



ANNO QUINQUAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 113.

An Act for better paving, lighting, watching, cleansing, and otherwise improving the Town of *Birmingham*, in the County of *Warwick*; and for regulating the Police and Markets of the said Town. [20th May 1812.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His present Majesty, intituled *An Act for laying open and widening certain Ways and Passages within the Town of Birmingham, and for cleansing and lighting the Streets, Lanes, Ways, and Passages there, and for removing and preventing Nuisances and Obstructions therein*: And whereas another Act was passed in the Thirteenth Year of the Reign of His present Majesty, intituled *An Act to amend an Act passed in the Ninth Year of the Reign of His present Majesty, intituled 'An Act for laying open and widening certain Ways and Passages within the Town of Birmingham, and for cleansing and lighting the Streets, Lanes, Ways, and Passages there, and for removing and preventing Nuisances and Obstructions therein;' and for widening certain other Streets and Places; for establishing a Nightly Watch; and for regulating Carts and Carmen employed in the said Town*: And whereas another Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act to alter and enlarge the Powers of Two Acts passed in the Ninth and Thirteenth Years of His present Majesty, for laying open and widening certain Ways, Passages, Streets, and Places within the Town of Birmingham, and for cleansing and lighting the Streets, Lanes, Ways, and Passages there, and for other Purposes in the said Acts mentioned; and also for regulating Hackney Coaches and Chairs, and the Drivers of all Carriages in the said Town; for laying open and widening certain*

[Loc. & Per.] 27 A

9 G. 3. c. 83.

13 G. 3. c. 36.

41 G. 3. c. 39.

certain other Streets and Places there ; for further regulating the Police of the said Town, and the Manner of laying out and paving new Streets there, and for other Purposes : And whereas many of the Provisions of the said Three several Acts are found to be defective and insufficient for the Purposes for which they were passed, and it is necessary that the same should be altered, amended, and enlarged : And whereas it would greatly facilitate the Execution of the Powers in the said Three several Acts contained, and of the Powers now become necessary for improving and better regulating the Police and Markets of the said Town, if the Execution thereof was entrusted to the same Commissioners, and if all the said Powers and Provisions for effecting the same were granted by and contained in One Act of Parliament : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said Three several recited Acts, and all the several Powers and Authorities, Matters and Things therein contained, shall be and the same is and are hereby repealed.

Former Acts repealed.

All Conveyances executed and Annuities, &c. granted under the said Acts confirmed and secured.

II. Provided always, and be it further enacted, That all Assignments, Leases, Grants, and other Conveyances made or granted to or by any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or any other Persons whomsoever acting by virtue of or under the Authority of the said Three several Acts made in the Ninth, Thirteenth, and Forty-first Years of the Reign of His present Majesty, or any of them, shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, as if the said Three several Acts had not been repealed ; and all Bonds, Mortgages, Notes, Assignments, and Annuities, given or granted as a Security for any Monies lent or advanced on the Credit of the said Three several Acts or of any of them, in pursuance of the Powers therein contained, shall be charged, and they are hereby respectively charged upon the Rates or Assessments herein directed to be made for the Purposes of this Act ; and the Person or Persons from Time to Time entitled to the same respectively shall have, receive, and enjoy all Interest due and to grow due on such Mortgages, Bonds, Securities, and Assignments respectively (until the same shall be paid off and discharged as herein-after provided), and all Interest due and to grow due on the said respective Annuities, out of the Rates and Assessments herein directed to be made during the Term of the natural Lives of the Persons for whose Lives such Annuities respectively were granted.

Securities incorrectly granted under former Acts to be cancelled, and new ones given.

III. And be it further enacted, That in case any Annuities have been granted for, or other Securities given by the Commissioners or any of them, acting in Execution of the said Three several recited Acts, or any of them, for any Sum or Sums of Money lent or paid by any Person or Persons to the said Commissioners for the Purposes of the said Three Acts, and applied to the same, or in the Purchase of any Buildings taken down for the Purpose of widening any of the Streets or other public Places in the said Town, but which are not valid and effectual because the said Commissioners had previously borrowed and received all the Monies which, under and by virtue of such Three several Acts, they were empowered to borrow and to receive ; and in case the several Persons who

have received, and do now possess and are entitled to such Grants of Annuities, or to such other Securities, and to the Receipt of such Monies, and to the Principal and Interest due and to become due on such Securities, shall and do, within Twelve Calendar Months from the passing of this Act, appear before the Commissioners to be appointed by virtue of this Act, at any Monthly or General Meeting, and prove to their Satisfaction that the Purchase Monies paid for such Annuities, and the Principal Money intended to be secured by such Securities, were *bond fide* paid and advanced to the said Commissioners, or to their Clerk or Treasurer for their Use, and also shall deliver up such Grants and Securities to the said Commissioners to be cancelled; or if any Person or Persons for the Purposes of the said Acts, or any of them, who have not received the Grants or Securities which ought to have been executed and delivered to him, her, or them, he, she, or they proving the same to the Satisfaction of the said Commissioners as before mentioned, it shall and may be lawful for the said Commissioners, or any Seven or more of them, to sign and deliver either Grants of Annuities for the Lives of the same Persons, or Assignments of the Rates for the same Sums, and at the same Rate of Interest as may be specified in such Grants of Annuities, or in such Assignments or Securities as may be delivered up by such Person or Persons to be cancelled, as the said Commissioners acting under the said recited Acts, or any of them, had promised to grant and give to such Person or Persons as may have lent or paid any Sum or Sums of Money to the said Commissioners under the said recited Acts, or any of them, without having received the Grants or Securities which ought to have been executed and delivered to them, in the Form and Manner by this Act prescribed for the Grants of Annuities, and the Assignments of the Rates to be given and granted by virtue hereof; and such Annuities and Principal Monies, and the Interest granted and secured by such Grants and Assignments, shall be charged upon the Rates and Assessments to be made by virtue of this Act.

IV. And be it further enacted, That each and every Rate and Assessment made and assessed, and now due and payable, or to become due and payable, or ordered to be collected and levied under and by virtue of the said recited Acts, or either of them, shall continue to be due and payable, and shall and may be collected and levied by such Ways and Means, and under such Restrictions and Regulations, as any Rates or Assessments directed to be made in pursuance of this Act are directed in and by this Act to be collected and levied, and shall be received and applied by the Commissioners to be appointed by this Act, to and for the Purposes of this Act; and also, that all Debts and Penalties incurred and due under and by virtue of the said Three several Acts or any of them, from any Person or Persons whomsoever, shall and may be demanded and recovered from such Person or Persons, and applied by the Commissioners under the Powers and Authorities of this Act, for the Purposes of this Act; and also, that all Contracts or Agreements heretofore entered into with any Person or Persons whomsoever, under the Authority and in Execution of the said Three several Acts, and valid and effectual before the passing of this Act, shall continue and be valid and effectual, and shall and may be enforced by the Commissioners to be appointed by virtue of this Act, as if entered into by and with them the said Commissioners to be appointed by virtue of this Act.

Arrears of former Rates may be collected, Debts and Penalties recovered, and Contracts enforced.

V. And

Appointment
of Commis-
sioners.

V. And be it further enacted, That *Thomas Atwood* Esquire, *Thomas Atkins*, *Edward Ashwin*, *Thomas Asbury*, *William Asbury*, *Anderson Ashmore*, *William Allcock*, *Roger Auster*, *Samuel Baker*, *Edward Bower*, *George Boone*, *William Bickley*, *William Bingley*, *Joseph Blunt junior*, *Thomas Beilby*, *Thomas Blood*, *William Blakeway*, *Samuel Barnes*, *John Bond*, *John William Crompton*, *William Chance*, *John Cope Druggist*, *John Cope Brass Founder*, *Walter William Capper*, *John Dickenson*, *Francis Deykin*, *Thomas Freer*, *George Freer*, *Thomas Francis*, *John Guest*, *James Guest*, *Morris Grundy*, *John Greensall*, *William Hicks Esquire*, *William Hutton*, *Thomas Hutton*, *Benjamin Hughes*, *William Hamper Esquire*, *John Heely*, *John Holt*, *Thomas Jones*, *George Jones*, *Peter Kempson*, *Charles Lloyd*, *Samuel Lloyd*, *James Lloyd*, *John Towers Lawrence*, *John Lamb*, *Joseph Ledsam*, *Daniel Ledsam*, *Thomas Lacey*, *Thomas Molesworth*, *Thomas Mander*, *Edmund Outram D. D.*, *Theodore Price Esquire*, *William Price*, *Thomas Parkes*, *Thomas Phipson*, *Thomas Paine*, *Henry Parker*, *William Phipson*, *Thomas Potts*, *Philemon Price*, *Henry Perkins*, *Richard Peyton*, *John Ryland Esquire*, *John Ryland Edgebaston Street*, *John Ryland New Street*, *Samuel Ryland*, *Thomas Ryland*, *Samuel Rogers*, *James Reeves*, *John Rowlinson*, *Joseph Richards*, *George Simcox Esquire*, *Richard Spooner*, *Joseph Shore*, *William Shore*, *Mark Saunders*, *William Shorthouse*, *Thomas Small*, *Timothy Smith*, *John Slater*, *Samuel Smith*, *Homer Silvester*, *Richard Smith*, *John Turner*, *William Tayler*, *Thomas Todd*, *Sampson Tomlinson*, *William Villers Esquire*, *William Withering Esquire*, *William Walker*, *Simon Walker*, *William Weston*, *Thomas Wilmore*, *William Whitmore*, *John Webb*, and *James Wooley*, shall be and they are hereby appointed Commissioners for putting this Act in Execution; and when any of the Commissioners herein named, or at any Time to be elected in pursuance of this Act (except the Lord of the Manor and Magistrates acting for the Town of *Birmingham* for the Time being), shall die, or refuse to act, or be rendered incapable of being a Commissioner, or acting as such in Manner herein-after mentioned, it shall and may be lawful for the remaining Commissioners, at any Meeting in pursuance of this Act, or any Seven or more of them at such Meeting, to elect one other Person, being an Inhabitant within the said Town, and qualified as herein-after is mentioned, to supply the Place of each Commissioner so dying, or refusing to act, or being rendered incapable of acting as herein-after is mentioned, Notice in Writing, signed by the Clerk for the Time being of the said Commissioners, of such Meeting, and of the Purpose and Intent thereof, being previously given to or left at the House or last Place of Abode within the said Town, of each of the said remaining Commissioners, Three Days at least (exclusive of the Day of delivering the same, and of the Day of Meeting); and every Person so elected is hereby vested with the same Powers for putting this Act in Execution, and shall and may and is hereby authorized and empowered to act to all Intents and Purposes in as full, large, and ample a Manner as the Person in whose Stead he shall be so elected was and would or might have acted: Provided always, that in case any Commissioner or Commissioners, except the Lord or Lords of the Manor and Magistrates of *Birmingham* for the Time being, shall not attend at least Twice in every Year, to be computed from the Twenty-fourth Day of *June* in every Year, at some of the Meetings to be held for putting this Act in Execution, then and in every such Case every Person shall cease to be, and shall and is hereby declared to be disqualified from acting as a Commissioner as aforesaid, and another Person shall and may be appointed

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

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall be an Inhabitant, and shall be rated in the Poors Books at not less than Fifteen Pounds *per Annum* for the House, Warehouse, or Shop, or Houses, Warehouses, or Shops, or other Buildings, which shall be by him occupied within the said Town of *Birmingham*, and shall really and *bonâ fide* be possessed, either in Real or Personal Estates, to the Amount or Value of One thousand Pounds (other than and except the Lord or Lords of the Manor and Magistrates acting for the Town of *Birmingham*); and that no Person whomsoever shall be capable of acting as a Commissioner as aforesaid, during the Time he shall hold any Place of Profit, or be under any Contract, or have any Share or Interest in any Contract relating to the Execution of any of the Powers of this Act; but all such Commissioners as now are, or at any Time hereafter shall be Justices of the Peace, may act as such in the Execution of this Act, except in such Matters in which they may be personally interested; and the said Commissioners at all their Meetings shall defray their own Expences.

Qualification
of Commis-
sioners, &c.

VII. Provided always, and be it further enacted, That if any Person or Persons shall act as a Commissioner in the Execution of this Act, without being duly qualified as aforesaid, he or they shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered in any of His Majesty's Courts at *Westminster*, by any Person or Persons who shall sue for the same, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and every Person so prosecuted or sued shall prove that he is qualified as aforesaid, or shall pay the said Penalty, upon Proof given of his having acted as a Commissioner in the Execution of this Act.

Penalty on
Commission-
ers acting not
being quali-
fied.

