ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. XXXVI.

An Act to amend an Act, paſſed in the Ninth Year of His preſent Majeſty, intituled, *An Act for laying open and widening certain Ways and Paſſages within the Town of* Birmingham; *and for cleanſing and lighting the Streets, Lanes, Ways, and Paſſages there; and for removing and preventing Nuiſances and Obſtructions therein*; and for widening certain other Streets and Places; for eſtabliſhing a Nightly Watch; and for regulating Carts and Carmen employed in the ſaid Town.

WHEREAS an Act was made in the Ninth Year of his preſent Majeſty's Reign, For laying open and widening certain Ways and Paſſages within the Town of *Birmingham*; and for cleanſing and lighting the Streets, Lanes, Ways, and Paſſages there; and for removing and preventing Nuiſances and Obſtructions therein: And whereas a conſiderable Progreſs has been made in the Execution of the ſaid Act; but the Powers Preamble. Act 9 Geo. III.

Powers thereby given are found insufficient, in several Particulars, for answering the Purposes for which the said Act was made; and, from the small Number of Commissioners thereby appointed, it is sometimes very difficult to procure a Meeting for executing the Act: And whereas by reason a Navigation has lately been made up to the said Town of Birmingham, a much greater Number of Carts and Carriages are now used there than formerly, in conveying Goods and Merchandise, and it is therefore very necessary that some other of the Streets, Roads, and Passages, should be widened and made commodious for carrying on the extensive Trade and Commerce of the said Town, without Danger and Inconvenience to the Inhabitants, and others resorting thereto; and it is also necessary that the Carts and Carriages used in the said Town for carrying Goods, Wares, and Merchandise, should be put under proper Regulations, the Fares to be taken for the Use thereof limited and ascertained, and the Behaviour of the Owners and Drivers thereof restricted: And whereas it would tend greatly to the Safety and Convenience of the Inhabitants of the said Town, if a regular Nightly Watch was established therein: To the End therefore that the beneficial Purposes of the said former Act may be accomplished, and the other Regulations and Matters herein-before mentioned established and properly ascertained; may it please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the First Day of June, One thousand seven hundred and seventy-three, all and every the Powers, Authorities, Directions, Provisions, Penalties, Forfeitures, Regulations, Clauses, Matters, and Things whatsoever, contained in the said recited Act, except such or so much thereof as shall be repealed, varied, altered, or rendered unnecessary by this Act, shall be extended to this Act, and be deemed as Part hereof, and shall operate and be in full Force in respect to this Act, and all the Purposes thereof, as fully and effectually, to all Intents and Purposes, as if the same were herein repeated and specially

Commencement of this Act.

enacted; and this Act, and all the Powers, Authorities, Regulations, and Provisions, herein contained, shall commence and take Effect upon the said First Day of June, One thousand seven hundred and seventy-three, and be thenceforth executed, together with the said former Act, for the several Purposes therein and herein respectively contained.

Additional Commissioners.

And be it enacted by the Authority aforesaid, That Richard Anderton, Samuel Aris, Matthew Barker, William Capper, John Francis, Sampson Freeth, William Hutton, William Hodgkins, Joseph Jukes, Edmund Wace Patteson, Edward Palmer, Samuel Pemberton junior, Samuel Ray, William Ryland, Josiah Rogers, Samuel Steward, Timothy Smith, John Taylor junior, John Ward, and Thomas Wight, Grocer, Daniel Bond, Thomas Colemore of Edgbaston Street, William Dutton, William Holden of New Street, John Harris of Cannon Street, Luke Bell, Walter Oakeley, Thomas Gisbourne, Joseph Thomason, shall be, and are hereby added to, and joined with, the Commissioners appointed by or in pursuance of the said former Act; and that the Commissioners hereby appointed, together with the surviving or remaining Commissioners appointed by, or elected in, pursuance of the said former Act, shall be, and they and their Successors to be hereafter elected, are hereby declared to be Commissioners for putting the said former Act, and this Act, in Execution, during such Time as they shall be qualified, or shall not be rendered incapable of acting in Manner prescribed by, and pursuant to, the Terms of the said former Act, for Qualification or Disqualification of Commissioners.

