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VICTORIÆ REGINÆ.

Cap. clxix.

An Act for the Improvement of *Stourbridge* in the County of *Worcester*, and for the Regulation of Markets there; and for other Purposes.

[16th *July* 1866.]

WHEREAS an Act (Local) was passed in the Sixth Year of *George* the Fourth, intituled *An Act for better lighting, cleansing, watching, paving, and otherwise improving the Township of Stourbridge in the Parish of Old Swinford in the County of Worcester, for regulating the Market and building a Market Place within and for the said Township, and for removing and preventing Nuisances and Annoyances therein*, whereby certain Persons were appointed Commissioners for the Purposes of that Act, and Provision was made for the Election of future Commissioners, not by Owners and Ratepayers, but by surviving or remaining Commissioners: And whereas the Commissioners appointed under the recited Act (in this Act called "the existing Commissioners") proceeded to put the recited Act into execution, and have under that Act established in *Stourbridge* a Town Hall, including therein a Corn Exchange and Markets for Sale of Provisions and other marketable Commodities and of Cattle: And whereas the existing Commissioners were by the recited Act authorized to levy for the Purposes of that

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Act Rates not exceeding Three Shillings in the Pound in any One Year, and to borrow on the Credit of the Market and Rates not exceeding Twenty thousand Pounds, and the Amount owing by them on the Credit of the Markets and Rates and now secured thereon is about Seventeen thousand Pounds: And whereas it is expedient that the Number, Constitution, and Mode of Appointment of Commissioners be altered and amended, and that Provision be made for the Election of Commissioners by Owners and Ratepayers: And whereas the Powers and Provisions of the recited Act are insufficient and in many respects defective, and it is expedient that the recited Act be repealed, and some of the Provisions be re-enacted with Amendments, and that further and more effectual Powers be conferred on Commissioners for the sewerage, repairing, and paving of Streets, and for the establishing and regulating of Cattle and other Markets, and for the general Improvement in other respects of *Stourbridge*: And whereas the Objects aforesaid cannot be obtained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The *Stourbridge Improvement Act, 1866.*"

Commence-
of Act.

2. This Act shall commence and have Effect on and from the Second *Wednesday* next after the passing thereof.

Interpreta-
tion of
Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated with this Act shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to or inconsistent with such Construction; and in this Act or any Act wholly or partially incorporated with this Act the following Words and Expressions shall have the following Meanings, unless there be something in the Subject or Context repugnant to or inconsistent with such Construction; (that is to say,)

The Expression "the existing Commissioners" shall mean the Commissioners acting in the Execution of the recited Act:

The Expression "the Commissioners" shall mean the Commissioners incorporated by this Act:

The Word "Owner" shall, except in "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," mean the Person for the Time being receiving the Rackrent of the Lands in connexion with which the Word is used, whether on his own Account or as Agent
or

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or Trustee for any other Person, or who would so receive the same if the Lands were let at a Rackrent :

The Word "Person" shall include an incorporated Company and any Corporation aggregate or sole :

The Word "Street" shall mean and include the whole or any Part of any Road, Lane, Footway, Square, Alley, and Passage, whether a Thoroughfare or not :

The Word "Court" shall mean and include the whole or any Part of a Court, Yard, Way, or Place used with or appurtenant to Two or more Dwelling Houses, and not being a private Court, Yard, Way, or Place :

The Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

4. This Act shall on the Commencement thereof be put in force in all Places in the Township of *Stourbridge*. Limits of Act.

5. If at any Time or Times after the Commencement of this Act the Owners and Ratepayers of Property rated to the Relief of the Poor in any One of the Townships following, to wit, *Amblecote, Lye, or Wollaston*, shall be desirous of adopting this Act, and shall, by a Resolution to be passed as herein-after provided, resolve that the respective Township shall be comprised within the Limits of this Act, then from and after the Time fixed by the Resolution, not being earlier than One Month or later than Three Months from the passing of the Resolution, this Act shall be deemed to have been adopted by the respective Township; and the Limits of this Act shall be extended so as to comprise the respective Township, and the Limits so extended shall, until further extended under this Act, be deemed to be the Limits of this Act. Owners and Ratepayers of certain Townships may adopt the Act.

6. For the Adoption of this Act by any One of the said Townships the Commissioners shall from Time to Time, on the Requisition in Writing of any Twenty Owners or Ratepayers in the respective Township, convene a Meeting of the Owners and Ratepayers of rateable Property in the respective Township, each Meeting to be convened within Six Weeks next after the Receipt by the Commissioners of a Requisition for the same; and the Commissioners shall fix a Place within the respective Township and a Time for holding the Meeting, and shall give not less than Fourteen Days previous Notice thereof by Advertisement in some One or more of the Newspapers published or circulated in the respective Township, and by causing such Notice to be affixed Meetings for Adoption of Act by Townships.

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affixed to the principal Doors of every Church and Chapel within the respective Township to which Notices of a public Character are usually affixed.

Proceedings
at Meetings.

7. Every such Meeting on its assembling together shall choose One of its Number as Chairman, who may, with the Consent of the Majority of the Persons present, adjourn the same from Day to Day, and the Chairman shall propose to the Meeting the Resolution for comprising the respective Township within the Limits of this Act, and no such Resolution shall be deemed to be carried unless it be passed by a Majority of not less than Three Fifths of the Votes of the Owners and Ratepayers present: Provided always, that if any Owner or Ratepayer shall demand that the Question be decided by a Poll, such Poll shall be taken in manner prescribed by "The Commissioners Clauses Act, 1847," for the Election of Commissioners by voting, and all the Provisions of that Act with respect to the Election of Commissioners by voting shall extend and apply to the Decision of the Question by Poll, and the Chairman of the Meeting shall be the Returning Officer at the Poll, and each Owner and each Ratepayer shall be entitled to a Vote or Votes in respect of all rateable Property in the respective Township of which or in respect of which he is Owner or Ratepayer, according to the rateable Value of the Property in the then last Rate for the Relief of the Poor, and according to the Scale prescribed by Section Twenty-four of "The Commissioners Clauses Act, 1847:" Provided also, that if no Poll is demanded, or if the Demand for a Poll is withdrawn, a Declaration by the Chairman shall, in the Absence of Proof to the contrary, be conclusive Evidence of the Decision of the Meeting: Provided further, that if at any such Meeting of Owners and Ratepayers of a Township, or any Adjournment thereof, the Resolution for comprising the same Township within the Limits of this Act be not so passed as aforesaid, no subsequent Meeting for comprising the same Township within the Limits of this Act shall be held within One Year next after the holding of the then last Meeting of Owners and Ratepayers of the same Township for the Purposes of this Enactment.

Repeal of
recited Act.

8. On and from the Commencement of this Act the recited Act shall be by this Act repealed.

Certain
Sections of
recited Act
as in
Sched. (A.)
to remain in
force.

9. Notwithstanding the Repeal of the recited Act, the several Sections of the recited Act set forth in Schedule (A.) to this Act annexed, so far as the same shall at the Commencement of this Act be in force, shall remain in full Force, and this Act, and the several Powers and Provisions thereof respectively shall in all respects be subject and without Prejudice to those Sections respectively; and this Act or anything

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anything therein contained shall not alter or interpret the Meaning of or otherwise affect those Sections or any of them, save only that the Words and Expressions in those Sections respectively relating to the existing Commissioners and their Officers and Servants respectively shall on and after the Commencement of this Act apply to and mean the Commissioners and their Officers and Servants respectively:

10. Except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done and suffered respectively under the recited Act shall be as valid as if this Act were not passed, and the Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the Repeal had not happened and this Act were not passed, would be incident to and consequent on any and every thing so done and suffered respectively; and the Commissioners shall have and be subject and liable to all Rights, Liabilities, Claims, and Demands at Law and in Equity in the same Manner and to the same Extent as the existing Commissioners would have been subject to or liable in respect of the same if this Act had not passed: Provided that the Generality of this Enactment shall not be restricted by any other of the Sections and Provisions of this Act.

Commissioners to be liable in all respects as if Act had not passed.

11. Subject to the Provisions of this Act, the several Clauses and Provisions whatsoever in favour of the existing Commissioners contained in "The *Stourbridge Gas Act, 1855*," or in any other Act or Acts (other than the recited Act), and which immediately before the Commencement of this Act are in force, shall on and from the Commencement of this Act apply to the Commissioners, and shall for the Purposes of this Act continue and be in force accordingly; and the Commissioners by themselves, their Officers and Servants, may and shall accordingly and for the Purposes of this Act be entitled to, and have, exercise, and enjoy, under or by virtue of those Clauses and Provisions respectively, all such Rights, Interests, Powers, Authorities, and Privileges whatsoever as if this Act were not passed the existing Commissioners by themselves, their Officers and Servants, under or by virtue of the same might be entitled to, or might have, exercise, or enjoy.

Commissioners to continue entitled to Powers under other Acts.

12. Subject to the Provisions of this Act, the Commissioners shall on and from the Commencement of this Act be seised and possessed of and entitled to all the Lands, Buildings, Markets, Works, Conveniences, Estates, Rights, Interests, Privileges, Easements, Monies, Property, Effects, Chattels, Choses in Action, Claims, and Demands whatsoever

Commissioners to remain entitled to their Property.

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of or to which the existing Commissioners under or by virtue of the recited Act or otherwise howsoever are immediately before the Commencement of this Act seized, possessed, or in any way entitled at Law or in Equity or otherwise howsoever, with the Appurtenances, as if the Commissioners were the existing Commissioners, and this Act were not passed.

Conveyances to remain.

13. All Conveyances, Leases, Deeds, Appointments, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made or entered into before the Commencement of this Act to, with, or in favour of, or by, for, or on behalf of, the existing Commissioners, or any Person on their Behalf, shall be and remain as good, valid, and effectual in favour of, against, and with reference to the Commissioners, and may be proceeded on, and enforced in like Manner to all Intents and Purposes, as if the Commissioners were the existing Commissioners, and this Act were not passed.

Actions not to abate.

14. Any Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the existing Commissioners before the Commencement of this Act shall not abate or be discontinued or be prejudicially affected by this Act, but on the contrary shall continue and take effect both in favour of or against the Commissioners in like Manner to all Intents and Purposes as if this Act were not passed the same might continue and take effect in favour of or against the existing Commissioners.