VIII. And be it further enacted, That the said Commissioners, or any Seven or more of them, shall meet and assemble together at the Public Office in *Moor Street*, in *Birmingham* aforesaid, on the last *Monday* in the next or succeeding Month after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, in order to put this Act in Execution, and shall and may from Time to Time, by Adjournment, meet and assemble together at the same Place, or any other convenient Place within the said Town, as they, or any Seven or more of them, shall appoint; and all Orders and Proceedings of the said Commissioners in the Execution of this Act, shall be at public Meetings held in pursuance of this Act, and not otherwise (except as herein-after excepted); and if it shall happen that there shall not appear, at any Meeting which shall be appointed to be held, a sufficient Number of Commissioners to act and to adjourn to another Day, or if they shall omit or neglect to adjourn, or if there shall be any special Occasion for any Meeting between the Time of any Adjournment, or at any other Time, then and in every such Case their Clerk, or any Seven or more

First Meet-
ing of Com-
missioners.

of the said Commissioners, shall and may call a Meeting at such Time and Place as they shall think proper.

Notice to be given of Meetings.

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

Chairman to be appointed.

X. And be it further enacted, That at every Meeting of the said Commissioners One of the Commissioners present shall be appointed Chairman; and in case of Equality of Voices or Votes of the Commissioners so assembled (including his own), such Chairman shall upon all Occasions have a casting and decisive Voice or Vote; and that no Act, Order, or Determination, to be done or made at any of the said Meetings, shall be good or valid, unless the Majority of the Commissioners then present shall concur therein.

Proceedings to be entered in a Book.

XI. And be it further enacted, That regular Entries shall be made in a proper Book or Books to be provided for that Purpose, of the Names of the Commissioners who shall attend their respective Meetings, and of all their Acts, Orders, and Proceedings, and the Chairman or President of every such Meeting shall subscribe his Name at the End of the Proceedings of every such Meeting; and all such Entries being so signed shall be allowed to be read in Evidence in all Causes, Suits, and Actions relating to any thing done in pursuance of this Act; and that every such Book shall at any of the Meetings of the said Commissioners, and at all other seasonable Times, be open to the Inspection of every Person to be rated or assessed for the Purposes of this Act.

Yearly Accounts to be deposited with the Clerk.

XII. And be it further enacted, That in the Month of *September* in every Year, a true Account shall be made and written of all Monies received and paid by virtue of this Act during the preceding Year, ending upon the Twenty-fourth Day of *June*, and a Copy or Duplicate of such Account shall be deposited with the Clerk of the said Commissioners, who shall permit any Person or Persons who shall be rated as herein-after mentioned, or any Person or Persons on his, her, or their Behalf, to inspect the same at seasonable Times, paying Two Shillings and Sixpence for such Inspection, and shall upon Demand forthwith give Copies of the same, or any Part thereof, upon being paid at the Rate of Four-pence for every Seventy-two Words, and so in proportion for a less Number of Words.

Officers to be appointed.

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

tion of this Act, and shall from Time to Time take such Security from every such Treasurer and Collector, for the due Execution of their respective Offices, as the said Commissioners shall think proper; and the said Commissioners may remove and displace any such Officer and Person from Time to Time whenever they shall think proper, and shall and may, out of the Monies to be raised by virtue of this Act, allow and pay to every such Treasurer, Clerk, Surveyor, Assessor, or Collector, and other Officer or Person to be employed as aforesaid, such Salary or Allowance as they the said Commissioners shall think reasonable; and that every such Treasurer, Clerk, Surveyor, Assessor, Collector, and other Officer, to be appointed as aforesaid, shall from Time to Time, as often as thereunto required by the said Commissioners, render and give to the said Commissioners, or to such Person as they shall appoint, a true, fair, and particular Account in Writing of all Monies which shall have been by him collected or received by virtue of this Act, and how, to whom, and on what Account any such Monies shall have been paid, together with the proper Receipts and Vouchers for such Payments, and shall pay all such Monies as upon the Balance of such Accounts shall appear to be in his Hands to the said Commissioners, or to such Person, and at such Time, as they shall direct and appoint; and every such Officer so accounting shall upon Oath, if required (which Oath the said Commissioners or any One or more of them are hereby authorized to administer), verify his said Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained; and if any such Officer shall refuse or wilfully neglect to render or give such Account as aforesaid, or to produce and deliver up to the said Commissioners the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof upon Oath (if required), or to deliver up to the said Commissioners, or to such Person as they shall for that Purpose appoint, within Fourteen Days next after being thereunto required by Writing under the Hands of any Seven or more of the said Commissioners, all Books, Papers, and Writings in his Custody or Power, relating to the Execution of his Office or of this Act, or shall refuse or neglect to pay all such Money as upon the Balance of any such Account shall appear to be in his Hands to the said Commissioners, or to such Person as they shall direct or appoint, and Complaint shall be made by the said Commissioners, or by such Person as they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace for the County or Place wherein such Officer shall be or reside, such Justice is hereby empowered to summon the Officer against whom such Complaint shall be made, to appear before him at a Time and Place in such Summons to be mentioned, and upon his appearing or non-appearing, the Service of such Summons being proved by the Oath of any credible Witness (which Oath such Justice is hereby empowered to administer), to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Officer against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act shall be due from such Officer, the said Justice may, upon Non-payment thereof within such reasonable Time as he may appoint, by Warrant under his Hand and Seal, cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer, rendering the Overplus (if any) to such Officer upon Demand, after deducting the reasonable Charges of such Distress and
and

and Sale; and if sufficient Goods and Chattels of such Officer cannot be found to answer and satisfy such Money, and the Charges of levying and raising the same, or if such Officer shall not appear before the said Justice at the Time and Place by him to be appointed in such Summons, and it shall in Manner aforesaid appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or to deliver up such Books, Papers, and Writings as aforesaid, the said Justice is hereby authorized, by Warrant under his Hand and Seal, to cause such Officer to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize until he shall have delivered in his Account and verified the same as aforesaid, and shall have produced and delivered up the Receipts and Vouchers relating thereto, or delivered up such Books, Papers, and Writings, or given Satisfaction to the said Commissioners concerning the same, and shall have paid all Monies which shall appear to be in his Hands, and the Charges attending the Recovery thereof, or shall have compounded with the said Commissioners for the same, which Composition the said Commissioners are hereby empowered to make and receive; but no Officer, who shall be committed on account of his not having sufficient Goods and Chattels as aforesaid, shall be detained in Prison for any longer Term than Six Calendar Months: Provided always, that if any Money shall remain due from such Officer, the Commitment of him to Prison shall not be deemed a Discharge for the same, nor exonerate his Surety or Sureties, but such Officer and his Surety and Sureties shall still remain liable to the Payment thereof, in the same Manner as if such Officer or Person, Officers or Persons, had not been committed to Prison.

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

XIV. And be it further enacted, That the Property of and in all Stones, Gravel, and other Materials of which the present and any future Pavements both of the Carriageways and Footways of the several Streets, Lanes, and other Public Passages and Places within the said Town of *Birmingham*, already or hereafter to be set out or made, shall consist, and also all the Dirt, Dust, Dung, Ashes, and Filth to be swept, gathered, and collected in or from those Places, or any of them, and also all Lamps, Lamp Irons, Lamp Posts, Watch Houses and Watch Boxes, which now are or which hereafter shall be erected or fixed within the said Town, by the said Commissioners acting by virtue of the said recited Acts or this Act, and which shall be erected or fixed, and all Materials, Implements, and other Things thereto belonging, or which shall be purchased or provided by virtue or for the Purposes of this Act, shall belong to and be the Property of and are hereby vested in the said Commissioners; and the said Commissioners shall and may cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment, as the Case may require, against any Person or Persons who shall steal, take, or carry away, detain, spoil, injure, or destroy the several Articles and Things hereby vested in them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively, it shall be and be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are 'The Property of the Commissioners for paving, lighting, watching, cleansing, and otherwise improving the Town of *Birmingham*,

'*Birmingham*, in the County of *Warwick*,' without particularly stating or specifying the Name or Names of all or any of the said Commissioners; and the said Commissioners shall have full Power and Authority from Time to Time to sell and dispose of, for the Purposes of this Act, all or any of the said Articles and Things, or any Part or Parts of the same respectively, to such Person or Persons, and in such Manner, as they the said Commissioners shall think proper.

XV. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Duty or Work, or are or shall be chargeable with any Rate or Assessment towards repairing and amending the several Highways within the said Town and Parish of *Birmingham*, intended to be paved, repaired, and amended by the said Commissioners by virtue of this Act, or any Part thereof, shall still remain and continue liable and chargeable thereto in like Manner as he or they were before liable and chargeable; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Warwick*, and they are required and empowered, upon Application made to them by the said Commissioners, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Highways by the Inhabitants of the said Town and Parish of *Birmingham*, and also what Sum or Sums of Money shall be paid to the said Commissioners, or their Surveyor or Surveyors, as and for a Rate or in lieu of a Composition for such Statute Work as aforesaid; and in order thereunto, it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the said Highways of the said Town and Parish of *Birmingham* to bring Lists before such Justices, at some Place to be expressed in such Summons, within Fourteen Days after the serving of such Summons, of the Names of the several Persons who within such Town or Parish are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Highways as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest-time), and in such Parts of the said Highways, as the said Commissioners or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons, who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Commissioners, or their Treasurer, at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any

Persons liable
to Statute
Duty to con-
tinue so.

Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor of the said Commissioners, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Highways, and shall be found idle or negligent by any Surveyor to the said Commissioners, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Parts of the said Highways; all which Forfeitures shall be paid to the Treasurer to the said Commissioners, and applied towards the amending of the said Highways; and in case the said Surveyor or Surveyors of the Highways for the said Town or Parish shall refuse or wilfully neglect to give in such List as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Commissioners may compound for Statute Duty.

XVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Highways, or any Part thereof, for a certain Sum of Money, by the Year or otherwise, as the said Commissioners shall think reasonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the several Highways within the said Town and Parish intended to be paved, repaired, and amended by the said Commissioners, by virtue of this Act; which Composition Money shall always be paid by the Person or Persons so compounding to the Treasurer of the said Commissioners in advance, on or before the first *Thursday* in the Month of *February* in each and every Year, otherwise the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments within the said Town or Parish shall not be permitted to compound for that Year.

Not to affect the Powers of Trustees under certain Turnpike Road Acts.

13G.1.c.14.

XVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to vest in the said Commissioners for executing this Act, any of the Pavements of the Carriageways, Highways, or Footways, which any Trustees or Commissioners, acting under and in Execution of an Act passed in the Thirteenth Year of the Reign of His Majesty King *George* the First, intituled *An Act for repairing the several Roads leading from Birmingham through the Town of Wednesbury, to a Place called High Bullen, and to Great Bridge, and from thence to the End of Gibbet Lane next adjoining to the Township of Bilson, and from Great Bridge through Dudley to Kingswinford, and to the further End of Brittel Lane, in the Counties of Warwick, Stafford, and Worcester*; or under or in Execution of an Act passed in the Twenty-

first

first Year of the Reign of His Majesty King George the Second, intituled *An Act for enlarging the Terms and Powers granted by an Act passed in the Thirteenth Year of the Reign of His late Majesty King George the First, for repairing the several Roads leading from Birmingham through the Town of Wednesbury, to a Place called High Bullen, and to Great Bridge, and from thence to the End of Gibbet Lane next adjoining to the Township of Bilson, and from Great Bridge through Dudley to Kingswinford, and to the further End of Brittel Lane, in the Counties of Warwick, Stafford, and Worcester; or under or in Execution of an Act passed in the Twelfth Year of the Reign of His present Majesty, intituled An Act for enlarging the Terms and Powers of Two Acts made in the Thirteenth Year of the Reign of King George the First, and in the Twenty-first Year of the Reign of King George the Second, for repairing the several Roads leading from Birmingham, through the Town of Wednesbury, to a Place called High Bullen, and to Great Bridge, and from thence to the End of Gibbet Lane next adjoining to the Township of Bilson, and from Great Bridge through Dudley to Kingswinford, and to the further End of Brittel Lane, in the Counties of Warwick, Stafford, and Worcester; or under or in Execution of an Act passed in the Twenty-seventh Year of the Reign of His present Majesty, intituled An Act for continuing the Term of Three Acts of the Thirteenth Year of King George the First, the Twenty-first Year of His late Majesty, and the Twelfth Year of His present Majesty, so far as the same relate to the Roads from Birmingham through Wednesbury, to High Bullen, and to Great Bridge, and from thence to the Portway at the End of Darlaston Lane next to Bilson, and to Nether a Trindle near Dudley, in the Counties of Warwick, Worcester, and Stafford; and for making and keeping in Repair a Road from Trowse Lane, in the Parish of Wednesbury, to Darlaston, in the County of Stafford; or under or in Execution of an Act passed in the Forty-ninth Year of His present Majesty's Reign, intituled An Act for making and repairing a Road from Soho Hill, in the Parish of Handsworth, to the Walsall Turnpike Road on the Northern Side of Hamstead Bridge, and also another Road from Brown's Green to a House called The Friary, all in the County of Stafford; or under or in Execution of an Act passed in the Thirteenth Year of the Reign of His Majesty King George the First, intituled An Act for repairing the Roads leading from the Town of Bromsgrove to the Town of Dudley in the County of Worcester, and from the said Town of Bromsgrove to the Town of Birmingham in the County of Warwick; or under or in Execution of an Act passed in the Twenty-first Year of the Reign of King George the Second, intituled An Act for enlarging the Term and Powers granted by an Act passed in the Thirteenth Year of the Reign of His late Majesty King George the First, intituled 'An Act for repairing the Roads leading from the Town of Bromsgrove to the Town of Dudley in the County of Worcester, and from the said Town of Bromsgrove to the Town of Birmingham in the County of Warwick, so far as the said Act relates to repairing the Roads leading from the Town of Birmingham to the Town of Bromsgrove in the County of Worcester, and for making the same more effectual;'* or under or in Execution of an Act passed in the Eleventh Year of the Reign of His Majesty King George the Third, intituled *An Act for enlarging and altering the Terms and Powers of several Acts made in the Thirteenth Year of the Reign of King George the First, and in the Twenty-first Year of the Reign of King George the Second, for repairing the Roads leading from the Town of Bromsgrove to the Town of Dudley in the County of Worcester, and from the said Town of Bromsgrove to the Town of Birmingham in the County of Warwick,*

