



ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

Cap. cxciv.

An Act for lighting, draining, cleansing, and improving the Hamlets or Liberties of *Duddeston* and *Nechells* in the Parish of *Aston* near *Birmingham* in the County of *Warwick*.

[4th August 1845.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for lighting, watching, cleansing, and otherwise improving and regulating the Hamlets or Liberties of Duddeston and Nechells in the Parish of Aston near Birmingham in the County of Warwick*: And whereas the Commissioners acting under the said Act have proceeded to carry the same into execution, and have for that Purpose raised and expended considerable Sums of Money, Part of which Money so raised is still due and owing; but the Powers given by the said Act have been found insufficient for the Purposes for which they were intended, and it is expedient that the same should be repealed, and other Powers and Provisions granted in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and

[Local.]

51 S

with

Recited Act
repealed.

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 Expiration of Two Calendar Months from the passing of this Act, the recited Act, and all the Powers and Authorities, Matters and Things therein contained, shall be and the same are hereby repealed.

Rates to be
liable to
Debts under
recited Act.

II. And be it enacted, That all Rates made in pursuance of the recited Act, and all Rates to be made in pursuance of this Act, shall be liable to the Payment of the Debts which at the Time appointed for this Act to come into operation shall be owing by Commissioners under the recited Act.

Persons
owing Debts
under recited
Act to be
liable under
this Act.

III. And be it enacted, That all Persons who at the Time appointed for this Act to come into operation shall be liable to the Payment of any Sum of Money to the Commissioners of the recited Act shall, notwithstanding any such Repeal, be liable to the Payment thereof in like Manner as if such Act had not been repealed, and the same shall be paid to the Commissioners for the Time being acting by virtue of this Act, and the Payment thereof may be enforced by them.

All Contracts
made by or
with the
Commission-
ers, and all
Rates, Assess-
ments, and
Orders for
Payment of
Money un-
der repealed
Act, to re-
main in
force.

IV. And be it enacted, That all Contracts, Bonds, and Engagements heretofore entered into by or with the Commissioners and other Persons acting under and by virtue of the recited Act, in pursuance of the Powers therein contained, and all Rates, Assessments, and Orders for the Payment of any Money by any Person whomsoever, under and by virtue of the recited Act, shall be in full Force and Effect in the same Manner as if this Act had not been passed; and that the Performance of such Contracts and Payment of the said several Sums of Money may be enforced by the Commissioners for putting this Act into execution, or any of them, or any other Person interested therein; and the said several Rates and Assessments may be levied and recovered in the same Manner as if such Contracts, Rates, or Assessments had been respectively made, and such several Sums of Money had respectively become due, under and by virtue of this Act.

Repeal of
recited Act
not to pre-
vent the Re-
covery of
Penalties.

V. And be it enacted, That the Repeal of the recited Act shall not prevent the suing for or Recovery of any Penalty incurred in respect of any Offence against any Provisions therein contained previously to the Time appointed for this Act to come into operation, or to prevent or defeat any Prosecution which might have been brought for any such Offence, but all Penalties which have been incurred before the Time appointed for this Act to come into operation under any of such Provisions may be sued for and recovered under this Act, and all Offences which have been committed before such Time against any such Provisions may be prosecuted under this Act.

Officers under
recited Act
to hold their
Situations

VI. And be it enacted, That the Clerk, Surveyor, and Collector appointed in pursuance of the recited Act shall hold their several Offices until they shall be removed therefrom respectively by the
Commis-

Commissioners for putting this Act into execution; and every such Clerk, Surveyor, and Collector shall, while he shall continue in Office, be subject to the like Pains, Penalties, and Powers of Removal, and to the like Rules and Regulations, as if he had been appointed by virtue of this Act. until removed.

VII. And be it enacted, That all Persons acting or who have acted under the recited Act, who shall have in their Custody, Power, or Possession any Money collected by virtue of the recited Act, or any Books, Papers, or Writings relating to the Execution of the recited Act, shall, forthwith after this Act shall come into operation, pay and deliver up the same to the Commissioners, or to such other Persons as they shall appoint to receive the same; and in case of Neglect or Refusal the Persons so neglecting or refusing shall forfeit and pay any Sum not exceeding Fifty Pounds, and also be liable to such Actions as the Commissioners may legally commence for the Recovery of Money, Books, Papers, or Writings so refused or neglected to be paid or delivered up as aforesaid. Persons who have acted under recited Act to deliver up Monies and Books in their Possession.

VIII. And be it enacted, That the Limits to which this Act shall extend shall be the whole of the Hamlets or Liberties of *Duddeston* and *Nechells* in the Parish of *Aston* near *Birmingham* in the County of *Warwick*. Limits of the Act.

IX. And be it enacted, That the recited Act shall continue in force, without reference to this Act, until the Expiration of Two Calendar Months after the Day on which this Act shall be passed; and from and after the Expiration of such Period of Two Calendar Months this Act shall come into operation. Commencement of Act.

X. And be it enacted, That the several Commissioners appointed or to be appointed by or in pursuance of the recited Act, not being such Justices of the Peace as therein mentioned, and their Successors, to be appointed as herein-after mentioned, shall be and they are hereby appointed Commissioners for putting this Act into execution, and shall be called "The Commissioners for Lighting, Draining, Cleansing, and Improving the Hamlets of *Duddeston* and *Nechells* in the Parish of *Aston* near *Birmingham*." Appointment of Commissioners.

XI. And be it enacted, That the several Commissioners appointed or to be appointed by or in pursuance of the recited Act, not being such Justices as therein mentioned, and the Commissioners appointed pursuant to this Act, shall go out of Office by Rotation in manner herein-after provided; (that is to say,) with respect to Commissioners (other than such Justices as aforesaid) who shall be in Office on the Third *Monday* in the Month of *November* next, such Commissioners shall retire from Office at the Times and in the Proportions following; namely, on the Third *Monday* in the Month of *November* next One Third of the Number of such Commissioners shall go out of Office, on the Third *Monday* of the Month of *November* One thousand eight hundred and forty-six One Half of the remaining Number of such Commissioners shall go out of Office, and on the Third *Monday* of the Month of *November* One thousand eight hundred and forty- Period of Service of Commissioners and Time of their going out of Office.

Vacancies to
be filled up.

forty-seven the Remainder of such Commissioners shall go out of Office, or as nearly in those Proportions as the Number of Commissioners will admit of, and their Places shall be supplied in manner herein-after directed; and with respect to Commissioners who shall be elected pursuant to this Act, on the Third *Monday* of the Month of *November* in every Year subsequent to the Year One thousand eight hundred and forty-seven One Third of the Number of Commissioners then in Office, or as near thereto as the Number of Commissioners will admit of (the Commissioners retiring being those who shall have been longest in Office without Re-election), shall go out of Office, and their Places shall be supplied in manner herein-after directed.

Commissioners re-eligible.

XII. And be it enacted, That every Commissioner retiring from Office as aforesaid, if qualified, may be re-elected, and after such Re-election he shall, with reference to going out by Rotation, be considered as a new Commissioner.

Rotation of Commissioners.

XIII. And in order to determine the Rotation by which the Commissioners are required to retire from Office, be it enacted, That the Commissioners shall hold a Meeting at least Fourteen Days and not more than Twenty-one Days before the Third *Monday* in the Month of *November* next, for the Purpose of forming a Rotation List of the Commissioners then in Office; and at such Meeting the Clerk to the Commissioners, or some other Person to be previously appointed by the Commissioners for that Purpose, shall write the Names of the then Commissioners on separate Slips of Paper, all as nearly as may be of equal Size, and having folded them up in the same Manner he shall put them in a Box, and shall draw out such Slips in succession, and the Names upon the Slips so drawn shall be inserted by such Clerk in a List in the Order in which they shall be so drawn, and such List shall be kept by such Clerk for the Purposes of this Act, and the Names in such List shall be numbered consecutively, and the then Commissioners shall retire from Office in the Order in which their Names appear on such List, according to the Proportions herein-before mentioned.

Rate-payers entitled to vote.

XIV. And be it enacted, That every Person who shall for the Time being be rated as Occupier of Houses or Lands to the Rates made under the recited Act or this Act shall be entitled to vote at every Election of Commissioners under this Act: Provided always, that no Person shall be entitled to vote at any such Election unless he shall have paid all Rates made under the Powers or Authorities of the said recited Act or this Act which shall have become payable by him Six Calendar Months before the Day of such Election.

Commissioners to be chosen on the Third Monday in November in every Year.

XV. And be it enacted, That upon the Third *Monday* in the Month of *November* in every Year the Rate-payers entitled to vote shall openly assemble at some convenient Place in the said Hamlets to be appointed by the Commissioners, and elect from the Persons qualified to be Commissioners so many Commissioners as shall be necessary to supply the Places of Commissioners who shall go out of Office.

XVI. And

XVI. And be it enacted, That every Election of Commissioners according to the Provisions of this Act shall be held before the Ward Assessors of *Duddeston* and *Nechells*, or in case of their Absence or Refusal to act before the Clerk to the Commissioners for the Time being; and the voting at every such Election shall commence at Eight o'Clock in the Forenoon, and shall finally close at Four o'Clock in the Afternoon of the same Day, and shall be conducted in manner following; (that is to say,) every Rate-payer entitled to vote in the Election of Commissioners may vote for any Number of Persons not exceeding the Number of Commissioners then to be chosen, by delivering to the said Ward Assessors, or to the Clerk to the Commissioners, as presiding Officer, a Voting Paper containing the Christian Names and Surnames of the Persons for whom such Rate-payer votes, with their respective Places of Abode and Descriptions, such Paper being previously signed with the Name of the Rate-payer voting, and with the Name of the Street or Place in which the Property for which he appears to be rated is situated: Provided nevertheless, that it shall be lawful for the presiding Officer to close the Poll at any Time before Four of the Clock, if One Hour shall have elapsed during which no Vote shall have been tendered for any Candidate.

Elections to be held before the Ward Assessors, &c. Time and Mode of voting.

XVII. And be it enacted, That at every such Election the said Ward Assessors or Clerk to the Commissioners, if it shall appear to them or him expedient for taking the Poll at such Election, may cause a Booth to be erected or a Room or Rooms to be hired and used as a Booth, and shall appoint a Clerk to take the Poll at such Election; and public Notice of the Situation of the Booth or Room shall be given Four Days before the Day of Election.

A Polling Booth to be provided.

XVIII. And be it enacted, That no Inquiry shall be permitted at any Election as to the Right of any Person to vote, except only as follows; (that is to say,) that the Ward Assessors or the said Clerk to the Commissioners, as the Case may be, who shall at such Election act as presiding Officer, shall, if required by any Two Rate-payers entitled to vote at the said Election, put to any Voter at the Time of delivering in his Voting Paper, and not afterwards, the following Questions or any of them, and no other:

No Inquiry of the Voter, except as to his Identity, Payment of Rates, and whether he has voted before at the same Election.

1. Are you the Person whose Name is signed as *A.B.* to the Voting Paper now delivered in by you?
2. Are all Lamp and Improvement Rates made in respect of the Property occupied by you within these Hamlets during your Occupation thereof, and due Six Calendar Months before this Day, paid?
3. Have you already voted at the present Election?

And no Persons required to answer any of the said Questions shall be permitted or qualified to vote until he shall have answered the same; and if any Person shall wilfully make a false Answer to any of the Questions aforesaid he shall be deemed guilty of a Misdemeanor, and may be indicted and punished accordingly.

XIX. And be it enacted, That the presiding Officer shall immediately after the Close of the Poll examine the Voting Papers so delivered as aforesaid, for the Purpose of ascertaining which of the

Result of Election how to be declared.

several Persons voted for are elected; and so many of such Persons, being equal to the Number of Persons then to be chosen, as shall have the greatest Number of Votes, shall be deemed to be elected; and in case of an Equality in the Number of Votes for any Two or more Persons the presiding Officer shall name from amongst those Persons for whom the Number of Votes shall be equal so many as shall be necessary to complete the requisite Number of Persons to be chosen; and the presiding Officer shall keep the Voting Papers for Six Calendar Months at the least after every such Election, and shall permit any Rate-payer to inspect the Voting Papers of any Year; and the presiding Officer shall publish a List of the Names of the Persons so elected not later than Two of the Clock in the Afternoon of the Day next following the Day of such Election.

Qualification
of Commis-
sioners.

XX. And be it enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act unless he shall be a resident Inhabitant or an Occupier of Houses or Lands within the Limits thereof, and shall be rated in the Rate made for the Relief of the Poor of the said Parish of *Aston* for Houses or Lands of not less according to such Rate than the annual Value of Fifteen Pounds, by him occupied within such Limits, and shall be really and *bonâ fide* possessed either of Real or of Personal Estates, or of both, to the Amount or Value of Five hundred Pounds over and above what will satisfy all his Debts; and no Person whosoever, during the Time he shall hold any Place of Profit under the Commissioners, shall be capable of acting as a Commissioner in the Execution of this Act; and no Person whosoever, being under any Contract, or having any Share or Interest in any Contract entered into under the Powers of this Act, shall be capable of acting in any Matter or Thing relating to such Contract; and the Commissioners at all their Meetings shall pay their own Expences.

Shareholders
of any Joint
Stock Com-
pany not
disqualified
by reason of
any Contract.

XXI. Provided always, and be it enacted, That no Person, being a Shareholder or Member of any Joint Stock Company established by Act of Parliament, shall be prevented from acting as a Commissioner by reason of any Contract entered into between such Company and the Commissioners; nevertheless it shall not be lawful for any such Shareholder or Member of such Company to act as a Commissioner in any Matter relating to any Contract entered into between the Commissioners and such Company.

Declaration
by Commis-
sioners.

XXII. And be it enacted, That no Person who shall be elected a Commissioner after the Time appointed for this Act to come into Operation shall be capable of acting as a Commissioner, except in administering the Declaration herein-after mentioned, until he shall have made and signed, before One of the Commissioners, a Declaration to the Effect following:

‘ I *A. B.* do solemnly declare, That I will faithfully and impartially,
‘ according to the best of my Skill and Judgment, execute all the
‘ Powers and Authorities reposed in me as a Commissioner by virtue
‘ of an Act of Parliament, intituled [*here insert the Title of this*
‘ *Act*], and also that I am a resident Inhabitant or an Occupier of a
‘ House, Warehouse, or Shop, [*or Houses or Lands, as the Case may*
‘ *be,*]

‘ *be,*] within the Hamlets of *Duddeston* and *Nechells* in the Parish of
 ‘ *Aston* near *Birmingham* in the County of *Warwick*, and am rated
 ‘ in the Rate made for the Relief of the Poor of the said Parish of
 ‘ *Aston*, for a House, Warehouse, or Shop, [*or Houses or Lands, as*
 ‘ *the Case may be,*] of not less, according to such Rate, than the
 ‘ annual Value of Fifteen Pounds, and that I am really and *bonâ*
 ‘ *fide* possessed either of Real or of Personal Estates, or of both, to
 ‘ the Amount or Value of Five hundred Pounds, over and above what
 ‘ will satisfy all my Debts.’

XXIII. And be it enacted, That any Person who shall falsely or corruptly make and subscribe a Declaration under this Act, knowing the same to be untrue in any Particular, shall be deemed guilty of a Misdemeanor. False Declaration a Misdemeanor.

XXIV. And be it enacted, That at the Meeting of Commissioners at which any Person shall first attend as One of such Commissioners such Person shall make and subscribe the Declaration herein required; and it shall be lawful for any Person attending as One of such Commissioners, whether he shall himself have made such Declaration or not, to administer such Declaration. Declaration to be made on First Attendance at Meeting.

XXV. And be it enacted, That if any Person shall act as a Commissioner, being incapacitated to act, or not being duly qualified, or before he shall have made or subscribed such Declaration as aforesaid, or after having become disqualified, he shall for every such Offence forfeit the Sum of Fifty Pounds; and such Penalty may be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same by Action of Debt or on the Case; and in every Action for the Recovery of such Penalty the Person so sued shall prove that he was qualified, and had made and subscribed the Declaration aforesaid; and in default thereof the Plaintiff shall be entitled to a Verdict and Judgment for the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person had acted as a Commissioner in the Execution of this Act; nevertheless all Acts and Proceedings of any Person acting as a Commissioner, being incapacitated, not duly qualified, or being disqualified, done previously to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified. Penalty on Commissioners acting when disqualified.

XXVI. And be it enacted, That if any Commissioner appointed in pursuance of the said recited Act or of this Act shall neglect for the Space of Twelve Months in succession, to be computed from the Third *Wednesday* in *November* in every Year, to attend Twice at least the Meetings of the Commissioners, and act in the Execution of this Act, such Commissioner shall be deemed to have refused to act, and shall cease to be a Commissioner until he shall be re-elected as herein mentioned. Commissioners neglecting to act.

XXVII. And be it enacted, That if any of the Commissioners shall die or resign, or shall neglect or refuse to make or subscribe the Declaration herein-before required, within Six Months after his Election, Mode of filling up extraordinary Vacancies.

tion, or shall be disqualified or cease to be a Commissioner from any other Cause than going out of Office by Rotation, the remaining Commissioners shall from Time to Time, at a Special Meeting to be called for the Purpose, elect another Commissioner in his Place; and every Commissioner so elected shall continue in Office only so long as the Person in whose Place he shall be elected would have been entitled to continue had he remained in Office.

No Election to be void for Want of Title of presiding Officer.

XXVIII. And be it enacted, That no Election of Commissioners under this Act shall be liable to be questioned by reason of any Defect in the Title or Want of Title of the Person before whom such Election shall have been had, provided that the Person before whom such Election shall have been had shall be then in the actual Possession of or acting in the Office giving the Right to preside at such Election: Provided nevertheless, that nothing herein-before contained shall prevent any such Election or Act done by any Person from being questioned and set aside by reason of any Fraud or of any Irregularity or Defect other than herein-before specified.