For widening Streets described in the Schedule.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Fifteen or more of them, shall have, and they are hereby vested with full Power and Authority, to treat and agree with the Owners and Occupiers of, and all other Persons interested in the Houses, Buildings, Grounds, and Estates, mentioned and described in the Schedule to the said recited Act, and to this Act, respectively annexed, and to purchase and become seised or possessed of the same; and upon Payment of such Sum or Sums of Money as

shall be agreed upon for such Purchases, or adjudged or determined in Manner prescribed for the like Purposes by the said former Act, to cause such Houses and Buildings, or so much thereof as shall be necessary, to be pulled down; and such Grounds, and the Grounds whereon such Houses and Buildings now stand, or so much thereof as shall be necessary, to be laid open for or towards the widening, enlarging, and improving the Streets, Roads, Passages, and Places, described in the said Schedules respectively.

Commissioners Resolution to purchase to be entered in their Book of Proceedings 14 Days before any Proceedings had thereon.

And be it further enacted by the Authority aforesaid, That when the said Commissioners shall resolve to proceed to the Purchase of all or any Part of the Houses, Buildings, Grounds, and Estates, mentioned and described in the Schedule to the said recited Act, and to this Act respectively annexed, such Resolution shall be reduced into Writing, and entered in the Book of Proceedings of the said Commissioners, and signed by Fifteen at least of the said Commissioners, at some Meeting to be held in pursuance of this Act; and Notice, in Writing, of such Intention, shall be published in some or One of the publick News-papers generally printed and published in the said Town of Birmingham, at least Fourteen Days before any Proceedings shall be had, in order to the contracting or agreeing for the Purchase of the same, or the Part or Parts so proposed to be purchased, or for setting a Value thereupon; any Thing in the said recited Act, or in this Act, contained to the Contrary notwithstanding.

Commissioners may hire Room for an Office and Storehouse.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners, or any Seven or more of them, from Time to Time, to hire any such Building or Buildings as they shall think fit, in any convenient Part or Parts of the said Town, for the Purpose of making use thereof as and for an Office or Offices for keeping their Accounts, and doing the Business relating to the said recited Act, and this Act, and as a Storehouse or Storehouses for keeping their Implements and Materials, and for other convenient Purposes of the said recited Act, and this present Act; and to pay out of the Rates made, or to be made, in pur-

ſuance of this Act, ſuch yearly Rent or Rents as they the ſaid Commiſſioners, or any Seven or more of them, ſhall from Time to Time agree upon; and alſo to accept and take a Leaſe of ſuch Building or Buildings to themſelves, or any of them, or any Perſon or Perſons in Truſt for them, for any Term or Number of Years, at and under ſuch yearly Rent or Rents as they ſhall from Time to Time think fit.

Carmen not to ride on their Carts, but to lead the Horſe.

And be it further enacted by the Authority aforeſaid, That when any Cart, Water Cart, Sledge, or Dray, ſhall be drawn by One or more Horſe or Horſes, in any Street, Lane, Way, or Place, within the ſaid Town, the Perſon driving or having the Care of each ſuch Cart, Water Cart, Sledge, or Dray, ſhall not ride within or upon the ſame, or on the Shafts thereof, but walk on Foot by the Side of the Shaft or Thill Horſe, and guide ſuch Shaft or Thill Horſe, by holding in his Hand a Cord, Rein, or Halter, not exceeding One Yard and an Half in Length, faſtened to the Head of ſuch Shaft or Thill Horſe, on Pain of forfeiting for every Offence or Omiſſion the Sum of Two Shillings and Sixpence; and if the Driver of any ſuch Cart, Water Cart, Sledge, or Dray, ſhall drive, or permit the ſame to be drawn, upon any Foot-way within the ſaid Town, other than in caſe of abſolute Neceſſity, ſuch Driver ſhall, for each Offence, forfeit and pay the Sum of Two Shillings and Sixpence.