21 G. 2. c. 20.

12 G. 3. c. 110.

27 G. 3. c. 73.

49 G. 3. c. 147.

13 G. 1. c. 15.

21 G. 2. c. 22.

11 G. 3. c. 92.

- wick, so far as the said Acts relate to the repairing of the Roads leading from the said Town of Birmingham to the said Town of Bromsgrove; or under or in Execution of an Act passed in the Thirtieth Year of the Reign of His Majesty King George the Third, intituled *An Act to enlarge the Terms and Powers of Three several Acts made in the Thirteenth Year of the Reign of King George the First, the Twenty-first Year of the Reign of King George the Second, and the Eleventh Year of the Reign of His present Majesty, for repairing the Road leading from the Town of Bromsgrove in the County of Worcester, to the Town of Birmingham in the County of Warwick*; or under or in Execution of an Act passed in the Twenty-sixth Year of the Reign of His Majesty King George the Second, intituled *An Act for repairing and widening several Roads leading from the Market House in Stourbridge, and other Roads therein mentioned, in the Counties of Worcester, Stafford, Salop, and Warwick respectively*; or under or in Execution of an Act passed in the Thirteenth Year of the Reign of His Majesty King George the Third, intituled *An Act for enlarging and altering the Terms and Powers of an Act made in the Twenty-sixth Year of the Reign of King George the Second, for repairing the Roads leading from the Market House in Stourbridge, and other Roads therein mentioned, in the Counties of Worcester, Stafford, Salop, and Warwick respectively*; or under or in Execution of an Act passed in the Thirty-second Year of the Reign of His Majesty King George the Third, intituled *An Act for enlarging the Term and Powers of Two Acts passed in the Twenty-sixth Year of the Reign of King George the Second, and the Thirteenth Year of the Reign of His present Majesty, for repairing the Road leading from the Market House in Stourbridge, and other Roads therein mentioned, in the Counties of Worcester, Stafford, Salop, and Warwick respectively, so far as the said Acts relate to the repairing of the Road from Blakedown Pool, in the Parish of Hagley in County of Worcester, to the Top of Smallbrooke Street, and from the Five Ways to Easy Row in Birmingham in the said County of Warwick*; are liable to amend and repair, or to interfere with or annul any of the Powers or Authorities given to or vested in any of the Trustees or Commissioners acting under or in Execution of any of such Acts, or to vary or alter any of the Provisions in any of such Acts contained.

Penalty on
damaging
Materials.

XVIII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break up, injure, destroy, or otherwise damage any of the Articles or Things hereby vested in the said Commissioners, or any of the Works done by them in pursuance of this Act, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Where Ma-
terials for
paving may
be lodged.

XIX. And be it further enacted, That during the Time any Street, Lane, public Passage or Place shall be new-paving, flagging, altering or repairing, the said Commissioners shall have Power to order the necessary Materials to be lodged in that or any adjoining Street, Lane, public Passage or Place, according to their Discretion, as also to stop up the Way through that or any adjacent Street or Lane, public Passage or Place, so long as may be necessary for the Purpose of such new flagging, paving, or repairing; and the said Commissioners, and all Persons acting under the Direction of the said Commissioners, are hereby indemnified from any Prosecution or Action whatsoever for so doing.

XX. And

XX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to cause the several Streets, Lanes, and other public Passages and Places within the said Town, both in the Carriageways and Footways, to be paved, pitched, flagged, repaired, relaid, amended, and altered, and the said Streets, Lanes, public Passages and Places to be cleansed and lighted, and Gutters, Sinks, Drains, Sewers, and Watercourses to be cut or made in, through, or under any of the said Streets, Lanes, public Passages and Places, and any of the Gutters, Sinks, Drains, Sewers, and Watercourses already made therein to be opened or widened, and the Form or Course thereof altered, and the Ground of any of the said Streets, Lanes, and other public Passages and Places to be raised, lowered, or altered in such Manner as the said Commissioners shall think expedient, necessary, or proper, according to the true Intent and Meaning of this Act; and that if any Person or Persons shall take up or cause to be taken up, or make or cause to be made any Alteration in the Form of the Pavement or Flagging, or of any Part thereof, within any of the said Streets, Lanes, public Passages or Places, without the Consent of the said Commissioners, or any Seven or more of them, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in case the Person or Persons so taking up or altering any such Pavement or Flagging, or any Part of the same respectively, shall not, within Seven Days after Notice in Writing by the Surveyor to the said Commissioners, or by some other Person or Persons acting under their Direction, given to or left at the last or usual Place or Places of Abode of such Person or Persons, cause the same Pavement or Flagging respectively, which shall have been so altered or taken up, to be reinstated and put into its former State, then and in every such Case the Surveyor to the said Commissioners shall cause the same to be so done, and the Costs and Charges thereof shall be borne and paid by the Person or Persons who shall have taken up or altered such Pavement or Flagging, or any Part thereof respectively; and in case of Nonpayment thereof on Demand to the said Surveyor, or other Person by or under the Authority of the said Commissioners, such Costs and Charges shall and may be levied and recovered in such and the like Manner as any Penalty is by this Act directed to be levied and recovered.

Commissioners empowered to pave, and Pavements not to be altered without Leave.

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

Paviers and Carters to be appointed, and Implements purchased.

XXII. And be it further enacted, That such Person or Persons as the said Commissioners shall employ, having an Order in Writing for the Purpose made at a Meeting of the said Commissioners, and subscribed by their Clerk, is and are hereby authorized to search for, dig, cut, gather, take, and carry away any Stone, Gravel, Clay, Sand, or other Materials, for the Purpose of paving, flagging, amending, or repairing any of the said Streets, Lanes, public Passages or Places, out of or from any Lands or Grounds situate in the Parish of *Birmingham* (not being a Yard, Garden, Orchard, Park, Paddock, Lawn, Pleasure Ground, or Nursery for Trees), or the Towing Paths or Wharfs belonging to any Canal, or the Branches thereof, such Person or Persons tendering to the Owners or Occupiers of such Lands and Grounds for such Materials, and for any

Materials to be taken from Lands in the Parish of Birmingham.

Damage done thereto, such Recompence and Satisfaction as shall be agreed upon by the said Commissioners and such Owners or Occupiers, or (in case of any Difference touching the Amount of such Recompence or Satisfaction) as shall be settled and determined by the Justices assembled at a General Quarter Sessions of the Peace of the said County of *Warwick*, who shall in a summary Way settle and determine the same, and award Costs to either Party, and the Judgment or Order of such Justices therein shall be final and conclusive to all Parties; and the said Commissioners shall have full Power and Authority to cause to be dug, carted, and carried out of or brought into the said Streets, Lanes, public Passages and Places, such Gravel, Stones, Clay, Sand, and other Materials.

Notice to be given before Materials are taken.

XXIII. Provided always, and be it further enacted, That it shall not be lawful for any Person under the Authority of this Act to dig, gather, take, or carry away any Materials for any of the Purposes aforesaid from any inclosed Lands, until Notice in Writing under the Hands of Seven or more of the said Commissioners shall have been given to the Occupier of such Lands, or left for him at his usual Place of Residence, to appear before the said Commissioners, at such Time and Place as shall be mentioned in such Notice, to shew Cause why such Materials should not be had from such Lands; and in case such Occupier shall attend pursuant to such Notice, the said Commissioners shall if they think fit, after having heard the Matter, authorize any such Person as aforesaid to dig, gather, take, and carry away such Materials, at such Time or Times as the said Commissioners shall think proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Commissioners shall and may make such Order as they respectively shall think fit, as fully and effectually to all Intents and Purposes whatsoever as if such Occupier or his Agent had attended.

Lamps to be set up.

XXIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered from Time to Time, and at any Time or Times after the passing of this Act, to purchase and provide such and so many Glass Lamps of such Sorts and Sizes, and such and so many Lamp Irons and Lamp Posts, and other Things for lighting such Lamps, as they shall judge necessary, and to direct the same to be affixed or set up on or against the Walls or Palisades of all or any of the Houses, Tenements, or Buildings, or against any other Walls within the said Town, or in any other Manner they shall think proper and convenient, and to be taken down, altered, or renewed, when and as often as they shall think fit, and to cause such Lamps, or any of them, to be lighted at such Seasons of the Year, on such Evenings, and such Hours of the Evening, and to be kept burning for so many Hours, as shall to them the said Commissioners seem necessary or proper for the well and sufficient lighting of all or any of the said Streets, Lanes, public Passages or Places within the said Town.

Penalty for wilfully or negligently breaking Lamps.

XXV. And be it further enacted, That if any Person or Persons shall wilfully break, take away, throw down, or otherwise destroy or damage any Lamp or Lamps already erected, or which shall be erected by or by Order of the said Commissioners, or by any Person or Persons at his, her, or their own Expence, for the Purpose of lighting any of the said Streets,

Streets, Lanes, public Passages or Places, or any Post, Iron, Cover, or other Furniture thereof, or shall wilfully extinguish the Light or Lights of any such Lamp or Lamps, it shall and may be lawful to and for any Justice of the Peace for the said County of *Warwick*, and he is hereby required, upon Complaint to him made by any One or more credible Witness or Witnesses of any such Offence, to issue a Warrant for apprehending the Party or Parties accused; or it shall and may be lawful to and for any Person or Persons who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said County; and on the Party or Parties accused being brought before such Justice, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their Confession, or upon such Evidence as aforesaid, then and in every such Case he, she, or they shall for each and every such Offence respectively, and if more than One, shall severally forfeit any Sum not exceeding Five Pounds, and shall also make full Satisfaction (to be ascertained by such Justice) to the said Commissioners, or other Party injured, for the Damage so done; and in case such Offender or Offenders shall not upon Conviction forthwith pay such Penalty by him, her, or them incurred, and also such Satisfaction as aforesaid, such Justice is hereby required to commit such Offender or Offenders to the Common Gaol or House of Correction in the said County of *Warwick*, there to be kept to hard Labour for any Time not exceeding Six Months; but such Offender or Offenders may be discharged before the Expiration of the Time for which he, she, or they shall be committed, upon Payment of such Penalty and making such Satisfaction as aforesaid; and One Moiety of the said Penalty or Penalties when recovered shall be paid to the Informer or Informers, and the other Moiety thereof to the Treasurer of the said Commissioners, to be applied for the Purposes of this Act; and if any Person or Persons shall negligently or accidentally break, throw down, or otherwise destroy, damage, or injure any of the said Lamps, or any of the Posts, Irons, or Furniture thereof, and shall not upon Demand made by the said Commissioners, or by their Treasurer or Clerk, make Satisfaction for the Damage so done, it shall be lawful for any Justice of the Peace for the said County, and he is hereby required, upon Complaint thereof made by One or more credible Witness or Witnesses, by Warrant under his Hand, to summon before him the Party or Parties complained of for doing such Damage, and upon his, her, or their appearing or making Default to appear (Oath having been made that the Party complained against had been served with such Summons, or that the same had been left at his, her, or their usual Dwelling or Place of Abode, if known, or that he, she, or they could not be found), such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either by Confession of the Party, or the Oath of One or more Witness or Witnesses, shall award and order such Satisfaction to be made by the Party or Parties complained against for the Damage so done, as to such Justice shall appear just and reasonable; and in case the Sum so awarded shall not be paid forthwith, it shall and may be lawful to and for
such

such Justice, and he is hereby required to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person and Persons complained against, rendering to him, her, or them upon Demand, the Overplus (if any), after such Sum so awarded, and the Charges of prosecuting such Complaint, and of such Distress and Sale, shall be paid.

Projections
to be re-
moved.

