof, being previously given to or left at the House or last Place of Abode within the Limits of this Act of every of the said remaining Commissioners Five Days at least, exclusive of the Day of delivering the same and of the Day of meeting; and every Person so elected is hereby invested with the same Powers for putting this Act in execution, and shall and may and is hereby authorized and empowered to act, to all Intents and Purposes, in as full, large, and ample a Manner as the Person in whose Stead he shall be so elected was and would or might have acted: Provided always, that in case any Commissioner or Commissioners (except the Magistrates as aforesaid) shall not attend at least Six Times in every Year, to be computed from the Twenty-fourth Day of *June* in every Year, at some one of the Meetings to be held for putting this Act in execution, then and in every such Case every such Person shall cease to be, and shall and is hereby declared to be, disqualified from acting as a Commissioner as aforesaid, and another Person shall and may be appointed in his Room, unless such Commissioner shall have been

prevented from attending as aforesaid by Absence from Home, Illness, or other sufficient Cause of Excuse, to be approved of by the said Commissioners: Provided also, that such Person so becoming disqualified to act as a Commissioner shall not thereby become incapable of being again appointed a Commissioner.

IV. And be it further enacted, That the Commissioners hereinbefore appointed and directed to be appointed shall be Commissioners under this Act until the last *Friday* in *June* One thousand eight hundred and thirty-six, and until other Commissioners shall be appointed by virtue of this Provision; and the Clerk or Clerks to the said Commissioners for the Time being shall and is and are hereby required, on the first *Sunday* in the same Month of *June*, or within Seven Days thereafter, to affix or cause to be affixed, previous to Morning Service, upon One of the outer Doors of the Parish Church of *Aston* aforesaid and of the Chapel of Ease within the said Hamlet of *Duddeston*, and upon One of the outer Doors of each and every Church or Churches, Chapel or Chapels of Ease, which shall hereafter be erected within the said Hamlets or either of them, a Notice in Writing, signed by any Two or more of the said Commissioners, of a Meeting of the Persons within the Limits of this Act qualified to vote in Vestry, on the last *Friday* in *June* One thousand eight hundred and thirty-six, or within Seven Days thereafter, at Eleven of the Clock in the Forenoon, at some convenient Place to be therein stated, and within such Limits, for the Purpose of electing Commissioners for putting this Act in execution; and the said Clerk or Clerks shall deliver or cause to be delivered a written Copy of such Notice to the Clerks for the Time being of each of the said Churches and Chapels of Ease, which they the said last-mentioned Clerks are hereby respectively required to read or cause to be read on the said first *Sunday* in *June* One thousand eight hundred and thirty-six, or on the following *Sunday*, in each of the said Churches and Chapels of Ease, immediately after Morning and Evening Prayers; and on the first *Sunday* in the Month of *June* in every Seventh Year from the said Month of *June* One thousand eight hundred and thirty-six, or within Seven Days thereafter, the Clerk or Clerks to the said Commissioners shall affix or cause to be affixed, in Manner and Form aforesaid, upon One of the outer Doors of every of the Churches and Chapels aforesaid a Notice in Writing of a Meeting of the Persons within the Limits of this Act, qualified as aforesaid, on the last *Friday* in *June* in every Seventh Year (or within Seven Days thereafter) from the said last *Friday* in *June* One thousand eight hundred and thirty-six, at Eleven of the Clock in the Forenoon, at some convenient Place to be therein stated, and within the Limits of this Act, for the Purpose of electing Commissioners for putting this Act in execution, and shall deliver or cause to be delivered a written Copy of such Notice to the Clerk or Clerks for the Time being of each of the said Churches and Chapels of Ease, which they the said last-mentioned Clerks are hereby respectively required to read or cause to be read on the said first *Sunday* in *June* in every Seventh Year, (or on the following *Sunday*,) such Seventh Year to be computed from the said first *Sunday* in *June* One thousand eight hundred and thirty-six, in each of the said Churches and Chapels of Ease, immediately after Morning and Evening Prayers;

For General Election of Commissioners septennially.

Prayers; and the Persons present at every such Meeting, qualified by Law to vote in Vestry, shall proceed to elect, by a Majority of Votes, Thirty-three Persons to be Commissioners for putting this Act in execution until the next Septennial Election; but it shall be lawful for every such Meeting, in electing the said Thirty-three Commissioners, to elect again any Person or Persons going out of Office to be a Commissioner or Commissioners; and at every such Meeting a Chairman shall be appointed, who shall not only be entitled to vote as a Vestryman, but, in case of an Equality of Votes, shall also have the decisive or casting Vote.

Qualification
of Commis-
sioners.

V. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act unless he shall be an Inhabitant within the Limits thereof, and shall be rated in the Poor Books at not less than Fifteen Pounds *per Annum* for the House, Warehouse, or Shop, or Houses, Warehouses, or Shops, or other Buildings or Hereditaments, which shall be by him occupied within such Limits, and shall really and *bonâ fide* be possessed, either in Real or Personal Estates, to the Amount or Value of Five hundred Pounds above Reprizes (other than and except the Magistrates acting for the County of *Warwick* as aforesaid); and no Person whosoever, during the Time he shall hold any Place of Profit under the said Commissioners, shall be capable of acting as a Commissioner in the Execution of any of the Powers of this Act; and no Person whosoever, being under any Contract, or having any Share or Interest in any Contract entered into under the Powers of this Act, shall be capable of acting in any Matter or Thing relating to such Contract; and the said Commissioners at all their Meetings shall defray their own Expences.

No Person to
be capable of
acting as a
Commissioner
until he
has taken the
Oath.

VI. And be it further enacted, That no Person, except a Commissioner by virtue of his Office, shall be capable of acting as a Commissioner in the Execution of this Act until he shall have taken and subscribed, before any Two or more of the said Commissioners, who are hereby authorized and empowered to administer the same, an Oath, or, being a Quaker, an Affirmation, in the Words or to the Effect following; (that is to say,)

Oath of Qua-
lification.

‘ I do swear, [*or, being one of the People called Quakers, do solemnly affirm,*] That I am an Inhabitant, and am rated in the Poor Books at not less than Fifteen Pounds *per Annum* for the House, Warehouse, or Shop [*or Houses, Warehouses, or Shops, or other Buildings or Hereditaments, as the Case may be,*] by me occupied within the Limits of an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*]; and that I am really and *bonâ fide* possessed, either in Real or Personal Estates, to the Amount or Value of Five hundred Pounds over and above what will satisfy all my Debts; and that I will faithfully and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities reposed in me as a Commissioner by virtue of the said Act. So help me GOD.’
[*Or, being one of the People called Quakers, omit the Words ‘ So help me God.’*]

And

And no Person by this Act appointed a Commissioner by virtue of his Office shall be capable of acting as such in the Execution of this Act, unless he shall have taken and subscribed an Oath, or, being one of the People called *Quakers*, an Affirmation, in the Words or to the Effect following; (that is to say,)

‘ I do swear, [*or, being one of the People* Oath to be
‘ *called Quakers*, do solemnly declare and affirm,] That I will taken by
‘ faithfully and impartially, according to the best of my Skill and Commissioners
‘ Judgment, execute and perform all and every the Powers and ex officio.
‘ Authorities reposed in me as a Commissioner by virtue of an Act
‘ passed in the Tenth Year of the Reign of King *George* the Fourth,
‘ intituled [*here set forth the Title of this Act*]. So help me GOD.’
‘ [*Or, being one of the People called Quakers, omit the Words ‘ So help*
‘ *me God.*’]

VII. Provided always, and be it further enacted, That if any Person shall act as a Commissioner in the Execution of this Act without being duly qualified as aforesaid, or being disqualified for any of the Reasons aforesaid, or not having taken and subscribed the Oath, or, being a Quaker, the Affirmation herein-before mentioned, he shall for every such Offence forfeit and pay the Sum of One hundred Pounds, to be recovered, together with full Costs of Suit, in any of His Majesty’s Courts of Record at *Westminster*, by any Person or Persons who shall sue for the same, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager at Law, nor more than One Imparlance, shall be allowed; and every Person so prosecuted or sued shall prove that he is qualified as aforesaid, or shall pay the said Penalty upon Proof being given of his having acted as a Commissioner in the Execution of this Act: Provided nevertheless, that no Act or Proceeding touching the Execution of this Act, which shall be done or performed by any such unqualified or disqualified Person previously to his being convicted of the Offence before mentioned, shall be thereby impeached or rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had been duly qualified. Penalty on Commissioners acting, not being qualified.

VIII. And be it further enacted, That the said Commissioners herein named shall meet together at *Vauxhall Tavern*, or at some other convenient Place in *Duddeston* aforesaid, on the last *Monday* in the next or succeeding Month after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, in order to put this Act in execution, and shall and may from Time to Time, by Adjournment, meet together at the same Place, or any other convenient Place within the Limits of this Act, as they shall appoint; and all Orders and Proceedings of the said Commissioners in the Execution of this Act shall be at public Meetings held in pursuance of this Act, and not otherwise (except as herein excepted); and if it shall happen that there shall not appear at any Meeting which shall be appointed to be held a sufficient Number of Commissioners to act and to adjourn to another Day, or if they shall omit or neglect to adjourn, or if there shall be any special Occasion for any Meeting between the Time of any Adjournment, or at any other Time, then First Meeting of Commissioners.

[Local.]

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and in every such Case any Three or more of the said Commissioners shall and may call a Meeting at such Time and Place as they shall think proper.

Notice to be given of Meetings.

IX. Provided always, and be it enacted, That previous to any Meeting of the said Commissioners in pursuance of this Act, subsequent to such First Meeting as aforesaid, there shall from Time to Time be delivered or sent to each of the said Commissioners, or left at each of their Houses or last Place of Abode within the Limits of this Act, a Notice in Writing, signed by their Clerk or Clerks, or by Three or more Commissioners, of the Time and Place of every such intended Meeting, which Notice shall be so delivered, sent, or left Three Days at least before every such Meeting.

Chairman to be appointed.

X. And be it further enacted, That at every Meeting of the said Commissioners one of the Commissioners present shall be appointed Chairman, and in case of Equality of Voices or Votes of the Commissioners so assembled, (including his own,) such Chairman shall upon all Occasions have a casting and decisive Voice or Vote; and no Act, Order, or Determination to be done or made at any of the said Meetings shall be good or valid unless the Majority of the Commissioners then present shall concur therein; and all Acts, Orders, and Proceedings relating to this Act, which are directed to be had, made, done, or exercised by or before the said Commissioners, and all the Powers and Authorities vested in them generally, shall and may be had, made, done, and exercised by the major Part of the Commissioners who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number present not being less than Five, except in such Cases where any other Number is by this Act named for any particular or special Purpose.

Proceedings to be entered in a Book.

XI. And be it further enacted, That regular Entries shall be made in a proper Book or Books to be provided for that Purpose of the Names of the Commissioners who shall attend their respective Meetings, and of all their Acts, Orders, and Proceedings, and the Chairman of every such Meeting shall subscribe his Name at the End of the Proceedings of every such Meeting; and all such Entries, being so signed, shall be allowed to be read in Evidence in all Causes, Suits, and Actions relating to any thing done in pursuance of this Act; and every such Book shall at all seasonable Times be open to the Inspection of every Person to be rated or assessed for the Purposes of this Act; and if the Clerk or Person having the Custody thereof shall refuse to permit or shall not permit any Person or Persons to peruse and inspect such Book or Books, such Clerk or Person shall for every such Offence forfeit and pay the Sum of Five Pounds.

Officers to be appointed.

XII. And be it further enacted, That the said Commissioners shall and may from Time to Time, whenever they think necessary, by Writing under their Hands, appoint and employ a Treasurer or Treasurers, and a Clerk or Clerks, and Assessor or Assessors, Collector or Collectors of the Rates or Assessments to be made as herein directed, and also a Surveyor, and such other Officers and Persons

as they shall think necessary to employ in the Execution of this Act, and shall from Time to Time take such Security from every such Treasurer and Collector, for the due Execution of their respective Offices, as the said Commissioners shall think proper; and the said Commissioners may remove and displace any such Officer and Person from Time to Time, whenever they shall think proper, and shall and may, out of the Monies to be raised by virtue of this Act, allow and pay to every such Treasurer, Clerk, Surveyor, Assessor, or Collector, and other Officer or Person to be employed as aforesaid, such Salary or Allowance as they the said Commissioners shall think reasonable.

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, nor more than One Imparlance, shall be allowed.

Clerk and Treasurer not to be the same Person.

XIV. And be it further enacted, That the said Commissioners shall and they are hereby required to cause a Book or Books to be provided and kept, and true and regular Accounts to be entered therein of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, or any Person or Persons paying the Rates or Assessments hereby granted, or any Creditor or Creditors on the same, without Fee or Reward; and the said Commissioners and Persons aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and if the Clerk or Clerks to the Commissioners, or other Person or Persons

Accounts to be kept of Receipts and Disbursements, which shall be open to Inspection.

with

with whom the Books, Accounts, and Papers belonging to the said Commissioners shall have been deposited, shall on any reasonable Demand refuse to permit or shall not permit the said Commissioners, or such Creditors or other Persons as aforesaid, or any of them, to inspect the said Books, Accounts, and Papers, or to take such Copies or Extracts as aforesaid, such Clerk or Clerks or other Person or Persons so refusing shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Treasurer
and other Of-
ficers to ac-
count.