First and other Meetings.

XXIX. And be it enacted, That the Commissioners for executing this Act shall hold their First Meeting at the Commissioners Office in *Belmont Row*, or some other convenient Place within the said Hamlets, on the Second *Wednesday* after this Act shall come into operation, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to put this Act into execution; and it shall be lawful for the Commissioners present at such First or any subsequent Meeting from Time to Time to adjourn such Meeting to the same or any other Place within the said Hamlets; and if at any such Meeting there shall not be Five Commissioners present within One Hour after the Time appointed for such Meeting, then it shall be lawful for the Commissioners present, or the major Part of them, or any One Commissioner if only One be present, to adjourn such Meeting to another Day; and if no Commissioner shall be present it shall be lawful for the Clerk to adjourn such Meeting to the same or any other Place within the said Hamlets, provided that no Adjournment whatever shall be made for a longer Space of Time than Thirty-one Days.

Special Meetings.

XXX. And be it enacted, That it shall be lawful for the Commissioners to hold Special Meetings, and any Five or more of the Commissioners may require a Special Meeting to be held; but no such Meeting shall be held unless Three Days Notice thereof shall be given; and such Meeting shall be held within Seven Days after the Delivery to the Clerk to the Commissioners of the Requisition for holding the same.

Quorum of Commissioners.

XXXI. And be it enacted, That all the Powers of this Act may be exercised by any Five or more of the Commissioners present at any Meeting holden in pursuance of this Act; and no Business shall be transacted at any Meeting of the Commissioners unless Five or more Commissioners shall be present at such Meeting.

XXXII. And

XXXII. And be it enacted, That all Notices of any Meeting to be held under the Authority of this Act shall be in Writing or printed, and shall be delivered at the usual Place of Abode of each of the Commissioners Three Days at least previous to such Meeting; and every Notice shall specify the Time and Place of Meeting, and in case of a Special Meeting shall specify the Object thereof; and no Business shall be transacted at any Special Meeting except such as is stated in the Notice thereof.

How Notices of Meetings are to be given.

XXXIII. And be it enacted, That it shall be lawful for the Commissioners at any General Meeting to appoint a Committee, consisting of not more than Six of the Commissioners, for carrying into effect any of the Provisions of this Act, and at any General Meeting to continue, alter, or discontinue such Committee; but no such Committee shall be appointed to act for a longer Term than until the annual General Meeting of the Commissioners next following its Appointment.

Commissioners may appoint Committees.

XXXIV. And be it enacted, That no Business shall be transacted at any Meeting of the Committee unless Three Members of the Committee be present.

Quorum of Committees.

XXXV. And be it enacted, That at every Meeting of the Commissioners or Committee One of the Commissioners present shall be elected Chairman by the Majority of the Votes of the Commissioners present at such Meeting; and all Questions considered at any such Meeting shall be decided by the Votes of the Majority present; and if there be an equal Division of Votes the Chairman, in addition to his own Vote as a Commissioner or Member of the Committee, shall have a Casting Vote: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman then One of the Commissioners having an equal Number of Votes whose Name would stand first if the Names of the Commissioners present were alphabetically arranged shall be Chairman of such Meeting.

Order of Business at Meetings of Commissioners and Committees.

XXXVI. And be it enacted, That it shall be lawful for the Commissioners to enter into Contracts with any Persons for the Execution of any Works or for any other Matters or Thing directed or authorized by this Act to be done by the Commissioners, and for furnishing any Materials for the same, or which may be required by the Commissioners; and every such Contract shall be in Writing, and shall specify the Works, Matters, or Things to be done, and a Copy thereof shall be entered in a Book to be kept by the Clerk of the Commissioners for that Purpose.

For what Contracts may be made.

XXXVII. And be it enacted, That every such Contract shall be signed or executed by any Five of the Commissioners, or by the Clerk of the said Commissioners and by the other Parties thereto; and such Contracts shall be binding on the Commissioners, and Actions and Suits may be maintained thereon, and Damages and Costs recovered, by or against the Commissioners or the other Parties failing in the Execution thereof.

How to be signed.

[*Local.*]

51 U

XXXVIII. And

Indictments
how to be
preferred.

XXXVIII. And be it enacted, That it shall be lawful for the Commissioners by their Clerk to prefer any Bill of Indictment or Information against any Person who shall steal, take, or carry away, wilfully deface or injure, any Property, Article, or Thing belonging to the Commissioners; and in any such Bill of Indictment or Information it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Bill of Indictment or Information shall be preferred to be the Property of the Commissioners for executing this Act, without naming the Members thereof.

Commissioners
not to be
personally
liable.

XXXIX. And be it enacted, That nothing in any Deed or Contract by this Act authorized to be made by or on the behalf of the Commissioners for any of the Purposes of this Act shall extend to charge or affect the Persons of any of the Commissioners, or their Heirs, Executors, or Administrators, or their or any of their own proper Lands or Goods, with or for the Performance of any thing contained in any such Instrument, but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit in consequence of any such Instrument, or which any such Commissioner shall otherwise be put to by virtue of this Act, shall respectively be discharged out of the Monies to arise by virtue of this Act, or other the Goods and Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit, or any such Damages or Charges, have arisen in consequence of wilful Neglect or Default on the Part of the Commissioner incurring the same, or unless such Action or Suit have been defended without the Order or Direction of the Commissioners; and all Sums of Money to be recovered by the Commissioners in any such Action or Suit shall be applied to the same Purposes as the Monies to arise from the Rates and Assessments authorized by this Act to be levied are hereby directed to be applied.

Liability of
their Funds.

Actions or
Suits to be
brought in
the Name of
any Two
Commis-
sioners or of
their Clerk.

XI. And be it enacted, That in all Actions and Suits in respect of any Matter or Thing relating to the Execution of this Act to be brought by or against the Commissioners it shall be sufficient to state the Names of any Two of the Commissioners, or the Name of their Clerk, as the Party, Plaintiff or Defendant, representing the Commissioners in any such Action or Suit; and no such Action shall abate or be discontinued by the Death of any such Commissioner, or by the Death, Suspension, or Removal of such Clerk.

Clerk to be a
competent
Witness.

XLI. And be it enacted, That no Clerk acting under the Authority of this Act shall be deemed incompetent to give Evidence or shall be disqualified from giving Evidence in any Action, Suit, or other Proceeding brought by or against him in such his Capacity as Clerk, by reason of his being Plaintiff or Defendant in such Action, Suit, or Proceeding.

Executions
against Com-
missioners.

XLII. And be it enacted, That Executions upon every Judgment or Decree against the Commissioners in any such Action or Suit shall be executed against the Goods and Chattels belonging to the Commissioners by virtue of their Office, unless such Action or Suit shall

shall have arisen in consequence of wilful Neglect or Default on the Part of the Commissioner or Commissioners in any such Action or Suit, or unless such Action or Suit shall have been defended without the Order or Direction of the Commissioners under this Act.

XLIII. And be it enacted, That every such Commissioner or Clerk in whose Name any such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Commissioners, shall be reimbursed out of the Monies which shall come into the Hands of the Treasurer of the Commissioners by virtue of his Office all Damages, Costs, Charges, and Expences to which any such Commissioner or Clerk may be put or with which he may become chargeable by reason of being so made Plaintiff or Defendant; and no such Commissioner or Clerk shall be personally liable for the Payment of the same, unless such Action or Suit have arisen in consequence of his own wilful Neglect or Default, or unless, if such Action have been brought by the Clerk, or Two Commissioners or more, as aforesaid, it have been so brought without the Order or Direction of the Commissioners.

Indemnity to
Commissioners
and Clerk.

XLIV. And be it enacted, That the Commissioners shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings of all Meetings, as well ordinary as special, of the Commissioners and of the Committees, to be duly entered in Books to be from Time provided for the Purpose, which shall be kept under the Superintendence of the Commissioners; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry was made was discussed or determined; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Commissioners or Members of Committees respectively, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of the Commissioners, and any of the Creditors or Rate-payers, or other Persons interested.

Proceedings
to be entered
in a Book, and
be open for
Inspection.

XLV. And be it enacted, That the Commissioners shall from Time to Time appoint a Treasurer, Clerk, Surveyor, Collector, and such other Officers as they shall think fit, with such Salaries and Allowances as they think reasonable, and may remove such Clerk Treasurer, Surveyor, Collector, and Officers, and appoint others in their Stead.

Commissioners to
appoint
Treasurer
and other
Officers.

XLVI. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be Treasurer; and that neither the Person who shall be the Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person shall

Offices of
Clerk and
Treasurer to
be separate.

Penalty.

shall offend in any of the following Cases he shall forfeit One hundred Pounds; (that is to say,)

If any Person accept both the Offices of Clerk and Treasurer :

If any Person being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer :

If any Person being the Treasurer or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of such Clerk, or in any Manner officiate for such Clerk :

If any such Clerk or Treasurer hold any Place of Profit or Trust under the Commissioners other than that of the Clerk or Treasurer, as the Case may be :

And any Person may sue for such Penalty, either by Action of Debt or on the Case, in any of Her Majesty's Superior Courts of Record at *Westminster*, and shall on Recovery thereof be entitled to full Costs of Suit.

Officer taking Fees to lose his Office, and forfeit 50*l*.

XLVII. And be it enacted, That if any such Treasurer, Clerk, Surveyor, Collector, or other Officer employed by the Commissioners shall exact, take, or accept, on account of any thing done by virtue of his Office or in relation to the Functions of the Commissioners, any Fee or Reward whatsoever, other than the Salaries, Rewards, or Allowances allowed or sanctioned by the Commissioners, or be in anywise concerned or interested in any Bargain or Contract made by the Commissioners, he shall be incapable of being afterwards employed by the Commissioners, and he shall forfeit the Sum of Fifty Pounds to any Person who shall sue for the same as aforesaid.

Commissioners to take Security from all Officers intrusted with Money.

XLVIII. And be it enacted, That the Commissioners shall take from their Treasurer, and also from all other Officers in their Employ intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Commissioners shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing, from Time to Time, when required by the Commissioners so to do, of all Monies by them respectively received, collected, or disbursed for the Purposes of this Act, and when, of whom, and for what the same were so received, collected, or disbursed.

Officers to account.

XLIX. And be it enacted, That every Officer appointed or employed by the Commissioners by virtue of this Act shall, from Time to Time when required by the Commissioners, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Commissioners; and such Account shall state how, and to whom, and for what Purpose such Monies have been disposed of; and, together with such Account, such Officers shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Commissioners, or to any Person appointed by

by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

L. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof, when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the Commissioners, or to any Person appointed by them to receive the same, all Papers, and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Commissioners, then, on Complaint thereof being made to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before him, or if such Officer cannot be found, then in his Absence such Justice may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer or upon Evidence, or upon Inspection of the Account, that any Monies of the Commissioners are in the Hands of such Officer, or owing by him to the Commissioners, such Justice may order such Officer to pay the same forthwith, and if he shall fail to pay the Amount it shall be lawful for such Justice to grant a Warrant to levy the same by Distress, or in case of there being no sufficient Distress to answer the same, to commit such Officer to Gaol, there to remain without Bail for any Time not exceeding Three Months; and in any of the following Cases, (that is to say,)

If such Officer do not appear before such Justice at the Time appointed; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justice the several Vouchers and Receipts relating to such Account in his Possession or Power; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of this Act, or belonging to the Commissioners, in his Possession or Power,

Such Justice may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody without Bail until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

LI. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Commissioners of any Remedy which they might otherwise have against any Surety of such Officer.

LII. And be it enacted, That the Commissioners shall cause a Book to be kept by their Clerk or Officers, in which such Clerk or Officers

[Local.]

51 X

Officers

Remedy
against
Officers
failing to
account..

Commitment
not to dis-
charge
Sureties,

Books of
Account to
be kept, and

to be open for
Inspection.

Officers shall enter or cause to be entered true and regular Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended; and such Book shall at all seasonable Times be open to the Inspection of the Commissioners, and of any Creditor on the Rates and Assessments by this Act authorized to be made, and of every Person paying such Rate or Assessment, without any Fee being demanded by the Commissioners for such Inspection; and it shall be lawful for any of the Commissioners, Creditors, and other Persons aforesaid, at seasonable Times, to take Copies of or Extracts from the said Book, on Payment (except by the Commissioners) of Sixpence for every One hundred Words of such Copy or Extract; and if on Request for that Purpose the Clerk or Cashier shall fail to permit any of the Commissioners, Creditors, or Persons aforesaid to inspect such Book, or to take Copies or Extracts as aforesaid, such Clerk shall for each such Default forfeit a Sum not exceeding Five Pounds.

Accounts to
be examined
and settled at
the annual
Meeting.

LIII. And be it enacted, That a general annual Meeting of the Commissioners shall be held in the Month of *September* in every Year, and at such Meeting the Accounts of the Monies received and expended by the Commissioners up to the Thirtieth Day of *June* then next preceding shall be produced; and such Accounts shall be examined by the Commissioners, and if the same shall be found just and true they shall be allowed by the Commissioners, and certified accordingly under the Hand of the Chairman of such Meeting; and after such Account shall have been so allowed and signed the same shall be final in regard to all Persons whomsoever, unless an Appeal be prosecuted against such Accounts at One of the Two then next General Quarter Sessions of the Peace for the Borough of *Birmingham*, which Appeal it shall be lawful for any Person interested in such Account to institute and prosecute, Notice in Writing of such Appeal having been given to the Clerk of the Commissioners Fourteen Days at least before the hearing of any such Appeal, in which Notice the Grounds of such Appeal shall be specified.

To be final,
unless ap-
pealed from.

Statement of
Accounts to
be prepared,
and to be
open for In-
spection.

LIV. Provided always, and be it enacted, That after the said Account shall be so allowed and signed the said Commissioners shall allow the same to remain for Inspection at the Office of the Commissioners or of their Clerk; and every Creditor on the Rates and Assessments by this Act authorized to be made, and every Person paying any such Rate or Assessment, or any Person acting on behalf of any such Creditor or Rate-payer, may at all reasonable Times inspect such Statement and Account; and a Summary of such Statement and Account shall, within Twenty-one Days next after the same shall be allowed and agreed as aforesaid, be published in some Newspaper published and circulated in *Birmingham*.

Auditors may
be appointed.

LV. And be it enacted, That at the Meeting so to be held for electing Commissioners it shall be lawful for the Rate-payers by this Act authorized to appoint the Commissioners, to nominate, if they think fit so to do, Two Persons, not being Commissioners, to be Auditors of the Accounts of the Commissioners, which Nomination shall

shall be made in the same Manner and subject to the same Qualifications and Disqualifications as are herein-before provided in the Case of electing Commissioners, and the Persons so to be nominated Auditors shall have the like Qualification and shall be subject to the like Disqualification or Disability as the Commissioners.

LVI. And be it enacted, That the Auditors so nominated shall meet forthwith, or as soon after their Appointment as conveniently may be, at the Office of the Commissioners, or at some other convenient Place to be appointed by the Commissioners, and from Time to Time shall, in the Presence of the Clerk to the Commissioners, in case he should desire to be present, proceed to audit the Accounts of the Commissioners for the Year preceding the Appointment of such Auditors; and the Commissioners shall by their Clerk produce and lay before such Auditors at every such Meeting the Statement and Account herein-before mentioned, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; and if such Auditors think there is just Cause to disapprove of any Part of the said Accounts it shall be lawful for such Auditors, or any other Person interested in the said Accounts, to appeal against any such Parts of the said Accounts as shall be so disapproved of to One of the Two next General Quarter Sessions of the Peace for the Borough of *Birmingham*, Notice in Writing of such Appeal being given to the Clerk of the Commissioners Fourteen Days at the least prior to the hearing of such Appeal.

Auditors to inspect Accounts, and to appeal, if they think fit.

LVII. And be it enacted, That the Commissioners shall every Year cause an annual Account in abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirtieth Day of *June* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Clerk for the Time being of the Commissioners, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the Borough of *Birmingham*, on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of One Shilling for every such Inspection: Provided always, that if the said Commissioners shall omit to prepare and transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Annual Account to be transmitted to the Clerk of the Peace.

LVIII. And whereas the Commissioners appointed by virtue of the recited Act were empowered to borrow or raise, by granting Annuities upon the Credit of the Rates thereby authorized to be levied, the Sum of Three thousand Pounds, and such Commissioners, pursuant to the Authority therein contained, have borrowed upon the Credit of such Rates the Sum of One thousand seven hundred and fifty Pounds; be it enacted, That it shall be lawful for the Commissioners from Time to Time to borrow at Interest, or raise by granting Annuities on the Security of the several Rates and Assessments by this Act granted, and other Property for the Time being vested in such

Power to borrow on Mortgage.

such Commissioners, and the Income arising therefrom, or any of such Rates and Assessments and Property, and the Income thereof, any Sum of Money which, in addition to the Sum of Money authorized to be so borrowed or raised, shall not exceed the Sum of Six thousand Pounds; and in the event of any Part of such Money being repaid or any of such Annuities being redeemed by the Commissioners, to reborrow or again to raise the same or a less Amount of Money *toties quoties*, but so nevertheless that there shall not be owing for the Purposes aforesaid at any One Time more than the Sum of Nine thousand Pounds in the whole.

Securities for Money borrowed.

LIX. And be it enacted, That for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners or any Five of them may assign over the said Rates, Assessments, and Property respectively, or any Part thereof respectively, to any Person who shall advance or lend such Money, or to such Person as he shall appoint, as a Security for the Payment of the Money to be so borrowed, together with the Interest for the same.

Order for borrowing Money.