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

XXVII. And

XXVII. And be it further enacted, That all Spouts and Gutters belonging to and which convey Water from the Tops of the Houses, Warehouses, Shops, or other Buildings directly into any of the Streets, Lanes, Ways or public Places within the said Town, and all Sewers, Gutters, Drains, or Sinks conveying any Water, Sock, Filth, or other Material or Thing from any Houses, Buildings, Yards, or Premises within the said Town, shall, within Three Calendar Months after the passing of this Act, be removed or covered, and the Water or other Material or Thing shall be conveyed by Pipes to be brought down by the Sides or Fronts of such Houses, Warehouses, Shops, or other Buildings, Yards, and Premises, into some underground Sewer, or into some Cistern, Reservoir, or Kennel, at the Costs and Charges of the respective Owners or Proprietors thereof; and in case the same shall not be done within the Time aforesaid, or within the Space of Fourteen Days next after Notice to be given by the said Commissioners or their Clerks for the Time being, the Occupier of every such House, Warehouse, Shop, or other Building, shall forfeit and pay the Sum of Five Shillings for each and every Day any such Spout or Gutter, Sewer or Drain, shall remain, and the Water or other Material or Thing not conveyed down as aforesaid after the Time herein-before limited; and it shall and may be lawful to and for any Tenant or Tenants of any such Houses, Warehouses, Shops, or other Buildings aforesaid, and they are hereby required (in case of Neglect or Refusal by the respective Owners or Proprietors thereof) to alter such Spouts and Gutters in Manner herein-before directed, and such Tenant or Tenants so altering such Spouts and Gutters, Sewer or Drain, shall and may retain and deduct the Expence out of his, her, or their next Rent or Rents, and their respective Landlords are hereby required to allow the same; and that if any Person or Persons shall hereafter erect or make, or cause to be erected or made, any Spout or Gutter, Drain or Sewer, for conveying Water or other Material or Thing from any old or new House, Warehouse, Shop, or other Building and Premises in any Manner contrary to the Directions and true Meaning of this Act as aforesaid, every such Person shall forfeit and pay any Sum not exceeding Five Pounds, and also the further Sum of Ten Shillings for every Week such Spout or Gutter shall remain.

Spouts and Gutters conveying Water, &c. to be carried into the Culver.

XXVIII. And be it further enacted, That no Bulk or Bulk Sash shall at any Time hereafter be erected, built, or made to any House, Workshop, or other Building, in any Street, Lane, Way, and Passage, which now is or hereafter shall be upwards of Ten Yards in Breadth, to project more than Twelve Inches from the perpendicular Wall of the said House, Workshop, or other Building, in or from which the same shall be made; nor shall any Bulk or Bulk Sash whatever be erected, built, or made to any House, Workshop, or other Building, in any Street, Lane, Way, or Passage in the said Town, which is or shall not be more than Ten Yards in Breadth, on Pain of forfeiting for each respective Offence any Sum not exceeding Twenty Shillings, and the further Sum of One Shilling for every Day such Bulk Sash shall continue; and the Master Workman employed to erect, build, or make the same shall forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for the said Commissioners, or any Seven or more of them, to cause the same to be taken down, removed, and carried away, without Notice to be given to the Owner or Owners, Tenant or Occupier, to take down, remove, or carry away the same.

How Bulk Sashes shall be regulated.

Footways,
&c. to be
swept.

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

Power to
compound
with Inha-
bitants for
cleansing
Streets, &c.

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

Hoards to be
erected.

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

No new
Buildings to
be covered
with Thatch.

XXXII. And be it further enacted, That it shall not be lawful from and after the passing of this Act, for any Person or Persons to cover or cause to be covered any House or other Building within any Part of the said Town, in the Whole or in Part, with Thatch or Straw; and all and every Person and Persons offending in such respect shall forfeit and pay the Sum of Twenty Shillings for every Week such House or other Building shall continue with such Covering of Thatch or Straw as aforesaid.

Commission-
ers to ascer-
tain the Rate
of Cartage.

XXXIII. And be it further enacted, That the said Commissioners, or any Seven or more of them, shall and are hereby vested with full Power to fix and ascertain the Rates and Prices of Cartage, which shall from Time to Time be paid and payable to Carters and Carmen plying and being within the said Town, for the carrying and conveying of any Coals, Iron, Iron-stone, Goods, Wares, and other Merchandize, from the several Wharfs of the Navigations now made or hereafter to be made, and lying or being near or adjoining to the said Town, to any Part or Parts of the said Town, and from any Parts of the said Town, to any other Parts thereof, in or upon any Cart, Sledge, Dray, or other Carriage, according to the Distances which the same shall be carried, as they the said Commissioners or any Seven or more of them, shall think proper, which said Rates and Prices of Cartage, and none other, shall from Time to Time be paid or payable to any of such Carters or Carmen; and also the said Commissioners, or any Seven or more of them, shall and may
and

and have hereby full Power to make and ordain such Orders, Rules, and Bye Laws for the better governing and regulating of all such Carters and Carmen within the said Town, and the Manner of loading and unloading of all Carts, Waggon, Coaches, Chaises, and other Carriages used, and the Driver and Drivers thereof respectively, in all Respects whatsoever, as shall appear fit and proper in the Judgment of such Commissioners, and to fix and appoint such Penalties for the Non-performance or other Breach of all or any of such Rules, Orders, or Bye Laws, or any Part thereof, as they shall think proper, such Penalties to be levied and recovered by such Ways and Means as are herein-after mentioned; and all which Orders, Rules, and Bye Laws, when reduced into Writing, and signed by the said Commissioners, or any Seven or more of them, shall from Time to Time be final and binding to all Intents and Purposes whatsoever.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioners to constitute, ordain, and provide from Time to Time, such Bye Laws, Rules, and Orders, as they shall think fit, for licensing and authorizing a sufficient Number of Hackney Coaches and Sedan Chairs within the said Town of *Birmingham*, and for regulating and ordering such Hackney Coaches, and Sedan Chairs, and the Owners, Drivers, and Carriers thereof respectively, and also in what Manner such Hackney Coaches and Sedan Chairs shall be furnished and provided, and for ascertaining and fixing, altering and removing the Stands from Time to Time, and for punishing the Misconduct and Misbehaviour of Hackney Coachmen and Chairmen within the said Town; and for ascertaining what Fares and Prices, as well for Time as Distance, shall be allowed and taken by such Hackney Coachmen and Chairmen within the said Town, and to what Distances such Hackney Coachmen and Chairmen shall be obliged to drive, go and come, in and through the said Town, not exceeding for such Coachman Four Miles, and not exceeding for such Chairman Two, and the Rates and Fares to be taken for the same; and the said Commissioners may from Time to Time as they shall think fit, repeal, alter, and amend such Bye Laws, Rules, and Orders, or any of them, and shall ascertain and set down what pecuniary Penalties or Forfeitures shall be incurred by Persons breaking or evading the same, or any of them: Provided that no such Penalty or Forfeiture shall exceed the Sum of Five Pounds for any one Offence: Provided also, that all such Bye Laws, Rules, Orders, and Regulations to be made by virtue of this Act, be not repugnant to the Laws of that Part of the United Kingdom called *England*, or to any of the Provisions and Directions in this Act contained, or any of them, and subject to Appeal as herein-after is mentioned.

Power to
make Bye
Laws for
licensing
Hackney
Coachmen,
&c.

XXXV. And be it further enacted, That if the Driver of any Coach, or the Carrier or Carriers of any Sedan Chair, shall be found standing or plying for Hire, or using such Coach or Sedan Chair in the said Town without such Licence as aforesaid, or having such Licence, shall be found plying or standing for Hire at a different Place or Standing than the Place or Standing for which such Licence shall be granted, the Owner or Owners, or Driver or Drivers of, or the Person or Persons driving or offering to drive such Coach, and the Owner or Owners, Carrier or Carriers of such Sedan Chair without or contrary to such Licence as aforesaid,

Penalty on
the Driver of
any Coach,
&c. offend-
ing.

said; shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Carts used in the Town to have Six Inch Wheels.

XXXVI. And whereas by the said recited Acts it is enacted, that the Wheels of Carts used for carrying Goods in the said Town should be made with Fellies Six Inches broad at the least, and of a flat even Surface in every Part of such Fellies; be it therefore further enacted, That the Wheels of every Cart kept or used for carrying Coals, Goods, or other Things within the said Town, shall be made with Fellies Six Inches broad at the least, and of a flat even Surface in every Part of such Fellies, on pain that the Owner or Driver of every Cart used as aforesaid, not having such Fellies, shall for every Day on which the same shall be used in the said Town forfeit and pay any Sum not exceeding Ten Shillings.

Inflicting a Penalty on Persons not paying Hackney Coachmen, &c. or injuring any Coach or Chair.

XXXVII. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay, on Demand, any licensed Hackney Coachman or Hackney Chairman, the Money justly due to him for the Fare under or in pursuance of any Bye Law or Licence made in pursuance of this Act, or shall wilfully cut, deface, break, or injure any such licensed Coach, or the Harness of the same, or any licensed Chair, within any Part of the Limits which such Hackney Coach or Chair is or shall be licensed and compelled to go, drive or carry, it shall be lawful for any One or more Justice or Justices of the Peace of and for the County of *Warwick*, upon any Complaint thereof made to him or them, to grant his or their Summons against the Person or Persons complained of, to appear before him or them, at some Time and Place to be mentioned in such Summons, to answer the Matter of the said Complaint, and on Proof on Oath or Affirmation of the Service thereof, to proceed in and to hear the Matter of the said Complaint on Oath or Affirmation, whether the Person summoned appears or not, (except some reasonable Cause shall be offered for his, her, or their not so appearing,) and to make such Order therein as to such Justice or Justices shall appear to be just; and if the Person or Persons against whom such Order shall be made, do not immediately pay or cause to be paid the Money (if any) that shall be ordered as a Satisfaction to the Person or Persons for the Service or Injury done, it shall be lawful for such Justice or Justices, and he and they is and are hereby required and directed to grant his or their Warrant of Distress against the Goods and Chattels of the Person or Persons so refusing or declining to pay, to be taken in any Place wherever found, and the same to sell and dispose of, and out of the Monies arising by or from such Sale to pay the Money or Monies so awarded to the Person or Persons to whom awarded, together with such Costs as such Justice or Justices shall think reasonable, returning the Overplus (if any) to the Owner of the Goods and Chattels so distrained; and if no Distress can be found, then to commit the Person or Persons against whom such Order shall be made to the Common Gaol of the said Town, for any Time not exceeding One Calendar Month, there to remain without Bail or Mainprize, unless the Money is sooner paid.

Bye Laws to be published in the Newspapers.

XXXVIII. And be it further enacted, That a Copy of the several Rules, Orders, and Bye Laws, Rates and Fares, by this Act authorized to be made, shall be printed, and signed by the Clerk to the said Commissioners,

tioners, and that public Notice when they are to take place shall be given by Advertisement in all the Newspapers then published in the Town of *Birmingham*, Fourteen Days at least before any such Rule, Order, or Bye-law shall be executed or take Effect.

XXXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby required to nominate and appoint any Person or Persons, and to purchase or hire any Cart or Carts or other Carriage or Carriages, and also any Horse or Horses, for the Purpose of cleansing the several Streets, Lanes, public Passages and Places within the said Town, and of carrying away the Dust, Dirt, and Soil thereof; or it shall and may be lawful to and for the said Commissioners to contract with any Person or Persons for cleansing the same, and for carrying away the Dust, Dirt, and Soil thereof.

Commissioners may direct the Streets to be cleansed.

XL. And be it further enacted, That if any Person or Persons whomsoever, other than the Person or Persons employed by or contracting with the said Commissioners for cleansing the several Streets, Lanes, public Passages or Places within the said Town, shall take or carry away, or cause to be taken or carried away, any Dung, Soil, or other Filth arising out of such Streets, Lanes, or other public Passages or Places as aforesaid, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

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

XLI. And be it further enacted, That if any Person or Persons shall run, draw, drive, carry, or place on the Footpaths or Flag Pavements in any of the said Streets, Lanes, public Passages or Places, any Coach, Waggon, Cart, Dray, Wheel, Sledge, Wheelbarrow, Handbarrow, Truck, or other Carriage whatsoever, or roll any Tub or Wheel, or shall wilfully ride, drive, or lead any Horse or other Beast or Cattle, on any of the said Footpaths or Flag Pavements aforesaid, or shall kill, slaughter, singe, scald, dress, or cut up any Cattle, Swine, or other Beast in any of the said Streets, Lanes, public Passages or Places, or cause or permit any Blood to run from any Slaughter House, Butcher's Shop, or Shamble into the same, or any of them, or the Drain of any Sty, Cot, Court, or Yard wherein any Sort of Swine shall be kept or fed, to run into any of the said Streets, Lanes, public Passages or Places, to the Annoyance of any of the Inhabitants of the said Town, or shall hoop, cleanse, wash, fire, or burn or scald any Cask, or hew or saw, or cause to be hewn or sawn, any Stone, Wood, or Timber, or bind, make, or repair the Wheel of any Carriage, or shoe, bleed, or farry any Horse or other Beast or Cattle (except in Cases of Accident), or turn or drive loose any Horse, or roll any Cask, or fly any Kite in any of the said Streets, Lanes, public Passages or Places; or if any Person shall set, place, or expose to Sale, or cause to be set, placed, or exposed to Sale, any Goods, Wares, or Merchandizes whatsoever, or any Fruit, Vegetables, or Garden-stuff, Butchers Meat, or other Matter or Thing, upon or projecting over, or fastened or affixed to the Wall adjoining the Footpaths of any of the said Streets, Lanes, public Passages or Places within the Town of *Birmingham* aforesaid, or hang up or expose to Sale any Goods, Wares, Merchandizes, or other Matter and Thing, upon any Flap, Window, or otherwise; or if any Person shall at any Time leave open any Cellar Door or Grate in any of the said Streets, Lanes, public Passages or Places, or shall make or assist

For preventing Annoyances in the Streets.

in making any Fires commonly called *Bonfires*, or set fire to or let off any Gun, Pistol, Squib, Serpent, Fire Balloon, Cracker, or Fire-works, within any of the said Streets, Lanes, public Passages or Places; or if any of the Inhabitants of the said Town shall cause or permit or suffer to be removed any Ashes, Cinders, Dust, Dirt, Filth, Soil, Dung, or Rubbish from any House, Shop, Building, Warehouse, or Yard within the said Town, and shall wilfully or negligently permit or suffer the same to lay in any of the said Streets, Lanes, public Passages or Places in the said Town, for any longer Time than for the loading and carrying away the same, or shall suffer the same to annoy his or their Neighbour or Neighbours; or permit or suffer the Soil or Contents of any Privy or Necessary-house, Pigsty, or Dunghill, to remain in any of the said Streets, Lanes, public Passages or Places, after the Hour of Six o'Clock in the Morning between the First Day of *April* and the First Day of *October* in each and every Year, and after the Hour of Eight o'Clock in the Morning between the First Day of *October* and First Day of *April* in each and every Year; every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalties on
leaving Car-
riages in the
Streets.