Toll and Rates to be recoverable.

15. All Tolls and Rates which immediately before the Commencement of this Act are due and payable or accruing due and payable to the existing Commissioners shall from and after the Commencement of this Act be payable to and may be collected and recovered by the Commissioners.

Debts due to and by the existing Commissioners to be paid to and by Commissioners.

16. All Persons who immediately before the Commencement of this Act owe any Sum of Money to the existing Commissioners, or to any Person on their Behalf, shall pay the same, with all Interest, if any, due or to accrue due for the same, to the Commissioners; and all Debts and Monies which immediately before the Commencement of this Act are due or owing by or recoverable from the existing Commissioners, or for the Payment whereof the existing Commissioners are or but for this Act would be liable, shall be paid, with all Interest, if any, due or to accrue due thereon, by or be recoverable from the Commissioners.

Byelaws, &c. to remain in force.

17. All Rules, Regulations, Byelaws, and Orders made under the recited Act, and in force at the Commencement of this Act, shall continue

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continue in full Force for Twelve Months after the Commencement of this Act, unless they be sooner repealed, altered, or varied under this Act, and such Rules, Regulations, Byelaws, and Orders, and all Penalties and Forfeitures thereby respectively imposed, and all Penalties and Forfeitures incurred under the recited Act, may and shall be enforced, recovered, and applied in like Manner in all respects as the same respectively might be enforced, recovered, and applied if the same were made and imposed respectively by or under this Act.

18. Every Officer and Servant appointed by virtue of or acting under the recited Act shall hold and enjoy his Office and Employment, with the Salary thereunto annexed, and be deemed an Officer and Servant of the Commissioners, until he be removed from such Office and Employment, and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Byelaws, Pains, and Penalties, in all respects whatever as if he were appointed under this Act.

Officers to
continue.

19. All Books and other Documents by the recited Act directed or authorized to be kept, and which, if that Act were not repealed, would be receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere accordingly.

Books to be
Evidence.

20. "The Commissioners Clauses Act, 1847," shall, except where expressly varied by this Act, be incorporated with and form Part of this Act.

Incorporation of
10 & 11 Vict.
c. 16.

21. The Commissioners for executing this Act shall, by the Name of "the *Stourbridge* Improvement Commissioners," be One Body Corporate, with perpetual Succession and a Common Seal, with Power to sue and be sued in that Name, and to purchase, take, hold, and dispose of Lands and other Property for the Purposes but subject to the Restrictions of this Act, and to put this Act in all respects into execution.

Incorporation of *Stourbridge* Improvement Commissioners.

22. The Persons who at the Commencement of this Act are the existing Commissioners shall be the Commissioners until the First *Thursday* in the Month of *October* One thousand eight hundred and sixty-six, on which Day they shall retire from Office, and Twenty-seven Commissioners shall be elected under this Act, the retiring Commissioners being, if duly qualified, eligible for Election under this Act: Provided always, that if such First Election of Twenty-seven Commissioners shall not take place on that Day then the existing Commissioners shall remain in Office until Commissioners are appointed in their Place.

First Commissioners.

23. For

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Division into
Wards.

23. For the Election of Commissioners the Township of *Stourbridge* shall be divided into Three Wards, as follows:

One Ward to be called the East Ward, and to comprise all that Part of the Township of *Stourbridge* which lies on the East Side of the *High Street* and *Church Street*;

Another Ward to be called the West Ward, and to comprise all that Part of the Township of *Stourbridge* which lies on the West Side of the *High Street*, and on the North Side of *New Street*, *Lion Street*, *Gigmill Road*, and *Glebe Lane*;

And another Ward to be called the South Ward, and to comprise all that Part of the Township of *Stourbridge* which lies on the West Side of the *High Street* and *Church Street*, and on the South Side of *New Street*, *Lion Street*, *Gigmill Road*, and *Glebe Lane*.

Number of
Commis-
sioners for
Wards.

24. The Number of Commissioners shall be Twenty-seven, and Nine shall be elected for each of the Three Wards into which the Township of *Stourbridge* is divided.

Township
adopting Act
to form a
separate
Ward and to
be repre-
sented by
additional
Commis-
sioners.

25. Provided always, That on the Adoption of this Act by any One of the said Townships of *Amblecote*, *Lye*, or *Wollaston* the respective Township adopting this Act shall form and become a separate Ward, to be called by the Name of the respective Township; and in the Case of the Township of *Amblecote* Three additional Commissioners, in the Case of the Township of *Lye* Six additional Commissioners, and in the Case of the Township of *Wollaston* Three additional Commissioners, shall be elected for and shall represent those respective Wards, and shall form Part of the *Stourbridge* Improvement Commissioners incorporated by this Act, and the Number of Commissioners for executing this Act shall from Time to Time be increased accordingly; and the First Election of Commissioners for the said Wards respectively shall take place within One Month after the passing of the Resolution for the Adoption by the respective Township of this Act; and the Provisions of this Act and of "The Commissioners Clauses Act, 1847," relative to the going out of Office and the Rotation and the First and subsequent Election of Commissioners, shall apply to the going out of Office and the Rotation and the First and subsequent Election of the Commissioners for the said Wards respectively.

First Elec-
tion of Com-
missioners.

26. The First Election of Commissioners shall take place on the First *Thursday* in the Month of *October* One thousand eight hundred and sixty-six, and all subsequent yearly Elections of Commissioners shall take place on the First *Thursday* in the Month of *September*, and the Clerk of the Commissioners shall be the Returning Officer at the First Election of Commissioners, and shall appoint such Persons as he may think necessary to be presiding Officers and Polling Clerks for the several Wards.

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27. The Qualification of a Commissioner shall be his being a Male of full Age, and his being resident within the Limits of this Act, or within Five Miles thereof, and his being the Owner of Real Estate or Personal Estate, or both, to the Amount or Value of Five hundred Pounds or upwards, and the Owner or Occupier of a Tenement or Tenements in the Limits of this Act rated in the then last Highway Rate or Improvement Rate for the Time being under this Act on a yearly rateable Value of Fifteen Pounds or upwards.

Qualifica-
tion of Com-
missioners.

28. Every Person of full Age and every incorporated Company who shall be Owner of any Tenement in respect whereof either the Owner or the Occupier shall be rated to any Rate made within Twelve Months next before the Day of Election, such Rates respectively being either Highway Rates or Improvement Rates under this Act, and who shall have paid all such Rates payable by such Owner or Company at any Time before the Commencement of the Third Month next before the Day of Election, shall be entitled to vote in the Election of Commissioners according to the Scale prescribed by Section Twenty-four of "The Commissioners Clauses Act, 1847."

Qualification
of Owners as
Electors.

29. Every Person of full Age and every incorporated Company who shall be rated or liable to be rated as Occupier to any Rate made within Twelve Months next before the Day of Election, such Rates respectively being either Highway Rates or Improvement Rates under this Act, and who shall have paid all such Rates payable by such Occupier or Company at any Time before the Commencement of the Third Month next before the Day of Election, shall be entitled to vote in the Election of Commissioners according to the Scale prescribed by Section Twenty-four of "The Commissioners Clauses Act, 1847:" Provided always, that where the Owner instead of the Occupier is rated in respect of any rateable Tenement, the Occupier of such Tenement shall in respect thereof be entitled to vote in the Election of Commissioners.

Qualification
of Occupiers
as Electors.

30. Provided always, That for the Purpose of conferring a Qualification for a Commissioner, or the Right of voting for Commissioners, the Rate for the Relief of the Poor shall, until a Highway Rate or Improvement Rate be made under this Act, be deemed a Highway Rate or Improvement Rate under this Act.

Until Rates
made under
this Act,
Poors Rate
to confer
Qualification
and Right of
voting.

31. Every Person and every incorporated Company who is Owner and *bonâ fide* Occupier of the same Tenement shall be entitled to vote both in respect of such Ownership and of such Occupation.

Voting as
Owner and
Occupier.

32. If several Persons be joint Owners or joint Occupiers of a Tenement which confers a Right of voting, then the Person first
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Votes of
joint
Owners or
Occupiers.

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named on the Rate Book as One of the Owners or Occupiers of the Tenement shall for the Purpose of voting be deemed the sole Owner or Occupier thereof, and shall be entitled to vote in respect thereof without Proof of the Concurrence of the other Owners or Occupiers thereof.

Company voting to be deemed One Owner or Occupier.

33. Every incorporated Company shall for the Purpose of voting be considered as One Owner, or, as the Case may be, One Occupier, and may vote by proxy signed on behalf of the Company by their Secretary or Chief Clerk duly authorized by them.

Qualification of Auditor.

34. It shall not be necessary for a Person appointed Auditor to have the like Qualification, and he shall not be subject to the like Disqualification or Disability as the Commissioners.

8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106. incorporated.

35. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with and form Part of this Act: Provided always, that nothing in this Act contained shall authorize the Commissioners to purchase any Lands otherwise than by Agreement.

Purchase of Lands by Agreement and Sale of Lands not required.

36. The Commissioners from Time to Time may by Agreement purchase for any of the Purposes of this Act any Lands within the Limits of this Act, and may sell any Lands for the Time being vested or acquired by them by or under this Act, and which are not required for any of the Purposes of this Act.

Power to agree with Stourbridge Waterworks Company for Purchase of the Undertaking.

37. The Commissioners may by Agreement purchase, and the *Stourbridge Waterworks Company*, with the Authority of Three Fifths at least of the Shareholders of the Company present either personally or by proxy at a General Meeting of the Company specially convened for the Purpose, may sell, convey, and transfer to the Commissioners, upon such Terms and Conditions as shall be mutually agreed on between the Commissioners and the Company, all or any Part of the Undertaking, Lands, Properties, Works, Rights, and Powers of the Company: Provided always, that the Sale shall be evidenced *prima facie* by a Deed duly stamped wherein the full Consideration is fully and truly set forth; and the Sale, Transfer, and Conveyance shall be subject and without Prejudice to the Debts, Liabilities, and Engagements of the Company in respect of the Premises sold; and from and after the Transfer or Conveyance the Commissioners in accordance with the Extent of the Sale, whether including the whole or only a Part of the Undertaking, Works, Powers, and Property of the Company, shall be subject to and perform, and be liable to all Contracts, Duties, Obligations, Debts, and Liabilities with respect to the Premises sold to which the Company, if the Transfer or Conveyance were not made, would be subject or liable.