XV. And be it further enacted, That every such Treasurer, Clerk, Collector, and other Officer or Person appointed by virtue of this Act shall, under his respective Hand, and at such Time or Times and in such Manner as the said Commissioners direct, deliver to the said Commissioners, or such Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his Charge by virtue of this Act, and also of all Monies which shall have been by such Officer received by virtue of or for the Purposes of this Act, and of how much thereof shall have been expended and disbursed, and for what Purposes, together with proper Vouchers for such Payments; and every such Officer or Person shall pay all such Monies as shall remain due from him to the Treasurer for the Time being, or to such Person or Persons as the said Commissioners shall appoint to receive the same; and if any such Treasurer, Clerk, or Collector, Officer or other Person, shall refuse or wilfully neglect to make and render such Accounts, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Commissioners, or to such Person or Persons whom they shall appoint to receive the same, within Three Days after being thereunto required by the said Commissioners, by Notice in Writing under the Hands of any Three or more of them given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Satisfaction to the said Commissioners or such other Person or Persons as aforesaid respecting the same, then and in every such Case, upon Complaint made by the said Commissioners, or by any Person or Persons whom they the said Commissioners shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid to any Justice of the Peace for the County, City, or Place wherein such Officer or Person so refusing or neglecting shall be or reside, such Justice may and he is hereby authorized and required to issue a Summons under his Hand and Seal for the Officer or Person so refusing or neglecting to appear before such Justice; and upon the said Officer or Person appearing, or having been so summoned and not appearing, without some sufficient or reasonable Excuse, or not being found, it shall be lawful for the said Justice to hear and determine the Matter in a summary Way; and if upon Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath or Affirmation, (which Oath or Affirmation such Justice is hereby empowered to administer,) it shall appear to such Justice that any Monies remain due from such Officer or Person, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money
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to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person ; and if sufficient Goods and Chattels of such Officer or Person shall not be found to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer or Person had refused or wilfully neglected to render and give such Accounts, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act remained in the Hands or in the Custody or Power of such Officer or Person, and he refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in every such Case such Justice shall and he is hereby required to commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to remain, without Bail or Mainprize, until he shall have given a true and perfect Account as aforesaid, or until he shall have paid such Monies as aforesaid, or compounded with the said Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners are hereby empowered to make and receive,) and until he shall deliver up such Books, Papers, or Writings, or give Satisfaction in respect thereof to the said Commissioners, or to such other Person or Persons as aforesaid ; but no such Offender shall be kept or detained in such Common Gaol or House of Correction for Want of sufficient Distress, by virtue of this Act, for any longer Space of Time than Six Calendar Months.

XVI. And be it further enacted, That no Prosecution or Commitment, under the Provisions of this Act, of any Treasurer, Clerk, Collector, or other Officer or Person to be appointed under the Powers of this Act, shall acquit or discharge any Surety or Security that shall or may have been taken by or given to the said Commissioners for the due and faithful Execution of his or their Office, or the Payment of the Monies received or to be received by him or them respectively.

Commitment
of Officer not
to discharge
his Sureties.

XVII. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk or Clerks for the Time being, or in the Name of any One of the Commissioners ; and all Actions or Suits that may be necessary or expedient to be brought for the Recovery of any Penalty or Sum of Money due or payable by virtue of this Act, or for or in respect of any other Matter or Thing relating to this Act, may be brought in the Name or Names of their Clerk or Clerks, or in the Name of any One of the said Commissioners ; and 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, shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk or Clerks, or by the Death of such Commissioner, or by any Act or Default of such Clerk or Clerks done or suffered, without the Consent and Direction of the said Commissioners, but the Clerk or Clerks to the said Commissioners for the Time being, or such Commissioner, shall be deemed Plaintiff or Plaintiffs, Defendant or Defendants, in any such Action or Suit, (as the Case may be,) except such Action

Commis-
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[*Local.*]

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Commissioner
to be a
competent
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or Actions as shall be prosecuted between the said Commissioners and their Clerk or Clerks for the Time being: Provided also, that in all Cases in which the Clerk or Clerks for the Time being, or any such Commissioner as aforesaid, shall, in pursuance of this Act, be the Plaintiff or Plaintiffs, Defendant or Defendants on the Record in any Action or Actions, Suit or Suits, in which in effect the said Commissioners shall be suing or sued in the Name of such Clerk or Clerks, or of such One Commissioner as aforesaid, (although appearing as the Plaintiff or Plaintiffs, Defendant or Defendants on the Record,) may and shall nevertheless (if not otherwise interested or objectionable,) be a good, examinable, and competent Witness in every Action or Suit, either for or against the said Commissioners; and all Affidavits of Debt or Service which may be necessary or expedient to be made preparatory to or in the Prosecution or Defence of any and every such Action, Suit, or Proceeding, shall and may be lawfully made by such Clerk or Clerks, or such One Commissioner (as the Case may be,) notwithstanding he or they shall be nominal Plaintiff or Plaintiffs, Defendant or Defendants on the Record as aforesaid: Provided also, that every or any such Clerk or Clerks, 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 Damages, Costs, Charges, and Expences as he or they shall be put to or become chargeable with by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants 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 or their own wilful Neglect or Default, or have been brought or commenced, or be defended, without the Order or Direction of the said Commissioners.

Clerk or
Commissioner
to be in-
demnified.

Power to
provide Of-
fices, &c.

XVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, when they shall think proper or necessary, to treat, contract, and agree with any Person or Persons for the absolute Purchase of any Messuages, Buildings, Piece or Pieces of Land, which in the Judgment of the said Commissioners shall be suitable for or for the Erection thereon of an Office or Offices, Storehouse or Storehouses, Engine-house, Watch-house or Watch-houses, Lock-up House or Houses, a Pound, and Weighing Machine or Weighing Machines, with their Appurtenances, and to alter and convert such Messuages or Buildings into, or to erect on any such Piece or Pieces of Land, an Office or Offices, Storehouse or Storehouses, Engine-house, Watch-house or Watch-houses, Lock-up House or Houses, Pound, and Weighing Machine or Weighing Machines, with their Appurtenances, of such Forms and Dimensions, and with such Conveniences thereto, as they the said Commissioners shall deem expedient, and to furnish and fit up the said Buildings with all necessary Furniture, and to repair and reinstate the same from Time to Time as they shall see fit, and to appoint such Person or Persons as they may think proper for the Care, Custody, and Conservation thereof.

XIX. And

XIX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, to cause such Number of Watch-houses or Watchboxes to be provided, erected, or affixed, as they shall think necessary, in all or any of the Streets, Lanes, and Places within the Limits of this Act, and also to cause the said Watchboxes, and all Lamps, Irons, and Lamp Posts to be provided as herein mentioned; and also the several Houses and other Buildings within the several Streets, Lanes, and Places to be numbered; and also to cause to be affixed, on a conspicuous Part of One or more House or Houses, Building or Buildings, at or near each End, Corner, or Entrance of such Streets, Lanes, and Places respectively, the Names by which the same respectively are to be called or known, in such Manner as they shall think most proper for distinguishing the same.

Commissioners may provide Watchboxes, and number Houses, &c.

XX. And be it further enacted, That the Property of and in all the Lamps, Lamp Irons, Lamp Posts, Watch-houses, and Watchboxes in, about, or belonging to the said Streets, Lanes, and Places within the Limits of this Act, and of and in all the Iron, Timber, Stone, Bricks, and other Materials and Furniture and Things, of, in, and belonging thereto, (except when the same shall be otherwise regulated by Contracts with the said Commissioners,) shall be and the same are hereby vested in the said Commissioners, and may be sold and disposed of from Time to Time as they shall think proper; and the Money arising by such Sale or Sales shall be applied towards the Purposes of this Act; and the said Commissioners are hereby authorized and empowered to bring or cause to be brought any Action or Actions, in such Name or Names, or Manner, as herein is provided, or to prefer or order and direct the preferring of any Bill or Bills of Indictment against any Person or Persons who shall steal, take, or carry away (as the Case may be) all or any Part of such Lamps, Lamp Irons, Lamp Posts, Watch-houses, Watchboxes, Iron, Timber, Stone, Bricks, Furniture, or other Materials and Things as aforesaid; and in all such Actions or Bills of Indictment it shall be and be deemed and taken to 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 such Bill or Bills of Indictment preferred, is or are the Property of "The Commissioners of the *Duddeston* and *Nechells* Street Act," without particularly stating or specifying the Name or Names of all or any of the said Commissioners.

Property of Lamps, &c. vested in the Commissioners.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, from Time to Time to cause such Lamp Irons or Lamp Posts, or other Posts, Chains, or Rails, to be put or fixed upon or against the Walls or Pallisadoes of any Houses, Tenements, Buildings, or Inclosures, (doing as little Damage or Injury thereto as possible,) or to be put up and erected in such other Manner, within all or any of the said Streets, Lanes, and Places within the said Hamlets, as they shall think proper; and also to cause such Number of Lamps of such Sizes and Sorts to be provided and affixed and put upon such Lamp Irons and Lamp Posts as they shall think necessary for lighting all or any of such Streets, Lanes, and Places, and to cause the same to be lighted with Gas or Oil,

Commissioners may cause Lamp Irons to be put up, Streets lighted, and Gas to be made or purchased.

Oil, or otherwise, for such Number of Hours in every Twenty-four Hours as they shall think necessary ; and that it shall be lawful for the said Commissioners to contract with any Person or Persons for the necessary Supply of Gas, or to manufacture and sell such Gas to any Person or Persons willing to purchase the same, and for that Purpose to establish Gasometers and all Apparatus and Machinery necessary or convenient thereto, and to purchase any Land or Ground, not exceeding One Statute Acre, for the Purposes last aforesaid ; and also to break up the Soil or Pavement of all or any of the Footways or Carriageways within the said Limits, and to construct and fix all Works and Apparatus for the Conveyance and Use and Sale of such Gas, and from Time to Time to direct all or any of such Works and Apparatus to be removed or altered and repaired, any Law or Statute to the contrary thereof notwithstanding.

Commissioners not to lay Gas Pipes beyond the Hamlets.

XXII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize, empower, or permit the said Commissioners to lay down any Mains or other Pipes beyond the Limits of the said Hamlets, or to make, sell, furnish, or supply Gas to be used or consumed within the Parish of *Birmingham* aforesaid.

Branch and Service Pipes to be kept charged with Gas.

XXIII. And be it further enacted, That the Branch or Service Pipes which shall be used for supplying the Gas for lighting the said Streets, Roads, Lanes, or other Passages and Places, shall be kept fully charged, and the Stopcocks shall be so turned as not to impede or prevent such Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

Commissioners, &c. to prevent the Escape of Gas.

XXIV. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall have been laid down or set up by the said Commissioners, or by any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person whomsoever, making or supplying any Gas used, burnt, or consumed within the Limits of this Act, such Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate or other Person, shall, immediately after Notice given to them or any of them, in Writing, of any such Escape of Gas, by any Person whomsoever, cause the most speedy and effectual Measures to be taken to stop and to prevent the further Escape of such Gas ; and in case such Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person, shall not, within Twenty-four Hours next after such Notice given, effectually stop and prevent any further Escape of such Gas, and satisfactorily remove the Cause of Complaint, then and in every such Case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each Day, after the Expiration of Twenty-four Hours from the Time of giving such Notice, during which such Gas shall be suffered to escape ; which Penalty shall from Time to Time be recoverable in a summary Way, on the Oath or Affirmation of any credible Witness, before some Justice of the Peace, and shall and may be levied, with all reasonable

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Charges, by Distress and Sale of the Goods and Chattels of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person as aforesaid.

XXV. And be it further enacted, That all Pipes or other Conduits to be laid for the Conveyance of Gas in or under any of the said Streets, Roads, Lanes, Passages, or Places shall be so laid at the greatest practicable Distance, and (whenever the Width of the Carriage-way will allow thereof) at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water in or under any of the said Streets, Roads, Lanes, Passages, or Places (except in Cases where it shall be unavoidably necessary to lay any Gas Pipe across any Water Pipe, in which Case such Gas Pipe shall be laid above the said Water Pipe at the greatest practicable Distance therefrom, and shall form therewith a Right Angle; and in such Case the Length of the said Gas Pipe so crossing the said Water Pipe shall always exceed Nine Feet, in order that no Joint of the said Gas Pipe may be nearer to any Part of the said Water Pipe than Four Feet); and in laying down such Gas Pipes, the Person laying the same shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall then in such Trench properly and sufficiently form and complete the Jointing with the other Pipes to be connected therewith; and shall also make and keep air-tight all such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, or Openings therein respectively, and in every respect prevent the said Gas from escaping therefrom, or from any Part thereof, upon pain of forfeiting for every Default the Sum of Twenty Pounds, to be recovered, with full Costs of Suit, by Action of Debt, Bill, Complaint, or Information in any of His Majesty's Courts of Record at *Westminster*.

Gas Pipes to be laid at a Distance from Water Pipes.

XXVI. And be it further enacted, That whenever the Water of any Waterworks supplying with Water the Limits of this Act, or the Water in any Well or Pond within such Limits, shall be contaminated or affected by the Gas of the said Commissioners, or of any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person whomsoever, making or supplying any Gas used, burnt, or consumed within the said Limits, such Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person as aforesaid, shall forfeit and pay the Sum of Twenty Pounds, to be recovered, with Costs of Suit, in the same Manner as any other Penalty may be recovered under this Act; and the same shall be paid or applied to and for the Use and Benefit of the Owners or Proprietors of such Waterworks, or of the Persons owning or using the Water of such Well or Pond as aforesaid, and suing for the same; and the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person as aforesaid, shall also, within Twenty-four Hours next after Notice of such Contamination in Writing, signed by the Treasurer or Clerk for the Time being to or by any Member of any Company, or by other the Owners or Proprietors of any Waterworks, or by any other Person interested

Commissioners to prevent Contamination of Water by Gas.