XLII. And be it further enacted, That if any Person shall use any Waggon, Cart, Sledge, Dray, Wheelbarrow, or Handcart within the said Town, not having the Name and Place of Abode of the Owner thereof printed in large White Capital Letters on a Black Ground in the Front or on the off Side of such Waggon, Cart, Sledge, Dray, Wheelbarrow, or Handcart; or if any Waggon, Cart, Sledge, Dray, or other Carriage, shall be left or remain in any of the said Streets, Lanes, or other public Passages or Places, with or without Horses or other Cattle, for any Time longer than shall be necessary for the loading or unloading thereof; or if any Stage Coach, Diligence, Post Chaise, or other Carriage let to hire, except such Coach, Chariot, or other Carriage used in the said Town as an Hackney Coach, and licensed by the said Commissioners as herein-after mentioned, shall be left or remain in any such Street, Lane, public Passage or Place, with or without Horses, for any longer Time than shall be reasonable and necessary for the taking up or setting down the Passengers, or of loading or unloading their Baggage; or if any Stone-horse or Stallion shall be brought and exhibited in any of the Streets, Lanes, public Passages or Places of the said Town; or if any Sort of Swine shall be kept or fed in any Sty or Cot, Court Yard or Garden, adjoining to any of the said Streets, Lanes, public Passages or Places, not well and sufficiently walled in so as to prevent the same from becoming a Nuisance to the Inhabitants of the said Town; or if any Person shall bait or cause to be baited any Bull in the Manner called *Bull-baiting*, in any private Court or Yard, or in any of the Streets, Lanes, or public Passages of the said Parish of *Birmingham*; or if any Swine or other Beast shall be permitted to wander or be at large in any of the said Streets, Lanes, public Passages or Places; or if any Timber, Bricks, Stones, Dung, Wood, Goods, Wares, or Merchandizes, or other Materials or Things, shall be laid or placed, and left to remain in any of the said Streets, Lanes, public Passages or Places, for any longer Time than shall be necessary for moving or housing the same; or if any broken Glass or Earthen Ware, Ashes, Rubbish, Dust, Dirt, Filth, or other Nuisance or Annoyance, shall be thrown, cast, or laid in any of the said Streets, Lanes, public Passages or Places (except Ashes, Sand, or Saw-

dust in the Time of Frost only, and to prevent Accidents), and suffered to remain for any longer Time than shall be necessary for removing the same; or if any Person or Persons shall throw out or pour down upon any of the said Footpavements or Carriageways any foul Water in which Brass Ashes or any Kind of Metal shall have been washed, or permit the same to run into the said Streets, Lanes, public Passages or Places, otherways than by such Drains as shall be made under or through the said Footpavements by the Order or Direction of the said Commissioners, (except in Cases of Fire), then and in every such Case the Owner or Driver of every such Waggon, Cart, Sledge, Dray, Wheelbarrow, or Handcart, and the Owner of any such Stone-horse or Stallion, Swine or other Beast, Timber or other Things as aforesaid, and the Person who shall so throw, cast, or lay any Dung, Filth, Ashes, Rubbish, Dust, Dirt, or other Nuisance or Annoyance, or foul Water, in which any such Metal shall be washed as aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and it shall be lawful for any Person or Persons to impound any such Waggon, Cart, Sledge, Dray, Coach, or other Carriage, Material, or Thing so left or remaining as aforesaid, and also any such Swine or other Beast so wandering or being at large as aforesaid, in the common Pound, and the same to detain in such Pound until the said Penalty, together with the Costs and Charges of keeping and removing the same, shall be fully paid and satisfied; and if such Penalty and Expences shall not be paid within Five Days after the same respectively shall be so impounded, it shall be lawful for such Person or Persons as shall be appointed by the said Commissioners for that Purpose to sell and dispose of the same, and the Overplus (if any) of the Money arising by such Sale shall be paid to the Owner or Owners thereof respectively.

XLIII. And be it further enacted, That the Owners or Occupiers of all Engines commonly called *Steam Engines* hereafter to be erected, set up, or used in the said Parish of *Birmingham*, shall use the Mode or Method now adopted, or other equally efficacious, to consume and burn the Smoke arising therefrom, so as to prevent the same occasioning any Nuisance whatsoever; and if any Person or Persons shall set up or use any such Steam Engine without burning or consuming the Smoke upon the Principle aforesaid, they shall forfeit and pay for every such Neglect or Default Fifty Pounds; to be recovered by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

Steam Engines to consume their own Smoke.

XLIV. And be it further enacted, That if any Person or Persons shall wilfully set fire to, or cause, permit, or suffer the Chimney of any House, Workshop, Outhouse, or other Building in the said Town to be on Fire, the Owner or Occupier of every such House, Workshop, Outhouse, or other Building, shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings.

Penalty on firing Chimnies.

XLV. And be it further enacted, That the said Commissioners may, if they think fit, order and direct to be painted, engraved, or otherwise described, on a conspicuous Part of some House or other Building at or near the End or Corner of every such Street, Lane, public Passage and Place, the Name by which such Street, Lane, public Passage and Place is now or shall hereafter be called or known, and may order and direct the several Houses, Shops, Warehouses, and Buildings within the said

Names of Streets may be set up.

said several Streets, Lanes, public Passages and Places, or any of them, to be numbered with Figures painted or placed on the Door of every such House, Shop, Warehouse, or other Building, or such other Part thereof, as the said Commissioners shall think proper; and if any Person shall wilfully obliterate or deface any such Name or Numbers, or any Part thereof, or cause or procure the same to be done, every Person so offending in any of the said Cases shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Power to appoint Watchmen.

XLVI. And be it further enacted, That the said Commissioners may and they are hereby authorized and empowered from Time to Time (if they think necessary or proper) to appoint such and so many Watchmen and Night Constables to be employed in the said Town for so long Time in every Night, and during the Whole or any Part of the Year, and under such Regulations and for such Wages as they shall think proper, and also to displace any such Watchmen or Night Constables for Misbehaviour, and to appoint others in the Room of those so displaced; and that they the said Commissioners may, if they think necessary, provide proper Watch Houses and Watch Boxes, or Places of Reception for such Watchmen and Night Constables, for the safe Custody of such Persons as may be apprehended by such Watchmen and Night Constables whilst on Duty; and it shall be lawful for the said Watchmen and Night Constables, or any of them, and they are hereby authorized and required to apprehend and secure all such Malefactors, Disturbers of the public Peace, and other suspected Persons who shall be found wandering or misbehaving themselves during the Hours of keeping Watch, and to detain, confine, and carry such Person as soon as conveniently may be before some Justice of the Peace for the County of *Warwick*, to be dealt with according to Law.

Penalty on Victuallers, &c. harbouring Watchmen, &c.

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

Commissioners empowered to reward disabled Watchmen, &c.

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

Commissioners may contract for performing the Works.

XLIX. And be it further enacted, That the said Commissioners may and they are hereby authorized and empowered from Time to Time to contract with any Person or Persons for paving, flagging, repairing, cleansing, and lighting the said Streets, Lanes, public Passages and Places within the said Town, and for furnishing Materials for the same, and

and for doing or performing all or any other of the Works by this Act directed to be done or performed, in such Manner and under such Penalties for the due Performance of such Contracts as the said Commissioners shall think fit, giving Fourteen Days Notice of their Intention to enter into every such Contract, in order that any Person willing to undertake the same may make Proposals to the said Commissioners at the Time and Place to be mentioned in such Notice, and every such Contract shall be good, valid, and binding, as well upon the said Commissioners as upon the other Party or Parties thereto; and in case any such Work shall not be well and sufficiently done and performed according to such Contract, the said Commissioners may cause an Action or Suit to be brought in any of His Majesty's Courts of Law or Equity against every such Contractor, either for a specific Performance of such Contract, or for any Penalty contained therein, or for any Damage sustained by reason of the Non-performance thereof: Provided always, that it shall be lawful for the said Commissioners (if they think fit) to compound and agree with any Contractor for any Penalty incurred by him for the Breach or Non-performance of any such Contract, for such Sum of Money as the said Commissioners shall think proper, not being less than the Injury or Damage sustained by the Breach or Non-performance of such Contract, and of all Costs, Charges, and Expences which shall be occasioned thereby: Provided also, that no such Contract shall be made for a longer Space of Time than Three Years from the Time of entering into such Contract.

L. And be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, and they are hereby authorized and empowered, by and with the Consent of the Lord or Lords, Lady or Ladies of the said Manor, to contract, treat, and agree with the said Lords or Ladies of the Manor of *Birmingham* aforesaid for the Time being, their Heirs or Assigns, for the Tolls arising from the Markets and Fairs, and other Manerial Rights relating to the said Markets in the said Town, and to purchase or take a Lease thereof for any Term or Number of Years as the said Commissioners, or any Seven or more of them, shall think proper; and the Costs, Charges, and Expences attending the same shall be defrayed out of the Rates and Assessments to be raised and collected by virtue of this Act. Power to purchase the Markets.

LI. And whereas the Town of *Birmingham* is become a very large and populous trading Town, and the Markets there have from Time out of Memory been held in the Streets or Places called *The Bull Ring*, *High Street*, and *Dale End*: And whereas the Commissioners appointed by or acting in pursuance of the said recited Acts, have purchased and taken down divers Messuages or Tenements and Buildings situate in the *Bull Ring* aforesaid, for the Purpose of enlarging and making more commodious the said Market Place, and it would greatly tend to the Convenience of the Inhabitants of the said Town if the Markets were in future held there; be it therefore enacted, That the said Street or Place so widened and enlarged, called the *Bull Ring*, shall from and after the passing of this Act be deemed a Public Highway, and shall be considered and used as the Market Place for the said Town of *Birmingham*, and for erecting Stalls and exposing to Sale all Goods, Wares, and Merchandizes, Fruit, Vegetables or Garden Stuff, Butchers' Meat, or other Matter or Thing (except Neat Cattle, Horses, Sheep, Pigs, Hay, and Straw); and that the Lord The Bull Ring to be the new Market Place.

or Lords, Lady or Ladies of the said Manor of *Birmingham*, and the Owner or Owners, or Lessee or Lessees of the Fairs and Markets there for the Time being, shall and may on the public Fairs and usual Market Days set up and erect, or cause to be set up and erected, Stalls in the said Market Place (except on the Footways and Pavements); and it shall be lawful for any Person or Persons, on paying the usual and accustomed Tolls, Stallage, Picage, and Duties, to expose their Goods, Wares, and Merchandizes, Fruit, Vegetables or Garden Stuff, Butchers' Meat, or other Matter or Thing, on such Stalls or otherwise for Sale, and the said Lord and Lords, or Lady or Ladies of the said Manor, or the Owner or Owners of the said Fairs and Markets there, or their Lessee or Lessees, shall and may collect, receive, and recover all Tolls, Stallage, Picage, Duties and Emoluments to such Fairs and Markets appertaining; and in case the said Commissioners shall permit or suffer any Stalls to be set up or placed, or any Goods, Wares, or Merchandizes, Matters or Things, to be exposed to Sale in any other Part or Parts of the Streets and Places of the said Town in the said Manor of *Birmingham*, it shall and may be lawful to and for the Lord or Lords, Lady or Ladies of the said Manor, or Owner or Owners of the said Fairs and Markets, or their Lessee or Lessees for the Time being, to collect and recover all Tolls, Picage, Duties, and Emoluments, in such and the same Manner as he and they have been used and accustomed to do in the ancient Market Place, Streets, or Highways in the said Town of *Birmingham* aforesaid, and the same respectively shall be recovered and recoverable in such and the like Manner as such Tolls, Stallage, Picage, Duties, and Emoluments are by Law now recoverable, or shall and may be recovered and recoverable in the Court of Requests for the Town of *Birmingham* aforesaid, as other Debts are recoverable there.