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38. If under this Act the Commissioners purchase all or any Part of the Undertaking, Property, and Powers of the *Stourbridge Waterworks Company*, or if, under "The *Stourbridge Gas Act, 1855*," or otherwise, the Commissioners purchase the Undertaking, Property, and Powers of the *Stourbridge Gas Company*, and if at the Time of such respective Purchase this Act shall have been adopted by the said Townships of *Amblecote, Lye, and Wollaston*, the Commissioners, in addition to any other Monies which they are by this Act authorized to borrow, may from Time to Time borrow at Interest on the Credit of the Property so purchased, and of the Improvement Rates by this Act authorized, all or any Part of the Monies required by the Commissioners to complete such respective Purchases; and after having paid off otherwise than by the Sinking Fund any Monies so borrowed they may reborrow the Amount so paid off, and so *toties quoties*.

Power to borrow in the event of purchasing Waterworks or Gasworks.

39. "The Markets and Fairs Clauses Act, 1847," shall (except where expressly excepted or varied by this Act) be incorporated with and form Part of this Act, and for the Purposes of this Act the Expression "the Undertakers" in that Act shall mean the Commissioners.

10 & 11 Vict. c. 14. incorporated.

40. The Commissioners may continue, regulate, and maintain the present Town Hall and Corn Exchange, and the Works, Fittings, and Conveniences thereof respectively, and from Time to Time may enlarge and improve the same respectively, and provide and maintain all such additional Buildings, Approaches, Works, Fittings, and Conveniences thereto respectively as they think fit, and may let, use, and appropriate all or any Part of, or any Room or Rooms in, the Town Hall, Corn Exchange, and Buildings for the Time being vested in them for any Purposes which they think expedient, and on such Terms and Conditions as they think fit.

Power to maintain Town Hall and Corn Exchange.

41. The Commissioners may continue, regulate, and maintain the present Markets, with the Works, Fittings, and Conveniences thereof, and from Time to Time may enlarge and improve the present Markets, with all necessary Buildings, Approaches, Works, and Conveniences thereto.

Power to maintain present Market and to establish Cattle Market.

42. The Commissioners may from Time to Time establish, regulate, maintain, enlarge, and improve all such other and additional Market Houses, Market Places, and Places for Fairs, with all such Buildings, Approaches, Works, Fittings, and Conveniences, as the Commissioners think fit, for the Sale of Meat, Fish, Poultry, Vegetables, Fruit, and other Provisions, and also for the Sale of Cattle, Corn, Grain, Seeds, Flour, Malt, Hops, Hay, Straw, and other Produce of Land, China, Glass, Earthenware, and all other Goods and marketable Commodities

Power to establish additional Markets.

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Commodities as the Commissioners think fit to permit to be sold therein.

Power to hold and regulate Markets and Fairs.

43. The Commissioners may from Time to Time hold and regulate the Markets and Fairs within the Limits of this Act for the Sale of Cattle, Meat, Provisions, Foods, and marketable Commodities mentioned in Schedule (B.) to this Act annexed, and may appoint such Places and Times for the holding of Markets and Fairs respectively as they think proper, and may change the Place or Time for the holding of any Market or Fair.

Penalty on Sale in Streets, &c. after Market is provided.

44. So long as a fit and proper Market House, Market Place, or Place for a Fair provided by the Commissioners is open for public Use no Person shall hold or erect any other Market or Fair within the Limits of this Act, or shall place or set up or cause to be placed or set up any Stall, Shed, Standing, or other Convenience, or any Basket, Hamper, Barrow, Stool, Chair, Table, or Board, for the Purpose of selling or exposing for Sale any Cattle, Meat, Provisions, or marketable Commodities mentioned in Schedule (B.) to this Act annexed, on any Footpath, Street, or Place within the Limits of this Act other than in the Market House, Market Place, or Place for a Fair so provided by the Commissioners, and every Person offending against this Enactment shall for every such Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that nothing herein contained shall extend to prevent or hinder any Person from selling or exposing for Sale any Meat, Provisions, or other marketable Commodities in his own Dwelling House or Shop.

Power to provide Slaughter-houses.

45. The Commissioners from Time to Time may provide and maintain such Slaughter-houses, with all requisite Fittings and Conveniences, as they think fit.

Corn Exchange and Market Tolls.

46. The Commissioners and their Lessees may from every Person admitted to the Corn Exchange, and from every Person bringing or exposing for Sale or for Show into or in the Corn Exchange, or any Market House, Market Place, or Place for a Fair belonging to or regulated by the Commissioners, any Corn, Grain, Cattle, Meat, Provisions, Goods, or marketable Commodities mentioned in Schedule (B.) to this Act annexed, and from every Person using or occupying in the Corn Exchange, or any Market House, Market Place, or Place for a Fair belonging to or regulated by the Commissioners, any Shop, Stall, Standing Ground, Space, or Convenience mentioned in the said Schedule, demand and take any Tolls, Stallages, Rents, or Sums not exceeding the Sums set forth in the said Schedule.

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47. The Commissioners and their Lessees may from every Person slaughtering Cattle in any Slaughter-house belonging to the Commissioners, and for the weighing or measuring of any Article sold or brought for Sale by Weight or Measure in any Market Place belonging to the Commissioners, from every Person having such Article weighed or measured at the Weighing Houses or Places or Weighing Machines provided by the Commissioners, demand and take any Tolls not exceeding the Sums set forth in Schedule (B.) to this Act annexed.

Slaughter-house and weighing and measuring Tolls.

48. The Commissioners from Time to Time may demise and let all or any Part or Parts of their Market Houses, Market Places, Places for Fairs, Slaughter-houses, Weighing Houses or Places, and Weighing Machines, and all or any of the Tolls, Stallages, or Rents to be demanded and taken under this Act in respect of the Markets, and all or any of the Shops, Stalls, Standings, Spaces, and other Conveniences in any Market Place belonging to the Commissioners, for any Period not exceeding Three Years, upon such Terms and Conditions as the Commissioners think fit; and any Lessee or Tenant may, but not without the Consent of the Commissioners, assign his Lease or the Benefit of his Tenancy for the unexpired Residue thereof.

Power to lease Markets, &c.

49. And whereas the Tolls and Rents which the existing Commissioners were under the recited Act authorized to levy and receive in respect of the Markets, Town Hall, and Corn Exchange respectively are now subject to a Lease, thereof to *Edward Smith* for a Term which will expire in the Year One thousand eight hundred and sixty-seven: Therefore nothing in this Act contained shall prejudice, take away, alter, or affect the said Lease, or any Clause or Provision therein contained, or any of the Powers, Rights, and Remedies of the Lessor and Lessee respectively thereunder, except that on and after the Commencement of this Act the Commissioners shall, with respect to the said Lease, represent the existing Commissioners, and, notwithstanding the Repeal of the recited Act, the Lessee under the said Lease, his Executors, Administrators, and Assigns, and his and their respective Officers and Servants, shall, until the End or other sooner Determination of the Term granted by the said Lease, be entitled to demand and receive the like Tolls, Rents, and other Payments, and to exercise and enjoy the like Powers, Rights, and Remedies with respect to the same Tolls, Rents, and other Payments, in like Manner to all Intents and Purposes as if the Repeal had not happened, and this Act were not passed.

Saving Rights of Lessee of Market Tolls.

50. Provided always, That, notwithstanding the Repeal of the recited Act or anything in this Act contained, the several Tolls, Rents, and other Payments authorized by the recited Act in respect of the

[Local.]

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Corn

Market Tolls under recited Act to continue until End of Term of Lease.

The Stourbridge Improvement Act, 1866.

Corn Exchange and Markets respectively shall continue to be payable until the End or sooner Determination of the Term granted by the said Lease, and the Commissioners shall not be entitled to demand or take any of the Corn Exchange, Market, or Fair Tolls by this Act authorized until the End or sooner Determination of the Term granted by the said Lease.

Power to
purchase
Market
Tolls by
Agreement.

51. The Commissioners may purchase, and the Lords for the Time being of the Manors of *Oldswinford*, *Bedcote*, and *Stourbridge* respectively and other the Owner for the Time being interested may sell, but only by Agreement, any Tolls, Taxes, Powers, Rights, and Privileges belonging to or exerciseable or leviable by such Lords or Owners respectively in respect of Markets within the Limits of this Act, and on the Purchase of any such Tolls, Taxes, Powers, Rights, and Privileges the same shall cease and determine: Provided always, as to all such Tolls, Taxes, Powers, Rights, and Privileges which the Commissioners shall not so purchase, the same shall be paid, payable, and exerciseable in such and the like Manner as if the Markets were held in the same Places as they were held before the passing of this Act, or as the same would have been paid, payable, and exerciseable if this Act had not been passed.

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

52. "The Towns Improvement Clauses Act, 1847," except Sections Six, Fifty, and Fifty-three thereof, shall, except where expressly varied by this Act, be incorporated with and form Part of this Act: Provided always, that the Commissioners may proceed in the Execution of any of the Powers and Provisions of "The Towns Improvement Clauses Act, 1847," without the Approval of the Inspector referred to in Section Six of that Act, and as if no such Officer had been mentioned in that Act, and that it shall not be necessary to obtain the Approval of One of Her Majesty's Principal Secretaries of State to the Appointment or Removal by the Commissioners of a Local Surveyor: Provided also, that the Proviso to Section One hundred and sixty-seven of "The Towns Improvement Clauses Act, 1847," which provides for the rating of certain Property in the Proportion of One Third Part only of the net annual Value thereof, shall not be incorporated with this Act.

Power to
agree with
Trustees of
Turnpike
Roads as to
Repair, &c.
of Roads.