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in or using any Water so contaminated, to be left at the usual Office or Place of transacting Business of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or at the last or usual Place of Abode of such other Person so making or supplying Gas as aforesaid, cause Measures to be taken effectually to prevent the Gas from further escaping from their Works, and contaminating such Water; and in case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person as aforesaid, shall not, within Twenty-four Hours next after such Notice, effectually prevent the Gas from further escaping, and satisfactorily remove the Cause of the Complaint whereof Notice shall have been given as aforesaid, then and in every such Case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person as aforesaid, shall on each and every Complaint forfeit and pay (over and above the before-mentioned Penalty of Twenty Pounds) the Sum of Five Pounds for each and every Day during which such Water shall be and remain contaminated by any such Gas, to be recovered, with Costs of Suit, in the same Manner as any other Penalty may be recovered under this Act; and the same shall be paid or applied to and for the Use and Benefit of the Owners or Proprietors of such Waterworks, or of the Persons using or owning the Water of such Well or Pond as aforesaid, and suing for the same.

For ascertaining if Water be contaminated.

XXVII. And whereas it may become Matter of Question, upon such Complaint as aforesaid, whether the said Water be contaminated by the Gas of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person, making or supplying any Gas used, burnt, or consumed within the said Limits; be it therefore enacted, That in every such Case it shall be lawful for the Owners or Proprietors of such Waterworks, or for the Persons interested in such Well or Pond, to dig to and about and search and examine the Works and Apparatus of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by the Gas of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person; and if it shall appear that the said Water has been contaminated by the Gas of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person, the Costs and Expences of such Examination, and of the Repair of the Pavement or Surface of the Street or Place which shall have been disturbed by such Examination, shall be defrayed by the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person; and such Costs and Expences shall be determined, if necessary, by the Justice before whom the Matter shall be heard, and be recovered in like Manner as any Penalty may be recovered under this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from such Gas, the Person making Complaint of such Contamination shall defray the Costs and Expences of such Examination and Repairs, and shall also make good to the said Commissioners,

missioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person as aforesaid, any Loss or Damage which may be occasioned to the Works of such Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person, in or by such Examination; the Amount of such Loss or Damage to be determined, if necessary, by such Justice as aforesaid.

XXVIII. And be it further enacted, That if the said Commissioners, or any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or any other Person, making or supplying any Gas used, burnt, or consumed within the Limits of this Act, shall at any Time empty or convey, or cause or knowingly and willingly suffer to be emptied or conveyed, or to run or flow, any Washings or other Liquids, Substances, or Things whatsoever, which shall be used in or be produced by or from the Manufacture of Gas, or in the Employment of any Gas Works, into any River, Stream, Reservoir, Aqueduct, Canal, Pond, Spring-head, or Well, or shall commit any Annoyance or Act whatsoever to the Water contained in any such River, Stream, Reservoir, Aqueduct, Canal, Pond, Spring-head, or Well, whereby such Water shall or may be contaminated or corrupted, the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds, with full Costs of Suit, to any Person who shall inform or sue for the same 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, Wager of Law, nor more than One Imparlance, shall be allowed: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same shall be sued for within Twelve Calendar Months after the Time when such Annoyance or Act shall have ceased: Provided also, that in addition to the said Penalty of Two hundred Pounds, (and whether such Penalty shall or shall not be sued for or recovered,) in case any of the said Washings, or other Waste Liquids, Substances, or Things, shall be emptied or conveyed, or be suffered to run or flow, in manner aforesaid, into any River, Stream, Reservoir, Aqueduct, Canal, Pond, Spring-head, or Well, or any such Annoyance or Act shall be committed as aforesaid, and Notice thereof in Writing shall have been given by any Person to the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person as aforesaid, and such Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person, shall not, within Twenty-four Hours after such Notice, prevent the further Continuance of such of the Causes of Complaint as shall be expressed in such Notice, the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person, (as the Case may be,) shall forfeit and pay the Sum of Twenty Pounds for each Day such Cause of Complaint shall continue; and any Justice of the Peace, upon Conviction of the Offender before him, upon the Oath or Affirmation of any credible Witness, shall and may, by Warrant under his Hand and Seal, cause the said Penalty, and also the Costs attending such Conviction, to be levied by Distress and Sale

Penalty on
Commis-
sioners, &c.
suffering
Liquids
produced by
Manufacture
of Gas to
flow into
Streams, &c.

Sale of the Goods and Chattels of such Offender ; which Penalty, when recovered, shall, at the Discretion of the said Justice, either be paid to the Informer or to the Person who in the Judgment of the said Justice shall have sustained any Annoyance, Loss, or Damage by any such Cause of Complaint as aforesaid.

Act not to protect Persons lighting with Gas from being indicted for a Nuisance.

XXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to protect the said Commissioners, or any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person, making or supplying any Gas used, burnt, or consumed within the Limits of this Act, or any of the Servants, Officers, or Workmen of such Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person, from any Indictment or Prosecution for a public or private Nuisance in respect of any Gas Works, or of the Means which shall be employed in making or using such Gas, or from any Action for any Loss or Damage sustained by reason of such Gas Works, or of the making or using of such Gas, whether such Loss or Damage shall proceed from the Preparation or from the Use of such Gas, or from the Method of lighting therewith, or from the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever connected therewith or relating thereto : Provided always, that no Commissioner who is or may be a Member of any Gas Company established by Act of Parliament within the Limits of this Act shall be disqualified from acting as such Commissioner by reason of any Contract entered into between the Commissioners for executing this Act and such Company, but no Commissioner, being a Member of such Company, shall vote on any Question relating to this Act in which the said Company may be interested.

Gas Pipes not to be laid on private Premises without Consent.

XXX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Commissioners to erect any Gasometer or other Works for making, furnishing, or supplying Gas, or to authorize or empower the said Commissioners, or any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed for lighting such Streets, Lanes, public Passages and Places, to carry or lay any Pipe or Pipes, Cocks or Branches, from any Mains or Pipes, against, into, or through any Dwelling House or Dwelling Houses, Manufactories, public or private Buildings, or to continue the same, without the Consent in Writing of the Owner and Owners, Occupier and Occupiers for the Time being of any such Dwelling House or Dwelling Houses, Manufactories, public or private Buildings respectively ; nor to enable the said Commissioners, or any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person, making, furnishing, or supplying any Gas used, burnt, or consumed for lighting such Streets, Lanes, public Passages and Places, to enter into and upon any private Lands or Grounds without the Consent in Writing of the Owners and Occupiers of such Lands or Grounds for that Purpose had and obtained.

XXXI. And

XXXI. And be it further enacted, That if any Person shall wilfully break, throw down, spoil, or damage any Watch-house or Watchbox, or Lamp, Lamp Iron, Lamp Post, or other Furniture thereof, or wilfully extinguish the Light of any such Lamp, or deface or obliterate any such Name or Number as aforesaid, it shall be lawful for any Person or Persons who shall see the Offence committed to apprehend, and also for any other Person or Persons to assist in apprehending, the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to keep him, her, or them in safe Custody, and with all reasonable Dispatch to convey him, her, or them before any Justice of the Peace for the County of *Warwick*; and such Justice shall examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence, and if the Party accused shall be convicted of any such Offence, either by his, her, or their Confession, or upon such Evidence as aforesaid, he, she, or they shall forfeit and pay any Sum not exceeding Five Pounds, and shall also make full Satisfaction for the Damage which shall have been done thereby; and one Moiety of such Forfeiture shall be paid to the Person or Persons apprehending such Offender, and the other Moiety shall be applied for the Purposes of this Act; and in case any such Offender or Offenders shall not on Conviction pay the said Forfeiture and Satisfaction, such Justice is hereby required to commit him, her, or them to the House of Correction for the County of *Warwick*, there to be kept to hard Labour, if such Justice shall so order, for any Time not exceeding Three Calendar Months, unless such Forfeiture and Satisfaction shall be sooner paid.

Penalty for wilfully destroying or injuring Lamps, &c. or defacing Numbers.

XXXII. And be it further enacted, That if any Person shall carelessly or accidentally break or damage any of the said Lamps, Lamp Posts, or Lamp Irons, or do any other such Damage or Injury as herein-before is mentioned, and shall not, upon Demand, make Satisfaction to the said Commissioners for the Damage or Injury so done, it shall and may be lawful for any Justice of the Peace for the said County of *Warwick*, upon any Complaint thereof made to him on Oath, to summon the Party complained of, and upon hearing the Parties on both Sides, or on the Nonappearance of the Party complained of, to examine the Matter of Complaint, and award such Sum of Money, by way of Satisfaction to the said Commissioners for such Damage, as such Justice shall think reasonable; and in case of Neglect or Refusal forthwith to pay such Money, then the same, and all Expences attending the Recovery thereof, may be levied and recovered as any Penalty or Forfeiture is by this Act directed to be levied and recovered in other Cases.

Persons accidentally breaking Lamps, &c. to make Satisfaction.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to enter into any Contract or Contracts with any Person or Persons, Company or Companies whatsoever, for cleansing the said Streets, Lanes, and Places, or any of them, or for taking away, collecting, and retaining the Dirt, Dust, Cinders, and Ashes within the Limits of this Act, or for lighting the same Streets, Lanes, and Places, or any of them, or any Part thereof, either with Oil or Gas, or with any other Material,

Commissioners may contract for the Works directed to be done by this Act.

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or in any other Manner whatsoever, or for furnishing Lamps, Lamp Irons, Lamp Posts, Watchboxes, Posts, Chains, Pales, Rails, and other Things necessary for the Purposes aforesaid, or any Materials for the same, or for doing and performing all or any of the Works by this Act authorized or directed to be done and performed by them, or for supplying any of the Materials for the same.

Commissioners may compound for Penalties for Nonperformance of Contracts.

XXXIV. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners to compound and agree with any Person or Party against whom the said Commissioners shall bring any Action or Suit for any Penalty incurred by or on account of any Breach or Nonperformance of any Contract entered into under this Act, for such Sum or Amends as they shall think proper, together with the Costs and Expences occasioned by such Breach or Nonperformance.

Projections to be removed.

XXXV. And be it further enacted, That all Signs or other Emblems used to denote the Trade, Occupation, or Calling of any Person or Persons, Sign Posts and Sign Irons, Penthouses, Show Boards, Stalls, Window Shutters and Flaps, Porches, Sheds, Butchers Stalls, Bulks, and Gallowses, Shambles, Blocks, or Pieces of Timber, Chopping Blocks, Watering Tubs or Troughs, Posts, Rails, and Stumps, projecting into or standing or being in the said Streets, Lanes, or Passages, which shall be by the said Commissioners deemed Nuisances and Obstructions or Annoyances, shall be taken down or removed; and all Signs or other Emblems as aforesaid shall be affixed and placed on the Fronts of the Houses, Shops, Warehouses or Buildings whereunto the same respectively belong, or were before affixed, and not otherwise; and in case the Owners or Occupiers shall neglect so to do before the Expiration of Three Calendar Months after Notice given in Writing from the said Commissioners, it shall be lawful for them to cause such Signs, Emblems, Sign Posts, Sign Irons, Penthouses, Show Boards, Stalls, Window Shutters and Flaps, Porches, Sheds, Butchers Stalls, Bulks, and Gallowses, Shambles, Blocks or Pieces of Timber, Chopping Blocks, Watering Tubs or Troughs, Posts, Rails, and Stumps, and all other Encroachments, Nuisances, or Annoyances whatsoever, to be taken down and removed; and shall cause all such Signs or other Emblems as aforesaid to be affixed or placed on the Fronts of the Houses, Shops, Warehouses, or Buildings whereunto they respectively belong or were before affixed, and not otherwise; and the Charges and Expences attending the same shall and may be recovered of the Owners or Occupiers thereof respectively, in the same Manner as any Penalty or Forfeiture under this Act is directed to be recovered; and if any Person or Persons shall at any Time or Times hereafter, without the Consent of the said Commissioners first had and obtained in Writing, hang, place, or erect any Sign or Sign Post, or other Post, Sign Iron, Penthouse, Show Board, Stall, Window Shutter, or Flap, Porch, Shed, Butcher's Stall, Bulk, or Gallows, Shamble, Block, or Piece of Timber, Chopping Block, Watering Tub or Trough, Post, Rail, or Stump, or shall continue or place any Step leading into any Cellar or Vault, or other Encroachment, Nuisances, or Annoyance whatsoever, or cause the same to be done, contrary to the Directions aforesaid, every Person so offending shall

for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, and the further Sum of Five Shillings for every Day such Offence shall continue; and it shall be lawful for the said Commissioners, at the Costs and Charges of the Owner or Owners thereof, to be recovered as aforesaid, to cause the same to be taken down and removed, without any Notice to be given to the Owner or Owners, Tenants or Occupiers, to take down and remove the same.

XXXVI. And be it further enacted, That the Owner or Owners, or Proprietor or Proprietors, or Occupier or Occupiers for the Time being of each House or Building next any of the said Streets, Lanes, or other public Passages or Places, shall, within Twenty-one Days next after Service of any Order or Direction for the Purpose, signed by Five or more of the said Commissioners, on him, her, or them personally, or left at his, her, or their last or usual Place of Abode, put up and place, and for ever afterwards keep in repair and condition, a Spout or Trough of the whole Length of such House or Building, with a Pipe or Trunk to be fixed to the Front or Side of such House or Building, from the Roof down to the Ground, to carry off or conduct the Water from the Roof of such House or Building in such a Manner that such Water shall pass underneath the Foot Pavement or Footway into the common Channel, and so as not to fall upon or incommode the Persons passing over or along any Footpath; and every Tenant or Occupier at Rack Rent of any such House or other Building, who shall put up or place any such Spout, Trough, Pipe, or Trunk, or keep the same in repair, shall be entitled to deduct and retain, out of the Rent payable to the Owner or Proprietor or Owners or Proprietors of such House or Building, so much Money as such Tenant or Occupier shall have expended in putting up or placing or in keeping in repair any such Spout, Trough, Pipe, or Trunk; and the Payment of such Expences by any such Tenant or Occupier shall be a sufficient Discharge for him, her, or them for so much of his, her, or their Rent as the Amount of such Expences shall be equal to, and shall be abated and allowed to him, her, or them by the Owner or Owners or Proprietor or Proprietors of such House or Building, out of such Rent; and if any such Owner or Owners, Proprietor or Proprietors, or Occupier or Occupiers, shall, for the Space of Twenty-one Days after Service as aforesaid of any such Order or Direction, neglect to put up or place, or neglect to repair, any Spout, Trough, Pipe, or Trunk as aforesaid, then and in any and in every such Case it shall be lawful for the said Commissioners to cause any such Spout, Trough, Pipe, or Trunk to be put up or placed against any such House or Building, at the Expence of the Owner or Proprietor thereof; and in case any such Owner or Proprietor shall refuse to pay such Expences, the same shall and may be levied and recovered by the said Commissioners by the same Ways and Means as the Rates or Assessments by this Act granted may be levied and recovered.