Power to remove the Beast and other Markets.

LII. And whereas the Markets for Sale of Neat Cattle, Horses, Sheep, and Pigs, have usually been held in the principal Streets and greatest Thoroughfare of the said Town, called *Dale End* and *New Street*, to the great Danger and Inconvenience of all Persons living and resorting there; be it therefore enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, and they are hereby authorized and empowered, at a Special Meeting to be called for that Purpose, to contract, treat, and agree for the Purchase of a Piece of Land, with the Buildings thereon, called *The Moat* and *Moat-house*, situate in the said Town of *Birmingham*, belonging to Sir *Thomas Gooch* Baronet, and *Thomas Francis* Esquire, and now or late in the respective Tenures of *John Parker* and the said *Thomas Francis*, and to take down the said Buildings, or any Part thereof, and to lay open the Land whereon the same stands, as also the said Land called *The Moat*, or so much thereof as they the said Commissioners, or any Seven or more of them, shall think fit, so as the same shall form an Area of at least One Acre and Two Roods, and to divide and inclose the same for a Market Place for the Sale of Neat Cattle, Horses, Sheep, and Pigs, Hay and Straw, and when and so soon as the same shall be completed, public Notice thereof shall be given and signed by the Clerk to the said Commissioners, in all the Newspapers published in the said Town of *Birmingham*, and the same shall from thenceforth be deemed and taken to be the Market for Sale of all Neat Cattle, Horses, Sheep, and Pigs, Hay and Straw; and if any Person or Persons shall expose to Sale any Neat Cattle, Horses, Sheep, and Pigs,

in any other Part of the said Town, after such Notice to be given as aforesaid, every such Person shall, for every such Head of Neat or other Cattle, or Load of Hay or Straw as aforesaid so exposed to Sale, forfeit any Sum not exceeding Twenty Shillings.

LIII. Provided always, and be it further enacted, That any thing herein contained shall not extend to or interfere with the Sale of Horses on the Two public Fairs held in the said Town, in a certain Street there called *The Horse Fair*, nor to prevent or interrupt the Right of the Lord or Lords, Lady or Ladies, of the said Manor of *Birmingham*, and the Owner or Owners of the Fairs and Markets there, from setting up such Stalls and Pens as he or they shall be minded to set up, nor to injure or interrupt him, them, or any of them, from gathering and collecting his or their Tolls, Stallage, Penage, Picage, Duties, and Emoluments, but that such Tolls, Stallage, Penage, Picage, Duties, and Emoluments, shall be paid and payable to the Lord or Lords, Lady or Ladies, of the said Manor, and Owner or Owners of the said Fairs and Markets, in such and the like Manner as if such Market for Sale of Neat Cattle, Horses, Sheep, Pigs, Hay and Straw, was held in the Place commonly called *The Market Place*.

Act not to affect the Horse Fair, or the Rights of the Lord of the Manor to erect Stalls on the Fair Days and Market Days.

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

New Streets to be laid out.

LV. And be it further enacted, That whenever any new Street within the said Town shall be laid out and formed, or any Street shall be at any Time extended, the Owners and Proprietors of the Houses, Buildings, and Premises adjoining to such Street or Extension of Street, when and so soon as Three-fourth Parts thereof shall be built, shall and they are hereby

New Street to be paved by the Owners.

hereby required to cause the Square of their Houses, Buildings, or Premises in the Middle of such new Street, both in the Carriage and Footway, to be paved in such Manner as the said Commissioners shall direct; and all such Houses, Buildings, or Premises, and the Owners and Occupiers thereof respectively, shall for the Space of Ten Years from the Time such Payment shall be completed, be exempted from being charged or assessed to or paying any of the Rates or Assessments commonly called *The Highway Levies*, within the said Town or Parish of *Birmingham*.

Boundaries
of the Town
to be ascer-
tained.

LVI. And whereas Doubts may arise respecting the Boundaries or Limits of the said Town; be it therefore enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to ascertain and fix the Limits or Boundaries of the said Town of *Birmingham*, within the Parish of *Birmingham*; and Notice of the Day, Hour, and Place of Meeting of the said Commissioners to ascertain and fix the same, shall be given in some Newspaper published or circulated in the said Town of *Birmingham*, and also a like Notice shall be fixed on the principal outer Door of the Parish Church of *Saint Martin* in *Birmingham* aforesaid, and of every Church within the several Parishes and Places whose Boundaries adjoin to the said Parish of *Birmingham*, for Two *Sundays* before such Day or Days of Meeting; and the Limits or Boundaries so fixed from Time to Time shall be deemed and taken to be, to all Intents and Purposes, the Limits or Boundaries of the said Town, for the Purposes of this Act; and all the Powers, Provisions, and Authorities herein contained, shall extend to and be executed and put in force within such Limits or Boundaries.

Commission-
ers may widen
Streets.

LVII. And be it further enacted, That for the Improvement of the said Town, and for public Advantage, it shall and may be lawful to and for the Commissioners appointed by virtue of this Act, or of Two-thirds of them present at a General Meeting to be specially summoned for that Purpose (such Two-thirds not to consist of less than Twenty-four Commissioners), to alter, widen, turn, and extend any of the Streets, Lanes, Ways, Passages, or Places, and to lengthen, continue, and open the same from the Sides or Ends of any Streets, Lanes, Ways, Passages, Roads, or Places within the said Town; and in case any Houses, Walls, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof which shall, in the Opinion of the said Commissioners, project into, obstruct, or prevent them from so doing, and the Possession or Occupation and Purchase of such Houses, Walls, Buildings, Lands, Tenements, or Hereditaments, shall be or will be found necessary for any of the Purposes aforesaid, it shall and may be lawful to and for the said Commissioners, or Two-thirds of them present at a Meeting to be specially summoned as aforesaid (such Two-thirds not to consist of less than Twenty-four Commissioners), to treat, contract, and agree, or to employ any Person or Persons to treat, contract, and agree, with the Owner and Owners of any such Houses, Walls, Buildings, Lands, and Hereditaments, of what Nature, Kind, Tenure, or Quality soever, for the Purposes aforesaid, or any of them, and to pay for the same such Sum or Sums of Money as shall be agreed upon by the said Commissioners as aforesaid, out of the Money to be raised, arise, or accrue by virtue of this Act, and to pull down, use, sell, or dispose of the same, or the Materials thereof, in such Way, Manner,
and

and Form as they shall think most expedient, and the Sites thereof, or such Parts thereof as the said Commissioners shall think necessary to lay into the said Streets, Lanes, Ways, Passages, Roads, or Places: Provided always nevertheless, that no Sum or Sums of Money shall be laid out or expended in altering, widening, turning, or extending any of the said Streets, Lanes, Ways, Passages, or Places in the said Town, until the Debt now due to the Governors of the Free Grammar School of King *Edward* the Sixth shall be paid or satisfied, and until a sufficient Sum of Money shall be reserved out of the Rates to be collected by virtue of this Act, for lighting and watching the said Town at least Six Months in each and every Year.

LVIII. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate or Collegiate, Corporations, whether Aggregate or Sole, Spiritual or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, or other Person or Persons, and also to and for all Femes Covert who are or shall be seised in their own Right, and to and for all Persons, whether Tenants for Life or Tenants in Tail General or Special, or for Years determinable on any Life or Lives, and to and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Houses, Buildings, or Erections, Lands, Tenements, or Hereditaments, or any Part thereof, which shall be thought necessary to be purchased for the Purposes of this Act, to treat, contract, and agree with the said Commissioners for the Sale thereof, or of any Part thereof, and to sell, convey, surrender, and assure all or any Part thereof, and all his, her, or their Estate, Right, Title, and Interest whatsoever, of, in, and to the same, to the said Commissioners and their Successors, or to such Person or Persons, and his, her, or their Heirs for ever, as the said Commissioners shall direct, in trust for them the said Commissioners for any of the Purposes of this Act, or to agree with the said Commissioners for any Recompence to be made for the Damage which may be done to any such Houses, Buildings, Erections, Lands, Tenements, or Hereditaments, in the Execution of any of the Powers of this Act; and that all Contracts, Agreements, Bargains, Sales, and Conveyances, Assignments, Surrenders, and Assurances, which shall be so made by virtue and in pursuance of this Act, shall be good, valid, and effectual to all Intents and Purposes whatsoever, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of the said several and respective Cestuique Trusts, and all claiming or to claim by, from, or under them, any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons whomsoever, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act: Provided always, that nothing in this Act contained shall extend or be construed to extend to empower the said Commissioners to take down or

Enabling incapacitated Persons to sell.

purchase for the Purposes of this Act any Messuages, Lands, Buildings, or Hereditaments, save and except the same Moat, Moat House, and Premises, without the Consent of the Person or Persons who shall be seised, possessed of, or interested in such Messuages, Lands, Buildings, and Hereditaments, in Writing, for that Purpose first had and obtained.

The Damages and Recompence to be settled by a Jury.

LIX. And be it further enacted, That if any Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Tenant for Life or in Fee Tail General or Special, Husbonds, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments as may be wanted for the Purposes of this Act, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the same Lands and Hereditaments, shall, for the Space of Two Calendar Months next after such Notice shall have been given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Commissioners, or any Seven or more of them, shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County of *Warwick*; and in order thereto the said Commissioners, or any Seven or more of them, are hereby empowered and required, from Time to Time as Occasion shall require, to summon and call before such Jury and examine upon Oath all and every Person and Persons whom they shall think necessary and proper to be examined concerning the Premises (which Oath any One or more of the said Commissioners is and are hereby empowered to administer), and such Commissioners or any Seven or more of them shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Commissioners, or any Seven or more of them, shall order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, or other proper Person or Persons interested in the said Lands and Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and the Judgment, Order, and Determination thereof, shall be final, binding, and conclusive, to all Intents and Purposes, upon all Persons and Parties whomsoever, claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, as well as all and every other Person or Persons whomsoever; and for summoning and returning such Juries, the said Commissioners, or any Seven or more of them, are hereby empowered to issue their Warrant or Warrants to the said Sheriff, commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before such Commissioners, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel,

Commissioners to issue Warrants to the Sheriff to impanel a Jury.

panel, summon, and return such Number of Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Commissioners, or any Seven or more of them, shall and they are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen; the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Commissioners, or any Seven or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury and who shall not appear, without sufficient Excuse for not appearing, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect to do their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear, without sufficient Excuse for not appearing, or appearing shall refuse to be sworn and examined or to give Evidence; so that no One Fine be more than Twenty Pounds on any One Person for One Offence.

Commissioners may impose Fines on Sheriffs making Default, &c.

LX. And be it further enacted, That in case any Jury or Juries, to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Commissioners, or any Seven or more of them, before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, or for less Money than shall have been offered to be accepted or taken on behalf of the said Commissioners, as the Purchase Money for Lands or Hereditaments to be sold by the said Commissioners, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the Treasurer to the said Commissioners, out of any Money which shall then be in his Hands, or out of any Monies to be received by virtue of this Act; but if any Jury or Juries, to be summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Commissioners, or any Seven or more of them, before the summoning or returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands or Hereditaments, or Losses or Damages as aforesaid, or for the same or any more Money than shall have been offered to be accepted or taken by or on behalf of the said Commissioners as the Purchase Money for any such Lands and Hereditaments as aforesaid, then and in every such Case the

How the Expences of the Jury and Witnesses are to be borne.

Costs

Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom the said Commissioners shall have such Controversy and Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the County of *Warwick*, not interested in the Matter in question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed or adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Commissioners, by the Ways and Means herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating, the Whole of such Costs and Expences shall be borne and paid by the said Commissioners in Manner aforesaid.

Money allowed for Lands how to be charged and tendered.

LXI. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Rates by this Act raised and collected, or out of the Monies to be borrowed on the Credit thereof, either to the Party or Parties respectively entitled thereto, or their Agents; and upon Payment thereof to the Party or Parties entitled to receive the same, or depositing the same in the Bank of *England* in the Manner directed by this Act, for the Use of such Parties or Persons respectively, and after Payment thereof as aforesaid, and Ten Days Notice thereof given to such Parties or Persons or their Agents, or left at their respective usual Places of Abode, or at their last known Place of Abode, or with the Tenant or Tenants in Possession of such Lands or Hereditaments, then such Lands and Hereditaments shall be taken and used for the Purpose of this Act; and from thenceforth all Parties and Persons shall be divested of all Right and Title to such Lands and Hereditaments.

Trustees empowered to sell Grounds and Buildings not wanted for the Purposes of this Act.

LXII. And whereas by reason of the Purchases which the said Commissioners are empowered and required to make by virtue of this Act they may happen to be seised of some Piece or Pieces of Ground, or of some Buildings over and above what will be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, to sell and dispose of such Piece or Pieces of Ground, or Buildings, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same.

Persons of whom the Lands bought to have the Preference.

LXIII. Provided always, and be it further enacted, That the said Commissioners, before they shall sell and dispose of any Piece or Pieces of Ground, or any Building, shall first offer to resell the same to the Person or Persons from whom they shall have purchased the same; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to repurchase the same respectively, an Affidavit, to be made and sworn before

before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County of *Warwick*, by some Person or Persons not interested in the Premises, stating that such Offer was made by or on the behalf of the said Commissioners, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be).