LX. And be it enacted, That previous to borrowing any Sum or Sums of Money an Order for that Purpose shall be made by the Commissioners at a Meeting at which not less than Ten Commissioners shall be present, and of which Seven Days Notice shall be given to the Commissioners in manner herein-before directed: Provided always, that nothing herein contained shall be construed to oblige any Person lending or advancing any Money as aforesaid to inquire whether such Order has been made or such Meeting held or Notice given as aforesaid.

Form of Mortgage.

LXI. And be it enacted, That every such Assignment or Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Hands and Seals of Five of the Commissioners, and may be according to the Form in Schedule (A.) to this Act annexed, or to the like Effect.

Saving Rights of existing Mortgagees.

LXII. And be it enacted, That Mortgagees under the recited Act whose Mortgages are now subsisting shall to the Extent of their Securities, and to the Rates or Assessments comprised therein, have Priority over Mortgagees and Grantees of Annuities under this Act.

Mortgages to be without Preference.

LXIII. And be it enacted, That all Persons to whom such respective Assignments or Mortgages shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Rates or Assessments respectively equally one with another, without any Preference in respect of the Priority of advancing such Monies or of the Dates of any such Assignments respectively.

Commissioners may raise Money by Annuity.

LXIV. And be it enacted, That it shall be lawful for the Commissioners to raise all or any Part of the Money to be borrowed for the Purposes of this Act by granting Annuities for Lives instead of Assignments as aforesaid, and for that Purpose for the Commissioners
or

or any Five or more of them to charge the Rates or Assessments granted by this Act with an Annuity, to determine on a Life or Lives in being, in favour of any Person who shall advance to the Commissioners any Sum of Money for the Purchase of the same.

LXV. And be it enacted, That every such Grant of Annuity shall be by Deed duly stamped, in which the Consideration shall be truly stated, and shall be made under the Hands and Seals of Five of the Commissioners, and may be in the Form in Schedule (B.) to this Act annexed, or to the like Effect.

Form of
Grant of An-
nuity.

LXVI. And for preventing improvident Grants of Annuities, be it enacted, That the Price to be paid for any such Annuity shall not be less than the Price of a similar Annuity paid by Law for such Annuity granted by the Commissioners for the Reduction of the National Debt.

For prevent-
ing improvi-
dent Grants
of Annuities.

LXVII. And be it enacted, That the Expences of every Assignment or Mortgage or Grant shall from Time to Time be defrayed by the Commissioners out of the Money raised by the same, or out of the Rates or Assessments whereon the same shall be charged.

Expences of
Mortgages.

LXVIII. And be it enacted, That a Register of such Assignments or Mortgages and Grants shall be kept by the Clerk to the Commissioners, and within Fourteen Days after the Date of any such Assignment or Mortgage or Grant an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any Person interested therein, without Fee or Reward.

Register of
Mortgages
to be kept,
and to be
open for
Inspection.

LXIX. And be it enacted, That from Time to Time any Person entitled to any such Assignment or Mortgage or Grant may transfer his Right and Interest therein to any other Person by Deed duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form in the Schedule (C.) to this Act annexed, or to the like Effect.

Assignment
of Mortgages.

LXX. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Clerk to the Commissioners, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Assignment or Mortgage or Grant, and for such Entry the Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Assignment or Mortgage or Grant in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Assignment or Mortgage or Grant so transferred, or any Money thereby secured.

Register of
Transfers to
be kept.

LXXI. And be it enacted, That, unless otherwise provided by any Assignment or Mortgage or Grant, the Interest of the Money
[Local.] 51 Y borrowed Interest on
Mortgages to
be paid half-
yearly.

borrowed upon every such Assignment or Mortgage, and the Annuity so granted, shall be paid half-yearly to the several Parties entitled thereto out of the Rates or Assessments respectively charged therewith.

Power to take up Money at a less Rate of Interest.

LXXII. And be it enacted, That if the Commissioners can at any Time borrow or take up any Sums of Money for any of the Purposes of this Act at a lower Rate of Interest than any Securities given by them, and which shall then be in force, shall bear, then from Time to Time it shall be lawful for them to borrow such Sums of Money as they shall think proper at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the Rates or Assessments whereon the same Sums so paid off shall be respectively charged with Payment of such Sum and such lower Rate of Interest in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage.

Commissioners may make Bye Laws to govern themselves and their Servants.

LXXIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make such Bye Laws for regulating the carrying on of their Business, and the Business of their Committees, and for the Government of the Officers, Servants, or other Persons in their Employ, as they shall think fit, and to repeal or alter any such Bye Laws as they shall think fit, so as no such Bye Law be contrary to the Laws of *England* or the Provisions of this Act, and so as the same be reduced into Writing, and signed by Five or more of the Commissioners.

Fines for Breach of such Bye Laws.

LXXIV. And be it enacted, That it shall be lawful for the Commissioners by such Bye Laws to impose such reasonable Forfeitures and Fines upon themselves, their Officers and Servants, or other Persons in their Employ, offending against the same, as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws shall be framed so as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the whole or a Part only of such Penalty to be paid.

Service of Notice on Commissioners.

LXXV. And be it enacted, That any Summons, Notice, or Writ, or other Proceeding at Law or in Equity requiring to be served upon the Commissioners, may lawfully be served by delivering the same personally to the Clerk of the Commissioners, or to some Inmate at his usual Place of Abode, or by leaving the same at the Office of the Commissioners, or in case there be no Clerk, or his Place of Abode shall be unknown, then by delivering the same to any One Commissioner, or to some Inmate of the Place of Abode of any such Commissioner.

How Notices to be given.

LXXVI. And be it enacted, That in all Cases where it may be necessary for the Commissioners to give Notice to any Person, Corporation or Society, under the Authority of this Act, or where it may be necessary for the Clerk to the Commissioners to give or send Notices to the Commissioners, such Notices may be signed by any Three or more of the Commissioners, or by the Clerk to the Commissioners

sioners for the Time being, and shall be delivered to such Person, or left with some Inmate of his last or usual Place of Abode, or be delivered to some Clerk or other Officer of such Corporation or Society, or be left at the Office of such Clerk or Officer, or with some Inmate at his last or usual Place of Abode, except in Cases in which any other Mode of giving such respective Notices is by this Act particularly directed; and in all Cases where any public Notice is by this Act directed to be given by the Commissioners such Notice shall be signed by any Three or more of the Commissioners, or by their Clerk for the Time being.

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

Inhabitants
may be Wit-
nesses.

LXXVIII. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if before an Action be brought any Party, having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make sufficient Tender of Satisfaction, the Plaintiff shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made it shall be lawful for the Party offending, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Tender of
Amends.

LXXIX. And be it enacted, That the Lands Clauses Consolidation Act, 1845, shall be incorporated with and form Part of this Act; and the Provisions of the Lands Clauses Consolidation Act shall be applicable to the Undertaking hereby authorized, except as herein mentioned.

Incorporation of
8 & 9 Vict.
c. 18.

LXXX. Provided always, and be it enacted, That nothing in the said Lands Clauses Act or in this Act contained shall authorize the said Commissioners to purchase, take, or use any Lands, unless with the Consent of and by Agreement with the Owners and Occupiers thereof.

Compulsory
Powers not
to be exer-
cised.

LXXXI. And be it enacted, That from and after the Twentieth Day of *September* next the Commissioners shall be and they are hereby declared to be Surveyors of the Highways within the Limits of this Act, and shall have and they are hereby invested with all such Powers and Authorities as any Surveyors of Highways in that Part of the United Kingdom called *England* are or shall be invested with by virtue of the Laws now or hereafter to be in force; and the Waggons, Carts, and other Property belonging to the Surveyors of the Highways within the said Limits shall be and the same are hereby vested in the Commissioners.

Vesting in
the Commis-
sioners the
Powers of
Surveyors of
the High-
ways.

LXXXII. And

Management of Streets, &c. vested in the Commissioners.

LXXXII. And be it enacted, That the Management of all the present and future Streets within the Limits of this Act, being or which by this Act are or shall hereafter be declared to be public Highways, and the Pavements and other Materials, as well in the Footways as Carriageways of such Streets, and all Lamps, Lamp Columns, Lamp Irons, and Lamp Posts already erected and fixed, or which shall be erected or fixed by virtue of this Act, and all Cesspools, Grates, Drains, Sewers, Tunnels, Gutters, Erections or Buildings, Materials, Implements, and other Things provided for the Purposes of the recited Act or of this Act, and also the Dust, Ashes, and Filth to be collected from the said Streets, and from all the Cesspools, Drains, Sewers, and Gutters, and all the Ashes, Cinders, and Rubbish to be taken and carried away from all and every the Houses or elsewhere within the Limits of this Act, except such Ashes, Cinders, and Rubbish as shall have been removed or used as hereinafter provided, shall be the Property of and are hereby vested in the Commissioners, and the Commissioners shall have full Power to sell and dispose of for the Purposes of this Act any of the said Articles and Things, except as aforesaid, as they shall think proper, and the Money arising from the Sale thereof shall be applied for the Purposes of this Act, and the Person purchasing the same shall have full Power and Authority to take, carry away, and dispose of the same for his own proper Use and Benefit.

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

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

Width of new Streets.

LXXXIV. And be it enacted, That it shall not be lawful to form or set out any Street within the Limits of this Act unless the same shall be at least Fourteen Yards wide, without the Consent of the Commissioners first obtained.

Owner to give Notice to Commissioners before

LXXXV. And be it enacted, That every Person who shall propose to form, lay out, or make any Street within the Limits of this Act shall give at least Two Months previous Notice of his Intention so to do

do to the Clerk or the Surveyor for the Time being of the Commissioners, specifying in such Notice the Situation, Length, Breadth, and Boundaries of the proposed Street, and the intended Level thereof respectively; and the same shall not be formed, laid out, or made until after the Expiration of such Period of Two Months, unless the Commissioners shall, by Writing under the Hands of any Five of them, or under the Hand of their Clerk or Surveyor, authorize the same to be done sooner.

laying out
any Street.

LXXXVI. And be it enacted, That it shall be lawful for the Commissioners within the said Two Months to make such Order as to them may appear expedient for adjusting, settling, and fixing the Level of every such Street; and such Level shall be conformed to by all Persons erecting any House or any other Building within the Limits of such Street, 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.

Commissioners to make Regulations as to Levels of Streets.

LXXXVII. And be it enacted, That if any Person shall form, lay out, or make any Street contrary to such Order of the Commissioners, it shall be lawful for the Commissioners at any Time afterwards to alter the Level thereof conformable to such Order, and to recover the Expence thereof from such Owner or Person doing the same in the like Manner as any Penalty under this Act may be recovered.

Commissioners may alter Level, &c., if made contrary to Regulations, at Expence of the Owner.

LXXXVIII. And be it enacted, That if any Street or Part of a Street which shall at any Time hereafter be formed or set out within the Limits of this Act shall not be sufficiently sewered, drained, levelled, and paved to the Satisfaction of the Commissioners, it shall be lawful for the Commissioners at any Time, by any Writing under the Hands of Five or more of the Commissioners, to order that any such Street or Part of a Street shall be sewered, and drained, levelled, paved, and otherwise completed in such Manner and within such Time as the Commissioners shall direct; and thereupon the respective Owners of the Houses and Lands lying alongside and co-extensive with or adjoining to such Street shall, within such Time and in such Manner as shall be expressed in such Order, at their respective Charges and Expences, well and sufficiently sewer and drain, level and pave, such Street or Part of a Street.

New Streets to be sewered, drained, levelled, and paved by Owners, on the Order of Commissioners.

LXXXIX. And be it enacted, That if any such Owner shall neglect or omit to sewer, drain, level, pave, and otherwise complete such Street or Part of a Street, or any Portion of the same, within such Time and in such Manner as expressed in the said Order, it shall then be lawful for the Commissioners to sewer, drain, level, pave, and otherwise complete the said Street or Part of a Street, or such Portion of the same as shall not have been so done pursuant to the said Order, and to charge such respective Owners with their several proportionate Parts of the Charges and Expences thereof, or which are incidental thereto, according to the Extent of their respective Houses and Lands lying alongside and co-extensive with or adjoining to the said Street or Part of a Street, such Share and Proportion to be ascertained and settled by or under the Direction of the Commissioners; and all the Charges and Expences which the Commissioners shall thereby

Commissioners to sewer, &c. Streets, and charge the same to Sewers, in case of Neglect.

[*Local.*]

51 Z

sustain,

sustain, incur, or pay; and shall so charge upon such Owners respectively, shall, on demand, be forthwith paid and refunded to the Commissioners by such Owners respectively, and shall be recoverable in the Manner herein-after particularly specified, or in the same Manner as any Penalty under this Act may be recovered.

Certain
Streets after
Certificate to
be Highways.

XC. And be it enacted, That when any such Street or Part of a Street shall be sewered, drained, levelled, paved, and otherwise completed, pursuant to such Order of the Commissioners, and to their Satisfaction, as aforesaid, it shall be lawful for the Commissioners, by Writing under the Hands of Five or more of them, to certify and declare the same to be a public Highway, and such Street shall thereafter be a public Highway, and shall be repaired and repairable by the Commissioners in such and the same Manner as the Highways and public Streets within the Limits of this Act are repairable; and every such Certificate and Declaration shall be transcribed and recorded amongst the Proceedings of the Commissioners.

Commissioners may alter
Level of existing or future
Streets or
Drains.

XCI. And be it enacted, That it shall be lawful for the Commissioners at any Time, and from Time to Time, to alter the Level of any Street, Sewer, or Drain now or hereafter to be formed, laid out, or made within the Limits of this Act, or the Course, Form, or Construction of such Sewer or Drain, in such Manner as the Commissioners shall think expedient.

Streets may
be declared
Highways.

XCII. And be it enacted, That if any Street already made within the Limits of this Act, and not repaired or repairable by the Surveyors of Highways at the Time when this Act shall come into operation, or if any Street, together with the Footpaths in such Streets respectively, shall at any Time hereafter be drained and paved and put into good Order to the Satisfaction of the Commissioners, then and in such Case, on the Application of the Persons being Owners of the Houses or Lands lying alongside or contiguous or adjoining to any such Street on both Sides thereof, or being Owners of the greater Part in Extent of such Houses or Lands, by Writing under their Hands made to the Commissioners, it shall be lawful for the Commissioners, by Writing under the Hands of Five or more of them, to certify and declare the same to be a public Highway; and after such Declaration the same shall be a public Highway, and shall be repaired and repairable by the Commissioners in such and the same Manner as public Streets and Highways are repaired and repairable within the Limits of this Act; and every such Certificate and Declaration shall be transcribed and recorded amongst the Proceedings of the Commissioners.

Owners to
pave Foot-
paths upon
the Order of
the Commis-
sioners.

XCIII. And be it enacted, with respect to Footpaths or Causeways which shall not have been paved or otherwise formed before the Time when this Act shall come into operation, and with respect to Footpaths or Causeways which shall have been formed and paved, but which the Commissioners shall deem to be in bad or insufficient Repair, it shall be lawful for the Commissioners at any Time or Times, by any Writing under the Hands of Five or more of the Commissioners, to order such Footpaths or Causeways respectively, or any of them or any Part thereof, to be levelled, paved, completed, or repaired, with Curbing, with such Materials, in such Manner, and within such
Time

Time as to the Commissioners may appear expedient, and thereupon the respective Owners of the Houses and Lands fronting, adjoining, or abutting upon such Footways or Causeways respectively shall, with such Curbing, with such Materials, in such Manner, and within such Time as shall be expressed in such Order, at their respective Charges and Expences, well and sufficiently level, pave, complete, or repair so much of the said Footways or Causeways respectively as may be opposite to and co-extensive with their respective Houses or Lands fronting, adjoining, or abutting on such Footways or Causeways respectively; and when such Footways or Causeways respectively shall be levelled, paved, completed, or repaired pursuant to such Order of the Commissioners, and to their Satisfaction, it shall be lawful for the Commissioners, by Writing under the Hands of Five or more of them, to certify and declare the same, and all such Footways and Causeways shall thereafter be repaired by the Commissioners; and every such Certificate and Declaration shall be transcribed and recorded amongst the Proceedings of the Commissioners.

XCIV. And be it enacted, That if any such Owner shall neglect or omit to level, pave, complete, or repair such Footpaths or Causeways respectively, or any of them or any Part thereof, with Curbing, with such Materials, in such Manner, and within such Time as expressed in the said Order, it shall then be lawful for the Commissioners to level, pave, complete, or repair the said Footpaths or Causeways respectively, or any of them or any Part thereof, or such Portion of the same as shall not have been so done pursuant to the said Order, and to charge the respective Owners with their several proportionate Parts of the Charges and Expences thereof, or which are incidental thereto, according to the Extent of their respective Houses and Lands fronting, adjoining, or abutting on such Footpaths or Causeways respectively, such Share and Proportion to be ascertained and settled by or under the Direction of the Commissioners; and all the Charges and Expences which the Commissioners shall thereby sustain, incur, or pay, and shall so charge upon such Owners respectively, shall, on demand, be forthwith paid and refunded to the Commissioners by such Owners respectively, and shall be recoverable in the Manner herein-after particularly specified, or in the same Manner as any Penalty under this Act may be recovered.

Commissioners to pave Footpaths, and charge the same to Owners, in case of Neglect.

XCV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Carriageways of the present or future Streets within the Limits of this Act, or any Part thereof, to be repaired, formed, and paved, and the Ground or Soil to be raised, lowered, and altered, in such Manner and with such Materials as they shall think proper, and also to pave, or make with such Materials as they shall think fit, any Causeway, Ways, Pavements, or Footways for the Use of Foot Passengers, not being private Property, in or on the Sides of any such Street within the Limits of this Act.

Commissioners to cause Streets to be repaired, &c.