Spouts and Gutters conveying Water, &c. to be removed, and Pipes to be placed for conducting the same into Sewers.

XXXVII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to cause Gutters, Sinks, Drains, Sewers, and Watercourses to be cut or made in, through, or under any of the said Streets, Lanes, public Passages and Places, and any of the Gutters, Sinks, Drains, Sewers, and Watercourses already

Commissioners empowered to make Gutters, &c.

already made therein to be opened or widened, and the Form or Course thereof altered, in such Manner as the said Commissioners shall think expedient, necessary, or proper.

How Bulk Sashes shall be regulated.

XXXVIII. And be it further enacted, That if any Person or Persons shall, at any Time after the passing of this Act, erect, build, or make, or permit or suffer to be erected, built, or made, to any House, Workshop, or other Building in any Street, Lane, Way, or Passage which now is or hereafter shall be upwards of Ten Yards in Breadth, any Bulk or Bulk Sash to project into such Street, Lane, Way, or Passage, more than Twelve Inches from the perpendicular Wall of the House, Workshop, or other Building in or from which the same shall be made, or shall erect, build, or make, or permit or suffer to be erected, built, or made, to any House, Workshop, or other Building in any Street, Lane, Way, or Passage within the said Hamlets, or either of them, which is or shall not be more than Ten Yards in Breadth, any Bulk or Bulk Sash whatever, every Person so offending shall forfeit and pay for each respective Offence any Sum not exceeding Twenty Shillings, and a further Sum of One Shilling for every Day he shall permit or suffer such Bulk Sash to continue after Notice given to the Owner or Owners or Tenant or Tenants of such House, Workshop, or other Building, to take down, remove, or carry away the same; and the Master Workman employed to erect, build, or make the same shall forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for the said Commissioners to cause the same to be taken down, removed, and carried away.

Footways, &c. to be swept.

XXXIX. And be it further enacted, That the Occupier of every House, Tenement, Warehouse, Shop, Shed, Coach-house, Stable, Chapel, Meeting House, Wall, or other public or private Building within the Limits of this Act, shall, when required by the said Commissioners, sweep and cleanse the Footways all along the Fronts of their respective Houses, Tenements, Warehouses, Shops, Sheds, Coach-houses, Stables, Chapels, Meeting Houses, Wall, or other public or private Building, or cause the same to be scraped, swept, and cleansed; and in default thereof for every such Offence shall forfeit and pay any Sum not exceeding Five Shillings.

Power to compound with Inhabitants for cleansing Streets, &c.

XL. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, as they shall think proper, to compound with any of the Inhabitants of any Street, Lane, Way, or Passage within the Limits of this Act, by the Year, for such Sum or Sums of Money as such Commissioners shall think proper, for the sweeping and cleansing to be done by such Inhabitants respectively by virtue of this Act, provided such Composition Money be always paid in advance.

Buildings not to be covered with Thatch.

XLI. And be it further enacted, That it shall not be lawful, from and after the passing of this Act, for any Person or Persons to cover or cause to be covered any House or other Building within the Limits of this Act with Thatch or Straw wholly or in part; and all and every Persons and Person offending in such respect shall forfeit and pay the Sum of Twenty Shillings for every Week such House or other Building

Building shall continue with such Covering of Thatch or Straw as aforesaid.

XLII. And be it further enacted, That the said Commissioners shall and are hereby vested with full Power to fix and ascertain the Rates and Prices of Cartage which shall from Time to Time be paid and payable to Carters and Carmen plying and being within the Limits of this Act, for the carrying and conveying of any Coals, Iron, Ironstone, Goods, Wares, and other Merchandize from the several Wharfs of the Navigations now made or hereafter to be made, and lying or being near or adjoining to the said Hamlets respectively, to any Part or Parts of the said Hamlets, and from any Parts of the said Hamlets to any other Parts thereof, in or upon any Cart, Sledge, Dray, or other Carriage, according to the Distances which the same shall be carried, as they the said Commissioners shall think proper, which said Rates and Prices of Cartage, and none other, shall from Time to Time be paid or payable to any of such Carters or Carmen; and also the said Commissioners shall and may have and they are hereby invested with full Power to make such Orders, Rules, and Bye Laws for the better governing and regulating of all such Carters and Carmen within the said Hamlets respectively, and the Manner of loading and unloading of all Carts, Waggons, and other Carriages used, and the Driver and Drivers thereof respectively, in all respects whatsoever, as shall appear fit and proper in the Judgment of such Commissioners, and to fix and appoint such Penalties for the Non-performance or other Breach of all or any of such Rules, Orders, or Bye Laws, or any Part thereof, as they shall think proper, such Penalties to be levied and recovered by such Ways and Means as are herein mentioned: Provided always, that such Rules, Orders, and Bye Laws shall not be in anywise repugnant to the Laws of that Part of the United Kingdom called *England*, nor shall any Penalty to be so fixed or appointed exceed Forty Shillings for One Offence; and all which Orders, Rules, and Bye Laws, when reduced into Writing and signed by the said Commissioners, shall from Time to Time be final and binding to all Intents and Purposes whatsoever.

Commissioners to ascertain the Rate of Cartage, and make Bye Laws for regulating the Carmen.

XLIII. And be it further enacted, That if the Owner or Owners, Driver or Drivers, or other Person having the Care of any Waggon, Cart, Sledge, Dray, or other Carriage used for carrying Coals, Water, Goods, or Merchandize, shall ride in or on any Part of such Carriage or the Shafts thereof, or on any of the Horses or Cattle drawing the same, in any of the Streets, Lanes, or Passages of the said Hamlets respectively, or if any Person having the Care of any such Waggon, Cart, Sledge, Dray, or other Carriage shall suffer any Horse or Cattle drawing the same to go faster than a Walk, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on Owners or Drivers of Waggons, &c. misbehaving.

XLIV. And be it further enacted, That if any Cart or other Carriage with not more than Two Wheels, used for the carrying of Coals, Goods, or other Things in the said Hamlets respectively, shall carry more at any one Time than Two Tons Two Hundred Weight, the Owner or Owners, Driver or Drivers, or other Person or Persons

Carts with Two Wheels not to carry more than Two Tons Two Hundred Weight.

[*Local.*]

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having

having the Care of every such Cart or other Carriage shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

If the Driver of any Cart, &c. cannot be found, Owner to be liable.

XLV. And be it further enacted, That in case the Driver or Drivers of any such Waggon, Cart, Sledge, Dray, or other Carriage, or the Person or Persons having the Care of any such Waggon, Cart, Sledge, Dray, or other Carriage, shall not be known, or being known cannot be found, then and in every such Case the Owner or Owners of every such Waggon, Cart, Sledge, Dray, or other Carriage shall be liable to the Fines or Penalties hereby imposed as if such Owner or Owners had been the Driver or the Person or Persons having the Care of such Waggon, Cart, Sledge, Dray, or other Carriage at the Time such Offence was committed: Provided always, that in all such Cases such Owner or Owners may and he and they is and are hereby authorized to charge such Driver or Drivers or other Person or Persons having the Care of such Waggon, Cart, Sledge, Dray, or other Carriage with the Amount of such Fines and Penalties, and the Expences attending the same, when paid, and to deduct the same from any Monies due or to become due from such Owner or Owners to such Driver or Drivers or other Person or Persons, or to recover the same as any Penalty is by this Act directed to be recovered.

Waggons and Carts used in the Hamlets to have Six Inch Wheels.

XLVI. And be it further enacted, That the Wheels of every Waggon or Cart kept or used by any Person residing within the Limits of this Act for carrying Coals, Goods, or other Things within the said Hamlets respectively shall be made with Fellies Six Inches broad at the least, and of a flat even Surface in every Part of such Fellies, on pain that the Owner or Driver of every Waggon or Cart used as aforesaid, not having such Fellies, shall for every Day on which the same shall be used in the said Hamlets, or either of them, forfeit and pay any Sum not exceeding Ten Shillings.

Bye Laws to be published in the Newspapers.

XLVII. And be it further enacted, That a Copy of the several Rules, Orders, and Bye Laws, Rates and Prices of Cartage, by this Act authorized to be made, shall be printed and signed by the Clerk or Clerks to the said Commissioners, and public Notice when they are to take place shall be given by Advertisement in all the Newspapers then published in the Town of *Birmingham* Fourteen Days at least before any such Rule, Order, or Bye Law shall be executed or take effect; and a Copy of such Rates and Prices, painted in legible Characters on Boards, shall also be affixed and continued on some conspicuous Place or Places within the Limits of this Act, and shall be renewed as often as any of them shall be altered, or the Boards shall be defaced or destroyed; and if any Person or Persons shall wilfully or maliciously pull down, destroy, obliterate, or deface, or, without the Consent of the said Commissioners, remove or alter any such Board so painted as aforesaid, or any Part thereof, or any Word, Mark, or Figure thereon, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Streets to be cleansed.

XLVIII. 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

purchase or hire any Cart or Carts or other Carriage or Carriages, and also any Horse or Horses, for the Purpose of cleansing the several Streets, Lanes, public Passages and Places within the Limits of this Act, and of carrying away the Dust, Dirt, and Soil thereof to any Place or Places to be purchased or hired by the said Commissioners.

XLIX. 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, public Passages or Places within the Limits of this Act, shall take or carry away or cause to be taken or carried away any Dung, Soil, or other Filth arising out 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 Twenty Shillings.

No Person to take away Dirt, &c. but Contractors.

L. And be it further enacted, That no Door, Gate, or Shutter of any Building, Yard, Area, or Inclosure within the Limits of this Act shall open into or towards any Street, Lane, Footpath, or Way, or be suffered to continue so to open, unless the Hanging Post thereof shall be fixed or placed so far from the Centre of any Part of such Street, Lane, Footway, or Way as that no Part of such Door, Gate, or Shutter shall in opening or when open project over any Part of such Street, Lane, Footpath, or Way; and the Occupier or Occupiers of any Building, Yard, or Inclosure having any Door, Gate, or Shutter opening outwards, contrary to the Meaning of this Act, shall, within Fourteen Days after Notice to him, her, or them given, either personally or in Writing from the Clerk or Clerks or Surveyor of the said Commissioners for the Time being, cause such Door, Gate, or Shutter to be hung so that no Part of the same in opening or when open shall project over any Part of such Street, Lane, Footpath, or Way, and in default thereof the said Clerk or Clerks or Surveyor is and are hereby authorized to cause the Door, Gate, or Shutter to be hung according to the Intent of this Act; and the Person guilty of any such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting for the said County of *Warwick*, and upon Conviction upon the Oath of One credible Witness, pay to such Clerk or Clerks or Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expences of making the Alteration and hanging of such Door, Gate, or Shutter, and shall also forfeit and pay a further Sum, not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made; and which said Expences shall and may be recovered from the Person or Persons liable to pay the same in like Manner as any Penalty may be recovered by virtue of this Act.

Shutters or Gates opening outwards to be altered.

LI. And be it further enacted, That in case the said Commissioners shall deem any Footpath or Causeway already or hereafter to be laid out or made within any of the said Streets, Lanes, or other public Passages or Places unsafe, inconvenient, or incommodious by being made, laid, or paved in an uneven or irregular Manner, or of an insufficient Width, and shall cause Notice under their Hands to be

Footpaths, &c. to be levelled.

be delivered to or left at the Dwelling House of the respective Owners or Occupiers of the Houses, Buildings, or Land forming the Street, Lane, or other public Passage or Place, or such Part thereof within which such Footpath or Causeway shall lie or be, to take up, alter, reduce, lay, or pave, upon such a Level and in such Manner as in such Notice shall be expressed, such Part of the said Footpath or Causeway as shall lie or be before the Fronts of their respective Houses, Buildings, or Land, for the Width of Three Yards from such respective Fronts towards the Middle of such Street, Lane, or other Passage or Place, where such Street, Lane, or other Passage or Place shall be of the Width of Sixteen Yards or upwards, and where the same shall be of less Width than Sixteen Yards, then for such Width or Distance from the Fronts of such respective Houses, Buildings, or Land towards the Middle of such Street, Lane, or other Passage or Place, as the said Commissioners shall think proper, not exceeding Six Feet from such respective Fronts, then and in every such Case such Alteration, Reduction, levelling, laying, or paving shall be done and made by and at the Costs and Charges of such respective Owners, according to such Notice; and in case any such Owners shall refuse or wilfully neglect to alter, level, reduce, lay, or pave the same in manner aforesaid, for the Space of One Month next after the serving of such Notice, then it shall be lawful for the said Commissioners to cause such Footpath or Causeway to be altered, levelled, reduced, laid, and paved in such Manner and with such Materials as they shall think proper; and the Charges and Expences attending the same shall be paid and discharged by such Owners respectively refusing or neglecting as aforesaid, and shall be recovered in like Manner as any Penalties are by this Act authorized or directed to be recovered, or by Action on the Case in any of His Majesty's Courts of Record at *Westminster*, in which Action or Actions no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Footways
to be swept
daily during
Frost and
Snow.