LXIV. And be it further enacted, That the Conveyance of any Estate or Interest of any Femes Covert to the said Commissioners, or any Seven or more of them, or any Person or Persons in Trust for them, by Bargain and Sale, acknowledged by such Femes Covert, and duly enrolled in the Court of King's Bench at *Westminster*, within Six Calendar Months after the making thereof, shall as effectually and absolutely convey the Estate and Interest of such Feme Covert in the Premises as any Fine or Fines, Recovery or Recoveries, would or could do if levied or suffered thereof in due Form at Law; and further, that all Bargains and Sales whatsoever to be made of any such Lands and Hereditaments as shall be so purchased by the said Commissioners, or any Seven or more of them, by virtue of and for the Purposes of this Act, and enrolled as aforesaid, shall have the like Force, Effect, and Operation in Law, to all Intents and Purposes, as any Fine or Fines, Recovery or Recoveries whatsoever, would have had if levied or suffered by the Bargainer or Bargainers, or any Person or Persons seised of an Estate in the Premises in Trust for such Bargainer or Bargainers, in any legal Manner or Form whatsoever.

Conveyance
good by
Bargain and
Sale.

LXV. And be it further enacted, That every Tenant at Will or Lessee for a Year, or any other Person or Persons in Possession of any Lands, Tenements, Houses, Buildings, Grounds, and Hereditaments, or any Part thereof, which shall be purchased by virtue of and for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will, or as Lessee for a Year, or from Year to Year, in case the said Commissioners, or any Seven or more of them, or such Person or Persons authorized by them, shall give Six Calendar Months Notice to quit such Possession, then such Tenant or Tenants shall, at the End of the said Six Calendar Months, or so soon after as he or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Commissioners, or any Seven or more of them, or to the Person or Persons authorized by them to take Possession thereof; and that in case any such Tenant or Tenants, or Person or Persons so in Possession as aforesaid, shall refuse to give such Possession as aforesaid, then it shall be lawful for the said Commissioners, or any Seven or more of them, to issue their Precept or Precepts to the Sheriff of the said County, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver such Possession accordingly of the said Premises, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts, on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods and Chattels: Provided always, that when any Tenant at Will shall by virtue of this Act be required to quit any Lands, Tenements,

Tenants at
Will, &c. to
quit Pre-
mises.

or Hereditaments, before the Expiration of the current Year of such Tenancy, the said Commissioners shall make such Recompence to every such Tenant for so quitting, as shall be agreed upon between the said Commissioners, or any Seven or more of them, and such Tenant; and in case they cannot agree, then such Recompence shall be assessed by a Jury, in such and the same Manner as is herein-before directed and appointed in Cases of Purchase of Land by the said Commissioners.

Application
of Compensation Money
if amounting
to 200*l*.

LXVI. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments, which shall be purchased for the Purposes of this Act of any Body Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or any Feme or Femes Covert, or other Person or Persons being incapacitated to give Discharges for the Purchase or Compensation Money, shall in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the Commissioners for executing this Act, or any Seven or more of them, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making the Conveyance or Settlement shall be existing undetermined, and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so to be purchased, in case such Purchase or Settlement were made.

Where less
than 200*l*.
and exceeding
20*l*.

LXVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity

as

as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the said Bank, with the Privity and in the Name of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Seven or more of the Commissioners for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any manner herein directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

LXVIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used as aforesaid, in such manner as the said Commissioners, or any Seven or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where less than 20*l.*

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

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery, on Motion or Petition.

making claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

When any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled according to such Possession.

LXX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or for any Estate, Right, or Interest in any Lands or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands and Hereditaments according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

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

LXXI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands and Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands or Hereditaments to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, or any Seven or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Appointment of Assessors.

LXXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, once or oftener in every Year, as they shall see Occasion, under their Hands to nominate and appoint, and they are hereby empowered to nominate and appoint, Twelve or more Inhabitants or Residents in the said Town, to be Assessors of the Money by this Act directed to be raised, and from Time to Time to issue their Order or Precept to the said Assessors to be appointed as aforesaid, specifying how much in the Pound shall be raised by Taxation upon all Messuages, Tenements, Buildings, and Hereditaments

within the said Town; and shall and may from Time to Time divide the said Town into such suitable and convenient Parts, and also direct and appoint the said Assessors to such Parts as they the said Commissioners shall think proper, for the more convenient and easy Assessment and Collection of the Money by this Act directed to be assessed and collected; and which said Rate or Assessment so to be made, raised, and assessed as aforesaid for the Purposes of this Act, shall be levied and assessed in the Proportions following; (that is to say,) upon all and every Person or Persons who shall rent or occupy within the said Town of *Birmingham*, any Houses, Tenements, Buildings, or other Hereditaments, under the yearly Rent or Value of Ten Pounds, any Sum not exceeding Nine-pence in the Pound in any One Year; and all and every Person and Persons who shall as aforesaid rent or occupy within the said Town any Houses, Tenements, Buildings, or other Hereditaments, of the yearly Rent or Value of Ten Pounds and under Fifteen Pounds, any Sum not exceeding One Shilling in the Pound in any One Year; and upon all and every Person and Persons who shall as aforesaid rent or occupy within the said Town any Houses, Tenements, Buildings, or other Hereditaments, of the yearly Rent or Value of Fifteen Pounds and upwards, any Sum not exceeding One Shilling and Sixpence in the Pound in any One Year; and the said Assessors are hereby required and commanded to rate and assess the same accordingly; which said Tenants and Occupiers shall pay and are hereby made liable to pay the Whole of every such Rate according to the true annual Value or Rent of all such Houses, Tenements, Buildings, or other Hereditaments and Premises whatsoever to be occupied by him, her, or them respectively.

LXXIII. And be it further enacted, That all Rates and Assessments which shall be made in pursuance of this Act as aforesaid, shall be allowed and signed by the said Commissioners, or any Seven or more of them, and they shall and may have Power to amend any such Rates or Assessments, by inserting or causing to be inserted the Name or Names of any Person or Persons who ought to have been rated, and shall appear to have been omitted therein, or by taking out the Name or Names of any Person or Persons whose Name or Names shall have been inserted in any such Rate or Assessment, and who ought not to be rated, or by varying, altering, raising, or reducing the several and respective Sum and Sums of Money which shall be charged, rated, or assessed in such Rate or Assessment, upon any Person or Persons whomsoever; and such Assessors shall appear and bring with them, at any Time or Place when thereto required by the said Commissioners, or any Seven or more of them, or by their Clerk for the Time being, a true Copy of such Assessments fairly written and subscribed by them, and shall deliver the same unto the said Commissioners, and shall, upon any reasonable Notice from Time to Time, attend upon the said Commissioners at any of their Meetings in pursuance of this Act, and at any Court or Courts of Quarter Sessions, or at any Adjournment thereof, or otherwise, as there shall be Occasion, then and there to explain, amend, and justify such their Assessments; and after the said Rates and Assessments are so made and confirmed, the said Commissioners, or any Seven or more of them, shall and may and they are hereby authorized and required to cause the same to be collected and received, as soon as may be, of and from the Person and Persons respectively on whom the same shall be rated, charged, and assessed.

[Loc. & Per.]

27 K.

LXXIV. Pro-

Exceptions to
being rated.

LXXIV. Provided always, and be it enacted, That no Person shall be rated, or pay to the Rates or Assessments which shall be made by virtue of or in pursuance of this Act, for lighting, cleansing, or watching the said Town, for or upon account of any Gardens, Garden Grounds, or Orchards within the said Town, during the Time they shall or may be occupied for the Purpose only of selling the Fruit and Produce thereof, or of any Arable, Meadow, or Pasture Ground, held or occupied as such in the respective Parishes of *Saint Martin* and *Saint Philip* in the said Town; nor shall any Person be rateable by virtue of this Act for or in respect of any Profits arising from Tolls, Stallage, Penage, Picage, Duties, or Emoluments, due and payable to the Lord or Lords, Lady or Ladies of the Manor of *Birmingham*, or the Owner or Owners of the Fairs or Markets there, nor for any Tithes, Stock in Trade, Money, or Personal Estate; any thing herein contained to the contrary notwithstanding.

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

LXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize a Rate or Assessment upon the Tolls or Tonnage arising or becoming due upon or in respect of any Navigable Canal made in the said Parish of *Birmingham*, nor upon any Payment arising from the weighing of any Coals or other Things upon any Machine now erected belonging to any Navigable Canal.

How Persons shall be rated who occupy different Houses.

LXXVI. And be it further enacted, That where any Person or Persons shall from Time to Time hold or occupy any different Houses, Buildings, or other Hereditaments, either adjoining together, or situated dispersedly in various Parts of the said Town at different yearly Rents, or shall hold or occupy any distinct Parts or Shares of the same House or Houses, Building or Buildings, or other Hereditaments of different Persons, and no one of such Rents, or no one of them which shall be paid to the same Person, shall amount unto Ten Pounds, but the yearly Rent thereof payable to different Persons, or the Rents so payable in the Whole for the Premises so distinctly held or occupied, shall amount to Ten Pounds; and where any Person or Persons shall hold or occupy any different Houses, Buildings, or other Hereditaments, or any Parts or Shares thereof as aforesaid, and no one of such Rents, or no one of them which shall be paid to the same Person, shall amount to Fifteen Pounds, but the yearly Rent thereof payable to different Persons, or the Rents so payable in the Whole for the Premises so distinctly held or occupied, shall amount to Fifteen Pounds or upwards; in all and every such Cases such Inhabitant or Occupier shall be considered, for all the Purposes of this Act, as being an Inhabitant or Occupier of House or Houses, Building or Buildings, or other Hereditaments, at the yearly Rent of Ten Pounds, or Fifteen Pounds or upwards (as the Case shall be), and shall be assessed accordingly for the Tax to be raised and levied for the Purposes of this Act; any thing herein contained to the contrary notwithstanding.

How Houses let in different Apartments shall be rated.

LXXVII. And be it further enacted, That where any Person or Persons shall rent or occupy any House or Houses, Building or Buildings, or other Hereditaments, and shall let any Part or Parts thereof to any Undertenant or Undertenants, the first Taker or Takers of such House or Houses, Building or Buildings, or other Hereditaments, shall be liable to pay the Whole of the Money which shall be assessed on such House,

Building, or other Hereditament, for the Purposes of this Act in respect thereof, or the first Taker or Takers, and his, her, or their Undertenant or Undertenants, shall be separately liable to pay such Parts thereof as shall be proportioned to the Parts really and *bonâ fide* payable by them respectively, of the Rent of the Whole of such Houses, Buildings, or other Hereditaments, at the Option or Election of the said Commissioners, or any Seven or more of them, such Option to be signified by Writing under the Hands of any Seven or more of such Commissioners; and where Persons shall hold or occupy jointly and in Partnership any House or Houses, Warehouse or Warehouses, Building or Buildings, or other Hereditaments within the said Town, the Rate or Assessment made in respect thereof shall be paid by the Person first named in the said Partnership, or first Partner; and such Rate or Assessment shall be added to the Rate or Assessment payable by him in respect of any other Premises he may happen to hold or occupy within the said Town, and the same shall be paid for together as if the same were only one entire Holding or Occupation.

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

LXXIX. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any Rate or Rates, Assessment or Assessments, to be made in pursuance of this Act, such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, may

Collectors to be appointed.

Commissioners empowered to reduce Rates, &c.

may by himself, herself, or themselves, or by his, her, or their Agent or Agents, apply to the said Commissioners at any of their said Meetings; and it shall and may be lawful to and for the said Commissioners, on such Application, to mitigate or reduce such Rate or Rates, Assessment or Assessments, and to give such Relief in the Premises as to them the said Commissioners shall seem just and reasonable; and it shall and may be lawful to and for the said Commissioners, upon the Appeal or Complaint of any Person or Persons subject and liable to the Payment of any Rate or Rates, Assessment or Assessments, by virtue of this Act, to mitigate, reduce, or lessen such Rate or Assessment or Assessments, and also to excuse or remit the Payment thereof by reason of the Inability of such Person or Persons to pay the same.

Power for Assessors, &c. to inspect Land Tax Assessments, &c.

LXXX. And be it further enacted, That it shall be lawful for the said Assessor or Assessors so to be appointed as aforesaid, or any of them, or for the Clerk or Clerks to the said Commissioners, from Time to Time and at all convenient Time or Times to inspect the Book or Books of Assessments or Rates of the Land Tax or Assessed Taxes, for the better ascertaining the Rates and Assessments to be raised and levied by virtue of this Act, and to take Copies thereof (if necessary) at the Expence of the said Commissioners; and the Clerk or Clerks, Collector or Collectors for the Time being to the Commissioners of the Land Tax, or of the Assessed Taxes, acting from Time to Time for the Division wherein the said Parish is situate, shall and are hereby directed and required to permit such Clerk or Clerks at all reasonable Times to inspect the said Books, and to take Extracts from them, or to make Copies of the same, paying the Sum of Two Shillings and Sixpence for every such Inspection.