Penalty on driving Carts on Foot-pavements.

Carts uſed in the Town, carrying Coals or Water, to have Six Inch Wheels.

And be it further enacted by the Authority aforeſaid, That the Wheels of every Cart carrying Coals or Water within the ſaid Town, whether for Hire or not, ſhall be made with Felloes Six Inches broad at the leaſt, and of a flat even Surface in every Part of ſuch Felloes, on Pain that the Owner or Driver of every ſuch Cart, not having ſuch Felloes, ſhall, for every Offence, forfeit and pay the Sum of Ten Shillings.

Commiſſioners to aſcertain the Rates of Cartage.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Fifteen or more of them, ſhall, and have hereby full Power, from Time to Time, to ſet down and aſcertain the Rates and Prices of Cartage which ſhall from Time to Time be paid and payable to Carters and Carmen plying and being within the

the said Town, for the carrying and conveying of any Coals, Iron, Iron Stone, Goods, Wares, and other Merchandise, from the several Wharfs of the Navigation now made, or hereafter to be made, and lying or being near or adjoining to the said Town called The Birmingham Canal Navigation, to any Part or Parts of the said Town, and from any Parts of the said Town to any other Parts thereof, in or upon any Cart, Sledge, or Dray, according to the Distances which the same shall be carried, as they the said Commissioners, or any Fifteen or more of them, shall think proper; which said Rates and Prices of Cartage, and none other, shall from Time to Time be paid or payable to any of such Carters or Carmen; and also the said Commissioners, or any Fifteen or more of them, shall and may, and have hereby full Power to make and ordain such Orders, Rules, and Bye-laws, for the better governing and regulating of all such Carters and Carmen within the said Town for the Time being, in all Respects whatsoever, as shall appear fit and proper in the Judgement of such Commissioners; and to fix and appoint such Penalties for the Non-observance or Non-performance, or other Breach of all or any of such Rules, Orders, or Bye-laws, or any Part thereof, as they shall think proper; such Penalties to be levied and recovered by such Ways and Means as are herein-after mentioned; and all which Orders, Rules, and Bye-laws, when put into Writing, and signed by the said Commissioners, or any Fifteen or more of them, shall from Time to Time be final and binding to all Intents and Purposes whatsoever, and every Proceeding in consequence thereof shall be good and effectual.

and make Rules for governing Carts and Carmen.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall cause, by Letters or Figures to be painted or described upon Boards or Stones, and placed on or against the Front Walls of the Houses or other Buildings of or in the said Town, or otherwise, as they shall think proper, the Distances from the said several Wharfs near or adjoining to the said Town, signifying the

Commissioners to mark the several Distances from the Wharfs.

particular Distances from such respective Wharfs, and the Rate or Fare for Carriage from such respective Wharfs going to or beyond such respective Distances, and to keep up and renew such Marks from Time to Time; the Charges of making and keeping up such Marks to be defrayed out of the Money to be raised and collected by virtue of this Act: and all Persons who shall wilfully or maliciously destroy, injure, obliterate, or deface, any such Letters or Figures, or injure the Boards, Posts, or other Things, whereon the same shall be painted or described, or cause or procure the same to be done, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Commissioners may establish a Watch.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners, or any Fifteen or more of them, from Time to Time, if they shall think necessary, to order and appoint such Number of Watchmen and Night Constables as they shall judge proper within the said Town, and to nominate such able-bodied Men to be employed in such Services as they the said Commissioners shall think best qualified; and shall order and direct how and where the several Watchmen shall be stationed, and in what Manner they shall be armed, and how often they shall go their Rounds, how long they shall continue upon Duty, and what Wages shall be allowed to such Watchmen and Night Constables for their Attendance; and shall also order and direct what Number of Night Constables shall attend every Night in the said Town, and in what Parts, and may erect or hire Watch-houses, and set up Watch-boxes, and make all such other Orders and Regulations relating to such Watchmen and Night Constables as they shall think proper, and as the Nature of each particular Service shall require; and the said Commissioners, or any Fifteen or more of them, may, from Time to Time, remove any of the said Night Constables and Watchmen, and appoint others in their Rooms, or in the Room of such as may die or refuse to serve in such respective Capacities.