53. The Commissioners and the Trustees of any Turnpike Road, all or a Part of which is within the Limits of this Act, may from Time to Time enter into and carry into effect Agreements for the Maintenance, Repair, cleansing, or watering by the Commissioners of any Part of the said Road which is within the Limits of this Act, and for the Removal of any Turnpike Gates, Toll Gates, or Bars for the Time being on the said Road and within the Limits of this Act, and for the Erection of other Turnpike Gates, Toll Gates, or Bars in lieu of the

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the Gates or Bars so removed, or any of them, on such Terms and Conditions as the Commissioners and the Trustees may agree upon: Provided always, that if any Mortgage Debt is charged upon the Tolls of any such Turnpike Road no Agreement shall be made for the Removal of any of the Toll Gates or Bars thereon unless with the previous Consent in Writing of a Majority of at least Two Thirds in Value of the Mortgagees, and that when the Terms arranged shall include any annual or other Payments from the Commissioners to the Trustees then such Payment shall be secured on and paid out of the Highway Rate by this Act authorized: Provided also, that all Executors, Administrators, Guardians, Trustees, and all Committees of the Estates of Idiots and Lunatics who as such are for the Time being entitled to any Money charged or secured on the Tolls of any such Turnpike Road may consent to any such Agreement as aforesaid as fully as if they respectively were so entitled in their own Right discharged of all Trusts in respect thereof, and all Executors, Administrators, Guardians, Trustees, and Committees so consenting are hereby severally indemnified for so doing.

54. If at any Time any Street (not being a Highway repairable by the Inhabitants at large) formed or laid out either before or after the Commencement of this Act be not freed from Obstruction, channelled, and levelled to the Satisfaction of the Commissioners, they may at any Time cause such Street or the Parts thereof not so freed from Obstruction, channelled, and levelled to be freed from Obstruction, channelled, and levelled in such Manner as they think fit, and the Expenses incurred by the Commissioners in respect thereof shall be repaid to them by the Owners of the Lands adjoining or abutting on such Part of the Street as shall be so freed from Obstruction, channelled, and levelled according to the Frontage of their respective Lands, and in such Proportion as shall be settled by the Surveyor of the Commissioners, and such Expenses (in this Act called new Street Expenses) may be recovered from such respective Owners in a summary Manner as Damages.

Power to level, &c. Streets, not Highways, at Expense of Owners.

55. Every Part of such Street when so freed from Obstruction, channelled, and levelled by the Commissioners shall be declared by them to be Highways, and shall be thereafter repairable as Highways.

Streets when levelled, &c. to become Highways.

56. No Incumbent, Minister, or Trustee of any Church, Chapel, or Place appropriated to Public Religious Worship which is now by Law exempt from Rates for the Relief of the Poor shall be liable to any new Street Expenses as the Owner or Occupier of such Church, Chapel, or Place, or of any Churchyard or Burial Ground attached thereto, nor shall any such Expenses be deemed to be a Charge on such Church, Chapel, or other Place, or on such Churchyard or

Exemption of Incumbents, &c. from new Street Expenses.

Burial

The Stourbridge Improvement Act, 1866.

Burial Ground, or to subject the same to Distress, Execution, or other legal Process.

Power to allow Time for Payment of new Street Expenses.

57. When any new Street Expenses are to be repaid by the Owners of Lands adjoining or abutting on such Street, the Commissioners may allow Time for the Repayment of such Expenses, and receive the same by such Instalments as the Commissioners under the Circumstances of the Case shall consider equitable and just, with Interest for the Principal Monies from Time to Time remaining unpaid after such Rate as the Commissioners shall determine, but all such Allowances shall be made equally to all Persons under the like Circumstances, and all Sums so remaining due, notwithstanding the Commissioners; have agreed to allow Time for the Repayment thereof as aforesaid, shall and may from Time to Time, at the Expiration of the several Times so allowed for the Repayment thereof, be recoverable from the respective Owners thereof, both present and future, in like Manner as such respective Amounts might have been recovered and would have been recoverable if no such Time had been allowed for the Repayment thereof.

Power to enter into possession of Lands where Owner fails to pay new Street Expenses.

58. If the Owner of any Lands in respect of which any new Street Expenses are payable fails for the Space of Six Months after the same became recoverable from him to pay the same, with the Interest thereon, or if any such Owner is or becomes bankrupt, or is unknown to the Commissioners, or cannot be found by them after due Inquiry, then and in every such Case the Commissioners, on or at any Time and from Time to Time after the Expiration of One Month after Notice to such Owner, may proceed as follows; namely,

(1.) The Commissioners may enter into receipt of and demand and receive the Rents and Profits of such Lands from the Occupiers and Persons liable to pay the same, and in case of Nonpayment may use such lawful Remedies by way of Distress or otherwise for obtaining Payment of the same or any Part thereof as may be used by Landlords in ordinary Cases, and as if the Commissioners were the Owners of the Lands, and the Receipt of the Treasurer or of any Officer of the Commissioners appointed in that Behalf shall be and shall alone be an effectual Discharge for the same:

(2.) Where any such Lands are unoccupied or unproductive at the Time when the Commissioners would be entitled under this Act to enter into the Receipt of the Rents and Profits thereof (if any), or at any Time afterwards while the Claim of the Commissioners is unsatisfied, then and in every such Case the Commissioners, may enter into possession of the Lands, and may occupy, enclose, and use the same or any Part thereof; and the Commissioners from Time to Time may let from

Year

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Year to Year, or for any shorter Period, any such unoccupied or unproductive Lands or any Part thereof, and receive the Rents and Profits thereof as if they were the Owners thereof.

59. All Rents and Profits received in respect of any such Lands as aforesaid shall be applied in the Manner and in the Order following; (namely,) Application of Rents and Profits received.

- (1.) There shall be paid thereout all Taxes, Rates, Assessments, Expenses of Repairs, and other Outgoings properly payable by the Owner in respect of the Lands (except any Chief Rent), and all Expenses incurred by the Commissioners in relation thereto by reason or in consequence of the Failure of the Owner thereof to pay any new Street Expenses:
- (2.) There shall be retained on behalf of the Commissioners the Amount which the Owner is at the Time of the Commencement of such Receipt by the Commissioners liable to pay on account of new Street Expenses, and Interest in respect of the same or any other Lands in the same or any other Street:
- (3.) There shall be paid any Chief Rent payable in respect of the Lands:
- (4.) The Surplus (if any) shall be paid to the Owner, his Representatives or Assigns.

60. The Commissioners may from Time to Time make Part of a Street into a Causeway or Footway, and for that Purpose may flag or pave or form with Stones or such Materials, and of such Width and in such Manner as they think fit, upon the Sides of the Street or any Part thereof, such Causeway or Footway for the Use of Foot Passengers. Causeways or Footways.

61. Every Court shall be well and sufficiently paved, channelled, and kept in good Repair to the Satisfaction of the Commissioners by the Owners of the Lands adjoining or abutting thereon, and having the Right to the Use thereof; and if any such Court be not so well and sufficiently paved and channelled and kept in good Repair, the Commissioners may cause the same to be channelled or repaired to their Satisfaction, and the Expenses attending the same shall be repaid to the Commissioners by the Owners of the Lands adjoining or abutting on such Court, and having the Right to the Use thereof, in such fair Proportions as the Commissioners determine. Courts and Passages to be flagged and channelled.

62. The Commissioners from Time to Time may make, alter, and repeal such Byelaws as they think proper with respect to the following Matters; (that is to say,) Power to make Byelaws as to Streets and Buildings.

[Local.]

26. G

With

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With respect to the Level, Width, and Construction of new Streets and Courts, and the Provision for the Sewerage thereof;

With respect to the Structure of Walls of new Buildings for securing Stability and the Prevention of Fires;

With respect to the Sufficiency of the Space about Buildings, to secure a free Circulation of Air, and with respect to the Ventilation of Buildings;

With respect to the Drainage of Buildings, and to Waterclosets, Privies, Ashpits, and Cesspools in connexion with Buildings, and to the closing of Buildings or Parts of Buildings unfit for Human Habitation, and for the Prohibition of their Use for such Habitation;

And may further provide for the Observance of the same by enacting therein such Provisions as they think necessary.

As to the giving of Notices;

As to the Deposit of Plans and Sections by Persons intending to lay out Streets or to construct Buildings;

As to Inspection by the Commissioners or their Surveyor or other Officer;

And as to the Power of the Commissioners, to remove, alter, or pull down any Works begun or done in contravention of such Byelaws:

Provided always, that no such Byelaw, except such as relate to the Drainage of Buildings, to Waterclosets, Privies, Ashpits, and Cesspools in connexion with Buildings, and to the closing of Buildings or Parts of Buildings unfit for Human Habitation, and to the Prohibition of their Use for such Habitation, shall affect any Building erected before the Commencement of this Act, or any Building in a Township adopting this Act erected before the passing of the Resolution for Adoption; but for the Purposes of this Act the re-erecting of any Building pulled down to or below the Ground Floor, or of any Frame Building of which only the Framework shall be left down to the Ground Floor, or the Conversion into a Dwelling House or Two or more Dwelling Houses of any Building not originally constructed for Human Habitation, or the Conversion into more than One Dwelling House of a Building originally constructed as One Dwelling House only, shall be deemed the Erection of a new Building.

63. The Commissioners from Time to Time may erect Barriers so as to prevent from being used any Street formed or set out in the Township of *Stourbridge* after the Commencement of this Act, or in a Township adopting this Act after the passing of the Resolution for Adoption, which is of a less Width in any Part thereof than that prescribed by any Byelaw to be made in pursuance of this Act; and every Person throwing down, damaging, or injuring any such Barrier shall

Power to erect Barriers in Streets of less than prescribed Width.

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shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

64. The Commissioners may at any Time, if it appear to them expedient so to do, order that any Building, whether built before or after the Commencement of this Act, shall be provided with a suitable Watercloset to the Satisfaction of their Surveyor, and may also in any Case order that any Ashpit or Cesspool shall be filled up and some other Means provided to the Satisfaction of their Surveyor for the Removal of Nightsoil and Ashes; and if the Owner of any such Building do not within One Month next after Notice of the Order comply therewith he shall for every Day's Neglect be liable to a Penalty not exceeding Five Shillings, and thereupon the Commissioners may, if they think fit, execute the Works necessary for carrying out the Order, and the Expenses incurred by them in so doing shall be repaid to them by the Owner in default, and be recoverable from him in a summary Way as Damages.