XCVI. And be it enacted, That in case any Person shall take up or alter any Part of the Pavement, Carriageway, or Footway of any Street within the Limits of this Act, and shall not forthwith after Notice

If Pavement taken up, and not relaid, Commission-

ers to cause the same to be done at the Expence of the Parties neglecting.

Notice in Writing from Three of the Commissioners or their Surveyor cause the same to be properly relaid and reinstated with the same or similar Materials and in the same Manner as nearly as may be before the taking up or altering of the same, the Commissioners may cause the same to be done, and the Charges thereof shall be paid by the Person who shall have taken up or altered such Pavement, Carriageway, or Footway.

Penalty on Persons altering Pavement without Consent.

XCVII. And be it enacted, That if any Person shall take up or make any Alteration in the Pavement, Carriageway, or Footway in any Street within the Limits of this Act, without Leave of the Commissioners for such Purpose first had and obtained (except where it may be necessary for repairing or cleansing any Drain issuing from or under his Premises into such Street, in which Case such Person shall give Three Days Notice thereof in Writing either to the Commissioners or their Surveyor), every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Certain Proprietors of Leaseholds to be deemed Owners.

XCVIII. Provided always, and be it enacted, That with respect to the Provisions in this Act contained relating to the laying out of Streets, sewerage, draining, levelling, paving, repairing, and completing Streets and Footpaths, and Works and Matters connected therewith, but not with respect of Rates to be made for the Purposes of this Act, in case any Houses or Lands are held upon Leases for Two or more Lives then in being, or for a Term of which not less than Twenty-one Years shall be unexpired, the Party so holding shall be deemed and taken to be the Owner, and liable accordingly.

Publication of Orders with respect to draining and paving.

XCIX. And be it enacted, That every Order of the Commissioners for sewerage, draining, levelling, paving, completing, or repairing any Street, Footway, or Causeway as aforesaid, or a true Copy thereof, shall be delivered to the several Owners, Lessees, Tenants, and Occupiers liable to do and perform the Work, Matters, and Things directed by such Order to be done and performed, or shall be left with some Inmate at the last or usual Place of Abode of such Owners, Lessees, Tenants, and Occupiers respectively; or in lieu of such personal or other Service every such Order, or a true Copy thereof, may be publicly posted Three Times in Three successive Weeks in the Street where the Works required by such Order are to be done, or such Order may be published once in each of Two successive Weeks in One or more Newspaper or Newspapers published in *Birmingham* aforesaid; and no such Order shall require any Works to be done by any Owners, Lessees, Tenants, and Occupiers within a less Period than One Month from the Service of such Order, or the public posting, or Publication thereof in the Newspaper or Newspapers, as the Case may be; and every such Order, so served, delivered, posted or published as aforesaid, shall be and the same is hereby declared to be a good, sufficient, and valid Notice.

Road Trustees not to collect Tolls within Limits of Act.

C. And be it enacted, That it shall not be lawful for the Trustees of any Turnpike Road to collect any Toll or repair or expend any Money on any Road within the Limits of this Act after the Twenty-ninth Day of *September* next.

CI. And

CI. And be it enacted, That the Commissioners shall be liable to be indicted at Common Law for the Want of sufficient Repair of any public Highway within the Limits of this Act, in the same Manner as the Inhabitants of any Parish are now by Law liable to be indicted.

Commissioners liable to Indictment for Want of Repairs.

CII. And be it enacted, That from and after the Twenty-ninth Day of *September* next the Inhabitants of and Occupiers of Land within the said Hamlets shall be and are hereby absolutely exonerated and indemnified of and from the Payments of all Rates, Assessments, Impositions, Penalties, and Forfeitures which they would or might by any Law or Statute relating to Highways have been subject or liable to for or on account of repairing the Highways within the said Hamlets or any Part thereof, in case this Act had not been passed, save and except all such Rates, Assessments, Impositions, Penalties, and Forfeitures as are by this Act authorized to be made, levied, assessed, or imposed.

Inhabitants rated under the Act to be free from Highway Rates.

CIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause such Common Sewers, Drains, Vaults, Culverts, Watercourses, Wells, and Pumps as they may think necessary to be made and constructed in or under any Street within the Limits of this Act, and also to cause any of the Commons Sewers, Drains, Vaults, Culverts, and Watercourses which now are or hereafter shall be within the same to be altered, extended, repaired, cleansed, and completed as to them shall seem necessary, and to carry and continue the same into and through any Houses or Lands within the Limits of this Act, and into and through any Lands in any adjoining Parish or Place, so far as shall be expedient for effecting a perfect Drainage of the said Hamlets, and for that Purpose to purchase or to concur with any other Person in purchasing any Lands or Hereditaments necessary for effecting such Drainage, making reasonable Compensation to all Persons affected thereby.

Power to construct Common Sewers.

CIV. And whereas the Main Sewers to be constructed by the Commissioners acting in the Execution of this Act might be so made as to afford Facilities of Sewerage and Drainage to some Portion of the Borough of *Birmingham* beyond the Limits of this Act; be it enacted, That the Commissioners acting in the Execution of this Act shall, before they commence the Construction of any Main Sewers, give Notice in Writing to the Commissioners, Surveyors, or to any Corporate Body in whom the Powers for draining and improving the Sewerage of the Parish or Borough of *Birmingham* shall for the Time being be vested, of their Intention to construct such Sewers, and shall submit a Plan of the said intended Sewers, showing the Dimensions and Extent thereof, and the Course in which the same are proposed to be made; and if within Two Calendar Months after the Expiration of such Notice the said Commissioners, Surveyors, or such other Corporate Body as aforesaid, shall signify their Desire to contribute and shall agree to contribute a proportionate Share of the Expence of constructing such Sewers, such Proportion to be settled as herein-after mentioned, then such Sewers shall be constructed according to such Plans or with such Variations as shall be required by the said Commissioners or Surveyors, or such Corporate Body as

As to sewer-ing and draining Portions of the Borough of Birmingham.

[*Local.*]

52 A

aforesaid.

aforesaid, and the said Commissioners or Surveyors, or such Corporate Body as aforesaid, shall be at liberty to make Communications from any Drains or Sewers within their Jurisdiction into the said Main Sewers to be made by the Commissioners acting in execution of this Act, and shall be entitled to the Use of the said Sewers for the Purposes of Drainage through the same.

Disputes as to Proportion of Expence to be settled by Arbitration.

CV. And be it enacted, That if any Question shall arise between the Commissioners acting in execution of this Act, and the Commissioners of *Birmingham* or Surveyors of the Borough, or such Corporate Body as aforesaid, as to what Proportion of the Expence of making such Sewers it may be reasonable that the said Commissioners or Surveyors or such Corporate Body should contribute towards the same, any such Question shall be settled by Arbitration in the Manner provided by the Railway Clauses Consolidation Act, 1845.

Compensation to be made to Persons injured by such Sewers.

CVI. And be it enacted, That if any Person interested in any such Houses or Lands shall be injured by any Sewer, Drain, Vault, Culvert, or Watercourse being carried into or through the same, the Commissioners shall pay to such Person a reasonable Compensation for the Damage or Injury sustained by him.

Communication of private Drains with Common Sewer.

CVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to empower any Person to carry and continue any private Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse already made or which shall be made within the Limits of this Act, according to such Plan and Condition as the Commissioners shall direct; but if any Person shall carry or continue any private Drain into any Common Sewer, Drain, Culvert, or Watercourse, without the previous Consent of the Commissioners, or in any other Manner than shall be directed by them, he shall for every such Offence forfeit a Sum not exceeding Twenty Pounds.

Occupiers to repair private Drains.

CVIII. And be it enacted, That the Occupier of any House from which any branch or private Drain now issues or shall hereafter issue into any of the public Sewers, Drains, Culverts, or Watercourses within the Limits of this Act, shall repair and cleanse the same, when required by and according to the Directions of the Commissioners.

No House to be built unless the Site is drained.

CIX. And be it enacted, That after the passing of this Act it shall not be lawful to build any House within the Limits of this Act unless a covered Drain be first constructed to the Satisfaction of the Commissioners or their Surveyor for the Time being, of such Material, of such Size, at such Level, and with such Fall as they or he shall direct, which Drain shall lead from the intended Site of such House to such Common Sewer, Common Drain, or Common Watercourse as the Commissioners or their said Surveyor shall direct; or if there be no such Common Sewer, Common Drain, or Common Watercourse within Ten Yards of any Part of the intended Site of such House, then to such Cesspool or other Place as the Commissioners or their said Surveyor shall direct, not more than Ten Yards from some Part of such intended Site.

CX. And

CX. And be it enacted, That in all Cases where any House now or hereafter to be built within the Limits of this Act shall not be drained by a sufficient Sewer or Drain communicating with some Common Sewer, Common Drain, or Common Watercourse, to the Satisfaction of the Commissioners, and if a Sewer, Drain, or Watercourse of sufficient Size shall pass along any public Thoroughfare or Way in front of, behind, or near any Part of such House, on a sufficiently lower Level than the lowest Floor of such House, it shall be lawful for the Commissioners, by Notice in Writing, to require the Occupier of such House, or the Owner thereof, within such reasonable Time as shall be appointed by the Commissioners, to construct or to permit the said Commissioners to construct a covered Drain of such Material, of such Size, at such Level, and with such Fall as the Commissioners shall direct, from the said House to the said Sewer, Drain, or Watercourse; and if the Owner or Occupier of such House shall refuse or neglect during Twenty-eight Days next after the said Notice shall have been delivered to such Occupier or left at such House to grant such Permission, or to begin to construct such Drain, or shall thereafter fail to carry it on and complete it with all reasonable Despatch, it shall be lawful for the Commissioners to construct the same, and in every Case in which such Drain shall be so constructed from any House built after the passing of this Act to recover the Expences to be incurred thereby by Distress and Sale of the Goods and Chattels of the Owner of such House.

Drains to be constructed to Houses now or hereafter to be built.

CXI. And be it enacted, That if the Owner or Occupier of any such House built after the passing of this Act shall refuse or neglect during Twenty-eight Days next after the said Notice shall have been delivered to such Occupier or Owner, or left at such House, to begin to construct such Drain, or shall thereafter fail to carry it on and complete it with all reasonable Dispatch, it shall be lawful for the said Commissioners to construct the same; and the Costs and Charges attending the same, having been ascertained by some Justice or Justices, may be recovered from the Occupier of such House or Building in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered, and be applied to the same Purposes as the Rates to be raised under this Act are directed to be applied; and it shall be lawful for the Occupier of any House or Building, being a Tenant at Rack Rent, or having any Term or Interest therein of which not more than Fourteen Years shall be unexpired, and having either paid such Costs and Charges in the first instance, or having repaid the same to the Commissioners, to deduct and retain the Amount thereof out of his Rent; and the Proprietor or Landlord of every such House or Building so held at Rack Rent or for such Term as aforesaid is hereby required to allow the same accordingly, except only in Cases where the Wash, Soil, or Nuisance so carried off by such Drain shall have been originally occasioned by such Occupier in the Way of his Trade or Calling, in which Case he shall bear the Expence of altering or removing the same.

On Default Commissioners to construct Drains, and charge the Expence to Owners.

Occupiers to deduct such Expence from the Rent.

CXII. And be it enacted, That no Person shall hereafter commence the making of any Vault, Arch, Cellar, Sewer, or Drain in or under any Street within the Limits of this Act, so as to interfere

No Person to interfere with public Sewers without Consent.

or communicate with any Drain or Sewer under the Control of the Commissioners, without the Consent in Writing of the Commissioners obtained after giving Three Days previous Notice thereof in Writing, describing the Place and Situation thereof, to the Commissioners or their Clerk or Surveyor.

Power to
subscribe for
widening
Curzon
Street Bridge.

CXIII. And be it enacted, That it shall be lawful for the Commissioners to subscribe any Sum of Money they may think proper towards the rebuilding or widening the Bridge in *Curzon Street* in *Duddeston* aforesaid, the same being dangerous for Passengers.

Commissioners may water Streets.

CXIV. And be it enacted, That it shall be lawful for the Commissioners, as often as they think proper, to cause all or any of the Streets within the Limits of this Act to be watered, and for that Purpose and from Time to Time to sink Wells, and lay, erect, and place Pipes, Conduits, and Pumps in any of the said Streets, and to remove and alter the same when and as the Commissioners may think proper.

Charges herein-before authorized may be levied by Distress.

CXV. And be it enacted, That if any Owner of Houses or Lands who shall be liable to the Payment of any Charges and Expences under any of the Provisions herein-before contained shall, on demand, neglect, omit, or refuse to pay the same Charges and Expences or any Part thereof, then the same may be levied by Distress, and any Justice may issue his Warrant accordingly.

Power to levy Charges on Occupier, who is to be reimbursed out of the Rent.

CXVI. And be it enacted, That by way of additional Remedy it shall be lawful for the Commissioners, and whether any such Demand shall have been made upon such Owner or not, to require the Payment of all or any Part of such Charges and Expences from the Person who shall then or at any Time thereafter occupy any such Houses or Lands; and in default of Payment thereof by such Occupier on demand by the Commissioners or their Clerk or Collector, or any Person duly authorized by the Commissioners for the Purpose, the same may be levied by Distress, and any Justice may issue his Warrant accordingly; and the Owner shall allow every such Occupier all Sums of Money which he shall so pay or which shall be levied by Distress, out of the Rent from Time to Time becoming due to him in respect of the said Houses or Lands, as if the same had been actually paid to him as Part of such Rent.

Occupier not to be liable for more than the Rent due.

CXVII. And be it enacted, That in no Case, except as herein-after mentioned, shall any Occupier be liable to pay more Money in respect of such Charges and Expences as aforesaid than the Amount of Rent due from him at the Time of the Demand made upon him for such Charges and Expences, in case he shall pay the same or any Part thereof, on demand, or at the Time of the issuing the Warrant of Distress, or the levying thereof, in case such Charges and Expences or any Part thereof shall be levied by Distress: Provided nevertheless, that if any Occupier shall pay any Rent to his Landlord, after Notice from the Commissioners delivered to him personally or left with some Inmate at the Place of his Occupation as aforesaid, requiring him not so to do, such Occupier shall be liable to pay in respect of such

such Charges and Expences the Amount of the Rent so paid by him after such Notice, or the same may be recovered from him by Warrant of Distress as aforesaid.

CXVIII. And be it enacted, That if the Owner of any Land within the Limits of this Act shall hereafter lay out any Street or Road over or across the same, he shall at his own Expence, if and when required by the said Commissioners, lay down throughout the whole Length of such Street, or so far as his Land extends, a proper Culvert, of such Depth, Dimensions, and Materials and in such Manner as the Commissioners shall require; and in case he fail so to do, after Three Months Notice for that Purpose to be given to him for that Purpose, it shall be lawful for the Commissioners to cause such Culvert to be laid down, and to recover the Expence thereof from such Owner in the Manner by this Act directed.

Land Owner
to lay down
Culverts.

CXIX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the Houses and Buildings in the Streets within the Limits of this Act to be numbered, and to cause to be affixed or painted, in a conspicuous Part of some House, Building, or Place at or near each End, Corner, or Entrance of every such Street, the Name by which such Street is to be known; and if any Person shall destroy, pull down, or deface any such Number or Name, or shall put up any Number or Name different to the Number or Name put by the Commissioners, he shall forfeit a Sum not exceeding Forty Shillings for every such Offence.

Houses to be
numbered,
and Streets
named.

CXX. And be it enacted, That if the Commissioners shall consider any Porch, Shed, projecting Door, projecting Foot-scraper, Window, Step, Cellar Hole, Door, or Window, Cellar Flap, Sign, Sign Post, Sign Irons, Barber's Pole, Stall, Blocks, Bulks, Butcher's Hooks, Showboard, Window Shutter, Post, Wall, Gate, or Fence, or any other Obstruction or Projection placed since the passing of the recited Act, or hereafter to be placed, against or in front of any House or Building, to be an Annoyance, in consequence of the same projecting into or over, encroaching upon or endangering, or rendering less commodious the Passage along any Street within the Limits of this Act, it shall be lawful for them to give Notice in Writing to the Owner or Occupier of such House or Building to remove such Obstruction or Projection, or to alter the same in such Manner as the Commissioners shall think fit; and such Owner or Occupier shall, within Fourteen Days after the Service of such Notice upon him, remove such Obstruction or Projection, or alter the same in such Manner as shall have been directed by the Commissioners.

Future Pro-
jections to be
removed on
Notice.

CXXI. And with regard to all Obstructions or Projections of a like Kind to those before mentioned which have been erected or placed against or in front of any House in any Street or public Place before the passing of the recited Act, be it enacted, That it shall be lawful for the Commissioners, if they shall consider any such Obstruction or Projection to be an Annoyance in consequence of the same projecting into or over, or encroaching upon or endangering, or rendering less commodious the Passage along any Street within the

Existing Pro-
jections to
be removed,
and Compens-
ation made.

[*Local.*]

52 B

Limits

Limits of this Act, to cause the same to be removed or altered as they shall think fit: Provided always, that the Commissioners shall give Notice in Writing of such intended Removal or Alteration to the Owner and Occupier against or in front of whose House or Building such Obstruction or Projection shall be, or of which it shall form Part, Thirty Days before such Alteration or Removal shall be commenced, and shall make reasonable Compensation to every Person who shall incur any Loss or Damage by such Removal or Alteration.

Doors in future to be made to open inwards.

CXXII. And be it enacted, That all Doors, Gates, Rails, and Bars hereafter to be erected within the Limits of this Act, leading to any House, Building, Yard, or Land, and which shall open upon or towards any Street, shall be constructed so as to open into or towards such House, Building, Yard, or Land; and if any such Door, Gate, or Bar shall be constructed so as to open in any other Manner, it shall be lawful for the Commissioners or their Surveyor to alter the same, and the Expences of such Alteration shall be paid to the Commissioners by the Person who shall have caused such Door, Gate, or Bar to be so constructed; and such Person shall, in addition, be liable to a Penalty not exceeding Forty Shillings.