LII. And be it further enacted, That every Owner or Occupier of any House, Tenement, Warehouse, Shop, Shed, Coach-house, Stable, Chapel, Meeting House, or other public or private Building in any of the Streets, Lanes, and Places within the Limits of this Act, during the Continuance of Frost, or after or during the Fall of Snow, from Time to Time and at all Times hereafter, shall once in every Day, before the Hour of Ten of the Clock in the Forenoon of each Day, sweep and cleanse or cause to be swept and cleansed the Footway all along the Front Side and Back Side of their respective Houses, Tenements, Warehouses, Shops, Sheds, Coach-houses, Stables, Chapels, Meeting Houses, or other public or private Buildings; and every Owner or Occupier who shall neglect so to do shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings, to be levied, recovered, and applied in such and the same Manner in which other Penalties are by this Act directed to be recovered and applied; and the Owner or Owners of any House or other Tenement within the Limits of this Act, which may be let furnished or in divided Apartments, shall be deemed and taken, for the Purpose of this Provision, to be the Occupier or Occupiers of every such House or other Tenement respectively.

LIII. And be it further enacted, That if any Person or Persons shall at any Time hereafter empty or begin to empty, or cause, permit, or suffer to be emptied, any Boghouse or Privy belonging to any House or Houses, Warehouses, Stables, or other Buildings, Yards, and Premises, within any of the Streets, Lanes, Ways, and public Passages and Places within the Limits of this Act, or shall come with or bring any Waggon, Cart, or other Carriage for the Purpose of carrying away the Contents of any such Boghouse or Privy, or shall leave any Dung, Soil, or Manure or Compost in any Street, Lane, Way, or Passage within the Limits of this Act, before the Hour of Twelve of the Clock at Night, or after the Hour of Six of the Clock in the Morning, between the First Day of *April* and the First Day of *October* in each and every Year, and before the Hour of Twelve of the Clock at Night, or after the Hour of Eight of the Clock in the Morning, between the First Day of *October* and the First Day of *April* in each and every Year, every Person so offending, and the Employer of such Person or Persons, shall forfeit and pay the Sum of Forty Shillings for every such Offence.

Time for emptying Necessaries, &c.

LIV. And be it further enacted, That if any Person or Persons shall, from and after the passing of this Act, use any Wheelbarrow or Hand-cart in any Street, Lane, public Passage or Place within the Limits of this Act, without the Name and Place of Abode of the Owner thereof printed or painted, and so preserved, in large White Capital Letters on a Black Ground, on the Front or on the Off-side of such Wheelbarrow or Hand Cart; or if any Waggon, Cart, Sledge, Dray, or other Carriage shall be left or remain in any of the said Streets, Lanes, or other public Passages or Places, with or without Horses or other Cattle, for any Time longer than shall be necessary for the loading or unloading thereof, or shall not during such Time be drawn up as near as conveniently may be to the Side of such Street, Lane, or Place; or if any Stage Coach, Diligence, Post Chaise, or other Carriage let to Hire, except any Coach, Chariot, Car, Sedan, or other Carriage used in the said Hamlets, or either of them, as a Hackney or public Carriage, and licensed by the Commissioners acting in execution of an Act passed in the Ninth Year of the Reign of His present Majesty, intituled *An Act for better paving, lighting, watching, cleansing, and otherwise improving the Town of Birmingham in the County of Warwick, and for regulating the Police and Markets of the said Town*, shall be left or remain in any of the said Streets, Lanes, public Passages or Places for any longer Time than shall be reasonable and necessary for the taking up or setting down the Passengers, or of loading or unloading the Baggage; or if any Person or Persons shall, upon any of the Footways or Foot Pavements within the Limits of this Act, run, draw, drive, carry, or place any Coach, Waggon, Dray, Cart, Truck, Wheel-sledge, Wheelbarrow, Handbarrow, or any other Carriage or other Vehicle whatsoever, or roll any Wheel, Cask, or Tub, or shall wilfully ride, lead, or drive any Horse or other Beast or Cattle whatsoever on any of the said Footways or Foot Pavements; or shall tie or fasten any Horse or other Cattle to any House, Wall, Railing, or Fence, Post, Tree, or other Thing whatsoever, across any of the said Footways or Foot Pavements; or hang up, place, or expose to Sale any Goods, Wares, or Merchandize

For preventing various Obstructions and Nuisances on the Pavements.

9 G. 4. c. 54.

[*Local.*]

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whatsoever,

whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butcher's Meat, Offal, or other Matter or Thing, in or upon or so as to project over or upon the Footway or Carriageway of any Street, Lane, or public Place within the Limits of this Act, or beyond the Line or on the Outside of the Window or Windows or Shutters of any House, Shop, or Place at which the same shall be so hanged up, placed, or exposed to Sale; or set any Cask, Tub, Pail, Bucket, Stool, Bench, Show Board, Chopping Block, Basket, or Stall on or in any of the Footways or Foot Pavements or Carriageways; or erect, set up, put, or place, and continue, after Notice duly given to remove the same, any Blind, Shade, Coverlid, Awning, or any other Matter or Thing, so as in any way to cause any Obstruction or Impediment in the Footway or on the Foot Pavement; or at any Time leave open, or make and continue, after such Notice as aforesaid, any Cellar Door or Grate in any Street, Lane, or public Place within the Limits of this Act; or hang out or cause to be hung out any Linen or Clothes; or shall 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 or wash or clean any Coach, Chaise, Waggon, Sledge, or other Carriage, or the Wheels, Body, Springs, or other Part of any Coach, Chaise, Waggon, Sledge, or other Carriage (except such as may want immediate Repair from any sudden Accident on the Spot, and which cannot conveniently be removed for that Purpose); or shall sift, screen, wet, slack, or mix any Lime, or wet, mix, or make any Mortar (except within a Hoard to be erected according to the Regulations herein contained in that Behalf); or shoe, bleed, or farry any Horse or other Beast (unless in case of any sudden Accident); or clean, dress, drive, or turn loose any Horse or other Beast or Cattle; or shall show or expose any Stallion or Stone Horse; or kill, slaughter, or scald, singe, dress, or cut up any Animal, either wholly or in part; or beat or dust any Carpet; or if any Person shall permit his or her Dog to go at large after public Notice given by any Beadle or Crier within the Limits of this Act, during such Time as such Notice shall direct Dogs to be confined on Suspicion of the Existence of Canine Madness within or near the Limits of this Act; or shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any Ashes, Dust, Dirt, Rubbish, Offal, or Vegetables, or any other Offal, Dung, Soil, Blood, or other Filth or Annoyance, or any other Matter or Thing, in or upon the Carriageway, Footway, or Pavement of any such Street, Lane, or other public Place within the Limits of this Act, to the Annoyance of any Inhabitant or Inhabitants, Passenger or Passengers; or if any Person or Persons shall throw out or pour down any of the said Footways or Pavements or Carriageways any foul Water, in which Brass Ashes or any kind of Metals shall have been washed, or permit the same to run into the said Streets, Lanes, public Passages or Places, otherwise than by such Drains as shall be made under or through the said Pavements by the Order and Direction of the said Commissioners; or shall wilfully break, or aid, abet, or assist in wilfully breaking, any Glass or Window Panes or Windows in or belonging to any Dwelling House or Building; or shall make or assist in making any Bonfire, or wantonly discharge or fire any Gun, Pistol, or Blunderbuss, or other Fire-arms, or let off, set fire to, or throw

throw any Cracker, Squib, Rocket, or other Firework; or shall fly any Kite, drive any Hoop, or play at Football, Tipcat, or Bandy, or any other Game or Games, to the Annoyance of any Passenger or Traveller; or shall make or cause any unnecessary Stoppage of any Coach, Cart, Waggon, or Carriage, or otherwise occasion any kind of Obstruction or Annoyance in or upon any such Street, Lane, or public Place, or shall obstruct or incommode, hinder or prevent, the free Passage of any Carriageway, Footway, or Causeway, or prejudice or annoy in any Manner whatsoever any Person or Persons travelling, passing, or going thereon; or if the Driver of any Sort of Carriage whatsoever, meeting any other Carriage, shall not keep his or her Carriage on the Left or Near Side of the Road, or shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, within such Street, Lane, or public Place, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage, or of His Majesty's Subjects, within any such Street, Lane, or Place; or if any Person shall affix any Posting Bill or other Paper to or against any Dwelling House, Wall, or Building, without the Consent of the Owner or Occupier thereof, or write upon or otherwise deface or mark the same by means of Chalk, Paint, or any other Material whatsoever; or if any Person shall bait or cause to be baited any Bull in the Manner called Bull-baiting in any Street, Lane, public Passage or Place within the Limits of this Act, or cause or encourage by any means any Dog or Dogs to fight in any Place within such Limits; or if any Person shall bathe in any Canal, or other Water, within Two hundred and fifty Yards of any Dwelling House, Road, or Way within the Limits of this Act; then and in every such Case the Owner or Owners or Driver or Drivers of such Carriage or Carriages so suffered or left to remain as aforesaid, and every other Person or Persons offending as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for any Constable or other Peace Officer, or any one of the said Commissioners, or any other Officer or other Person acting by or under their Authority, by virtue of this Act, and without any Warrant whatsoever, to seize and apprehend any such Offender or Offenders as aforesaid, and forthwith to convey him, her, or them before any Justice or Justices of the Peace for the said County of *Warwick*, in order to his, her, or their Conviction of such Offence.

LV. And be it further enacted, That if any Swine, Sheep, Goat, Horse, Ass, Bull, Cow, Ox, Mule, or other Beast shall at any Time be found wandering about any of the Streets, Lanes, or public Places within the Limits of this Act, it shall be lawful for any Person or Persons appointed by the said Commissioners to seize and impound such Swine, Sheep, Goat, Horse, Ass, Bull, Cow, Ox, Mule, or other Beast in such Place as the said Commissioners shall appoint, and the same there to detain until the Owner or Owners thereof shall for every such Swine, Sheep, Goat, Horse, Ass, Bull, Cow, Ox, Mule, or other Beast so impounded pay the Sum of Two 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

Cattle wandering to be seized.

Sum,

Sum, Charges, and Expences shall not be so paid within Five Days after such impounding, it shall be lawful for the said Commissioners to sell or cause the same to be sold, and the Money arising from such Sale, after deducting the said Penalty, and the Charges and Expences of impounding, keeping, and selling such Swine, Sheep, Goat, Horse, Ass, Bull, Cow, Ox, Mule, or other Beast, shall be paid, on Demand, to the Owner or Owners thereof.

Punishment
of Persons
guilty of
Pound
Breach.

LVI. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Swine, Sheep, Goat, Horse, Ass, Bull, Cow, Ox, Mule, or other Beast, which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Swine, Sheep, Goat, Horse, Ass, Bull, Cow, Ox, Mule, or other Beast seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the said County of *Warwick*, either upon the Confession of the Party or Parties offending, or upon the Oath or Affirmation of One credible Witness, and which Oath or Affirmation the said Justice is hereby authorized and empowered to administer or take, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction for the said County of *Warwick*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months,

Penalty on
Persons
whose Chim-
neys shall be
on fire.

LVII. And be it further enacted, That if the Chimney of any House, Workshop, Outhouse, or other Building within the Limits of this Act shall be on fire, the Occupier of every such House, Workshop, Outhouse, or other Building shall forfeit and pay any Sum not exceeding Five Pounds nor less than Ten Shillings: Provided always, that in case such Occupier shall make it appear to the Justice or Justices before whom the Complaint shall be heard, to the Satisfaction of such Justice or Justices, that such Fire shall have been caused by Lightning or Tempest, then every such Occupier shall be released from the said Penalty.

Compensa-
tion to be
made to the
Conductors
of Fire En-
gines for
Attendance.

LVIII. And be it further enacted, That in case any Fire Engine or Fire Engines, or the Conductors thereof, shall be called upon or required to attend, or be brought to any Premises within the Limits of this Act, in consequence of any Chimney being on fire, then and in every such Case the Occupier or Occupiers of the Premises to which such Chimney shall belong shall pay to the Conductors of such Engine or Engines a just and reasonable Compensation, not exceeding Five Pounds, for such Attendance; and the Amount of such Compensation, in case the Parties differ about the same, shall be settled and determined by any One or more of His Majesty's Justices of
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Lights to be placed against Heaps of Rubbish, &c.

LX. And be it further enacted, That if, from unavoidable Necessity, which may sometimes occur, any Bricks, Stones, Timber, Mortar, Rubbish, Materials, or other Things shall be laid or placed, or any Hole, Opening, or Excavation of any Nature or Kind soever shall be made, in or adjoining to any of the Streets, Lanes, Passages, or public Places within the Limits of this Act, the Person or Persons causing the said Articles or Materials to be so laid or placed, or the said Hole or Opening or Excavation as aforesaid to be made, shall, at his or their own Expence, cause a Light to be fixed in or near the same, for securing Passengers from Accidents, and continue such Light every Night, from Sun-setting to Sun-rising, during the Time such Materials, Hole, Opening, or Excavation, shall remain; and such Person or Persons shall, at his, her, or their own Expence, cause such Materials or other Things, and such Hole, Opening, or Excavation, to be well and sufficiently fenced and inclosed until the Materials or other Things shall be removed, or the Hole, Opening, or Excavation filled up; and in case such Person or Persons shall neglect or refuse to light, fence, and inclose such Articles, Materials, Hole, Opening, or Excavation as aforesaid, or shall not remove or fill up the same as soon as possible, he, she, or they shall for each Offence forfeit and pay any Sum not exceeding Five Pounds for each and every Day or Night such Nuisance shall be continued.

Houses in a ruinous State to be properly fenced.