Power to order Buildings to be provided with Water-closets.

65. Any Room built before or after the Commencement of this Act which extends wholly or partially over any Privy, Cesspool, or Midden shall not hereafter be let or occupied as a Dwelling or Sleeping Room; and if any Person shall hereafter let, occupy, or knowingly suffer to be occupied as a Dwelling or Sleeping Room any such Room, every Person so offending shall for every such Offence forfeit not exceeding One Pound for every Day during which the Room continues to be so let or occupied after Notice in Writing from the Commissioners in that Behalf: Provided always, that this Enactment shall not come into operation until Six Months after the Commencement of this Act.

Sleeping Rooms not to be over Cess-pools.

66. The Owner of any Privy, Cesspool, or Midden, not being a Watercloset, which extends wholly or partially under any Room built before or after the Commencement of this Act, shall within One Month after such Notice to that Effect from the Commissioners remove such Privy, Cesspool, and Midden, and the Contents thereof, and in default thereof the Commissioners may do the Work and recover the Expenses thereof from the Owner in a summary Way as Damages.

Privies and Cesspools under Houses to be removed.

67. Section Sixty-nine of "The Towns Improvement Clauses Act, 1847," shall extend and apply to any Obstruction or Projection therein specified which might have been removed or altered under the Powers of the Ninety-fifth Section of the recited Act, or which shall have been erected or placed after the passing of this Act against or in front of any House or Building, and no Person shall be entitled to Compensation for Damage occasioned by the Removal or Alteration of any such Obstruction or Projection. Section Seventy of "The Towns Improve-

Sect. 69 of 10 & 11 Vict. c. 34. to apply to Projections erected since the passing of the recited Act.

ment

The Stourbridge Improvement Act, 1866.

ment Clauses Act, 1847," shall apply only to such Obstructions or Projections as were erected or placed before the passing of the recited Act, and might have been removed or altered under the Powers of the Ninety-fifth Section of the recited Act.

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

68. "The Town Police Clauses Act, 1847," shall, except where expressly varied by this Act, be incorporated with and form Part of this Act.

County
Police may
exercise
Powers of
Constables
under Act.

69. All Police Constables in the County of *Worcester* or *Stafford* appointed under the Provisions of an Act passed in the Third Year of the Reign of Her Majesty, Chapter Ninety-three, and of any other Act passed relating to the Establishment of County and District Constables, and by the Authority of the Justices of the Peace acting as Constables within the Limits of this Act, may within the Limits of this Act exercise all the Powers and Authorities given to Constables by "The Town Police Clauses Act, 1847," or this Act, in the same Manner as if they had been appointed by the Commissioners and sworn as Constables under "The Town Police Clauses Act, 1847," and this Act.

Dogs sus-
pected to be
mad may be
destroyed.

70. Any Constable may destroy any Dog or other Animal reasonably suspected to be in a rabid State, or to have been bitten by any Dog or other Animal reasonably suspected to be in a rabid State.

Separate
Accounts.

71. The Commissioners shall keep distinct and separate Accounts, to be called respectively "the Highway Account," "Markets Account," and "the Improvement Account," of all their Receipts, Credits, Payments, and Liabilities under this Act with respect to the Execution thereof, with respect to Streets, and with respect to Markets, and with respect to the several other Purposes of this Act, and may from Time to Time apportion between those Accounts, as they think fit, any Items relating to both.

Highway
Rate.

72. The Commissioners once in every Year, or oftener if they think fit, may, according to the Laws for the Time being in force for the Regulation of Highways, make One or more equal Rate or Rates, under the Name of "the Highway Rate," upon the Occupiers of all such Kinds of Property within the Limits of this Act as by the Laws in force for the Time being are assessable to any Rate for the Relief of the Poor according to the yearly Value thereof.

Application
of Highway
Account.

73. All Monies raised by the Highway Rate, and all other Monies from Time to Time received by the Commissioners as Surveyors of Highways, shall be carried to the Credit of the Highway Account, and shall be applied as follows :

(1.) In

The Stourbridge Improvement Act, 1866.

- (1.) In Payment of One Fourth of the Costs, Charges, and Expenses of and incident and preparatory to the obtaining and passing of this Act, or otherwise in relation thereto:
- (2.) In Payment of the Expenses of paving, flagging, maintaining, repairing, cleansing, and watering Streets, and in Payment of all Monies payable to Trustees of Turnpike Roads under or by virtue of this Act, and of all other Expenses of the Commissioners as Surveyors of Highways within the Limits of this Act.

74. In addition to the Highway Rate, the Commissioners once in every Year, or oftener if they think fit, may make One or more equal Rate or Rates, under the Name of "the Improvement Rate," upon the Occupiers of all such Kinds of Property within the Limits of this Act as by the Laws in force for the Time being are assessable to any Rate for the Relief of the Poor according to the yearly Value thereof, but such Rates shall not exceed in any One Year, computed from the First Day of *January*, Three Shillings in the Pound on such yearly Value.

75. Provided always, That no Person shall be rated to the Improvement Rate in respect of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Orchards, Market Gardens, or Nursery Grounds, or as Gardens not being Gardens adjoining to and occupied as appurtenant to any Messuage or Dwelling House, or in respect of any Messuage, Shop, Manufactory, or other Building now erected or hereafter to be erected situate only in, or having immediate Access only to, a Street or Part of a Street which is not for the Time being a Highway or repairable by the Commissioners, and which has not for Six Months at least next before the making of the Rate been lighted and cleansed by the Commissioners; and the Occupier of any Land covered with Water, or used only as a Canal or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall be assessed in respect of the same for all Rating Purposes authorized in this Act in the Proportion of One Fourth Part only of the net annual Value thereof.

76. The Commissioners may from Time to Time borrow at Interest on Mortgage of the Lands from Time to Time vested in them under this Act, and the Markets and Market Tolls and Rates and other Property, and the Highway and Improvement Rates, or on any of those Securities, either together or separately, any Sums not exceeding in the whole Twenty-five thousand Pounds (including therein the Sums on the Commencement of this Act owing by the existing Commissioners under the recited Act), and after having paid off otherwise than by the Sinking Fund any Monies so borrowed they may reborrow

[*Local.*]26 *H*

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Improve-
ment Rate.Exemption
of certain
Property.Power to
borrow on
Improve-
ment Rate,
but existing
Mortgages
to have
Priority.

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the Amount so paid off, and so forth. Provided, always, that such of the Creditors of the existing Commissioners as immediately before the Commencement of this Act are Mortgagees under the recited Act shall after the Commencement of this Act be entitled by virtue of their respective Mortgages and this Act to the like Security, Rights, and Remedies on and against the Property vested in the Commissioners by this Act, and the said Highway and Improvement Rates, as if their respective Mortgages had been granted under this Act, and their respective Mortgages shall have Priority over all Mortgages granted under this Act.

Arrears may be enforced by Appointment of a Receiver.

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

Amount to be set apart for Sinking Fund.

78. The Amount which shall be set apart yearly by the Commissioners out of the Improvement Rates as a Sinking Fund to be applied in manner directed by Section Eighty-four of "The Commissioners Clauses Act, 1847," shall be a Sum equal to One Thirtieth Part of the Monies which shall be borrowed by the Commissioners under this Act for any Purposes other than the Payment of the Debt of the existing Commissioners.

Application of Improvement Account.

79. Subject to the Provisions of this Act, all Monies raised by the Improvement Rate, and all Monies borrowed, raised, or received by the Commissioners under this Act, and for the Application of which no Provision is made by this Act, shall be carried to the Credit of the Improvement Account, and shall be applied as follows:

- (1.) In Payment of Three Fourths of the Costs, Charges, and Expenses of and incident and preparatory to the obtaining and passing of this Act, or otherwise in relation thereto:
- (2.) In Payment, but not out of Monies so borrowed, of the Interest on such of the Mortgages granted under the recited Act as from Time to Time are in force:
- (3.) In Payment, but not out of Monies so borrowed, of the Interest on the Monies borrowed under this Act:
- (4.) In carrying this Act into execution with respect to the Markets and with respect to the several other Purposes of this Act not provided for out of the Highway Account, or not provided for by this Act:
- (5.) In providing, but not out of Monies so borrowed, the Sinking Fund by this Act required.

80. Pro-

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80. Provided always, That, subject and without Prejudice to the Rights and Remedies of Mortgagees, so long as any Part of the Debt of the existing Commissioners, by this Act made Debt of the Commissioners, or of the Interest thereon, remains owing by the Commissioners, the net Tolls, Receipts, and other Income of the Commissioners derived from the Markets and any other Lands and Property of the existing Commissioners shall be the primary Fund for Payment of the said Debt and Interest, and, subject thereto, shall be carried to the Credit of the Improvement Account.

Provision for Payment of existing Debt.

81. Provided also, That no Part of the Debt of the existing Commissioners, by this Act made Debt of the Commissioners, or of the Interest thereon, shall be charged upon or paid out of the Improvement Rate to be from Time to Time levied in respect of rateable Property in any Township which, under the Provisions of this Act, may by Resolution adopt this Act.

Existing Debt and Interest not to be paid out of Improvement Rates in Townships adopting Act.

82. If any Expenses, Rate, or Sum which ought under this Act to be paid by the Owner in respect of any Lands, Buildings, or any rateable Property shall be paid by the Occupier thereof, or be levied on his Goods and Chattels, the Owner shall reimburse the Occupier, and the Occupier may deduct the Sums paid or levied, with the Costs, if any, of the Distress, from the Rent due or to become due from him to the Owner: Provided always, that the Occupier shall not be liable to the Payment of any Expenses, Rate, or Sum to an Amount exceeding the Amount of the Rent from Time to Time actually due and payable in respect of such Lands, Buildings, or rateable Property by such Occupier to such Owner.

Owner to repay Occupier, and Occupier not liable beyond Amount of Rent.

83. Whenever any Person neglects to pay any Expenses, Rent, Rate, Toll, or Sum due to the Commissioners under this Act they may recover the same, with full Cost of Suit, in any Court of competent Jurisdiction for the Recovery of Debts of the like Amount, and the Remedy of the Commissioners under this Enactment shall be in addition to their other Remedies for the Recovery of such Expenses, Rent, Rate, Toll, or Sum.