Copies of Regulations to be delivered to Night Constables.

And be it further enacted by the Authority aforesaid, That true Copies or Transcripts of all such Orders, Regulations, Nominations, and Appointments, as shall be made from Time to Time, for the better Direction and Government of the said Night Constables and Watchmen, shall be fairly written and signed by the said Commissioners, or any Fifteen or more of them, and shall be delivered to the several Night Constables within the said Town; and the said Constables and Watchmen shall, in their several Turns or Courses of Watching, use their best Endeavours to prevent Fires, Murders, Burglaries, Robberies, and other Outrages and Disorders; and to that End shall, and they are hereby jointly and severally impowered and required to arrest and apprehend all Rogues, Vagabonds, and all disorderly Persons, whom they shall find Disturbers of the publick Peace, and to carry them to the common Prison in the said Town, there to be kept in safe Custody till the Night Constable or Watchmen can convey such Person or Persons before some Justice of the Peace of the said County of Warwick, which is to be done within Forty-eight Hours from the Time of the Offender's being apprehended, to be examined and dealt with according to Law; and the Night Constables shall, so often in every Night as shall be ordered by the said Commissioners, or any Seven or more of them, go about the said Town, and take Notice whether all the Watchmen perform their Duties in their several Stations, according to such Orders and Regulations as shall have been made for that Purpose by the said Commissioners as aforesaid; and that each such Constable, and every such Watchman, shall and may, and is hereby required, during the Times of his or their Watching, to assist and defend any Persons who shall be unlawfully assaulted, attacked, or abused, within the said Town; and in case any of such Watchmen shall misbehave himself, or neglect his Duty, the said Night Constables, or One of them, as soon as conveniently may be, shall give Notice thereof to the Clerk of the Commissioners, who is hereby authorised to suspend such Watchman from the Execution of his Office, and appoint another Person to officiate therein until the next

Penalty on Watchmen neglecting their Duty.

Meeting

Meeting of the said Commissioners, when the said Clerk shall acquaint the Commissioners assembled at such Meeting with the Complaint against such Watchman, in order for the said Commissioners, or any Seven or more of them, to proceed to the Examination of the Offence; and such Watchman shall, for every such Misbehaviour or Neglect, forfeit and pay the Sum of Five Shillings, or be discharged from his said Office of Watchman, and be incapable of ever after being employed as a Watchman by virtue of this Act.

Penalty on Night Constables neglecting their Duty.

And be it further enacted by the Authority aforesaid, That if any of the said Night Constables shall wilfully neglect to attend in his or their Turn, to keep Watch and Ward within the said Town, or shall not come to keep Watch and Ward within the said Town, or shall depart from or leave keeping Watch or Ward during the respective Hours to be appointed by the Commissioners as aforesaid, or shall otherwise neglect his or their Duty, or misbehave himself or themselves against the Duty prescribed to them by this Act, or the said Commissioners, as aforesaid; in each and every the said Cases the Person or Persons so offending shall respectively forfeit the Sum of Twenty Shillings for every such Offence.

Expences of Watch how to be paid.