LXI. And whereas it may happen that Houses and Buildings within the Limits of this Act may be in so ruinous a Condition that Passengers may be in Danger of their Lives or of some Injury from the falling thereof, or of the Bricks or Timber or other Materials or Rubbish therefrom, and it may also happen that Houses and Buildings within the Limits of this Act during their Erection or the Time of their undergoing Repair, or the Foundations thereof, may not be sufficiently fenced or guarded from the Street to insure Safety to Passengers; be it therefore enacted, That it shall be lawful for the said Commissioners, or their Clerk or Clerks or Surveyor, to order and direct any such House or Building which, upon View of the same by the said Commissioners or their Surveyor, may appear to be in a ruinous and dangerous State, to be properly fenced and guarded from the Street by a proper and sufficient Hoard or Fence, until the Danger shall be removed or obviated; and the Owner or Owners of such Premises shall reimburse and pay the Expences incurred by the said Commissioners in fixing or putting up every such Hoard or Fence which shall be so ordered and directed by the said Commissioners; and the Amount of the said Expences shall and may be recovered in like Manner as Penalties are recoverable by this Act.

Watchmen to be appointed.

LXII. And be it further enacted, That the said Commissioners shall from Time to Time appoint and employ such Number of able-bodied Watch-house Keepers, Night Constables, Watchmen, Patroles, Street Keepers, and other Persons as they shall think sufficient for the proper Protection of the Inhabitants, Houses, and Property, Streets and other Places within the Limits of this Act, by Day and by Night, and provide all such Watch-house Keepers, Night Constables, Watchmen, Patroles, and Persons as aforesaid with such Clothing, Arms, Ammunition, and Weapons, and shall assign to them such Beats or Rounds
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the Peace for the County of *Warwick*, and shall be recovered by the same Ways and Means as any Penalty imposed by this Act can or may be recovered.

LIX. And be it further enacted, That all Persons whosoever, who have already caused to be taken down or partly taken down, or who, at any Time or Times hereafter shall take down or begin to take down, any House or other Building whatsoever within the Limits of this Act, or cause the same to be so done, or who shall alter or repair, or begin to alter or repair, the outward or external Part or Parts of any such House or other Building, or cause the same to be so done, or shall deposit or sift, screen or slack, any Bricks, Stone, Lime, Sand, or other Materials for erecting or repairing any House or Building, or for any other Purpose, or make or mix any Mortar in any Street, Lane, or public Place within the Limits of this Act, shall and they are hereby respectively required to cause One or more proper and sufficient Hoard or Fence or Hoards or Fences to be erected and set up to guard all such Houses and other Buildings and Premises from the Street, Lane, Passage, or public Place in which the same may be situate, or to inclose such Bricks or other Materials so deposited as aforesaid, and shall erect such Hoard or Fence or Hoards or Fences in such Way or Manner as shall be required or directed by the said Commissioners, or their Surveyor, so as to create as little Obstruction as possible in the Street, Lane, Passage, or Place in which the same shall be erected, and shall continue such Hoard or Fence or Hoards or Fences standing and in good Condition during such Time as may be necessary for the Public Safety, and shall light or cause the same to be well and sufficiently lighted during the Night, so as to prevent Accidents, and shall remove such Hoard or Fence or Hoards or Fences when thereto required by the said Commissioners or their Surveyor; and if any such Person or Persons shall refuse or neglect to erect and set up any such Hoard or Fence or Hoards or Fences as aforesaid, or shall erect the same in any other Manner than herein directed, or shall not continue the same standing and in good Condition during the Time aforesaid, or shall not, whilst the said Fences or Hoards are standing, keep the same sufficiently lighted in the Night, or shall continue the same standing after Notice to the contrary given by the said Commissioners or their Surveyor, then and in any of the said Cases every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in case of a Refusal or Neglect on the Part of such Person or Persons to fence, guard, and light such Houses, Buildings, and Premises as aforesaid, it shall and may be lawful to and for the said Commissioners to cause any such Houses, Buildings, and Premises to be well and sufficiently fenced in, or the Fence or Hoard already erected and set up to be well and sufficiently repaired, as the Case shall require, and such Fence or Hoard to be continued, and during its Continuance to be lighted as aforesaid; and the Person or Persons so refusing or neglecting shall, on Demand, pay all the Charges and Expences of such fencing, repairing, and lighting; and in case of Nonpayment, the same shall and may be recovered in like Manner as Penalties are recoverable by this Act.

Hoards to be erected when Houses are taken down or altered.

[*Local.*]

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LX. And

and Duties, and appoint such Hours for them to be on Duty, and also such Wages, Rewards, and Gratuities or Remunerations for their Services, and also make such Rules, Orders, and Regulations relative to such Watch-house Keepers, Night Constables, Watchmen, Patroles, Street Keepers, and other Persons, and their Duties, as to the said Commissioners shall seem meet, and also shall and may offer and give, as well to the said Persons as to any others not specially employed by them, such Gratuities and Rewards for apprehending Felons and other Offenders within the Limits of this Act, as to them shall seem proper, and shall and may defray the Expence of prosecuting any such Felons and Offenders, for the Protection of the Inhabitants within the same Limits, or in defending any of the said Persons or other Officers of the said Commissioners in the Execution of their Duty, as they shall think proper; and the said Wages, Rewards, Gratuities, and the Costs of such Prosecutions or Defences, and all other Expences that may be incurred by the said Commissioners for the Protection and Guard of such Inhabitants, shall and may be paid by the said Commissioners, or their Treasurer, out of the Monies arising from the Rates directed to be raised by this Act.

LXIII. And be it further enacted, That all Watchmen and Patroles to be appointed under this Act shall be sworn in as Constables before any Justice or Justices of the Peace for the County of *Warwick*, and shall act as such while in execution of the Powers and Authorities of this Act, and they are hereby invested with and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, and shall be subject and liable to such and the like Penalties and Forfeitures, as any Constable or Constables is or are invested with, or shall or may have and enjoy, or is or are or shall be subject or liable to by Law.

Watchmen
to have the
Power of
Constables.

LXIV. And be it further enacted, That a true Copy or Transcript of all Nominations, Appointments, Acts, Rules, Orders, and Regulations respecting or relating to the Watchmen or Constables, which shall from Time to Time be made by the said Commissioners in pursuance of this Act, shall be fixed in some conspicuous Part of the Watch-house of the said Commissioners; and as soon as conveniently may be after the passing of this Act One or more of the said Constables for the Time being shall attend every Night, and shall keep Watch and Ward at the Watch-house of the said Commissioners within the Limits of this Act.

Regulations
as to Watch-
men, &c. to
be hung up
in Watch-
house.

LXV. And be it further enacted, That the Watchmen, Night Constables, Patroles, and other Persons to be appointed by virtue of this Act shall, during the Time of their being on Duty, use their utmost Endeavours to prevent any Mischief by Fire, and also all Robberies, Burglaries, and other Felonies and Misdemeanors, Affrays, and other Outrages, Disorders, and Breaches of the Peace within the Limits of this Act; and it shall be lawful for the said Watchmen, Night Constables, Patroles, or other Persons, while on Duty, to apprehend and secure all Felons, Rogues, Vagabonds, Nightwalkers, and disorderly Persons who shall disturb the public Peace, or any Person or Persons wandering, secreting, or misbehaving himself, herself, or themselves, or whom they shall have reasonable Cause to suspect of any evil Design,

Watchmen,
&c. to pre-
vent Disturb-
ances.

Design, and to secure and keep in safe Custody every such Person, in order that he, she, or they may be conveyed, as soon as conveniently may be, before One of His Majesty's Justices of the Peace for the said County of *Warwick*, to be examined and dealt with according to Law; and it shall be lawful for the said Watchmen, Night Constables, Patroles, and other Persons so appointed as aforesaid to call and require any other Person to aid and assist them in taking such Felons, Rogues, Vagabonds, and all such disorderly or suspected Persons as aforesaid.

Penalty on
Victuallers
harbouring
Watchmen,
&c.

LXVI. And be it further enacted, That if any Victualler or Keeper of any Public House, Wine Vault, or Liquor Shop shall knowingly harbour or entertain, or suffer to remain in his or her Public House or Premises thereto belonging, any such Night Constable or Watchman so to be appointed as aforesaid during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper shall, on Conviction, forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Commis-
sioners em-
powered to
reward dis-
abled Watch-
men, &c.

LXVII. And be it further enacted, That it shall be lawful for the said Commissioners to give such Rewards, in Money or otherwise, to the Constables, Watchmen, and other Servants to be appointed for any of the Purposes of this Act, who may be disabled or wounded in the Execution of their Offices, as also for their Loss of Time in attending upon the Hearing or Conviction of any Offences to be committed against the Provisions of this Act, as they the said Commissioners shall think reasonable, such Money to be paid out of the Rates and Assessments by this Act authorized to be levied and raised.

Regulations
as to new
Streets.

LXVIII. And be it further enacted, That whenever any Person or Persons shall intend to make or lay out any new public Street within the said Hamlets or either of them, or to extend any old Street, he or they shall give Notice thereof to the said Commissioners, by Writing delivered to their Clerk or Clerks, or left at his or their Office or Place of Abode, and thereupon it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, if they shall think proper, to appoint a Surveyor or Surveyors, or other Person or Persons, to adjust, settle, and fix the Level of such Street, and the same shall for ever thereafter be conformed to by all the Persons erecting any House or other Building within the Limits of such Street; and it shall and may be lawful for the said Commissioners to pave the Gutters on each Side of the said Streets so to be laid out as aforesaid, and to charge the Expence thereof to each Separate Ground Tenant or Owner who shall build thereon, in proportion to the Breadth of their respective Premises, which said Gutters shall be kept open and in repair at the Expence of such respective Tenant or Owner; and all Streets hereafter to be made or laid out within the Limits of this Act shall not be laid out less than Fourteen Yards wide at the least, without the Consent of the Commissioners first had and obtained; and if any Person shall not conform thereto every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds, and the further
Sum

Sum of Twenty Shillings for every Day until such Person shall conform thereto: Provided nevertheless, that in case the said Commissioners shall not cause such Level to be fixed as aforesaid, within the Space of One Calendar Month from the Time of the Delivery of such Notice as aforesaid, it shall not be lawful for them to cause the same to be afterwards done.

LXIX. And be it further enacted, That all and every Persons and Person who shall hereafter build in or fronting to any Street hereafter to be laid out, or any Extension of a Street hereafter to be made, or any Road or Way already laid out or used, and not yet built up or formed, shall erect and set back the Building to be so erected to the Distance of Seven Yards at least from the Centre of such Street or Road, and shall give up and abandon for the said Street or Road the said Space or Distance of Seven Yards, unless the Consent of the said Commissioners, to be signified in Writing, shall be previously obtained to the contrary; and in case any such Persons or Person shall hereafter erect or set up any Building in any such Street or Road at a less Distance than Seven Yards from the Centre of such Street or Road, it shall be lawful for the said Commissioners, or their Surveyor or other Servant by their Direction, within Three Calendar Months after the Erection thereof, to pull down, take away, and remove such Building, or so much thereof as shall be erected within the said Distance; and in such Case the Persons or Person so offending shall forfeit and pay the Sum of Fifty Pounds, to be recovered by any One or more of the said Commissioners by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, and the same, when recovered, shall be applied for the general Purposes of this Act.

Buildings to be set Seven Yards from the Centre of any new Street.

LXX. And in order to raise Money for carrying the several Purposes herein mentioned into execution, be it further enacted, That One or more Rate or Rates for the Purpose of lighting, cleansing, watching, and otherwise improving the several Streets, Lanes, public Passages and Places within the Limits of this Act, and also for securing, raising, and paying any Monies which shall or may be borrowed, and any Annuity or Annuities which shall or may be granted, under the Authority of this Act, and the Interest of such Monies, and also for answering and satisfying the other Purposes of this Act, shall be made and levied by the said Commissioners once or oftener in every Year, in the Proportions following; (that is to say,) upon all and every Persons or Person who shall rent or occupy within the Limits of this Act any Messuages, Tenements, or Hereditaments under the yearly Rent or Value of Ten Pounds, any Sum not exceeding One Shilling in the Pound in any One Year; and upon all and every Persons or Person who shall as aforesaid rent or occupy within the Limits of this Act any Messuages, Tenements, or Hereditaments of the yearly Rent or Value of Ten Pounds and under Fifteen Pounds, any Sum not exceeding One Shilling and Sixpence in the Pound in any One Year; and upon all and every Persons or Person who shall as aforesaid rent or occupy within the Limits of this Act any Messuages, Tenements, or Hereditaments of the yearly Rent or Value of Fifteen Pounds or upwards, any Sum not exceeding

Rates to be made for lighting and improving the Hamlets.

[*Local.*]

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exceeding

exceeding Two Shillings in the Pound in any One Year; which said Tenants and Occupiers shall pay and are hereby made liable to pay the whole of every such Rate, according to the annual Value or Rent of all such Messuages, Tenements, or Hereditaments whatsoever, to be occupied by him, her, or them respectively.

How annual Value of Messuages, &c. shall be ascertained.

LXXI. And be it further enacted, That the annual Value of all Messuages, Tenements, and Hereditaments to be respectively rated and assessed for the Purposes of this Act shall be settled and ascertained by the said Commissioners according to the annual Value thereof respectively, as estimated from Time to Time in the Rate or Levy made for the Relief of the Poor of the said Parish of *Aston*, except where the said Commissioners shall see good Reason to deviate therefrom, and except where any such Messuages, Tenements, or Hereditaments shall not be assessed or rated in such Poor Rate or Levy, and also except where any such Messuages, Tenements, or Hereditaments shall be assessed or rated in such Poor Rate or Levy jointly with any Messuages, Tenements, or Hereditaments not assessable or rateable under this Act; and the annual Value of all such Messuages, Tenements, and Hereditaments as shall not be assessed or rated in such Poor Rate or Levy, and of all such Messuages, Tenements, and Hereditaments as shall be assessed or rated in such Poor Rate or Levy jointly with any Messuages, Tenements, or Hereditaments not assessable or rateable under this Act, shall be settled and ascertained by the said Commissioners, or by One or more Assessor or Assessors to be appointed by them for that Purpose; and the Amount of all Rates or Assessments made under or in pursuance of this Act shall from Time to Time be paid to the Collector or Collectors to be appointed by the said Commissioners, at such Time and Times in every Year, and in such Manner, as the said Commissioners shall order and direct, and shall be paid over by such Collector or Collectors into the Hands of the Treasurer to the said Commissioners, or such Banker or other Person or Persons as they shall order and direct for that Purpose.