Recovery of Sums by Action.

84. All Tolls, Rates, and Sums of Money due and payable under this Act to the Commissioners on any Account whatever, and all Penalties, Costs, Damages, and Expenses by this Act directed to be paid, may be levied by Distress, and any Justice, on Application by the Commissioners, shall issue his Warrant accordingly.

Recovery of Money by Distress.

85. Any Justice who issues his Warrant of Distress may order that the Costs of the Proceedings for the Recovery of the Rate, Toll, Sum, Penalty, Costs, Damages, or Expenses shall be paid by the Person

Costs of Distress.

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Person liable to pay the Toll, Rate, Sum, Penalty, Costs, Damages, or Expenses, and the Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of the same.

Several Names in One Warrant.

86. Any Number of Names and Sums may be included in any Warrant or Notice obtained or given to the Commissioners for any of the Purposes of this Act, and may be stated either in the Body of the Warrant or Notice, or in a Schedule thereto.

Application of Penalties.

87. The Justice or Justices by whom any Penalty is imposed under this Act, or any Byelaw made in pursuance of this Act, shall, except where the Commissioners shall be the Party by whom the Penalty has to be paid, award the same to the Commissioners.

As to Service of Notices.

88. Any Notice, Order, Requisition, Demand, or other Proceeding made or given by the Commissioners may be either in Print or in Writing, or partly in Print and partly in Writing, and shall be sufficiently authenticated by the Signature of the Clerk on behalf of the Commissioners being affixed thereto, and it shall be sufficient in all Cases where any such Notice, Order, Requisition, Demand, or other Proceeding is required to be given to or served upon the Owner or Occupier of any Property to address the same to such Owner or Occupier by his Description as Owner or Occupier (as the Case may be) of the Premises (naming them) in respect of which the same is given or served, without further Name or Description; and any such Notice, Order, Requisition, Demand, or other Proceeding may be served upon any Owner, Occupier, or other Person either personally or by sending the same prepaid through the Post by registered Letter addressed to him by Name at his last known Place of Abode or Business, or by delivering the same to some Inmate at his last known or usual Place of Abode or Business, or, in case of an Occupier, to any Inmate of the Premises in respect of which such Notice, Order, Requisition, Demand, or Proceeding shall be given or served; and if such Premises be unoccupied, and the Place of Abode of the Person to be served be unknown after due Inquiry, it shall be sufficient to affix such Notice, Order, Requisition, Demand, or Proceeding, or a Copy thereof, upon some conspicuous Part of such Premises.

Saving Rights of Lords of Manors.

89. Nothing in this Act shall extend or be construed to extend to prejudice or affect the Lord or Lords for the Time being of the Manors of *Oldswinford*, *Bedcote*, and *Stourbridge* respectively in respect of his or their Rents, Stallages, Tollage, or any other Rights or Emoluments belonging, due, or in anywise appertaining to him or them as Lord or Lords of the said Manors respectively.

90. All

The Stourbridge Improvement Act, 1866.

90. All the Costs, Charges, and Expenses of and incident and preparatory to the obtaining and passing of this Act, or otherwise in relation thereto, including the Costs of the existing Commissioners in relation to this Act, shall be paid by the Commissioners out of the First Monies at their Disposal, and shall be debited by them to the Highway Account and the Improvement Account in the following Proportions; that is to say, One Fourth Part thereof to the Highway Account, and the remaining Three Fourth Parts thereof to the Improvement Account. Expenses of Act.

The Stourbridge Improvement Act, 1866.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

PROVISIONS OF REPEALED ACT SAVED.

6 GEO. IV. c. 19.

Power to light
the Streets.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to cause the Streets, Lanes, Ways, Passages, Market Place, and other public Places within the said Township to be well and sufficiently lighted either with Gas, Oil, or otherwise at such Seasons and Times as the said Commissioners shall judge proper; and for that Purpose the said Commissioners are hereby also empowered, if they shall think it expedient so to do, to purchase or rent from any Person willing to sell or let the same any Buildings, Erections, or Lands within the said Township, or adjoining or near thereto, not exceeding Two Statute Acres, for the Purpose of erecting and making suitable Buildings and Apparatus therein and thereon for the manufacturing of Gas, and also to break up the Soil or Pavement of any of the Footways or Carriageways of the said Market Place, or of any of the said Streets, Lanes, Ways, or other public Passages or Places, and to cause Mains or Pipes for the Conveyance of Gas to be laid and carried along, through, and under all, any, or either of the Streets, Lanes, Ways, Passages, or the said Market Place and other public Places within the said Township, and to cause such and so many Lamp Irons, Lamp Posts, Pillars, Pilasters, and Pipes as they shall judge necessary to be affixed or set up into, upon, or against any of the Walls or Pallisades of any of the Houses or Buildings, or the Market Place, or any other Walls or Fences, or in or upon any of the Carriageways or Footways or other Places within the said Township, in such Situations and at such Distances from each other and in such Manner as the said Commissioners shall think proper, and to cause so many Glass or other Lamps, with such Sorts of Burners, Reflectors, or other Apparatus, and of such Dimensions, Constructions, and Qualities, as the said Commissioners shall judge proper, to be provided and affixed upon or to such Irons, Posts, Pillars, or Pilasters, or any of them, and to cause the same Irons, Posts, Pillars, or Pilasters, and Lamps, or any of them, to be from Time to Time taken down, removed, altered, repaired, renewed, or replaced when and as often as they shall think proper, and to cause such Lamps, or any of them, to be lighted at such Seasons of the Year, on such Evenings and Nights, and at such Hours of the Evening and Night, and to be kept burning for so many Hours, as shall be thought expedient by the said Commissioners; and from and after the laying and fixing such Mains or Pipes, Posts, Pillars, Pilasters, Irons, and Lamps, the same and every of them shall be held and deemed to belong to and be the Property of the said Commissioners, and the same are hereby vested in the said Commissioners for the Time being: Provided always, that nothing herein contained shall authorize or empower the said Commissioners to break up or disturb any Turnpike Road for the Purpose of laying any Pipe or Pipes without the Consent in Writing of the Trustees for the Care

and

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and Management of such Turnpike Road: Provided also, that nothing herein contained shall authorize or empower the said Commissioners to set up or fix any such Lamp Iron or Lamp Post against any Dwelling House or Houses or private Buildings, or to break up or carry any Pipe or Pipes in, through, or upon any private Lands or Hereditaments and Premises, or so to continue the same, without the Consent of the Owner and Occupier of every such Dwelling House, Buildings, Lands, and Hereditaments or Building respectively for that Purpose.

XXXV. Provided always, and be it further enacted, That if any Injury or Damage shall be occasioned to any Rail, Building, or Wall by the affixing, setting up, taking down, altering, or removing any Lamp or Lamp Iron or other Fastenings thereof, the said Commissioners shall immediately cause the said Injury or Damage to be well and effectually repaired, and the Expenses attending the same shall be paid out of the Money to be raised by virtue of this Act: Provided also, that in case the said Commissioners shall enter into any Contract with any Company of Proprietors, or any other Person or Persons, for the lighting the said Streets, Lanes, Ways, Entries, Market Place, and other public Passages and Places with Gas, the said Company of Proprietors or other Person or Persons so contracting to light as aforesaid shall, in the supplying of such Gas, or in the laying or repairing any Pipes, Plugs, or other Works or Apparatus, do as little Damage as may be, and shall forthwith fill in the Trenches and make good the Pavements and Roads, and carry away the Rubbish occasioned thereby, and shall in the meantime sufficiently fence or guard and affix Lights during the Night at or near the Place or Places where any Ground shall be opened in such Manner as to prevent Accidents to Passengers, Cattle, or Carriages; and if after such Pavements or Roads shall have been so repaired and made good the same shall within Six Calendar Months thereafter give way, or require relaying or repairing in consequence of such Pavements or Roads having been broken up for the Purpose of laying down such Pipes, Plugs, or other Apparatus, the same shall be forthwith done and performed by and at the Expense of the said Company of Proprietors, or other Person or Persons so contracting to light as aforesaid: Provided also, that if there shall be any wilful or negligent Delay in the said Company of Proprietors, or any of their Agents or Servants, or any such other Person or Persons, in filling in such Ground or removing Rubbish, or making good any such Pavement or Roads, or in case the same shall be imperfectly repaired, or in case the Ground so opened shall not be sufficiently fenced or guarded and lighted, then and in every such Case it shall be lawful for the said Commissioners, or their Surveyor or Surveyors, or other Person or Persons as aforesaid, to fill in such Ground, and remove such Rubbish, and to repair and make good the Pavement of the said Street, Lane, Ways, Entries, Market Place, public Passage or other Place so broken up, and properly to fence or guard any such Trench or Excavation, and to place and maintain such Light or Lights during the Night, as to him or them shall seem necessary, and the reasonable Costs and Charges thereof shall be paid by the said Company of Proprietors, or their Treasurer or Treasurers, or by such other Person or Persons so contracting to light as aforesaid; and in default of Payment thereof for Thirty Days next after Demand made for the Payment thereof (Proof of such Demand being made by the Oath of One or more credible Witness or Witnesses before One or more Justice or Justices of the Peace for the said County of Worcester, such Justice or Justices not being interested in the

Commissioners
to repair Da-
mage done to
Walls, &c. by
fixing Lamp
Posts, &c.

Matter

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Matter in question), all such reasonable Costs, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the same Company of Proprietors or other Person or Persons so contracting, to light as aforesaid, together with the reasonable Charges of such Distress and Sale, by a Warrant under the Hand and Seal of any such Justice or Justices, and which Warrant such Justice or Justices is and are hereby required to grant, and such Penalties, Costs, Charges, and Expenses shall be paid to the said Commissioners or to their Surveyor, to be applied to the Purposes of this Act.

Commissioners empowered to let Gaslights in case they light the Streets themselves.