Doors opening outwards to be altered by Commissioners.

CXXIII. And be it enacted, That if any such Door, Gate, Rail, or Bar already erected shall have been so constructed as to open outwards towards or upon any Street, it shall be lawful for the Commissioners to alter the same, so that no Part thereof shall in opening or when open project over any public Way.

Commissioners to order Land adjoining Street to be fenced in.

CXXIV. And be it enacted, That with respect to all such Land as is or may be the Property of private Persons, which shall not be built upon, and shall lie next adjoining to any Street within the Limits of this Act, or Land laid out or left for a Street, so as to be dangerous to Passengers, it shall be lawful for the Commissioners, if they shall think it necessary, to give Notice in Writing, to be signed by the Clerk to the Commissioners, to the Owner of such Land, to fence in the same in a proper and sufficient Manner; and if such Owner shall neglect or omit to fence in the same in manner aforesaid, for the Space of Five Days next after such Notice, the Commissioners shall cause the same to be done in such Manner as they shall think proper, and the Expences thereof shall be recovered from such Owner or Owners in the Manner by this Act directed.

Ruinous or dangerous Houses to be taken down or secured.

CXXV. And whereas it may happen that some of the Houses or Buildings within the Limits of this Act may be in so ruinous a Condition that Passengers are in danger of their Lives or some bodily Harm from the falling thereof, or Bricks, Stone, or Timber therefrom; be it therefore enacted, That on any Information signed by Four or more Householdiers living within the Limits of this Act, that any such House or Building is in a ruinous or dangerous Condition, it shall be lawful for any Two Justices to cause the same to be surveyed by Two Surveyors; and if such Surveyors shall present that such House or Building is in a ruinous or dangerous Condition, the Commissioners shall, on Notice of any such Presentment being given, and

on a Copy thereof being laid before them, cause with all convenient Speed a sufficient Fence to be put up, to guard such House or Building from the Street, and shall also cause Notice in Writing to be given to the Owner thereof, if he can be found within the said Limits, and if not shall cause such Notice in Writing to be left at or affixed upon the said Premises, to repair or take down the House or Building, as the Case shall require, within the Space of Twenty Days then next ensuing; and if such Owner shall not proceed to repair or take down the same within the Time so limited, and afterwards prosecute the same with reasonable Despatch, the Commissioners shall with all convenient Speed cause all or so much of such House or Building as shall be in a ruinous Condition or dangerous to Passengers to be taken down or secured in such Manner as shall from Time to Time be thought requisite; and all the Charges of putting up every such Fence, and of taking down or securing such ruinous House or Building, shall from Time to Time be paid by the Owner of such House or Building.

CXXVI. And be it enacted, That if such Owner can be found within the Limits of this Act, and he shall, on demand of the Charges aforesaid, neglect or refuse to pay the same, then such Charges may be levied by Distress, and any Justice may issue his Warrant accordingly.

The Expence may be levied by Distress on the Owner.

CXXVII. And be it enacted, That if such Owner cannot be found within the Limits of this Act, or sufficient Distress of his Goods and Chattels cannot be met with wherefrom such Charges may be levied, then the Person who shall at any Time thereafter occupy any such House or Building, or the Ground whereon the same stood, as Tenant to such Owner, is hereby required to pay the same; and in default of Payment, on demand in Writing by the Commissioners, the same may be levied by Distress, and any Justice may issue his Warrant accordingly; and the Owner shall allow every such Occupier all Charges which he shall so pay, or which shall be levied by Distress from him, out of the Rent from Time to Time becoming due to him, as if the same had been actually paid to him as Part of such Rent: Provided always, that no Occupier shall be liable to pay more Money in respect of such Charges as aforesaid than what he could lawfully deduct from the Rent due to such Owner at the Time of the Demand made upon him for such Charges, in case he shall pay the same or any Part thereof, on demand, or at the Time of issuing the Warrant of Distress, in case such Charges or any Part thereof shall be levied by Distress.

In default of the Owner, any subsequent Occupier to be liable.

Occupier not to pay more than he can deduct from his Rent.

CXXVIII. And be it enacted, That in case any such House or Building as aforesaid, or any Part of the same, shall be pulled down by virtue of the Powers aforesaid, it shall be lawful for the Commissioners to sell the Materials thereof, or so much of the same as shall be pulled down, and to apply the Proceeds of such Sale in Payment of the Charges incurred in respect of such House or Building, and the Commissioners shall restore any Overplus arising from such Sale to the Owner of such House or Building, on demand; nevertheless the Commissioners, although they shall sell such Materials for the

Commissioners may sell the Materials.

Purposes

Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Charges as may remain due after the Application of the Proceeds of such Sale as are herein-before given to them for compelling the Payment of the whole of the said Charges.

Waterspouts
to be affixed.

CXXIX. And be it enacted, That the Owner or Occupier of every House or Building in or adjoining any Street within the Limits of this Act shall, within Seven Days next after Service of any Order of the Commissioners for that Purpose, put up and for ever afterwards keep in good Condition a Shute or Trough of the whole Length of such House or Building, with a Pipe or Trunk to be affixed to such Building from the Roof to the Ground, to carry off the Water from the Roof thereof, in such Manner that the Water from such House or Building shall not fall upon the Persons passing near the same.

Drains to be
formed to
convey Sur-
face Water
into Gutters.

CXXX. And be it enacted, That the Owner or Occupier of any House or Building in any Street within the Limits of this Act shall cause the Surface Water to be conveyed from such House or Building either by Drains or Tunnels below the Surface of the Pavement of the Footpath, or by means of Iron Drain Gutters to be fixed in the Flagging or Pavement, into the Common Sewer, and for that Purpose it shall be lawful for any such Owner or Occupier to take up so much of the Pavement or Flagging of any Street as may be requisite, and to lay down the said Drains or Tunnels or fix the said Iron Drain Gutters, under the Direction of the Commissioners or their Surveyor; and all Damage which may thereby be occasioned to the Pavement or Flagging of the Footpath or Carriageway shall be made good at the Expence of such Owner or Occupier.

No Vault,
Drain, &c. to
be made
under any
Street with-
out Consent
of Commis-
sioners.

CXXXI. And be it enacted, That it shall not be lawful for any Person to make or construct under any Street within the Limits of this Act, without the previous Consent of the Commissioners, any Arch, Vault, Cellar, or Drain; and whenever any such Arch, Vault, Cellar, or Drain shall have been or shall be constructed, the same shall be substantially made, and so as not to interfere with the Drains under the Control of the Commissioners, without their Consent; and if any such Arch, Vault, Cellar, or Drain shall be made contrary to the Provisions of this Act, it shall be lawful for the Commissioners to fill up the same, and to recover the Expences incurred thereby from the Person making such Arch, Vault, Cellar, or Drain.

Vaults and
Drains to be
kept in repair.

CXXXII. And be it enacted, That all Arches, Vaults, Cellars, or Drains under any Streets within the Limits of this Act shall be kept in substantial Repair to the Satisfaction of the Commissioners; and in case any such Vault or Drain shall at any Time not be in substantial Repair it shall be lawful for the Commissioners to put the same into substantial Repair, and to recover the Expences incurred thereby from the Occupier thereof; and such Occupier shall forfeit a Sum not exceeding Twenty Shillings for every Day such Arch, Vault, Cellar, or Drain shall continue out of substantial Repair, after Notice shall have been given him by the Commissioners to repair the same, and
a reasonable

a reasonable Time for completing such Repair shall have elapsed since the Service of such Notice.

CXXXIII. And be it enacted, That where any Opening has already been made, or when any Opening shall hereafter be made in the Paving or Soil of any Pavement or Footpath within the Limits of this Act, as an Entrance into any Coal Arch, Vault, or Cellar, or for the Purpose of conveying Light into any Room or Cellar, the Covering or Grating to such Opening shall be made by the Occupier of any Arch, Vault, Room, or Cellar, of Iron or such other Material, of such Dimensions and in such Manner as the Commissioners shall direct; and such Covering or Grating shall from Time to Time be kept in good Repair or altered by the Occupier of such Arch, Vault, Room, or Cellar; and if the Occupier of any such Arch, Vault, Room, or Cellar shall not within a reasonable Time make or alter such Covering or Grating, or shall make or alter any such Covering or Grating contrary to the Directions of the Commissioners, or shall not keep the same when made or altered in good Repair, he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Coverings for
Cellar Doors
to be made.

CXXXIV. And be it enacted, That no House or Building hereafter to be built, rebuilt, or newly covered, in or near any Street within the Limits of this Act, shall be thatched wholly or in part; and in case any such House or Building shall be so thatched the Owner thereof shall forfeit the Sum of Forty Shillings for every Month during which the same or any Part thereof shall continue to be so thatched.

Houses not to
be thatched.

CXXXV. And be it enacted, That if any Person shall at any Time after the passing of this Act erect, build, or make, or permit or suffer to be erected, built, or made, to any House, Workshop, or other Building in any Street which now is or hereafter shall be upwards of Ten Yards in Breadth, any Bulk or Bulk Sash to project into such Street more than Twelve Inches from the perpendicular Wall of the House, Workshop, or other Building in or from which the same shall be made, or shall erect, build, or make, or permit or suffer to be erected, built, or made, to any House, Workshop, or other Building in any Street in the said Town which is or shall not be more than Ten Yards in Breadth, any Bulk or Bulk Sash whatever, any Person so offending shall forfeit and pay for each respective Offence any Sum not exceeding Twenty Shillings, and the further Sum of One Shilling for every Day he shall permit or suffer such Bulk Sash to 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 Commissioners to cause the same to be taken down, removed, and carried away, without Notice to be given to the Owner, Tenant, or Occupier to take down, remove, or carry away the same.

How Bulk
Sashes shall
be regulated.

CXXXVI. And be it enacted, That every Person who shall build or take down any House or other Building whatsoever within the Limits of this Act, or cause the same to be so done, or who shall alter or repair the outward or external Part of any House or other such

Hoards to be
erected dur-
ing Repairs.

[Local.]

52 C

Building,

Building, or cause the same to be done, shall, where any Street or Footway shall be obstructed or rendered inconvenient by means of such Work, cause to be erected before commencing the same sufficient Hoards or Fences to guard every such House or Building from the Street in which the same may be situate, together with a convenient Platform and Handrail, if there shall be sufficient Space for the same, to serve as a Footway for Passengers outside of such Hoard or Fence, and shall continue such Hoard or Fence, with such Platform and Handrail as aforesaid, standing and in good Condition during such Time as may be necessary for the public Safety or Convenience, and shall, in all Cases in which the same shall be necessary to prevent Accidents, light or cause to be sufficiently lighted during the Night from Sun-setting to Sun-rising ; and if any such Person shall refuse or neglect to erect any such Fence or Hoard or Platform, with such Handrail as aforesaid, or to continue the same respectively standing and in good Condition during the Time aforesaid, or shall not while the said Hoard or Fence is standing keep the same sufficiently lighted during such Time as aforesaid, or shall not remove the same when directed by the Commissioners within a reasonable Time afterwards, then every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

Commissioners may order Hoards to be altered.

CXXXVII. And be it enacted, That it shall be lawful for the Commissioners to order such Hoards or Fences to be enlarged, extended, narrowed, widened, or lessened, or otherwise to regulate the same from Time to Time as they in their Discretion shall think proper, and on Disobedience of such Order to cause the same to be done, and the Expences thereof shall be borne and defrayed by and recovered from the Person by whom such Hoard or Fence was erected ; and any Person who shall, without Consent of the Commissioners, replace such Hoard or Fence, shall for such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Deposits of Building Materials, or Excavations, to be properly fenced and lighted.

CXXXVIII. And be it enacted, That when any Building Materials, Rubbish, or other Things not vested in the Commissioners by virtue of this Act shall be laid, or any Hole or Excavation shall be made, in any of the Streets within the Limits of this Act, the Person causing such Materials or other Things to be so laid, or the said Hole or Excavation to be made, shall, at his own Expence, cause a sufficient Light to be fixed in a proper Place upon or near the same, and continue such Light every Night from Sun-setting to Sun-rising, during the Time such Materials, Hole, or Excavation shall remain ; and such Person shall, at his own Expence, cause such Materials or other Things, and such Hole or Excavation, to be sufficiently fenced and inclosed, until such Materials or Things shall be removed, or the Hole or Excavation filled up or otherwise made secure ; and in case such Person shall refuse or neglect so to light, fence, or inclose such Materials or other Things, or such Hole or Excavation, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

Penalty for continuing Deposits of

CXXXIX. Provided always, and be it enacted, That in no case shall any such Building Materials or other Things, or such Hole or Excavation,

Excavation, be permitted to remain for an unnecessary Time under a Penalty not exceeding Five Pounds, to be paid for every such Offence by the Person causing such Materials or other Buildings to be laid, or such Hole or Excavation to be made; and in such Case Proof of the Necessity of a Continuance thereof respectively shall be upon the Person so causing such Materials or other Things to be laid, or causing such Hole or Excavation to be made.

Building Materials, or Excavations, an unreasonable Time.

CXL. And be it enacted, That if any Building or Excavation or any Land or Place contiguous to any Street within the Limits of this Act shall, for Want of sufficient Repair, Protection, or Inclosure, be dangerous to the Passengers along such Streets, it shall be lawful for the Commissioners to cause the same to be repaired, protected, or inclosed, so as to prevent any Danger therefrom; and the Charges of such Repair, Protection, or Inclosure shall be repaid to the Commissioners by the Owner of the Premises so repaired, protected, or inclosed.

Dangerous Places to be repaired or inclosed.

CXLI. And be it enacted, That it shall be lawful for the Commissioners, during such Time as any Street within the Limits of this Act is making or repairing, or during the making of any Sewer or Drain by the Commissioners, or under their Authority, to close such Street, or any Part of the same, by such Ways or Means as they shall think fit.

Commissioners may close Streets during Repairs.

CXLII. And whereas many Works, Acts, and Things are required by this Act to be done by the Owners and Occupiers of Houses, Buildings, or Land, and other Persons, for the Improvement of the Streets, Sewers, and Drains within the Limits of this Act, and for other Purposes herein-before mentioned, and it is necessary to provide for the Execution of all such Works, Acts, or Things, in case the same shall not be done by the Persons required to do the same; be it enacted, That wherever any such Work, Act, or Thing shall not be done by the Owner or Occupier, or other Person required to do the same by the Provisions of this Act, in the Manner or at the Time prescribed by this Act, or by any Notice given by the Commissioners for that Purpose, in pursuance of this Act, or if no Time shall be prescribed within a reasonable Time, it shall be lawful for the Commissioners to cause such Work, Act, or Thing to be done, and the Expences which shall be incurred by the Commissioners in respect of such Work, Act, or Thing shall be repaid to them by the Owner, Occupier, or other Person by whom the same ought to have been done.

Commissioners to execute Works, and recover Expences, in default of Party liable.

CXLIII. And be it enacted, That in all Cases where any such Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building, or Land, (without designating by which of the said Parties the same ought to be done,) and the Occupier of such House, Building, or Land shall be the Tenant of the same at a Rent amounting to or exceeding a Moiety of the net annual Value thereof, the Expences which shall be incurred by or recovered from the Occupier in respect of such Work, Act, or Thing shall be repaid to such Occupier by the Owner of the House, Building, or Land, and the Owner shall allow such Occupier the Amount of all such

Occupiers to recover against Owners in certain Cases.

such Expences out of the Rent from Time to Time becoming due to him, as if the same had been actually paid to him as Part of such Rent.

Adjustment
between
Owners and
Occupiers.

CXLIV. And be it enacted, That in all Cases, except as hereinbefore mentioned, where any Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building, or Land, without designating as aforesaid, the Expences which shall be incurred by or be recovered from any such Owner or Occupier in respect of such Work, Act, or Thing shall be divided between the Owner and Occupier in the Proportion of the Value of their respective Interests in such House, Building, or Land; and in estimating the Value of such Interests the Owner shall be deemed to be entitled to such House, Building, or Land in Fee Simple, subject only to the Term or Interest of the Occupier therein, but no Person being the Lessor of a Term originally granted for a longer Period than Twenty-one Years shall be deemed to be an Owner from whom any such Expences shall be recovered; and if any such Owner or Occupier shall voluntarily or by Compulsion pay more than his Share of the Expences, estimated as aforesaid, of any such Work, Act, or Thing, the Excess shall be repaid to him by the Occupier or Owner, as the Case may be; and if the same be not so paid on demand, or if the Amount of the same shall be disputed, such Excess shall be ascertained and recovered in the same Manner as any Damages for the ascertaining and Recovery of which no special Provision is contained in this Act are directed to be ascertained and recovered; and if such Excess shall be payable by the Owner, he shall allow the same, or so much thereof as shall not be repaid by him, to the Occupier, out of the Rent from Time to Time due or becoming due to him, as if the same had been actually paid to him as Part of such Rent.

Streets to be
swept and
cleansed.

CXLV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Streets within the Limits of this Act to be swept and cleansed, and the Dirt, Ashes, and Rubbish (except any such as shall be sold or reserved by the Occupiers for their own Use) to be removed from any House or Premises within the Limits of this Act, at such Time and in such Manner as they shall appoint.

Occupiers
allowed to
use their own
Ashes, &c.

CXLVI. Provided always, and be it enacted, That it shall be lawful for any Occupier of any House or Premises within the Limits of this Act to keep, sell, or remove any such Dirt, Ashes, or Rubbish as shall be made on his own Premises, or as shall be reserved for Manure, so as the same be not a Nuisance to the Inhabitants residing near such Premises.