Exemptions from Rates.

LXXII. Provided always, and be it enacted, That no Person shall be rated or pay to the Rates or Assessments which shall be made by virtue of or in pursuance of this Act, for or upon account of any Garden, Garden Ground, or Orchard within the Limits of this Act, during the Time they shall or may be occupied for the Purpose only of selling the Fruit and Produce thereof, or of any Arable, Meadow, or Pasture Ground held or occupied as such in the said Hamlets or either of them, nor for any Tithes, Stock in Trade, Money, or Personal Estate, any thing herein contained to the contrary notwithstanding.

Tolls of Navigation not to be assessed to any Rates under this Act.

LXXIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize a Rate or Assessment upon the Tolls or Tonnage arising or becoming due upon or in respect of any navigable Canal within the Limits of this Act, nor upon any Payment arising from the weighing of any Coals or other Things upon any Machine now or hereafter to be erected belonging to any navigable Canal.

LXXIV. And be it further enacted, That in case any Person or Persons charged with any Rate or Rates by virtue or in pursuance of this Act shall refuse or neglect, after Demand made by the Collector or Collectors for the Time being, to pay the Money rated or assessed upon him, her, or them respectively, and all Arrears thereof, it shall be lawful for any One of His Majesty's Justices of the Peace for the said County of *Warwick*, and he is hereby authorized and required, to summon by Writing under his Hand each and every Person so charged, and who shall have so refused or neglected as aforesaid, (on Oath being made before such Justice by the Collector for the Time being of his having attended at the Place of Abode of each and every such Person to be summoned,) to appear at a Time and Place to be mentioned in such Summons before such Justice, or before any Justice or Justices of the Peace for the said County of *Warwick* who shall be then and there present; and it shall be lawful for any Person appointed to collect and receive such Rates, or for any other Person, to serve every such Summons upon all and every Persons and Person so refusing or neglecting to pay as aforesaid, either by delivering the same to the Persons or Person thereby intended to be summoned, or by leaving the same at their or his last or usual Places or Place of Abode, or at or on the Premises for or in respect whereof the Rate or Rates mentioned in such Summons shall remain due and owing; and if any Person or Persons so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summons, or if he, she, or they do or shall attend, and shall not make it appear to such Justice that he, she, or they is or are not chargeable with such Rate or Rates under this Act, then all and every the Persons and Person who shall have been so summoned shall pay as well such Rate as the reasonable Costs and Charges of such Summons; and in all Cases where the said Rate, Costs, and Charges shall not be paid upon the Return of such Summons, it shall be lawful for such Justice who shall have issued the same, or any other Justice of the said County of *Warwick*, and he is hereby authorized and required, (on Oath being made before him of the due Service of such Summons as aforesaid,) or in case such Person or Persons so refusing or neglecting to pay as aforesaid shall have removed out of the Limits of this Act, then on Proof of such Summons having been duly issued as aforesaid, to grant a Warrant or Warrants under his Hand and Seal authorizing and directing such Collector, or any Constable or Constables, Headborough or Headboroughs, to levy such Rate or Rates respectively and all Arrears thereof, and the Expences of the Summons and of the Warrant, by Distress of the Goods and Chattels of the Party or Parties so neglecting or refusing; and if within Five Days after such Distress or Distresses shall be made the said respective Rates and all Arrears thereof shall not be paid, together with the Costs and Charges of taking and keeping the same, it shall be lawful for such Collector, Constable or Constables, Headborough or Headboroughs, to cause the said Goods and Chattels, or a sufficient Part thereof, to be appraised and sold, rendering to the said Person or Persons the Overplus, (if any,) after deducting the said Rates or Assessments and all Arrears thereof, and the reasonable Costs and Charges attending such Distress and Sale; which Costs and Charges, in case of Dispute, shall be settled and ascertained by One of His Majesty's Justices

Rates how to
be recovered.

Justices of the Peace for the said County of *Warwick*; and in default of such Distress it shall be lawful for any Justice or Justices to commit such Person or Persons to the Common Gaol or House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless Payment shall be sooner made of such Sum or Sums of Money as shall have been found to be due and in arrear upon all or any such Assessments or Assessment as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof, such Costs, Charges, and Expences to be ascertained and determined by the said Justice or Justices respectively.

Omissions or Errors in Rates may be rectified.

LXXV. And be it further enacted, That whenever it shall appear to the said Commissioners that there shall be any Omission or Error in any Rate or Assessment of or in the Name of any Person or Persons, or of any House, Shop, Warehouse, Coach-house, Stable, Cellar, Vault, Building, Tenement, or Hereditament liable to be rated for the Purposes of this Act, it shall be lawful for the said Commissioners to cause to be added or corrected in the said Rate or Assessment the Name or Names of the Person or Persons omitted or erroneously rated, and a Description of the Property in respect of which he, she, or they ought to be rated; and every such Addition or Correction made in any of the said Rates shall be as valid and effectual as if the same had been Part of the original Rate at the Time when it was first made.

Persons removing from Premises and others coming in to pay Rates in proportion.

LXXVI. And be it further enacted, That in case any Person or Persons shall remove out of or from or quit the Possession of any House, Building, Land, Tenement, or Hereditament, or Part of a Tenement, before any Rate or Rates to be charged thereon by virtue of this Act shall be paid and discharged, and if any Person or Persons shall enter into the Occupation of any House, Building, Land, Tenement, or Hereditament, or Part of a Tenement, out of or from which any Person or Persons shall have removed before such Rate or Rates shall have been paid and discharged, then and in every such Case the Person or Persons so removing out of or from or quitting Possession of, and the Person or Persons entering into the Occupation of, any such House, Building, Land, Tenement, or Hereditament, or Part of a Tenement, shall be respectively subject and liable to the Payment of all such Rates in proportion to the Time that such Person or Persons shall have possessed or occupied the same respectively, in the same Manner as if the Person or Persons so removing or quitting as aforesaid had remained in the Possession and Occupation of such House, Building, Land, Tenement, or Hereditament, or Part of a Tenement, or the Person or Persons so entering into the Occupation thereof had been originally rated and assessed in such Rates; which Proportion shall, in case of Dispute, be settled by any Justice of the Peace for the said County of *Warwick*, whose Determination shall be final.

As to Persons occupying different Houses.

LXXVII. And be it further enacted, That where any Person shall hold or occupy several Buildings, Lands, Tenements, or Hereditaments within the Limits of this Act, then such several Buildings,
Lands,

Lands, Tenements, or Hereditaments shall be rated or assessed by virtue of this Act at the aggregate annual Value or yearly Rent thereof, to be ascertained as herein-before directed.

LXXVIII. And be it further enacted, That where any House, Building, or Tenement in respect whereof any Rate shall be made, shall be let out in Apartments by the Lessee, Tenant, or Landlord, any One or more of such Lodgers may be deemed the Occupier or Occupiers thereof for the Purposes of this Act; and every such Lodger who shall pay any such Rate or any Part thereof, or from whom the same or any Part thereof shall be recovered, in pursuance of this Act, shall and may deduct the same from and out of the next Rent due and payable from him, her, or them to such respective Lessee, Tenant, or Landlord, and the Receipt for such Payment shall be a sufficient Discharge for such Lodger or Lodgers to his, her, or their Landlord for so much Money as he, she, or they shall pay, or shall be levied on him, her, or them by virtue of this Act: Provided always, that no such Lodger or Lodgers shall at any Time be required to pay or be subject or liable to pay any greater Sum for or towards the Discharge of the said Rates, or any of them, or the Arrears thereof, than the Amount of the Rent actually due and payable by such Lodger or Lodgers to the Lessee, Tenant, or Landlord of the Premises occupied by him, her, or them.

Lodgers in Houses let out in Apartments to be deemed the Occupiers.

LXXIX. And be it further enacted, That in case at any Time or Times hereafter any Person or Persons who shall or may be rated and assessed to any Rate or Assessment which shall be made by virtue of this Act shall quit his, her, or their Messuage, Tenement, or Hereditament (within the Limits of this Act) for or in respect whereof he, she, or they shall be rated or assessed, before he, she, or they shall have paid any such Rate or Assessment, then and in every such Case it shall be lawful for any Person or Persons appointed to collect or receive any such Rate or Assessment, (Oath being made by him or them that he or they doth or do suspect that such Person or Persons hath or have removed his, her, or their Goods and Chattels,) by Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Warwick*, and which Warrant such Justice is hereby authorized and required to grant, to distrain and appraise and sell the Goods and Chattels of such Person or Persons who shall have so quitted the said Messuage, Tenement, or Hereditament before he, she, or they shall have paid any such Rate or Assessment, for the Sum or Sums of Money due from any such Person or Persons by virtue of such Rate or Assessment, or any Part thereof, and for all Costs, Charges, and Expences occasioned by such Warrant, Distress, Appraisalment, and Sale, in any County, City, or Place to which such Person or Persons shall have removed, in such and the same Manner as if the same Person or Persons had continued within the Limits of this Act.

Rates may be recovered from Persons removing.

LXXX. And be it further enacted, That when a sufficient Distress cannot be found, it shall be lawful for the said Commissioners to bring or cause to be brought, in the Name of their Treasurer or Clerk or Clerks, or of any One or more of them the said Commissioners, any

[*Local.*] *K l* Action

Actions may be brought for Rates.

Action or Actions of Debt, or any special Action on the Case, in any of His Majesty's Courts of Record at *Westminster*, for all or any of the Rates to be made by virtue of this Act, in which Action or Actions it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to the Plaintiff in such Sum of Money as the Plaintiff shall suppose to be due; and if the Plaintiff shall recover such Sum so declared for, or any Part thereof, he or they shall have full Costs, to be levied and recovered as other Monies upon Judgments are by Law levied and recovered; in which Action or Actions no Essoign, Protection, or Wager of Law, and not more than One Imparlance, shall be allowed.

Rate Books
to be re-
ceived as Evi-
dence.

LXXXI. And be it further enacted, That the Books of Rates to be delivered to the Collector or Collectors or other Officers by the said Commissioners, and all Entries afterwards made therein in manner by this Act directed, shall be received as Evidence of the Rates imposed by virtue of this Act.

Commis-
sioners may
release poor
Persons from
Rates.

LXXXII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners at any Time or Times to exonerate and release any poor Householder or Householders, or Occupier or Occupiers of any Land, Tenement, Building, or Apartment, from the Payment of all or any Part of the Rate or Rates to be assessed or imposed by virtue of this Act, for and during such Time or Times and in such Proportion or Proportions as the said Commissioners shall think him, her, or them incapable of paying.

Power to
raise Money
at Interest.

LXXXIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to borrow and take up at Interest any Sum or Sums of Money for the Purposes of this Act, upon the Credit of the Rates or Assessments to be made by virtue of this Act, not exceeding the Sum of Three thousand Pounds, 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 or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with legal Interest for the same; and the Expences of such Assignment thereof 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 passed in the Tenth Year of the Reign
‘ of King *George* the Fourth, 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 Assess-
‘ ments 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 for those Purposes; to be holden from
‘ this Day of until the said Sum
‘ of

‘ of with Interest at per Centum
 ‘ per Annum for the same, shall be repaid and satisfied. In witness
 ‘ whereof we the said Commissioners have hereunto set our Hands
 ‘ and Seals the Day of in
 ‘ the Year .’

LXXXIV. 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 for the Purposes aforesaid by granting Annuities for Lives instead of Assignments as aforesaid, it shall be lawful for any Seven 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 which 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; and the Expences 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 to raise Money on Annuities.

‘ WE of the Commissioners appointed by or
 ‘ in pursuance of an Act passed in the Tenth Year of the Reign
 ‘ of King George the Fourth, 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, Administrators, 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
 ‘ the first Payment thereof to be made on the
 ‘ Day of next ensuing the Date hereof. In
 ‘ witness whereof we the said Commissioners have hereunto set our
 ‘ Hands and Seals, the Day of
 ‘ in the Year .’

Form of Grant of Annuity.

LXXXV. And be it further enacted, That it shall be lawful for the Person or Persons entitled to any Securities for the Money to be borrowed at such legal Interest as aforesaid, or to be raised by the granting of Annuities as aforesaid, and their respective Executors, Administrators, and Assigns, (as the Case may be,) at any Time, by Writing under his or their Hand and Seal or 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:

Power to transfer Securities.

‘ I A. B.

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, or Assigns, *as the*
 ‘ *Case may be,*] by virtue of an Assignment or Grant of Annuity bear-
 ‘ ing Date the _____ Day of _____
 ‘ under the Hands and Seals of _____ of the
 ‘ Commissioners acting in the Execution of an Act passed in the
 ‘ Tenth Year of the Reign of King *George* the Fourth, 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 this
 ‘ Day of _____ in the Year _____.’

And a Copy of every Security or Assignment, and of every Grant of 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 or Clerks to the said Commissioners, which Extract or Memorial shall specify and contain the Date, Names of the Parties, and Sums of Money thereby transferred, to which Book any Person interested shall at all reasonable Time 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 or Clerks 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.

Manner of
proceeding
for Recovery
of Interest or
Annuity.

LXXXVI. And be it further enacted, That it shall be lawful for any Person or Persons who shall advance or lend any Money upon the Credit of the said Rates or Assessments, in default of Payment of the Principal Money they shall so lend, or the Interest thereof, or in default of due Payment of any Annuity that shall be secured to them thereupon, (after Demand made at any Meeting of the said Commissioners,) to collect, gather, and receive such Proportion of the said yearly Rates or Assessments by this Act granted as the Sum by them lent or advanced doth or shall bear to the whole Money to be borrowed on the Credit of this Act, and shall continue to receive the same until all Principal Money and Interest, as also all such Sum or Sums of Money as shall be due by way of Annuity, (as the Case may be,) shall be fully paid, as also the Expences attending such Collection; and such Person or Persons is and are hereby vested with the same Power for recovering and receiving the same as if he or they had been appointed a Commissioner or Commissioners under this Act.