XXXVII. And be it further enacted, That in case the said Commissioners shall deem it expedient to erect such Gas Apparatus, and to light the said Streets, Lanes, Ways, Entries, Market Place, and other public Passages and Places, or any of them, with Gas or inflammable Air, without contracting for the same as aforesaid, it shall be lawful for the said Commissioners, after sufficiently lighting such Streets, Lanes, Ways, Entries, Market Place, and other public Passages and Places, to let out or grant to any Person or Persons whomsoever who shall be willing to take the same any Light or Lights, or Argand, Cockspur, Batwing, or any other Kind of Burner or Burners, and to supply the same with Gas or inflammable Air, upon such Terms and Conditions, and at such annual Rents for the same, and in such Manner as they the said Commissioners shall from Time to Time think proper: Provided nevertheless, that all Money to proceed therefrom or arise thereby be in the first instance applied to defray the Expenses of the Gas Apparatus and other Things connected therewith, and if there shall be any Overplus then the same shall be applied generally for the Purposes of this Act.

Pipes to be removed from Dwelling Houses on Notice.

XXXVIII. Provided always, and be it further enacted, That in case any Pipe, Cock, or Branch shall be carried or laid from any Main or Pipe of the said Commissioners, or of the said Company or Companies, or other Person or Persons contracting to light or lighting as aforesaid, into or through or against any private Dwelling House, Manufactory, Warehouse, Building, Yard, or Ground for the Purpose of lighting the same or any other Dwelling House, Manufactory, Building, Yard, or Ground in pursuance and conformably to the Powers and Authorities in this Act contained, and the Owner or Occupier of any such private Dwelling House, Manufactory, Warehouse, Building, Yard, or Ground into or through or against which such Pipe, Cock, or Branch shall pass or be laid shall be desirous that the same Pipe, Cock, or Branch shall be altered or removed and taken away, and of such his or her Desire shall give Notice in Writing to the said Commissioners, Company or Companies, or other Person or Persons as aforesaid, then and in every such Case the said Commissioners, Company or Companies, or other Person or Persons shall, within Seven Days after the Receipt of such Notice, alter or remove and take away, or cause to be altered or removed and taken away, all or any such Pipe, Cocks, and Branches as shall have been so introduced and laid therein or thereupon from any such Main of the said Commissioners, Company or Companies, or other Person or Persons as aforesaid, and in default thereof it shall and may be lawful to and for such Owner, Occupier, or any other Person or Persons acting under his or her Authority to cause such Pipes, Cocks, and Branches to be altered or removed and taken away, as the Case may require, and the Costs and Expenses of such Removal shall be recovered from the said Commissioners, Company or Companies, or other Person or Persons as aforesaid, on Complaint before a Justice of the Peace, in such and the same Manner as any

Penalty

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Penalty is recoverable under this Act if the same be not paid on Demand by such Commissioners, Company or Companies, or other Person or Persons as aforesaid.

XXXIX. And be it further enacted, That in case any Person or Persons who shall contract with the said Commissioners or otherwise agree to take or shall use or enjoy the Benefit of the said Gas in their private Dwellings, Shops, Inns, Taverns, or other Buildings or Manufactories, shall refuse or neglect, for the Space of Ten Days after Demand, to pay the Sum or Sums then due for the same to the said Commissioners according to the Terms and Stipulations of the said Commissioners, it shall be lawful for the said Commissioners or their Clerk or Clerks, or any Person or Persons acting by or under their Authority, by Warrant under the Hand and Seal of any Justice of the Peace for the said County of Worcester, to levy the said Sum or Sums of Money in respect whereof such Neglect or Refusal shall happen by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to such Person or Persons so refusing or neglecting, after the necessary Charges of making and attending such Distress and Sale shall be first deducted.

Recovery of
Rent.

XL. And be it further enacted, That the Branch or Service Pipes which shall be put down for lighting the said Streets, Lanes, Ways, Entries, Market Place, and other public Passages and Places shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

Service Pipes
to be kept fully
charged with
Gas.

XLI. And be it further enacted, That all and every the Pipes and other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Lane, Way, Entry, or the said Market Place or other Passage or Place within the Limits of this Act shall be so laid at the greatest practicable Distance, and, whenever the Width of the Carriageway in such Street or Place 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 and Supply of Water to the Inhabitants of the said Township in, under, through, along, across, or round any of the said Streets, Lanes, or Places within the said Township, except in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, in which Case the said Gas Pipes shall be laid over and above the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and in such Cases the said Gas Pipes so crossing the said Water Pipes shall be at the least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any of the said Water Pipes than Three Feet at least; and in laying down the said Gas Pipes the said Commissioners, Companies, Contractors, or other Person or Persons supplying Gas shall in no Case join Two or more Pipes together previous 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 in such Trench properly form the jointing with the other Pipes to be added thereto, with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, Air-tight, and in all and every respect prevent the said Gas from escaping therefrom,

Gas Pipes to
be laid Four
Feet from
Water Pipes,
and in a par-
ticular Manner.

[*Local.*]

26 K

and

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and from any Part thereof, upon pain of forfeiting for every Offence the Sum of Twenty Pounds.

For preventing
the Escape of
Gas.

XLII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up in pursuance of this Act, the said Commissioners, or the Company or Companies of Proprietors, or other Person or Persons contracting to light or lighting with Gas the said Streets, Lanes, Ways, Entries, Market Place, Passages, and Places, shall immediately after Notice given to them or him by Parole or in Writing of any such Escape of Gas from any Inhabitant or Inhabitants within the said Township of Stourbridge, or other Person or Persons whomsoever, cause the most speedy and effectual Means to be taken to stop and prevent such Gas from escaping; and in case the said Commissioners, or the Company or Companies of Proprietors, or other Person or Persons so contracting to light or lighting with Gas, shall not, within Twenty-four Hours next after such Notice given, effectually stop and prevent any future Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Commissioners, or the Company or Companies of Proprietors, or other Person or Persons as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid, which Penalty or Penalties shall from Time to Time be recoverable in a summary Way on the Oath or Affirmation of some credible Witness or Witnesses by Information to be laid before some Justice or Justices of the Peace for the said County of Worcester, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the Treasurer of the said Commissioners, or of such Company or Companies, of Proprietors, or other Person or Persons so contracting to light or lighting as aforesaid.

Penalty for
conveying
Washings into
any Sewer,
Stream, &c.

XLIII. And be it further enacted, That if the said Commissioners, or any Company or Companies of Proprietors, or any other Person or Persons whomsoever contracting to light or lighting with Gas the said Streets, Lanes, Ways, Entries, Market Place, Passages, or Places, or any House or Building therein, shall at any Time drain or carry, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever which shall arise or be made in the Prosecution of the said Gasworks into the River Stour, or any Water belonging to the Proprietors of any Waterworks which may be hereafter established for supplying the said Township with Water, or into any River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Feeder, Pond, or Spring-head, or into any Drain, Sewer, or Ditch communicating with any of them, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any of them whereby the Water contained therein, or any Part thereof, shall or may be contaminated or affected, then and in every such Case the said Commissioners, or any such Company or Companies of Proprietors, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Cost of Suit, 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, Privilege, Wager of Law, nor more than One Impar lance, shall be allowed; and such Penalty shall be paid to the Person or Persons who shall

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shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months after the Time when such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased: Provided also, that over and above and 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, or noisome or offensive Substances or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, into the River Stour, or any Water belonging to the Proprietors of any such Waterworks as aforesaid, or into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Spring-head, or into any Drain, Sewer, or Ditch communicating with any of them, or any such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons whomsoever to the said Commissioners, or to the Company or Companies of Proprietors, or other Person or Persons as aforesaid, and the said Commissioners, Company or Companies of Proprietors, or other Person or Persons shall not, within Twenty-four Hours after such Notice given, stop and prevent all and every such Washings, waste Liquids, noisome or offensive Substances or Things from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners, Company or Companies of Proprietors, or other Person or Persons so offending shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Substances or Things shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Nuisance, Injury, or Damage, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who in the Judgment of the Justice or Justices before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

XLIV. And whereas it may be or become a Question whether the said Water be contaminated or affected by the said Gas: Be it therefore enacted, That in every such Case it shall and may be lawful to and for any Person or Persons interested in the River Stour, or the Proprietors of any Waterworks to be hereafter established as aforesaid, or any Person or Persons interested in any such River, Brook, Stream, Reservoir, Pond, or Spring-head as aforesaid, to dig to and about and to search and examine the Gas Pipes, Conduits, and Apparatus for the Purpose of ascertaining whether such Contamination proceed or be occasioned by such Gas, and if it shall appear that the said Water has been contaminated or affected by the Escape of such Gas, the Costs and Expenses of the said digging, Search, and Examination and Repair of the Pavement of the Street or Streets, Place or Places, which shall be taken up or disturbed shall be borne by the said Commissioners, or any Company or Companies of Proprietors, or other Person or Persons contracting to light the said Streets, Lanes, Ways, Entries, Market Place, Passages, and Places with Gas as aforesaid, which Costs and Expenses shall be ascertained and determined, if neces-

For ascertain-
ing if the
Water is con-
taminated.

sary,

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sary, by any Justice or Justices of the Peace for the said County of Worcester, and the Amount thereof be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas, then and in such Case the Proprietors of any such Waterworks or Person or Persons interested as aforesaid (as the Case may be) shall bear and pay all the Costs and Expenses of such Examination, Repair, and Search, and shall also make good to the said Commissioners, or Company or Companies of Proprietors, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus in and by such Search and Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice or Justices, or any other Justice or Justices of the Peace as aforesaid.

Notice to be given to the Proprietors of Waterworks of opening Ground.