And be it further enacted by the Authority aforesaid, That from and after such Time as a Watch shall be set up and established in the said Town, pursuant to the Powers and Authorities aforesaid, the Wages of all the Night Constables and Watchmen, and the Expences of their Accoutrements, Watch-houses, Watch-boxes, and every other Charge and Expences whatsoever relating to such Watch, shall and lawfully may, from Time to Time, and at all Times, be paid and discharged out of the Rates or Assessments to be raised and levied under and by virtue of this Act.

How broken Glass or other Rubbish shall be disposed of.

And be it further enacted by the Authority aforesaid, That no Person or Persons shall at any Time throw, cast, or lay, any broken Glass, Earthen Ware, Casting-pots, Brick-ends, Brick-batts, Cinders, Sleck Casting, Shop Dirt, Brass Dirt, or Ashes, or other Rubbish whatsoever, in any of the Streets, Lanes, Ways, or Passages, within the said Town, upon any Pretence or Account whatsoever;

ever; but that all Persons having any such Rubbish or Things above mentioned to be removed from their respective Houses, Shops, Yards, Warehouses, or other Places, shall, from Time to Time, cause the same, at their own Expence, to be carried away and laid at some convenient and proper Place out of the said Town; and every Person who shall throw, cast, or lay, or cause or permit to be thrown, cast, or laid, any such Rubbish, or other Things, in any of the Streets, Lanes, Ways, or Passages, of the said Town, shall, for every Offence, forfeit and pay the Sum of Five Shillings, and shall moreover pay to the Scavenger of the said Town, for taking away the same, so much as the said Commissioners, or any Seven or more of them, shall from Time to Time direct, by any Writing under their Hands, not exceeding One Shilling for every Time it shall be necessary for a common Cart loaded in the ordinary Way to go therewith; which Payment to the Scavenger shall and may be recovered in the same Manner as the Penalties are hereby directed to be recovered.

Penalty on washing Brass Dirt in the Streets.

And be it further enacted by the Authority aforesaid, That no Person or Persons shall at any Time wash any Brass Dirt, or Ashes, or any Kind of Metal, in any of the Streets, Lanes, Ways, or Passages, in any Parts of the said Town; but that all Persons having Occasion to wash such Brass Dirt, or Ashes, or any Kind of Metal, shall cause the same to be done in their Shops or Yards, or else in some convenient Place out of the said Town, in order to prevent the foul Water, Dirt, or Ashes, necessarily arising therefrom, intermixing with the Dirt or Soil in such Streets, Lanes, Ways, or Passages of the said Town, upon Pain of forfeiting, for every Neglect or Offence, the Sum of Ten Shillings.

Annoyances by Waggons, or other Thing, scontinuing in the Streets, how to be prevented.

And be it further enacted, That if any Cart, tilted Waggon, or other Waggon, Sledge, Dray, or other Carriage, shall be left to remain or continue in any Street, Lane, Way, or Passage, in the said Town, with or without Horses or other Cattle, either in the Day-time or by Night, for more than Three Hours at any One Time; or if any Timber, Bricks, Stones, Slates, Hay, Straw, Wood, Coals, Boards, Casks, Goods,

Wares,

Wares, Merchandise, Materials, or Things whatsoever, shall be laid or placed, and left in any such Street, Lane, Way, or Passage, longer than shall be necessary for the housing or removing the same; then, and in every such Case, the Owner or Owners of every such Cart, tilted Waggon, or other Waggon, Sledge, Dray, or other Carriage; or of any such Timber, Bricks, Goods, Wares, Merchandise, Materials, or Things, shall, for every such Offence, forfeit and pay the Sum of Ten Shillings, and the same shall, moreover, be deemed Nuisances; and any One of the Officers belonging to the said Commissioners, without any Peace Officer, or other Person present, shall, either in the Day or by Night, seize, or cause to be seized, the Cart, Waggon, Sledge, Dray, or other Carriage, so left to remain or continue contrary to the true Meaning of this Act, together with the Horse or Horses thereunto belonging or affixed, (if any), or the Timber, Bricks, Stones, Slates, Hay, Straw, Wood, Coals, Boards, Casks, Goods, Wares, Merchandise, Materials, or Things, so laid or placed as aforesaid, and remove the same, or cause the same to be removed to any Place within the said Town, as shall be appointed for that Purpose by the said Commissioners, or any Seven or more of them, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants, shall claim the same, and pay to the Person or Persons in whose Custody the same shall then be the Sum of Ten Shillings, together with the Charges of removing and keeping the same: And in case the same shall not be claimed, and the said Sum of Ten Shillings and Charges paid within the Space of Six Days next after such Seizure, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to cause the same to be sold, returning the Overplus, if any be, upon Demand to the Owner or Owners thereof, after deducting the said Penalty, and the Charges of such Removal, Keeping, and Sale; which said Penalty shall be applied to the Purposes of this Act.