For prevent-
ing impro-
vident Grants
of Annuities.

LXXXVII. And, for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the
 1 Price

Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, and at a Rate not exceeding by more than One Fifth the Rate prescribed by any Act for the Time being in force for granting Annuities on Government Securities.

LXXXVIII. Provided always, 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, for any of the Purposes of this Act, at a lower Rate of Interest than any Security or Securities which shall then be in force shall bear, it shall be lawful for the said Commissioners from Time to Time to charge the said respective Rates or other Funds or Property, or any Part thereof, in such Manner and with such Restrictions as herein mentioned, with such Sum or Sums of Money as they shall think proper, and the Interest thereof at such lower Rate as aforesaid, to pay off and discharge any Security or Securities bearing a higher Rate of Interest, according to the Directions and Regulations herein prescribed for paying off Securities.

Commissioners may borrow Money at a lower Rate to pay off Securities at a higher Rate of Interest.

LXXXIX. Provided nevertheless, That before any Money shall be borrowed, or any Annuity or Annuities granted as aforesaid, Fourteen Days Notice at the least shall be given in such Newspaper or Newspapers published or circulated in the said Town of *Birmingham* as the said Commissioners shall think fit, signifying their Intention of borrowing Money or granting any such Annuity or Annuities.

Notice to be given of borrowing Money.

XC. Provided always, and be it further enacted, That every Mortgage which shall be made by virtue of this Act shall and may be redeemed by the said Commissioners at such Times and in such Manner as they shall think fit, Six Calendar Months previous Notice in Writing having been given to the Person entitled to the Sum advanced upon such Mortgage by the said Commissioners of their Intention to redeem the same, and full Payment of the Principal Money so borrowed, and of all Interest due on any such Mortgage, being made to the Mortgagee; and such Mortgagee may and he is hereby authorized to call for the Payment of any Principal Money and Interest owing on any such Mortgage, as he shall think fit, giving the like Notice to the said Commissioners.

Provision for Redemption of Mortgages.

XCI. And be it further enacted, That in the Month of *September* in every Year a full Abstract shall be made in Writing of the Accounts for the preceding Year, ending upon the Twenty-fourth Day of *June*, and a Copy thereof shall be deposited with the Clerk or Clerks to the said Commissioners, and shall be open to the Inspection of all Persons interested; and the Substance thereof shall within Twenty-one Days be published in some One or more Newspaper or Newspapers circulated in the Town of *Birmingham*.

Accounts to be made out annually.

XCII. And be it further enacted, That all Money which shall be borrowed, and all Monies to be raised by the Rates or Assessments, and all other Monies to be received by the said Commissioners by virtue of this Act, shall in the first place be applied in defraying all the Expences of obtaining this Act or incident thereto, and after-

Application of Rates and other Monies.

[*Local.*]

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wards

wards in defraying the necessary Expences attending the Execution of this Act.

Damages, in case of Dispute, to be settled by Justices.

XCIII. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered, with or without any Penalty or Penalties, for any Offence or Offences in this Act mentioned, and the Amount of such Damages or Charges respectively is not otherwise by this Act directed to be settled, ascertained, or determined, the Amount thereof, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences; which Justice or Justices is and are hereby authorized, on Nonpayment thereof, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels, in manner by this Act directed for levying of any Penalties or Forfeitures.

Remedy in case of Non-payment of Compensation for Damage done by the Commissioners.

XCIV. Provided always, and be it further enacted, That when and so often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of the Powers or Authorities in or by this Act given to such Justice or Justices, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind soever done or committed by the said Commissioners, or any Person or Persons acting by or under their Authority or under the Authority of this Act, and such Sum or Sums of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk or Clerks to the Commissioners or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction of or for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Surplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, upon Demand, to the said Commissioners, or to their Treasurer for the Time being, as the Case may be.

Commissioners may direct Prosecutions.

XCV. And be it further enacted, That the said Commissioners may and they are hereby empowered to order and direct any Prosecution against any Person for any public Nuisance whatsoever which shall be committed or suffered within the Limits of this Act, or for any Encroachment upon or Obstruction in the said Streets, Roads, Lanes,
 I Passages,

Passages, or Places, or for any Offence committed contrary to the Provisions of this Act; and the Costs and Charges of and attending all such Prosecutions shall be paid out of the Monies to be received under this Act.

XCVI. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or by virtue of any Rule or Order made in pursuance thereof, (the Manner of levying and recovering whereof is not herein-before particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Justice or Justices of the Peace for the said County of *Warwick*, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon and examine any Witnesses upon Oath or Affirmation of or concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same (if any such there be,) shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties, not herein directed to be otherwise applied, shall be paid to the said Commissioners or their Treasurer or Clerk or Clerks, to be applied for the Purposes of this Act as the said Commissioners shall order and direct, except in all such Cases where the Penalty or Forfeiture shall be incurred by the said Commissioners, and then the same shall be paid to the Informer; and it shall be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice and Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice or Justices, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they have or hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his
Hand

Recovery
and Applica-
tion of Penal-
ties.

Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding Twelve Calendar Months, or until such Offender or Offenders shall have paid such Penalty or Penalties, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law : Provided always, that in all Cases where the Penalty imposed by this Act shall exceed the Sum of Five Pounds, no Proceeding before Justices shall be had and taken for the Recovery thereof before a less Number than Two Justices.

Forms of Information and Conviction.

XCVII. And, for the more easy Prosecution and Conviction of Offenders against this Act, be it further enacted, That all and every Justices and Justice of the Peace before whom any Person or Persons shall be convicted or prosecuted of or for any Offence against this Act may cause the Information and Conviction to be drawn in the Forms following, or in other Words to the same Effect ; (that is to say,)

‘ County of Warwick, } **BE** it remembered, That on the
 ‘ to wit. } Day of *A. B.* of
 ‘ informeth me [*or us*] of His Majesty’s Justices of the
 ‘ Peace for the said County of *Warwick*, that
 ‘ of in the County of [here
 ‘ describe the Offence, with the Time and Place, and follow the Act as
 ‘ near as may be,] contrary to the Provisions of an Act passed in the
 ‘ Tenth Year of the Reign of King *George* the Fourth, intituled
 ‘ [here insert the Title of this Act], which hath imposed a Forfeiture
 ‘ of for the said Offence. Taken the
 ‘ Day of before me .’

‘ County of Warwick, } **BE** it remembered, That on the
 ‘ to wit. } Day of in the
 ‘ Year of the Reign of , and in the Year of our
 ‘ Lord *A. B.* is convicted before me, One of His
 ‘ Majesty’s Justices of the Peace for the said County of *Warwick*, for
 ‘ [here specify the Offence, and when and where committed,] contrary to
 ‘ the Form of the Statute made in the Tenth Year of the Reign of
 ‘ King *George* the Fourth, intituled [here set forth the Title of this
 ‘ Act]; and I do hereby declare and adjudge that the said
 ‘ hath forfeited for the said Offence the Sum of
 ‘ [*or shall be committed to* for the Space
 ‘ of , as the Case may be]. Given under
 ‘ my Hand and Seal, the Day and Year first above written.’

Justices may proceed by Summons in the Recovery of Penalties.

XCVIII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and

and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was or had been exhibited.

XCIX. And be it further enacted, That where any Distress shall be made for any 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 deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any 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 afterwards be done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage by an Action on the Case.

Distress not to be unlawful for Want of Form.

C. And be it further enacted, That all such Commissioners as are or shall be Justices of the Peace may act as Justices in all Matters under the Authority of this Act, notwithstanding their being Commissioners.

Commissioners being Justices may act.

CI. And be it further enacted, That in all Cases where any Justice or Justices of the Peace is or are authorized by this Act to examine any Person or Persons on Oath or Affirmation, it shall be lawful for such Justice and Justices and he and they is and are hereby required to administer such Oath or to take such Affirmation.

Justices may administer Oaths.

CII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, or defeat any Right, Interest, Property, Power, Privilege, Franchise, or Authority of the Lords of the Manors of *Duddeston* and *Nechells*, or either of them, or the Lords of the Manor Paramount of *Bordesley* in the said Parish of *Aston*; but all and every such Rights, Interests, Property, Powers, Privileges, Franchises, and Authorities may be exercised and enjoyed in as full and ample Manner to all Intents and Purposes as the same were exercised and enjoyed before the passing of this Act.

Not to affect Rights of the Lords of the Manors.

CIII. And be it further enacted, That no Inhabitant of any Place within the Limits of this Act shall be deemed an incompetent Witness in any Action, Suit, or Information, Complaint, Appeal, Prosecution, or Proceeding, to be had, made, prosecuted, or caried on under the Authority of this Act, by reason of such Person being rated or liable to be rated by virtue of this Act.

Inhabitants may be Witnesses.

CIV. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved or over-rated by any Rate or Assessment, or any other Matter or Thing to be done under or in pursuance of this Act, he, she, or they may appeal and complain thereof to the said Commissioners, at one of their Meetings, provided that such Appeal be made within Four Calendar Months next after such Rate or other Cause of Complaint

Appeal to the Commissioners.

[*Local.*]

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shall have been made or shall have arisen; and the said Commissioners may examine the Appellant or Appellants, and any Witnesses, upon Oath, touching or concerning the Matter of such Appeal, and grant or refuse Relief to the Person or Persons appealing, or not, and make such Order therein as to them shall seem meet.

Appeal to
the Quarter
Sessions.

CV. Provided also, and be it further enacted, That if any Person or Persons shall find himself, herself, or themselves aggrieved by any Order, Direction, or Determination of the said Commissioners, or by means of any Rate or Assessment, or any Rule, Order, or Bye Law to be made under or in pursuance of this Act, or any Order or Conviction of One or more Justice or Justices of the Peace, it shall be lawful for such Person or Persons to appeal to any General or Quarter Sessions of the Peace to be held in and for the said County of *Warwick*, within Four Calendar Months next after the Cause of Complaint shall have arisen, or if such Sessions shall be held before the Expiration of One Calendar Month then next, then such Appeal shall be made to the secondly succeeding Sessions, either of which Courts of Sessions is hereby empowered to hear and finally determine the Matter of the said Appeal, and to make such Order therein as to such Court of Sessions shall seem meet, which Order shall be final and conclusive upon all Parties; provided that the Person or Persons so appealing shall give or cause to be given at least Fourteen Days Notice in Writing of his, her, or their Intention of appealing as aforesaid, and of the Matter or Cause thereof, to the Clerk or Clerks for the Time being to the said Commissioners, or other the Respondent or Respondents, and within Five Days after such Notice shall enter into a Recognizance before some Justice of the Peace for the said County of *Warwick*, with sufficient Sureties, to try such Appeal at the then next General Sessions or Quarter Sessions of the Peace which shall first happen, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Quarter Sessions or any Adjournment thereof; and such Justices, upon hearing and finally determining the Matter of such Appeal, shall and may, according to their Discretion, award such Costs to the Party appealing or appealed against as they shall think proper; and their Determination in or concerning the Premises shall be conclusive and binding on all Parties, to all Intents and Purposes whatsoever.

Rates may be
amended
without
quashing.

CVI. Provided always, and be it further enacted, That on Appeal from the said Rates or Assessments, or any of them, the Justices at such General or Quarter Sessions shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rates or Assessments with respect to other Persons mentioned in the same; but if upon Appeal from the whole of any Rate 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 Assessment to be made in the Manner herein directed.

Rates and
Proceedings
not to be
quashed for
Want of
Form.

CVII. Provided always, and be it further enacted, That no Rate, or any Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or any other Matter or Thing done or transacted in or relative to the Execution
of

of this Act, shall be vacated or quashed for Want of Form, 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*.

CVIII. Provided also, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action or Actions for any Irregularity, Trespass, or other Proceeding made or committed in execution of this Act, if Tender of sufficient Amends shall be made, by or on behalf of the Party or Parties who shall have committed any such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made, it shall be lawful 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 or they shall think fit, whereupon such Proceedings, Order, and Adjudication shall be made, had, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover in any Action after Tender of sufficient Amends.

CIX. Provided also, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of or under the Authority or Colour of this Act, until Twenty-one Days Notice has been given thereof in Writing to the Clerk or Clerks to the said Commissioners, nor after sufficient Satisfaction or Tender thereof has been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed for which such Action or Actions, Suit or Suits, shall be so brought; and every such Action shall be brought, laid, and tried where the Cause of Action shall have arisen, and not in any other County or Place; and the Defendant or Defendants in such Actions or Suits may plead the General Issue, and give this Act and every special Matter in Evidence, at any Trial or Trials which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any Action or Suit shall not be commenced within the Time before limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find a Verdict or Verdicts for the Defendant or Defendants upon such Issue.

Limitation of Actions.

General Issue.

CX. And be it further enacted, That in all Cases where it may be necessary or requisite for any Person or Persons or Party or Parties to serve any Notice or Notices, or any Writ or Writs, or other legal Proceeding or Proceedings in Equity upon the said Commissioners, Service thereof respectively upon the Clerk or Clerks of the said Commissioners, or left at the Office of such Clerk or Clerks, or at his or their last or usual Place or Places of Abode, or at the Office of the said Commissioners, or upon any One of the said Commissioners acting under this Act, or left at his respective last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Commissioners; and in all Cases when

Declaring what shall be good Service of Notices.

it

it may be necessary or requisite for the said Commissioners to give any Notice to any Body Politic, Corporate, or Collegiate, or to any Person or Persons whomsoever, under the Provisions or Directions contained in this Act, such last-mentioned Notice shall be in Writing signed by any Three or more of the said Commissioners.

Public Act.

CXI. 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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