Duties of the
Street Sca-
vengers to
be performed
under Penal-
ties.

CXLVII. And be it enacted, That the Persons employed by or contracting from Time to Time with the Commissioners for cleansing or watering the Streets within the Limits of this Act, or any of them, or for removing the Dirt, Ashes, and Rubbish from any House or Premises therein, shall be called the Scavengers; and such Scavengers or their Servants shall, on such Days and at such reasonable
Hours

Hours and in such Manner as the Commissioners shall from Time to Time appoint, sufficiently water the said Streets, or such of them as they shall respectively contract or be employed to water, and collect together all Dirt, Ashes, and Rubbish from all such Streets and Houses and Premises from which they shall contract or be employed to collect Dirt, Ashes, and Rubbish within the Limits of this Act, except such Dirt, Ashes, and Rubbish as shall be kept by the Occupiers of such Houses and Premises for their own Use and Benefit, under the Provisions herein-before contained, and carry away the Dirt, Ashes, and Rubbish so collected to such Place as shall be appointed by the Commissioners for depositing of the same; and if any such Scavenger fail to water any Street which he shall contract or be employed to water at the Time or in the Manner appointed by the Commissioners, or to remove any Dirt, Ashes, or Rubbish which he shall contract or be employed to remove at the Time or in the Manner prescribed by the Commissioners for that Purpose, or shall deposit any of such Dirt, Ashes, or Rubbish in any other Place than such as shall be appointed by the Commissioners for that Purpose, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

CXLVIII. And be it enacted, That every Occupier of a House or other Building within the Limits of this Act shall forfeit any Sum not exceeding Forty Shillings for every Time he shall prevent any Scavenger or his Servants from removing any Dirt, Ashes, or Rubbish which such Scavenger is hereby authorized to remove from the House or Premises of such Occupier.

Penalty on Occupier obstructing Scavengers.

CXLIX. And be it enacted, That if any Person, other than the Scavenger for the Time being, or some Person employed for him, shall collect or carry away any Dirt, Ashes, or Filth from any Street within the Limits of this Act, he shall forfeit for every such Offence a Sum not exceeding Forty Shillings.

Penalty on Person other than Scavenger removing Dirt, &c.

CL. And be it enacted, That the respective Occupiers of Buildings, Yards, and Lands within or adjoining the Streets within the Limits of this Act shall, when necessary for keeping the Footways in a proper State of Cleanliness, once in every Day (*Sundays* excepted), before Nine of the Clock in the Forenoon of each Day, cause to be swept and cleansed the Footways and Pavements in front or at the Side of their respective Buildings, Yards, and Lands, and in Times of Frost and Snow at any Time of the Day thereafter, being thereunto required by the Commissioners or their Surveyor, within One Hour after being so required; and every such Occupier making default therein shall for every such Offence forfeit a Sum not exceeding Five Shillings: Provided always, that for the Purpose aforesaid the Owner of any House let out by him into divided Apartments shall be deemed the Occupier.

Occupiers to cause Footways to be swept.

CLI. And be it enacted, That it shall be lawful for the Commissioners to compound, for such Time as they think fit, with any Person liable to sweep or clean any Footways under the Provisions of this Act, for sweeping and cleansing the same in the Manner by this Act directed.

Commissioners may compound for sweeping Footways.

[*Local.*]

52 D

CLII. And

Commis-
sioners may
cause Foot-
ways to be
swept.

CLII. And be it enacted, That it shall be lawful for the Commis-
sioners to cause any Footways within the Limits of this Act to be
swept or cleansed in such Manner and at such Times as they shall
think fit.

Public Con-
veniences to
be formed.

CLIII. And be it enacted, That it shall be lawful for the Com-
missioners to build, form, and erect such Urinals, Necessaries, and
other similar Conveniences, in such Situations as they shall deem
proper, for the Accommodation of the Public, and to pay the Expence
thereof, and any Damage occasioned to any Person by the Erection
thereof, and the Expence of keeping the same in good Order; and
the Commissioners are hereby authorized to make and establish such
Rules and Bye Laws, with Penalties for Breaches thereof not exceed-
ing Forty Shillings, for the Regulation of the Conveniences so built,
formed, and erected, as they shall think fit.

Penalty on
suffering
Dogs to go at
large after
Notice.

CLIV. And be it enacted, That if any Person shall, after public
Notice given by any Justice directing Dogs to be confined on account
of Suspicion of Canine Madness, suffer any Dog to be at large
within the Limits of this Act during the Time specified in such
Notice, every Person so offending shall for every Offence forfeit a
Sum not exceeding Five Pounds.

Dogs sus-
pected to be
mad may be
destroyed.

CLV. And be it enacted, That it shall be lawful for any Officer
appointed by virtue of this Act to destroy any Dog or other Animal
within the Limits of this Act reasonably suspected to be in a rabid
State, or to have been bitten by any Dog or Animal reasonably sus-
pected to be in a rabid State.

Penalty for
suffering
mad Dogs to
be at large.

CLVI. And be it enacted, That the Owner of any such Dog or
Animal who shall permit the same to go at large within the Limits of
this Act after having Information or reasonable Ground for believing
the same to be in a rabid State, or to have been bitten by any Dog or
other Animal in a rabid State, shall be liable to a Penalty not exceed-
ing Five Pounds.

Power to
impound
stray Cattle.

CLVII. And be it enacted, That if any Horse, Cattle, or other
Animal shall at any Time be found at large in any of the Streets
within the Limits of this Act without any Person therewith claiming
the same, it shall be lawful for any Officer appointed by virtue of this
Act, or for any Police Constable, or for any of the Inhabitants or Per-
sons residing within the Limits of this Act, to seize and impound
any such Horse, Cattle, or Animal in any Pound, or in such other
Place as the Commissioners shall appoint for that Purpose, and to
detain the same therein until the Owner thereof shall for each Animal
so impounded pay a Sum of Money not exceeding Ten Shillings to
the Commissioners, and also the Sum of One Shilling to the Person
impounding the same, besides the reasonable Expences of impounding
and keeping the same.

Power to sell
stray Cattle
for Penalty
and Ex-
pences.

CLVIII. And be it enacted, That if the said Sums and Expences
shall not be paid within Three Days after such impounding it shall
be lawful for the Pound-keeper, or such other Person as shall be
appointed

appointed by the Commissioners, to sell or cause to be sold any such Animal, but previous to such Sale Seven Days Notice thereof shall be given or left at the Dwelling House or usual Place of Abode of the Owner of such Animal, if the Owner thereof shall be known, or if not then Notice of such intended Sale shall be given by Advertisement, to be inserted Seven Days before such Sale in some Newspaper published or circulated within the Limits of this Act; and the Money arising from such Sale, after deducting the said Sums and the Expences aforesaid, and such other Expences as may attend the keeping and Sale of any such Animal so impounded, shall be paid to the Commissioners, to be by them paid to the Person whose Property the Animal so sold shall appear to have been, and which Money the Commissioners are hereby required to pay, on demand: Provided always, that such Animal shall be redeemable at any Time before the Sale thereof on Payment of the said Sum and all Expences.

CLIX. And be it enacted, That it shall be lawful for the Commissioners to provide such Number of Pounds and in such Situations as they may think proper, and to maintain the same from Time to Time. Pounds may be provided.

CLX. And be it enacted, That in case any Person shall release or attempt to release from the Pound or Place where the same shall be impounded any Horse, Cattle, or Animal which shall be seized for the Purpose of being impounded under the Authority of this Act, or shall pull down, damage, or destroy the same Pound or Place or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until such Horse, Cattle, or Animal seized or impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One Justice, be committed by him to any Common Gaol within the Borough of *Birmingham*, or to the Common Gaol or House of Correction of the County of *Warwick*, there to remain without Bail for any Term not exceeding Three Months. Persons guilty of Pound-breach or Rescue of Distress to be committed for Three Months.

CLXI. And be it enacted, That every Person who within the Limits of this Act shall empty or begin to empty any Privy between the Hours of Six in the Morning and Twelve at Night, or remove along any Thoroughfare any Nightsoil, Soap Lees, Ammoniacal Liquor, or other such offensive Matter between the Hours of Six in the Morning and Twelve at Night between the First Day of *April* and the First Day of *October* in every Year, or between the Hours of Eight in the Morning and Twelve at Night in all other Parts of the Year, or who shall at any Time use for any such Purpose any Cart or Carriage not having a proper Covering, or who shall wilfully or carelessly slop or spill any such offensive Matter in the Removal thereof, or who shall not carefully sweep and clean every Place in which any such offensive Matter shall have been placed, slopped, or spilled, shall forfeit any Sum not exceeding Forty Shillings; and in default of the Apprehension of the actual Offender the Owner of the Penalty for conveying offensive Matter at improper Time.
Cart

Cart or Carriage employed for any such Purpose shall be deemed to be the Offender.

Penalty for setting Chimney on fire.

CLXII. And be it enacted, That if any Person shall wilfully set or cause to be set on fire any Chimney within the Limits of this Act, he shall for every such Offence forfeit a Sum not exceeding Five Pounds: Provided that nothing herein contained shall extend to any Case in which the Person so setting or causing to be set on fire any Chimney shall be liable to be indicted for Felony.

Penalty for having Chimney on fire.

CLXIII. And be it enacted, That if the Chimney of any Person shall catch or be on fire within the Limits of this Act every Person (being the Party occupying or using such Chimney) shall so often as the same shall occur forfeit a Sum not exceeding Ten Shillings: Provided always, that such Forfeiture shall not be incurred if such Person shall prove to the Satisfaction of a Justice that such Fire was in no ways owing to Omission, Neglect, Carelessness, or Fault of himself or Servant.

Forty Shillings Penalty for certain Offences in the Streets.

CLXIV. And be it enacted, That every Person shall be liable to a Penalty of not more than Forty Shillings who in any Street within the Limits of this Act shall commit any of the following Offences; (that is to say,)

Every Person who shall, to the Annoyance of the Inhabitants or Passengers, expose for Show, Hire, or Sale (except in a Market lawfully appointed for that Purpose), or feed or fodder, any Horse or other Animal, except the Horses employed in drawing Hackney Carriages, and being on the Stand lawfully appointed, or show any Caravan or Carriage containing any Animal, or any other Show or public Entertainment, or shoe, bleed, or farry any Horse or Animal (except in Cases of Accident), or clean, dress, exercise, train, or break or turn loose any Horse or Animal, or clean, make, or repair any Part of any Cart or Carriage, except in Cases of Accident where Repair on the Spot is necessary:

Every Person who shall suffer to be at large any unmuzzled or ferocious Dog, or set on or urge any Dog or other Animal to attack, worry, or put in fear any Person, Horse, or other Animal:

Every Person who by Negligence or Ill-usage in driving Cattle shall cause any Mischief to be done by such Cattle, or who shall anywise misbehave himself in the driving, Care, or Management of such Cattle, and also every Person, not being hired or employed to drive such Cattle, who shall wantonly and unlawfully pelt, drive, or hunt any such Cattle:

Every Person who shall slaughter any Cattle, or dress any Cattle or any Part thereof, except in the Case of any over-driven Cattle, or which may have met with any Accident, and which it may be impossible to get to any Slaughter-house, and which the public Safety or other Circumstances may require to be killed on the Spot:

Every Person, having the Care of any Waggon, Cart, or Carriage, who shall ride on any Part thereof on or on the Shafts, or on any

any Horse or other Animal drawing the same, without having Reins, and holding the same, or who shall be at such a Distance from such Cart, Waggon, or Carriage as not to have the complete Control over every Horse or other Animal drawing the same, or shall not keep the Waggon, Cart, or Carriage to the Left or Near Side (except in case of actual Necessity, or some sufficient Reason for Deviation), or shall wilfully prevent any Person or Carriage from passing him or any Carriage under Care :

Every Person who shall drive any Horse or other Animal drawing any Waggon, Cart, or other such Carriage, except such Carts as are effectually checked and guided by Reins, at any faster Rate than a common Walk :

Every Person who shall ride or drive furiously, or so as to endanger the Life or Limb of any Person, or to the common Danger of the Passengers in any Thoroughfare :

Every Person who shall cause any public Carriage, Sledge, Truck, or Barrow, with or without Horses, to stand longer than be necessary for loading or unloading, or for taking up or setting down Passengers, except Hackney Carriages standing for Hire in any Place lawfully appointed ; and every Person who by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Horse or other Animal, shall wilfully intercept any public Crossing, or cause any Obstruction in any Thoroughfare :

Every Person who shall draw any Timber, Stone, or other weighty Article without the same being placed upon or suspended from a wheeled Carriage proper for that Purpose :

Every Person who shall cause any Tree or Timber to be drawn in or upon any Timber Carriage without having to guide and direct the hind Weels of such Carriage a Person who shall not be under the Age of Eighteen Years, and who shall be of sufficient Strength to guide and direct the same by means of a Rope or Chain attached to the Steerer thereof :

Every Person who shall lead or ride any Horse or other Animal, or draw or drive any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footway or Curbstone, or fasten any Horse or other Animal so that it may stand across or upon the Footway :

Every Person who shall place or leave any Furniture, Goods, Wares, or Merchandize, or any Cask, Tub, Basket, Pail, or Bucket, or place on or use any Footway, or shall place any Blind, Shade, Covering, or Awning over or along any such Footway, unless such Blind, Shade, Covering, or Awning shall be Eight Feet in Height at least in every Part thereof from the Surface of such Footway, and shall extend over the whole Breadth of such Footway :

Every Person who shall place, hang up, or otherwise expose to Sale any Goods, Wares, Merchandize, Matter, or Thing whatsoever, so that the same shall project into or over any Footway, or beyond the Line of any House, Shop, or Building at which the same shall be so exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway :

Every Person who shall roll or carry any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, or Log of Wood,

[Local.]

52 E

upon

upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage or of crossing the Footway :

Every Person who shall suffer any Goods or Merchandize or any Coal or Fuel intended for any House, to remain in any Street for a longer Period than be necessary for the housing or removing thereof :

Every Person who shall place any Line, Cord, or Pole across any Street, or hang or place any Clothes thereon, to the Danger or Obstruction of any Person :

Every Person who shall wantonly discharge any Fire-arm, or throw or discharge any Stone or other Missile, to the Damage or Danger of any Person, or make any Bonfire, or throw or set fire to any Firework :

Every Person who shall wilfully and wantonly disturb any Inhabitant, by pulling or ringing any Door Bell, or knocking at any Door, without lawful Excuse, or who shall wilfully or unlawfully extinguish the Light of any Lamp :

Every Person who shall fly any Kite or play at any Game to the Annoyance of the Inhabitants or Passengers, or who shall make or use any Slide upon Ice or Snow to the common Danger of the Passengers :

Every Person who shall burn, dress, or cleanse any Cork, or cleanse, hoop, fire, wash, or scald any Cask or Tub, or hew, saw, bore, or cut any Timber or Stone, or slack, sift, or screen any Lime :

Every Person who shall throw or lay Stones, Slates, Shells, Lime, Bricks, Timber, Iron, or other Materials, except Building Materials, or the Rubbish thereby occasioned, according to the Provisions herein-before contained.

Forty Shillings Penalty for certain other Offences.

CLXV. And be it enacted, That every Person shall be liable to a Penalty of not more than Forty Shillings who within the Limits of this Act shall commit any of the following Offences ; (that is to say,)

Every Person who shall throw or cast from the Roof or any Part of any House or other Building any Slate, Brick, Part of any Brick, Wood, Rubbish, or other Material or Thing :

Every Person who, without the Consent of the Owner or Occupier, shall write upon, soil, deface, or mark any such Building, Wall, Fence, or Paling with Chalk or Paint, or in any other Way whatsoever, or wilfully break, destroy, or damage any Part of any such Building, Wall, Fence, or Paling, or any Fixture or Appendage thereunto :

Every Person who, to the Danger of Passengers in any Thoroughfare, shall leave open any Vault or Cellar, or the Entrance from any Thoroughfare to any Cellar or Room underground, without a sufficient Fence or Handrail, or leave defective the Door, Window, or other Covering of any Vault or Cellar, or who shall not sufficiently fence any Area, Pit, or Sewer left open in or adjoining to any Thoroughfare, or who shall leave such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling thereinto :

Every Person who shall throw or lay any Dirt, Litter, or Ashes, or any Carrion, Fish, Offal, or Rubbish, on any Street, or throw or cause any such Thing to fall into any Sewer, Pipe, or Drain, or

into any Well, Stream, or Watercourse, Pond or Reservoir for Water, or cause any offensive Matter to run from any Manufactory, Brewery, Slaughter-house, Butcher's Shop, or Dunghill, into any Street or other uncovered Place, whether or not surrounded by a Wall or Fence: Provided always, that it shall not be deemed an Offence to lay Sand or other Materials in any Street in Time of Frost to prevent Accidents, or Litter or other Materials to prevent the freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such Things shall cause them to be removed as soon as the Occasion for them shall cease:

Every Person who shall keep any Pigstye to the Front of any Street, not being shut out from such Street by a sufficient Wall or Fence, or who shall keep any Swine in or near any Street, or in any Dwelling, so as to be a common Nuisance:

Every Person who shall, within the Distance of One hundred Yards of any Dwelling House, burn any Rags or any offensive Substance, so that the same shall be a common Nuisance:

Every Person who shall place or keep any offensive Matter in any inclosed or open Ground within One hundred Yards of any Dwelling House, so as the same may become a Nuisance or Annoyance to any Inhabitant.