Parishes of Saint Martin and Philip considered as One Parish for the Purposes of this Act.

LXXXI. Provided always, and be it enacted, That the Parishes of *Saint Martin* and *Saint Philip* within the said Town shall, as to any Rates or Assessments to be made by virtue of this Act, or the Appointment of any Assessors or Collectors to assess or collect the same, and all and every other Matters and Things herein contained, be deemed and taken to be One Parish, in the same Manner as they now are with respect to the Poors Rates and Highway Levies, without any Distinction or Separation of Parishes whatsoever.

Power to raise Money at Interest.

LXXXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to borrow and take up at Interest such Sum or Sums of Money, not exceeding in the Whole at any one Time the Sum of Twenty-four thousand Pounds, for the Purposes of this Act, upon the Credit of the Rates or Assessments to be laid and collected by virtue of this Act, for lighting, cleansing, or watching the said Town, and by Writing under their Hands and Seals to assign all or any Part of the said Rates or Assessments to such Person or Persons as shall lend or advance any Money thereon, or to his or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with any legal Interest for the same; and the Costs and Expences of such Assignment thereof, to be made as hereafter mentioned, shall be from Time to Time defrayed by the said Commissioners out of the Monies to be so borrowed; and every such Assignment shall be in the Words or to the Effect following:

WE

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

And every such Security shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payment thereof, and to all Profit and Advantage thereon, according to the true Intent and Meaning of this Act.

LXXXIII. And be it further enacted, That in case the said Commissioners shall think it adviseable or more advantageous to raise all or any Part of the Money to be borrowed under this Act, by granting Annuities for Lives instead of Assignments as aforesaid, it shall be lawful for any Seven or more of the said Commissioners, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners any Sum or Sums of Money which to the said Commissioners shall seem right and proper for the absolute Purchase of any Annuity or Annuities to be paid and payable during the natural Life of every such Contributor, or the natural Life of such Person as shall be nominated by or on the Behalf of such Contributor, at the Time of Payment of his or her Contribution or Purchase Money; and the Expence of every such Grant shall be defrayed by the said Commissioners; and the Grant of every such Annuity shall be in the Words or to the Effect following:

WE of the Commissioners Form of Security for Grant of Annuity.
 appointed by or in pursuance of an Act of Parliament made in
 the Fifty-second Year of the Reign of King George the Third, and
 intituled [*here set forth the Title of this Act*] in Consideration of the Sum
 of paid by *A. B.* to *C. D.* the Treasurer
 appointed in pursuance of this Act, do hereby grant unto the said
A. B. an Annuity or yearly Sum of out of
 the Rates or Assessments granted or arising by virtue of the said Act,
 which Annuity or yearly Sum of shall be paid
 to the said *A. B.* or his Assigns, during the Term of his natural Life,
 [*or, to the said A. B. his Executors, Administrators, or Assigns, dur-*
ing the natural Life of C. D., as the Case may be,] upon the
 Day of in every Year during the natural Life of him
 the said at the ; the first Payment
 [*Loc. & Per.*] 27 L thereof

‘ thereof to be made on the Day of
 ‘ next ensuing the Date hereof. In witness whereof we the said Com-
 ‘ missioners have hereunto set our Hands and Seals, the
 ‘ Day of in the Year .’

And that every such Grant shall be good, valid, and effectual in the Law, to all Intents and Purposes, without any Enrolment or Registry of the Memorial thereof; and every Annuity so granted as aforesaid shall be and is hereby charged upon, and shall be payable and paid by the Treasurer to the said Commissioners, out of the said Rates or Assessments, and other Money to be received by virtue of this Act, according to the Grant of such Annuity.

Power to assign.

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

Form of Assignment.

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

Which Assignment, &c. shall be entered in a Book.

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

Recovery of Interest or Annuity.

LXXXV. And be it further enacted, That it shall be lawful for any Person or Persons who shall advance or lend any Money upon the Credit of the said Rates or Assessments, in Default of Payment of the Principal Money

Money they shall so lend, or the Interest thereof, or in Default of due Payment of any Annuities that shall be secured to them thereupon (after Demand made at any Meeting of the said Commissioners, or any Seven or more of them), to collect, gather, and receive such Proportion of the said Yearly Rates or Assessments by this Act granted, as the Sum by them lent or advanced doth or shall bear to the whole Money to be borrowed on the Credit of the said Act, and shall continue to receive the same, until all Principal Money and Interest, as also all such Sum or Sums of Money as shall be due by way of Annuity (as the Case may be) shall be fully paid, as also the Costs and Charges attending such Collection; and such Person or Persons is hereby vested with the same Power for recovering and receiving the same as is hereby given to the said Commissioners, or any Seven or more of them.

LXXXVI. And be it further enacted, That all Money which shall be borrowed, and all Monies to be raised by the Rates or Assessments made in pursuance of this Act, shall, as the same shall come in and be received, be issued and applied from Time to Time for defraying the Expences, first of obtaining this Act, and afterwards of carrying the same into Execution, and to or for no other Use or Purpose whatsoever.

Application
of the Money.

LXXXVII. And be it further enacted, That the Commissioners to be appointed under this Act shall and may sue and be sued, and take all Bonds and Securities, in the Name or Names of their Treasurer or Treasurers, Clerk or Clerks for the Time being, to be appointed under this Act; and that no Action or Suit which may be brought by or against the said Commissioners, or any of them, in relation to this Act, in the Name of their Treasurer or Treasurers, Clerk or Clerks, shall abate or be discontinued by the Death or Removal of such Treasurer or Treasurers, Clerk or Clerks, or by the Act of him or them without the Consent of the said Commissioners, as the Case may be, but the Treasurer or Treasurers, Clerk or Clerks for the Time being, shall always be deemed Plaintiff or Plaintiffs, Defendant or Defendants, in every Action or Suit, as the Case may be: Provided always, that all and every such Treasurer or Treasurers, Clerk or Clerks, shall be reimbursed out of the Monies to be raised by virtue of this Act, all such Costs, Damages, or Expences, as he or they shall be put unto, or become charged or chargeable with, by reason of his or their being so made Plaintiff or Defendant, or Plaintiffs or Defendants as aforesaid, provided that the said Action or Defence shall be prosecuted, carried on, and continued, with the Consent of the said Commissioners, as the Case may be.

Commission-
ers to sue and
be sued in the
Names of
their Clerks.

LXXXVIII. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or imposed, or authorized to be imposed, the Manner of levying and recovering whereof is not herein otherwise directed, shall upon Proof of the Offences respectively before any One or more Justice or Justices of the Peace for the said County of *Warwick*, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice or Justices of the Peace is and are hereby required to administer without Fee or Reward), be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices, which

Recovery and
Application
of Penalties.

Warrant

or Parties distraining; but the Person or Persons aggrieved by such Irregularity may receive full Satisfaction for the Special Damage incurred, by an Action on the Case.

XCI. And be it further enacted, That no Inhabitant of the said Parish shall in any Action, Prosecution, Information, Cause, Hearing, Examination, or Proceeding whatsoever, relating to or concerning the Execution of this Act, or concerning the said Parish, be deemed an incompetent Witness on account of his, her, or their being charged with or liable to pay any Rate or Assessment, to be raised, levied, and collected by virtue of this Act. Inhabitants may be Witnesses.

XCII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing of such intended Action shall have been given to the Clerk or Clerks of the said Commissioners, or left at his or their last or usual Place or Places of Abode Twenty-one Days before such Action shall be commenced, signed by the Attorney for the intended Plaintiff or Plaintiffs, specifying the Cause or Causes of such Action; nor shall any Plaintiff or Plaintiffs recover in such Action Satisfaction for Special Damage, or otherwise, or for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed or cause to be committed every or any such Irregularity, Trespass, or wrongful Proceeding, before such Action shall be brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue be joined in such Action, to pay into such Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceeding or Order and Judgment shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court. Notice of Actions.

XCIII. Provided also, and be it further enacted, That no Action or Suit shall be brought, commenced, or prosecuted against any Person or Persons for any thing done or to be done by virtue or in pursuance of this Act, after Three Calendar Months next after the Fact committed, or the Cause of such Action shall have arisen, and every such Action shall be brought and laid in the County of *Warwick*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead at his, her, or their Election specially, or the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance or by the Authority of this Act; and if upon the Trial of such Action or Suit it shall appear to have been so done, or that such Action or Suit shall have been brought before the Expiration of Twenty-one Days next after such Notice shall have been given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or be brought or laid in any other County than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and in all Cases where a Verdict shall be found for any Defendant or Defendants in such Action or Suit, or the Plaintiff Limitations of Actions.

Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or be nonsuited, or if upon Demurrer Judgment shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such and the like Remedy for recovering the same, as any Defendant or Defendants hath or have for recovering Costs of Suit in any other Cases by Law.

Proceedings
not to be re-
moved by
Certiorari.

XCIV. And be it further enacted, That no Rate or Rates, Assessment or Assessments, nor any Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any other Matter or Thing to be done or transacted in or relating to the Execution of this Act, or in pursuance or by virtue thereof, shall be vacated or quashed for Want of Form, nor be removed or removable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law, Statute, or Usage to the contrary notwithstanding.

Power of
Appeal.

XCV. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Rates, Assessment or Assessments, or by any Bye Law, Rule, or Order made in pursuance of this Act, or any other Matter or Thing done or directed to be done in pursuance of this Act, such Person or Persons may, if he, she, or they think fit, apply for Relief to the said Commissioners at their next Meeting to be held, after Demand made of such Rate or Rates, Assessment or Assessments, or next after any such Matter or Thing done and committed by or by any Order of the said Commissioners, by which such Person or Persons shall think himself, herself, or themselves aggrieved, and the said Commissioners are hereby authorized and empowered to give such Relief in the Premises as to them shall seem necessary; and if such Person or Persons shall neglect or omit to apply to the said Commissioners as aforesaid, or not be satisfied with the Determination of the said Commissioners, he, she, or they may appeal to the Quarter or General Sessions of the Peace to be held for the County of *Warwick*, as the Case shall be, within One Month next after such Cause of Complaint shall arise, or such Determination of the said Commissioners shall be made, such Appellant first giving or causing to be given Twenty-one Days Notice at the least, in Writing, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks of the said Commissioners, or leaving such Notice for him, her, or them, at his or their last or usual Place or Places of Abode, and within Seven Days after such Notice enter into a Recognizance before One of His Majesty's Justices of the Peace for the said County, with Two sufficient Sureties in the Sum of Fifty Pounds, conditioned to try such Appeal, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Quarter or General Sessions; and the said Justices at such Quarter or General Sessions of the Peace for the said County, upon due Proof of such Notice having been given as aforesaid, and of entering into such Recognizance, shall hear and determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Justices shall be binding and conclusive.

XCVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent or hinder the Lord or Lords, Lady or Ladies, of the Manor of *Birmingham*, or Owner or Owners of the Fairs and Markets within the said Manor, or any Part or Parts thereof, or any of them, from holding and keeping Fairs and Markets as heretofore within the said Manor of *Birmingham*, subject to the Regulations in this Act contained, or from taking, receiving, collecting, and recovering all Tolls, Stallage, Penage, Picage, Duties, and Emoluments to the said Fairs and Markets belonging, or to give the said Commissioners, or any of them, or any other Person or Persons whatsoever, any Power or Authority to do any Act, Matter, or Thing (except what is specially authorized and directed by this Act) which may in any Manner prejudice, alter, or injure the Fairs or Markets of the said Lord or Lords, Lady or Ladies, of the said Manor of *Birmingham*, or the Owner or Owners of the said Fairs and Markets, or obstruct or injure him, them, any, or either of them, from holding the same, subject to the Regulations in this Act contained, in as full, large, and ample a Manner as he and they were used and accustomed, and by Law entitled to do before the passing of the said recited Acts, or either of them, or this Act, or to hinder any Person or Persons resorting to or using the said Fairs and Markets, from exposing their Goods, Wares, and Merchandizes to Sale there, and using and enjoying all other Privileges, Franchises, and Advantages within the said Markets, which have been used and enjoyed by Persons resorting thereto or using the same, and to which they were entitled by Law before the passing of the said recited Acts, or either of them, or this Act, or to prevent or hinder the said Lord or Lords, Lady or Ladies, of the said Manor, or Owner or Owners of the said Fairs and Markets, from holding of Courts or Leets, and receiving, exercising, and enjoying all such other Emoluments, Payments, Duties, Rights, Immunities, Franchises, Privileges, Jurisdictions, Powers, and Authorities whatsoever, in respect to the holding of Courts or Leets; and that the Juries and Officers of the said Courts or Leets, or Fairs or Markets, within the said Manor, respectively shall and may exercise and enjoy all and every Powers, Privileges, Franchises, and Authorities, as well upon, over, or in respect of the said Footways or Pavements, as elsewhere, in as full and ample Manner, to all Intents and Purposes, as they have heretofore used to do, and of right could or might have done in case the said recited Acts or this Act had not been passed.

Saving Rights
of the Lords
of the Manor
of Birmingham.

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

Public Act.