XLV. And be it further enacted, That when and so often as the said Commissioners, Company or Companies of Proprietors, or other Person or Persons as aforesaid shall dig or sink any Trench or Trenches for laying any Pipe or Pipes for the Conveyance of Gas or other Apparatus, or shall open any Ground for the Purposes of this Act, or any of them, in or upon or near to which any Water Pipe or Pipes belonging to the Proprietors for the Time being of any Waterworks for conveying Water into, through, or about the said Township of Stourbridge, or any Branch or Service Pipe, or Pipe for the Supply of any Dwelling House or Building, shall be laid, the said Commissioners, or Company or Companies of Proprietors, or other Person or Persons as aforesaid shall and they are hereby required to give Three Days previous Notice thereof in Writing to the Clerk for the Time being of the Proprietors of such Waterworks, to be left at the Office of the same Proprietors; and on every such Occasion the said Commissioners, or Company or Companies of Proprietors, or other Person or Persons as aforesaid shall, under the Direction and Inspection of the Clerk or Engineer for the Time being of the Proprietors of such Waterworks (or under the Direction and Inspection of any other Person or Persons authorized by such Proprietors), protect and secure such Water Pipe or Pipes from any Injury or Damage, and shall also within Three Days thereafter repair and make good any Damage that shall or may be done to any such Pipe or Pipes on any such Occasion; and in default of giving such Notice as aforesaid, and also of repairing and making good any such Damage within the Time aforesaid, the said Commissioners, Company or Companies of Proprietors, or other Person or Persons as aforesaid shall for each and every such Default forfeit and pay to the Clerk or One of the Directors for the Time being of the Proprietors of such Waterworks, for the Use of the said Proprietors, any Sum not exceeding Five Pounds for each and every Day and for each and every such Default, and also the Costs and Expenses which shall have been incurred by the said Water Company in and about the securing and protecting of any such Water Pipe or Pipes, or in repairing and making good any Injury or Damage that may have been done to any such Water Pipe or Pipes, or repairing or making good the Pavement over or adjoining the same by the Ways and Means aforesaid; and all which Damages, Costs, Charges, and Expenses are to be ascertained by any Justice of the Peace for the said County of Worcester, and to be recovered in the same Manner as any Expenses or Penalties under this Act may be recovered.

XLVI. And

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XLVI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from proceeding by Indictment or otherwise against the said Commissioners, Company or Companies of Proprietors, or other Person or Persons as aforesaid, or against any of their Officers, Servants, or Workmen, in respect of any such Gasworks as a public or private Nuisance, or from bringing any Action or Actions against the said Commissioners, Company or Companies of Proprietors, or other Person or Persons as aforesaid, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works, or the Carelessness or Want of Skill of the Person or Persons employed therein.

Commissioners or Persons furnishing Gas may be indictable for a Nuisance.

LXXV. Provided always, and be it further enacted, That in case the said Commissioners shall think proper to sell or dispose of all or any of the same Houses, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parts thereof, as may not be necessary to be made use of for the Purposes of this Act, they shall first offer the same (except any Space of Land which may be wanted for widening the Streets or Highways in the said Township of Stourbridge) for Sale to the Person or Persons from whom the same shall have been purchased; and if such Person or Persons shall then and thereupon refuse or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, on an Affidavit being made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of Worcester (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the said Houses, Buildings, Lands, Tenements, or Hereditaments, stating that such Offer was made by or on behalf of the said Commissioners, and that such Offer was then and there refused or was not agreed to by the Person or Persons to whom the same was made, such Affidavits shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Houses, Buildings, Lands, Tenements, or Hereditaments, and he, she, or they and the said Commissioners shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be settled and ascertained by a Jury in such and the like Manner as any Sum or Sums of Money to be paid by the said Commissioners for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments is and are herein directed to be settled and ascertained in case of any Difference or Dispute about the same, and the same shall be recovered, levied, and applied in such and the like Manner, and the Costs and Expenses of hearing and determining such Differences shall be borne and paid in like Manner, as herein-before directed, *mutatis mutandis*; and all the Money to arise by such Sale shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Purchase Money.

First Offer thereof to be made to the Person from whom the same shall have been purchased.

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SCHEDULE (B.)

Corn Exchange Tolls.

STALLAGES AND RENTS TO BE TAKEN AT THE CORN EXCHANGE.

For every Stall or Standing Place not occupying a greater Space (inclusive of Standing Space) than Twenty Square Feet for the Sale of Corn or Grain, a Sum, in the Discretion of the Commissioners, not exceeding - - - - - £5 per Annum

For every Stall or Standing Place for the Sale of Corn or Grain exceeding Twenty Square Feet (inclusive as aforesaid), any Sum per Annum the Commissioners think fit.

For every Ticket of Admission to the Corn Exchange to be paid by every Person not renting a Stall or Standing Place therein, the following Sums:

If a Ticket for a Year, not exceeding the Sum of	-	-	£1	0	0
If a Ticket for a Day, not exceeding the Sum of	-	-	0	0	4

Market Tolls.

TOLLS, STALLAGES, AND RENTS TO BE TAKEN AT THE MARKETS.

	s.	d.
For every Horse, Mare, or Gelding - - - - -	0	6
For every Ass or Mule - - - - -	0	3
For every Bull, Ox, or Steer - - - - -	0	6
For every Cow, Heifer, or Stirk - - - - -	0	4
For every Calf - - - - -	0	2
For every Score of Sheep and Lambs - - - - -	1	8
For every Pig - - - - -	0	1
For every Skip or Crate of Sucking Pigs, containing not exceeding Six	0	6
For every ditto exceeding Six - - - - -	1	0

FOR PENS AND LAIRS.

Open Pens for Calves, Sheep, or Pigs, &c., each - - - - -	0	6
Covered Pens for Calves, Sheep, or Pigs, &c., each - - - - -	1	0

LAIRS.

For every Horse, Mare, or Gelding - - - - -	0	6
For every Colt, Filly, or Foal - - - - -	0	3
For every Calf, Sheep, Lamb, Pig, or Goat - - - - -	0	0½
For every Bull, Steer, or Heifer - - - - -	0	3

HAY AND STRAW.

For every Waggonload of Hay, Straw, or Fodder - - - - -	1	0
For every Cartload of Hay, Straw, or Fodder - - - - -	0	6

SHOPS.

From the Occupier of every enclosed Shop or Stall, whether for Sale of Butchers Meat, Game, Poultry, Fish, Vegetables, Fruit, China, Glass, Earthenware, Baskets, Hardware, or other Commodities, Articles, or Things, according to the Size and Dimensions of such Shop; namely, for each Superficial Foot, or fractional Part thereof, any Sum not exceeding for every Day - - - - - 0 1½

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BUTCHERS STALLS.

For every Person occupying or using any Butchers Stall or Standing, or any Ground Space for the Sale of Meat, according to the Size and Dimensions of the same; namely, for each Superficial Foot or fractional Part thereof of every such Stall, Standing, or Ground Space occupied or used by him, if let by the Week, any Sum not exceeding for every Day	s. d. 0 1½
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CARCASE AND SKIN TOLLS.

For every Carcase or Part of a Carcase of a Bull, Bullock, Cow, Steer, Heifer, Calf, Sheep, or Pig brought into the Market to be disposed of otherwise than by Sale by Retail, and whether sold or not, any Sum not exceeding	0 6
For every Hide or Skin, raw, undressed, or dressed, brought into the Market for Sale, and whether sold or not, any Sum not exceeding	0 2

PROVISION, VEGETABLE, AND OTHER STALLS, STANDS, AND GROUND SPACE.

From every Person occupying or using any Stall, Standing, Cart, Barrow, Basket, Box, Bench, or Barrel for the Sale of Vegetables, Provisions, Fruit, Fish, Game, Butter, Poultry, Eggs, China, Glass, Earthenware, Baskets, Hardware, or other Commodities, Articles, or Things, according to the Size and Dimensions of the same; viz., for each Superficial Square Foot and fractional Part of a Superficial Square Foot of the Ground Space covered or occupied by any such Stall, Standing, Cart, Barrow, Basket, Box, Bench, or Barrel, any Sum not exceeding for every Day	0 1
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GROUND SPACE.

From every Person occupying or using any Space on the Surface of the Ground, according to the Size and Dimensions of the same; viz., for each Superficial Square Foot and the fractional Part of a Superficial Square Foot of the Ground Space occupied or used by him, any daily Sum not exceeding	0 1
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TOLLS AT FAIRS.

For every Stall, Basket, Cart, Barrow, Standing, Box, Bench, Barrel, or Ground Space occupied or used by any Person exposing to Sale any Goods, Articles, Commodities, or Things whatsoever, and for every Show, Caravan, Exhibition, Booth, Tent, Theatre, or Place of Amusement, according to the Size and Dimensions thereof; viz., for every Superficial Square Foot or fractional Part of a Superficial Square Foot of the Ground Space covered by such Stall, Basket, Cart, Barrow, Standing, Box, Bench, Barrel, Show, Caravan, Exhibition, Booth, Tent, Theatre, or Place of Amusement, and of any Ground Space occupied or used by him, any Sum not exceeding for each Day	0 1½
From any Person carrying or exposing for Sale any Provisions, Vegetables, Goods, Articles, Commodities, or Things whatsoever in any Market or Market Place, or Places for Fairs in the Borough, or in any Lands connected therewith, and who shall not be otherwise chargeable under this Schedule as occupying any Stall, Standing, or Ground Space, any Sum not exceeding for each Day	0 6

The Stourbridge Improvement Act, 1866.

TOLLS FOR USE OF SLAUGHTER-HOUSES.

	s.	d.
For every Ox, Cow, Bullock, Steer, or Heifer	1	0
For every Calf	0	6
For every Sheep or Lamb	0	3
For every Hog or Pig	0	6
For every other Beast	1	0

WEIGHING AND MEASURING TOLLS TO BE TAKEN IN THE SEVERAL
MARKETS AND FAIRS.

For every Article, Matter, or Thing of whatever Description weighing not more than 20 lbs. Avoirdupois	0	0½
For every Article, Matter, or Thing of whatever Description weighing more than 20 lbs. Avoirdupois, not exceeding 240 lbs.	0	1
For every Article, Matter, or Thing of whatever Description weighing more than 240 lbs.	0	2
For measuring any Quantity of Goods, Article, Matter, or Thing sold by Measure, not exceeding One Bushel	0	0½
For measuring every Quantity more than One Bushel and not exceeding Two Bushels	0	1
And for every Bushel beyond Two Bushels	0	0½

TOLLS TO BE TAKEN FOR WEIGHING CARTS AND THEIR LOADINGS.

For a Cart containing any Quantity not exceeding Three Tons of Coal or Manure	0	2
For a Cart containing any Quantity not exceeding Three Tons of Hay, Straw, Grass, Clover, or other Goods	0	3
For a Cart, Waggon, or Lurry containing exceeding Five Tons	0	4
For a Cart, Waggon, or Lurry containing above Five Tons and not exceeding Ten Tons	1	0
For empty Carts, Waggons, or Luries re-weighed for Tare	0	1

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