CLXVI. And be it enacted, That no Person shall suffer any waste or stagnant Water to remain in any Cellar, Apartment, or Place, or on any Ground belonging to or occupied by him, so as to be a Nuisance to any Person or injurious to Health; and every Person who shall suffer any such Water to remain, after receiving Notice from the Surveyor or other Officer of the Commissioners to remove the same, shall for every Offence be liable to a Penalty not exceeding Forty Shillings: Provided always, that the Water in the Mill-pools, Fish-ponds, and Watering-places for Cattle within the said Hamlet shall not be considered waste or stagnant Water. Stagnant Water and Pools.

CLXVII. And be it enacted, That from and after the First Day of *January* next every Furnace employed or to be employed in the working of Engines by Steam, and every Furnace employed or to be employed in any Mill, Factory, Glasshouse, Distillery, Brewery, Bakehouse, Gas Works, or other Buildings used for the Purposes of Trade or Manufacture, (although a Steam Engine be not used or employed therein,) shall, in all Cases where the same shall be practicable, be constructed so as to consume, or burn the Smoke arising from such Furnace; and if any Person shall after the said First Day of *January* next use any such Furnace which shall not be so constructed as to consume or burn its own Smoke, or shall so negligently use any Furnace constructed to consume or burn its own Smoke as that the Smoke arising therefrom shall not be effectually consumed or burnt, every Person so offending shall forfeit and pay the Sum of Forty Shillings for and in respect of every Week during which such Furnace or Annoyance shall be so used and continued after One Month's Notice shall have been given to him by the Commissioners to remedy or discontinue the same. Furnaces to consume their own Smoke.

CLXVIII. And

Power to
Commissioners
to light
the Streets.

CLXVIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the several Streets within the Limits of this Act, or such of them as they shall think proper, to be lighted with Gas, Oil, or otherwise, for such Time as they shall think fit, and to provide such Lamps, Lamp Posts, Lamp Irons, Pipes, and other Works as may be necessary for that Purpose.

Commissioners
may contract
for lighting
the Streets.

CLXIX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to contract, for any Period not exceeding Twenty-one Years at any One Time, with the Owners of the Gas Works now existing within or near *Birmingham* aforesaid, or with the Owners of any Works hereafter to be made or erected, for the Supply of such Gas as the Commissioners may think necessary for lighting such Streets.

Penalty for
wilfully da-
maging
Lamps.

CLXX. And be it enacted, That if any Person shall wilfully break, throw down, take, convey, or damage any Lamp or other Part thereof, within the Limits of this Act, or any of the Posts, Irons, or other Furniture thereof, or wilfully extinguish the Light of any such Lamp, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Persons care-
lessly da-
maging
Lamps to
make good
the same.

CLXXI. And be it enacted, That in case any Persons shall carelessly, negligently, or accidentally break or otherwise damage any of the said Lamps, or the Irons, Posts, or Furniture thereof, and shall not immediately on demand make Satisfaction to the Commissioners, or to any other Owner thereof, (as the Case may be,) for the Damage done thereto, it shall be lawful for any Justice to award such Sum of Money as a Satisfaction for such Damage as such Justice shall think reasonable, not exceeding the Value of the Lamp or other Article so injured or damaged, and the Costs and Charges of repairing and replacing the same respectively.

Penalty on
Owners of
Carts not
having Name,
&c. thereon.
5 & 6 W. 4.
c. 50.

CLXXII. And be it enacted, That the Proprietor of every Cart, Waggon, Dray, Truck, or any such Carriage, whether public or private, shall paint or cause to be painted, either in the Mode prescribed by an Act passed in the Fifth and Sixth Years of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of Great Britain called England*, or in One or more straight Line or Lines, upon some conspicuous Part of the Right or Off Side of his Cart, Waggon, Dray, Truck, Hand-truck, or other such Carriage, or upon the Off-side Shaft thereof, before the same shall be used in any Street, his Christian Name and Surname, or the Style and Title by which he is commonly designated, or the Style or Firm by which his Trade or Business is carried on, and the Place of his Abode, at full Length, in large legible Letters in White upon Black Ground, or Black upon White Ground, not less than One Inch in Height and of a proportional Breadth, and continue the same thereafter so long as such Cart or Carriage shall be used as aforesaid; and every Proprietor of any Cart, Waggon, Dray, Truck, Hand-truck, or other such Carriage, who shall use or allow the same to be used within the Limits of this Act without being painted in the Manner directed by the said last-mentioned

mentioned Act or this Act, or the Name or Style, Title, Firm, or Description painted thereon as aforesaid, or after such Name, Style, Title, Firm, or Description, or any Part thereof, shall have become and be illegible, shall for every such Offence forfeit a Sum not exceeding Twenty Shillings.

CLXXIII. And be it enacted, That if any Person shall drive or act as the Driver of any Cart, Waggon, Dray, Truck, Hand-truck, or other such Carriage, whether public or private, within the Limits of this Act, not having the Proprietor's Name, Style, Title, Firm, or Description painted and remaining legible thereon, and shall refuse to tell or discover the true Christian Name and Surname and Place of Abode or Trade of the Proprietor of the same, or to tell and make known his own Christian and Surname and Place of Abode, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

Penalty on Driver refusing to disclose Owner's Name.

CLXXIV. And be it enacted, That if any Cart or other Carriage with not more than Two Wheels, used for the carrying of Coals, Goods, or other Things in the said Town, shall carry more at any One Time than Two Tons Two Hundred Weight, the Owner or Owners, Driver or Drivers, or other Person or Persons having the Care of every such Cart or other Carriage, shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Carts with Two Wheels not to carry more than 2 Tons 2 Cwt.

CLXXV. And in order to raise Money to carry the several Purposes of this Act into execution, be it enacted, That it shall be lawful for the Commissioners and they are hereby required, from Time to Time, as often as Occasion shall require, to make One or more Rate or Rates, to be signed by any Five or more of the Commissioners, and to become due and payable in such Proportions and at such Time or Times as the Persons making the same shall direct, upon the several Tenants and Occupiers of all Houses and Lands within the Limits of this Act assessed or rated or liable to be assessed or rated to any Rate made for the Relief of the Poor of the said Parish of *Aston*, so as no such Rate or Rates shall exceed in the whole the Sum of Two Shillings in the Pound in any One Year upon the respective annual Value of such Houses and Lands, (except as hereinafter provided with respect to Arable, Meadow, Pasture, and Garden Land,) and the Money arising from such Rates is hereby vested in the Commissioners.

Power to make Rates.

CLXXVI. And be it enacted, That for the Purposes of rating under this Act the Year shall be deemed to commence on the Twentieth Day of *September* in each Year.

Year for rating to commence on 29th Sept.

CLXXVII. And be it enacted, with respect to Rates to be made as aforesaid, That Lands used as Arable, Meadow, Pasture, or Garden Land, and which for the Time being shall be separately assessed at a Sum which shall exceed the annual Value of Eight Pounds, shall whilst so used be assessed in each Rate at a less Amount by Two Thirds than the Amount at which other Lands and Houses and other Properties shall be rated; and in case in any Year Rates shall be made

Rates on Occupiers of Arable, Meadow, Pasture, and Garden Land.

[*Local.*]

52 F

exceeding

exceeding One Shilling in the Pound, whether in One or more than One Rate, then Lands used as Arable, Meadow, Pasture, or Garden Land shall be rated on each Assessment at a less Amount by Three Fourths than the Amount at which other Lands and Houses and other Properties shall be rated; and in any Year in which Rates exceeding One Shilling in the Pound, whether in One or more than One Rate, shall be made, such Land as aforesaid shall not in respect of all Rates made in such Year be chargeable with more than One Fourth of the Proportion of such Rates to which such Lands would be liable in case the same were chargeable as Houses.

Rates on
Canal and
Railway Pro-
perty.

CLXXVIII. And be it enacted, with respect to the Rates to be made as aforesaid, That all navigable Canals and Railways, and the Land on which any such Canal or Railway is now or shall hereafter be made, within the Limits of this Act, and the Lands belonging to any such Canal or Railway upon which any Machine for the weighing of Coals, Merchandize, or other Things is now or shall hereafter be constructed, shall be assessed in each Rate to the same Proportion and in the same Manner in all respects as is herein provided with respect to Rates to be made on Arable, Meadow, Pasture, or Garden Land; but nothing herein contained shall be construed to prevent or exempt the Stations or Buildings of or on any such Canal or Railway from being assessed as Houses and Land, notwithstanding any such Machine as aforesaid shall be erected thereon.

How annual
Value to be
ascertained.

CLXXIX. And be it enacted, That the annual Value of all Houses and Lands to be rated or assessed by the Commissioners from Time to Time in any Rate for the Purposes of this Act shall be ascertained from the last Rate made for the Relief of the Poor of the said Parish of *Aston* prior to the Period of the Commissioners so making any Rate, except where the Commissioners shall see good Reason to deviate from such Poor Rate, and except where any such Houses or Lands shall not be assessed in such Rate, and also except where any such Houses or Lands (if any) shall be assessed in such Poor Rate jointly with any Houses or Lands not assessable under this Act; and the annual Value of all Houses and Lands as shall not be assessed in such Poor Rate, and of all such Houses or Lands as shall be assessed in such Poor Rate jointly with any Houses or Lands not assessable under this Act, shall be settled and ascertained by the Commissioners, or by One or more Assessor or Assessors to be appointed by them for that Purpose.

Exemption
of Places of
Worship
from Rates.

CLXXX. Provided always, and be it enacted, That no Rates shall be levied under this Act in respect of any Chapel, Meeting House, or other Place licensed or used for Divine Service or public Charity Schools.

Rate to be
open to In-
spection of
Rate-payers.

CLXXXI. And be it enacted, That immediately after any Rate shall be made the same shall be open to the Inspection of any Person rated in such Rate at all reasonable Times, and any such Persons may take Copies or Extracts from such Rate, on Payment of the Sum of One Shilling for such Inspection; and if the Person having the Custody of such Rate shall refuse to or shall not permit any Person so

rated as aforesaid to take Copies or Extracts from such Rate, he shall forfeit for every such Offence any Sum not exceeding Five Pounds.

CLXXXII. And be it enacted, That it shall be lawful for the Commissioners, or for any Person by them authorized, from Time to Time to inspect the several Books of Assessment or Rates towards the Relief of the Poor of the Parish of *Aston* aforesaid, and to take Copies of or Extracts therefrom respectively; and if any Person, having the Custody of such Books, Rates, or Assessments respectively, shall not suffer the Commissioners, or any Person authorized by them, to inspect the same, or take Copies thereof or Extracts therefrom, he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Poor Rates to be open to Inspection by Commissioners.

CLXXXIII. And be it enacted, That the Books of Rates of the Commissioners, whether delivered to the Collector or other Officer employed by them, or retained in their Custody, and all Entries then or afterwards made therein, shall be received as Evidence of the Rates to be imposed by virtue of this Act.

Rate Books to be Evidence.

CLXXXIV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to amend any Rate made by virtue of this Act, by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person shall have been rated, if it shall appear to them that such Person has been under-rated or over-rated, or by making such other Amendments therein as will make such Rate conformable to this Act; and no such Amendments shall be held to avoid the Rate: Provided always, that every Person who shall be aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate, and no such Alteration had been made.

Rates may be amended.

CLXXXV. And be it enacted, That if any Person shall think himself aggrieved by any Rate, on the ground of Inequality, Unfairness, or Incorrectness of the Valuation of any rateable Property included therein, he may appeal to the Justices at any Special Sessions which may be holden for the Purpose of determining any Appeals against the Poor Rates; but no Appeal shall be entertained unless Notice of the Objection in Writing shall have been given to the Party appealed against Seven Days at least before the Day appointed for such Special Sessions.

Appeal to Sessions on the ground of Inequality of Rates, &c.

CLXXXVI. And be it enacted, That the Justices assembled at any Special Sessions for which any such Notice shall have been given, or at any Adjournment thereof, shall hear and determine all such Appeals; and the Determination of such Justices shall be final, unless the same be appealed from in manner herein-after mentioned: Provided always, that it shall not be lawful for the Justices in such Special Sessions assembled to inquire into the Liability of any Property to be rated, but only into the true Value thereof, and the Fairness of the Amount at which the same may be rated; nor shall any Order of such Justices be of any Force pending an Appeal concerning

Determination of Special Sessions to be final, unless appealed from.

cerning the same Matter to the Court of General or Quarter Sessions, or in opposition to the Order of such Court upon any such Appeal.

Parties may appeal to Quarter Sessions against Rate.

CLXXXVII. And be it enacted, That if any Person shall think himself aggrieved by any Rate made under the Authority of this Act, or by any Matters included in or omitted from the same, or by any Determination of the Justices in Special Sessions assembled, he may appeal to the next General Quarter Sessions; but no such Appeal against the Rate, or any Matter contained or omitted from the same, shall be entertained at such General or Quarter Sessions unless Fourteen Days Notice in Writing of such Appeal, stating the Nature and Ground thereof, be given to the Commissioners.

Court of Quarter Sessions to make such Order as they think reasonable.

CLXXXVIII. And be it enacted, That at the General or Quarter Sessions for which any such Appeal shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, except when the Court shall think fit to adjourn the Appeal to the following Sessions, which they are hereby authorized to do; and in all such Cases the Court shall hear and determine the Appeal at such last-mentioned Sessions.

On Appeal, Quarter Sessions to have same Power of amending and quashing Rates, and of awarding Costs, as in Appeals against Poor Rates.

CLXXXIX. And be it enacted, That the Court of Quarter Sessions shall, in any Appeal against any Rate made under the Authority of this Act, have the same Powers of amending or quashing such Rates as are by Law vested in such Courts for amending or quashing the Rates for the Relief of the Poor within their Jurisdiction, upon Appeals against such Rates, and shall likewise have in any Appeal against any Rate made under the Authority of this Act the same Powers of awarding Costs to be paid by or to any of the Parties to an Appeal, and of recovering such Costs, as are now vested in such Court for awarding and recovering Costs in an Appeal against any Rate for the Relief of the Poor within their Jurisdiction.

Liability to Rates not to disqualify Witnesses or Justices.

CXC. And be it enacted, That no Person, although liable to the Payment of Money towards the Rates authorized to be raised under this Act, shall by reason thereof be deemed to be an incompetent Witness in any Proceeding under this Act, or be disabled to act as a Justice in the Execution of the same, or as Sheriff, Coroner, Under-sheriff, Juror, or otherwise.

Rates may be amended without quashing.

CXCI. And be it enacted, That on Appeal from any Rate the Commissioners or the Justices at any Sessions may amend the same in such Manner as may be necessary for giving Relief, without quashing such Rate; but if upon Appeal from the whole of any Rate it shall be found necessary to set aside the same, then and in such Case the said Commissioners or Justices shall and may order a new Rate or Assessment to be made in lieu and stead of a Rate so quashed, and in the Manner hereby directed.

Rates or Proceedings not to be quashed for

CXCII. And be it enacted, That no Rate, nor any Proceeding touching the Conviction of any Offender against this Act or the Bye Laws or Orders to be made in pursuance thereof, nor any other
Matter

Matter or Thing to be done or transacted in relation to the Execution of this Act, shall be vacated or quashed for Want of Form, or be removed or removable by Certiorari or any other Writ or Process whatever, into any of Her Majesty's Courts of Record at *Westminster*.

Want of Form.

CXCIII. And be it enacted, That if any Person rated under the Authority of this Act shall not pay any of the said Rates due from him, on demand thereof in Writing or Printing by the Commissioners or their Collector, any Justice shall, on the Application of the Commissioners or their Collector, summon any such Person before him, at a Time to be mentioned in the Summons, to show Cause why the Rates due from him should not be paid; and in case no sufficient Cause for the Nonpayment of such Rate shall be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Rates may be recovered by Distress.

CXCIV. And be it enacted, That the Warrant of Distress for the Nonpayment of any Rate may include one Person or several Persons, and may be to the Effect mentioned in the Schedule (D.) to this Act annexed.

Form of Warrant of Distress.

CXCV. And be it enacted, That in all Cases where a Distress is hereby authorized to be made every Constable or other Officer authorized by the Warrant to levy any Sum mentioned therein shall, upon being required by a Collector of the Rates, aid in making a Distress or Sale pursuant to such Warrant; and every Constable or other Officer who shall refuse to do so shall be liable to a Penalty not exceeding Five Pounds.

Constables to assist in making Distress.

CXCVI. Provided always, and be it enacted, That it shall be lawful for the Commissioners, or any Two Justices in Petty Sessions assembled, to reduce or remit the Payment of any Rate, on account of the Poverty or Sickness of any Person liable to the Payment of the Rate.

Power to Commissioners or Justices to remit Rate.

CXCVII. Provided always, and be it enacted, That when a sufficient Distress cannot be found it shall be lawful for the Commissioners to bring or cause to be brought, in the Name of their Clerk or of any Two Commissioners, any Action of Debt or any special Action on the Case in any of Her Majesty's Courts of Record at *Westminster* for all or any of the Rates to be made or Composition to be paid by virtue of this Act, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to the Plaintiff in such Sum of Money as the Plaintiff shall suppose to be due; and if the Plaintiff shall recover such Sum so declared for, or any Part thereof, he or they shall have full Costs, to be levied and recovered as other Monies upon Judgments are by Law levied and recovered.

Action may be brought for Rates.

CXCVIII. And be it enacted, That in all Cases where any Property consisting of any House or Land or both, within the Limits of this Act, shall be assessed at an annual Value not exceeding Eight Pounds, then and in every such Case it shall be lawful for the Commissioners

For rating Landlords of Property not exceeding 8l. per Year.

missioners in making Rates for the Purposes of this Act to rate and assess the Landlord or Owner of such Property to the Payment of such Rates, and every such Landlord or Owner shall pay the Rates charged upon the same; and in case of Nonpayment thereof the same shall be recoverable from such Landlord or Owner in the same Manner as any Rates by this Act authorized to be made may be recovered.

Occupiers to be rated if they think proper.

CXCIX. Provided always, and be it enacted, That it shall be lawful for the Occupiers of any rateable Property to demand to be assessed for the same, and to pay the Rates in respect thereof made under the Authority of this Act; and the Commissioners shall assess every such Occupier so long as he shall duly pay the said Rates.

Empty Property exempted.

CC. And be it enacted, That the Rates or Assessments aforesaid shall not be payable for or in respect of any Property hereby made liable to be rated or assessed for or during the Time the same shall be empty, unoccupied or unemployed, except in the Case of Compositions with Owners hereby authorized to be made.

Not necessary to name the Owner, where unknown.

CCI. And be it enacted, That whenever the Name of any such Landlord or Owner shall not be known to the Commissioners or to the Person making the Rates, it shall be sufficient to rate such Landlord or Owner in the Rate Book of the Commissioners as the Landlord or Owner of the Property to be rated by the Designation of "the Landlord" or "the Owner," without stating his Name.

Receiver of Rents to be deemed the Owner.

CCII. And in order to prevent any Dispute touching the Word Landlord or Owner, for the Purposes of rating under the Authority of this Act, be it enacted, That the Person receiving the Rents of any rateable Property within the Limits of this Act from the Occupier thereof, on his own Account or as Agent for any other Person, shall be deemed the Landlord or Owner of the same for the Purposes of such rating.

Tenants under existing Leases to repay the Owner.

CCIII. Provided always, and be it enacted, That when any Landlord or Owner shall be rated in respect of any rateable Property which shall be in the Occupation of a Tenant under any Lease or Agreement made prior to the passing of this Act, such Tenant shall repay to the Landlord or Owner all Sums which shall be paid by the Landlord or Owner on account of any Rates made under this Act during the Continuance of such Lease, unless it shall have been agreed that the Landlord or Owner shall pay all Rates in respect of such Property.

In default of Owner for Six Months, Occupier to pay.

CCIV. And be it enacted, That when the Landlord or Owner of any rateable Property shall have been rated in respect thereof, and the Rate shall have been unpaid for Six Months, it shall be lawful for the Commissioners or their Collector to recover the Amount of such Rate from the Occupier of such rateable Property by the same Means as the same might have been recovered if such Occupier had been rated thereto: Provided always, that no Occupier shall be required to pay nor shall his Goods and Chattels be distrained for any further Sum than the Amount of Rent due from him at the Time when he shall

shall have been required to pay, or of the issuing of the Warrant of Distress, unless he shall refuse to disclose the Amount of Rent due from him, on Application being made to him for that Purpose.

CCV. And be it enacted, That if the Amount of any Rate which under the Provisions herein-before contained ought to be borne by the Landlord or Owner of any rateable Property shall be paid by the Occupier of such Property, or levied on his Goods and Chattels, the Landlord or Owner shall reimburse the Occupier; and it shall be lawful for such Occupier to deduct the Sums paid or levied, together with the Costs of the Distress (if any) paid by him, from the Rent due or to become due from him to such Landlord or Owner.

Owner to repay the Occupier.

CCVI. And be it enacted, That if the Landlord or Owner of any Dwelling House, Tenement, Warehouse, Manufactory, Building, or Land, not exceeding separately the annual Value of Eight Pounds, shall be willing and agree to pay a reduced Rate for the same, whether occupied or not, it shall be lawful for the Commissioners and they are hereby required to compound with such Landlord or Owner for the Payment of the Rate which may be assessed or made in respect thereof by making the following Deductions from the Amount which would otherwise be due, *videlicet*, any Sum not exceeding Two Thirds the Amount of each Rate when the annual Value of the Property assessed shall not exceed the Sum of Five Pounds, and any Sum not exceeding One Half of the Amount of each Rate when the annual Value of the Property assessed shall exceed the Sum of Five Pounds and shall not exceed the Sum of Eight Pounds, and such reduced Rate shall be recoverable in like Manner as the full Rate might by this Act be recovered: Provided also, that the rating or Payment by the Landlord or Owner shall not in any Manner affect or prejudice the Right of any Occupier to the Enjoyment of any Franchise or Privilege to which he may be or become entitled within the said Hamlets, in case such Occupier and Landlord, or either of them, shall have paid the full Amount (as if no Power to compound existed) of all Rates payable in respect of the Property for which such Occupier claims to vote.

Power to compound.

The Rating or Payment by Landlord or Owner not to affect any Franchise or Privilege.

CCVII. And be it enacted, That if any Person shall quit or be about to quit any rateable Property before he shall have paid the Rates then payable by him in respect thereof, and shall not pay the same to the Commissioners or their Collector, on demand, it shall be lawful for any Justice of the Peace having Jurisdiction where such Person may reside or his Goods be found to summon such Person to appear before him at a Time to be mentioned in the Summons, to show Cause why the Rates should not be paid; and if no sufficient Cause for the Nonpayment of such Rates be shown accordingly the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Remedy against Persons quitting before Payment of Rates.

CCVIII. And be it enacted, That when any Rate shall have been made for a particular Period, and the Landlord, Owner, or Occupier who shall be rated to such Rate shall cease to be the Landlord, Owner, or Occupier of the Property in respect whereof he shall be rated, before the End of such Period, such Landlord, Owner, or Occupier shall be liable to pay a Portion only of the whole of such Rate

Rates to be apportioned on Holder quitting.

Rate proportionate to the Time during which he continued to be Landlord, Owner, or Occupier; and in every such Case, if any Person shall become the Landlord, Owner, or Occupier of any Property so rated as aforesaid during any Part of any Period for which any Rate shall have been made, such Person shall pay a Portion of such Rate proportioned to the Time during which he shall have held or occupied the Property so rated.

Persons entering on unoccupied Property to pay a Portion of the Rate.

CCIX. And be it enacted, That if any Property rateable under this Act shall have been unoccupied at the Time of making any Rate, and any Person shall occupy such Property during any Part of the Period for which such Rate shall have been made, it shall be lawful for the Commissioners to rate such Property; and the Person occupying the same during any Part of the Period aforesaid shall pay a Portion of the said Rate proportioned to the Time during which he shall occupy such Property.

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

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

Justices may administer an Oath.

CCXI. And be it enacted, That any Justice may administer an Oath to any Person appearing as a Complainant or Witness before him in any Manner of which he shall have Cognizance by means of this Act.

Damages to be ascertained with the Penalty.

CCXII. And be it enacted, That where any Damages or Charges are directed by this Act to be paid, in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Nonpayment thereof or of any Dispute concerning the same, shall be determined by the Justices before whom the Offender shall be convicted of such Offence, and shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Provision for Damages not otherwise provided for.

CCXIII. And for the Purpose of providing for the Recovery of any Compensation for any Injury to any Land or other Property or Person, or for any Expences, Charges, or Damages which shall be payable under this Act, and for the Recovery of which no Method is herein provided, be it enacted, That in all such Cases the Amount of the Compensation, Charges, or Damages by this Act directed or authorized

authorized to be paid, shall, in case of Nonpayment thereof, or of any Dispute about the same, be ascertained and determined by Two or more Justices, and the same shall be levied by Distress.

CCXIV. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That any Justice of the Peace may summon any Person liable to pay the same to appear before him at a Time mentioned in such Summons, and at such Time, either on the Appearance or Default of the Party summoned to appear, to inquire into any such Compensation, Expences, Charges, or Damages, and to determine the same.

For ascer-
taining Com-
pensation.

CCXV. And with respect to any Money under the Provisions of this Act adjudged to be paid by the Commissioners for which no other Mode of Proceeding is hereby prescribed, be it enacted, That if such Money be not paid by the Commissioners to the Party entitled to receive the same within Twenty-one Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money, the Amount shall be recovered by Distress of the Goods of the Commissioners, and if no sufficient Goods of the Commissioners can be found, by Distress of the Goods of the Treasurer of the Commissioners; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, shall have been given to such Treasurer, or left at his usual Place of Abode.

Recovery of
Money from
Commis-
sioners.

CCXVI. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid it shall be lawful for him to retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Commissioners coming into his Custody or Control, or to sue the Commissioners for the same in the same Manner as other Parties are by this Act enabled to sue the said Commissioners.

Reimburse-
ment of
Treasurer.

CCXVII. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding, upon Complaint made before One or more Justices; and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon Default to appear of the Party offending it shall be lawful for any One or more Justice to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by Confession of the Party complained against or upon the Oath of One credible Witness or more, it shall be lawful for any One or more Justice or Justices to convict the Offender, and

Penalties may
be summarily
recovered
before One
Justice or
more, upon
Complaint.

[Local.]

52 H

upon

upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Cost attending the Conviction as such Justices shall think fit.

Penalties to be levied by Distress.

CCXVIII. And be it enacted, That if forthwith upon any such Adjudication as aforesaid, or within such Time as such Justice or Justices shall thereby appoint, the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any One or more Justices shall issue his or their Warrant of Distress accordingly.

Imprisonment in default of Distress.

CCXIX. And be it enacted, That it shall be lawful for the Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within the Jurisdiction of the said Justices whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then such Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Time not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application of Penalties.

CCXX. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That such Penalties or Forfeitures shall be paid to the Commissioners or their Treasurer, to be applied for the Purposes of this Act, except in all such Cases where the Penalty or Forfeiture shall be incurred by the Commissioners, and then the whole of such Penalty or Forfeiture shall be paid to the Informer.

Penalties to be sued for within Six Months.

CCXXI. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Power to Justices to summon Witnesses, and Penalty

CCXXII. And be it enacted, That it shall be lawful for any Justice to summon any Witness to appear before him as a Witness, in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons,

mons, and to administer to him an Oath to the Truth of such Matter ; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, on any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act, shall, without any reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined on Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

on Witnesses
making de-
fault.

CCXXIII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Commissioner, or any Street Keeper, Officer, or Agent of the Commissioners, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Commissioner, Street Keeper, Officer, or Agent, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act, and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Transient
Offenders.

CCXXIV. And be it enacted, That the Justice before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in Schedule (E.) to this Act annexed.

Form of
Conviction.

CCXXV. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied, under the Warrant of any Justice, by Distress and Sale of the Goods and Chattels of the Party liable to pay the same ; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on demand, to the Party whose Goods shall have been distrained.

Distress how
to be levied.

CCXXVI. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information or Complaint, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action on the Case.

Distress
not to be
unlawful for
Want of
Form.

CCXXVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time, if they shall see Cause, to pay and apply such Part of the Penalties and Forfeitures to be recovered for any Offence or Offences committed against this Act as they shall think proper, not exceeding One Moiety of such Penalties or Forfeitures, to or for the Use of the Informer or Informers of such
respective

Reward to
Informers.

respective Offence or Offences, any thing herein contained to the contrary notwithstanding.

Parties may appeal to Quarter Sessions, on giving Security.

CCXXVIII. And be it enacted, That if any Person shall think himself aggrieved by any Order, Determination, or Adjudication of any Justice, or of the Commissioners, under the Provisions of this Act, he may appeal to the General Quarter Sessions, but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Order, Determination, or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CCXXIX. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or the Court may, if it think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if it think fit, mitigate any Penalty or Forfeiture, or it may confirm or quash the Order, Determination, or Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as it may judge reasonable; and the Court may make such Order concerning the Costs, both of the Order, Determination, or Adjudication, and of the Appeal, as it may think reasonable.

Application of Monies belonging to Commissioners or to be borrowed.

CCXXX. And be it enacted, That all Monies which shall belong to the Commissioners under the recited Act, or which shall be borrowed or raised under the Provisions of this Act, shall be applied, in the first place, in paying the Expences of obtaining and passing this Act or incident thereto, and after Payment thereof in or towards answering the Purposes of the recited Act and this Act, as the Commissioners shall direct.

Not to affect Rights of the Lords of the Manor.

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

Not to drain into or interfere with the Birmingham Canal Navigations.

CCXXXII. Provided also, and be it enacted, That nothing herein contained shall authorize or empower the said Commissioners, or any other Person, to make any Drain into the *Birmingham Canal Navigations*, or injuriously affect the said Canal, or the Towing Paths or Works belonging thereto, without the Consent of the Company of Proprietors of the *Birmingham Canal Navigations* in

in Writing under their Common Seal, or of their Clerk for the Time being, in Writing, first had and obtained.

CCXXXIII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) Interpreta-
tion of Act.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Person" or the Word "Persons" shall include Corporations, whether aggregate or sole:

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in case of any other Person exempted by Law from the Necessity of taking an Oath:

The Expression "the Commissioners" shall mean the Commissioners for the Time being acting by virtue of this Act:

The Word "Justice," in this Act or the recited Act, shall mean any Justice of the Peace acting within the Limits of this Act:

The Word "Sessions," General or Quarter, shall mean the General or Quarter Sessions of the Peace for the Borough of *Birmingham*:

The Word "Street" shall include any Street, Square, Court, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place within the Limits of this Act, as well Footway as Carriageway, but not the Towing Paths of the *Birmingham Canal Navigations*:

The Words "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*:

The Word "House" or the Word "Houses" shall include any Messuage or Dwelling House, Tenement, Warehouse, Manufactory, Building, or other Inclosure:

The Word "Lands" or "Land" shall extend to and comprise Messuages, Lands, Tenements, and Hereditaments of any Tenure.

CCXXXIV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Mortgage.

No.

By virtue of an Act passed in the Year of the Reign
of intituled, &c., we, of the Commissioners
appointed under or by virtue of the said Act, in consideration of the
Sum of Pounds paid to the Treasurer of the said Commis-
sioners by *A.B.* of for the Purposes of the said Act, do grant
and assign unto the said *A.B.*, his Executors, Administrators, and
Assigns, such Proportion of the Rates and Assessments authorized
by the said Act to be levied as the said Sum of Pounds
doth or shall bear to the whole Sum which is or shall be borrowed
upon the Credit of the said Rates or Assessments, to hold to the
said *A.B.*, his Executors, Administrators, and Assigns, from this Day
until the said Sum of Pounds, with Interest at per
Centum per Annum for the same, shall be fully paid and satisfied.
In witness whereof we have hereunto set our Hands and Seals,
the Day of One thousand eight hundred and

SCHEDULE (B.)

Form of Security for granting Annuity.

WE of the Commissioners appointed under or by
virtue of an Act passed in the Year of the Reign of
intituled, &c., in consideration of the Sum of
Pounds paid by *A.B.*, do hereby grant unto the said *A.B.* an Annuity
or yearly Sum of Pounds out of the Rates or Assessments
granted or arising by virtue of the said Act, which Annuity or yearly
Sum of Pounds shall be paid to the said *A.B.* or his
Assigns during the Term of his natural Life [or to the said *A.B.*,
his Executors, Administrators, or Assigns, during the natural Life
of *C.D.*, as the Case may be], upon the Day of in
every Year during the natural Life of him the said at the
the first Payment thereof to be made on the
Day of next ensuing the Date hereof. In witness whereof
we the said Commissioners have hereunto set our Hands and Seals,
the Day of in the Year

SCHE-

SCHEDULE (C.)

Form of Transfer of Mortgage or Annuity.

No.

I *A.B.* of _____ in consideration of the Sum of _____ Pounds paid to me by *C.D.* of _____ do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage or Annuity, Number _____ made or granted by the Commissioners for executing an Act passed in the _____ Year of the Reign of _____ intituled, &c., to _____ bearing Date the _____ Day of _____ for securing the Sum of _____ Pounds and Interest, or an Annuity of _____ Pounds per Annum during the Life of _____ [or, if such Transfer be by *Endorsement*, the within Security], and all my Right and Interest in and to the Money thereby secured, and in and to the Rates or Assessments thereby assigned or charged. In witness whereof I have hereunto set my Hand and Seal, the _____ Day of _____ One thousand eight hundred and _____

SCHEDULE (D.)

Form of Warrant of Distress.

to wit. } To _____ Collector [or One of the Collectors] of the Rates under an Act passed, &c., intituled, &c., and to all Constables :

WHEREAS the under-mentioned Persons, now or late Owners or Occupiers of Premises within the _____ have been duly rated in or are liable to the Payment of a Rate or Rates made on the _____ Day of _____ under the Authority of the said Act, and there are now due from them respectively the several Sums of Money against their Names herein-after respectively set down, which they have not paid, as appeareth upon Oath to me, One of Her Majesty's Justices of the Peace for the _____ ; and the said several Persons having been duly summoned to appear before me to answer the Premises, and not having shown any sufficient Cause why such several Sums of Money should not be paid, These are therefore, in Her Majesty's Name, to require you or any of you forthwith to levy the said several Sums due as herein-before mentioned by Distress and Sale of the respective Goods and Chattels of the Persons aforesaid, rendering to them respectively the Overplus (if any), the reasonable Charges of such Summons, Warrant, Distress, and Sale being first deducted ; and if no sufficient Distress can be had and taken, then that you certify the same to me, to the end that such further Proceedings may be had as the Law doth authorize and direct : And I do hereby strictly charge and command all the Constables _____ respectively to be aiding and assisting in all things relating to the Premises. Given under my Hand and Seal, this _____ Day of _____ One thousand eight hundred and _____ and

Sums due.
£ s. d.

A.B. - - - - -
C.D. - - - - -

SCHE-

SCHEDULE (E.)

Form of Conviction.

} BE it remembered, That on the Day of
 to wit. } in the Year of our Lord
A.B. is convicted before me *C.D.*, One of Her Majesty's Justices of
 the Peace for the of [*here describe the Offence*
generally, and the Time and Place when and where committed], con-
 trary to an Act passed in the Year of the Reign of Queen
 Victoria, intituled [*here insert the Title of this Act*]. Given under
 my Hand and Seal, the Day and Year first above written.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
 Printers to the Queen's most Excellent Majesty. 1845.