Provided always, and be it further enacted, That if any Cart, tilted Waggon, or other Waggon, Sledge,

If Waggons, or other Obſtructions, be not ſeized as aforeſaid, the Owner nevertheleſs to forfeit.

Dray, or other Carriage, ſhall be ſo left to remain or continue as aforeſaid; or any Timber, Bricks, Goods, Wares, Merchandiſe, Materials, or Things, ſhall be ſo laid or placed as aforeſaid, and the ſame ſhall not be ſeized as aforeſaid; the Owner or Owners of ſuch Cart, tilted Waggon, or other Waggon, Sledge, Dray, or other Carriage; or of ſuch Timber, Bricks, Goods, Wares, Merchandiſe, Materials, or Things, ſhall nevertheleſs forfeit and pay the Sum of Ten Shillings for every Offence by ſuch Cart, Waggon, Sledge, Dray, or other Carriage, being ſo placed, or ſuffered to ſtand or continue; or ſuch Timber, Bricks, Goods, Wares, Merchandiſe, Materials, or Things, being ſo laid or placed, or left as aforeſaid.

Commiſſioners to regulate Signs, Pent-houſes, Shew-boards, &c.

And be it further enacted by the Authority aforeſaid, That all Signs, or other Emblems uſed to denote the Trade, Occupation, or Calling, of any Perſon or Perſons, Sign-poſts and Sign-irons, Pent-houſes, Shew-boards, Stalls, Window-ſhutters, and Flaps, Porches, Sheds, Butchers Stalls, Bulks, and Gallowſes, Shambles, Blocks, or Pieces of Timber, Chopping-blocks, Watering Tubs or Troughs, Poſts, Rails, and Stumps, projecting into, or ſtanding or being in any of the ſaid Streets, Lanes, Ways, or Paſſages, and all other Incroachments, Nuiſances, or Annoyances whatſoever, within the ſaid Town, projecting into, or ſtanding or being in the ſaid Streets, Lanes, Ways, or Paſſages, ſhall be taken down and removed within Three Calendar Months after the paſſing of this Act; and that all Signs, or other Emblems as aforeſaid, ſhall be affixed and placed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto the ſame reſpectively belong or were before affixed, and not otherwiſe: And in caſe the Owners or Occupiers ſhall neglect ſo to do before the Expiration of the ſaid Three Calendar Months, it ſhall be lawful for the ſaid Commiſſioners, or any Fifteen or more of them, to cauſe ſuch Signs, Emblems, Sign-poſts, Sign-irons, Pent-houſes, Shew-boards, Stalls, Window-ſhutters, and Flaps, Porches, Sheds, Butchers Stalls, Bulks, and Gallowſes, Shambles, Blocks, or Pieces of Timber, Chopping-blocks, Watering Tubs or Troughs, Poſts,

Posts, Rails, and Stumps, and all other Incroachments, Nuisances, or Annoyances whatsoever, to be taken down and removed, and shall cause all such Signs, or other Emblems as aforesaid, to be affixed and placed on the Fronts of the Houses, Shops, Warehouses, or Buildings, whereunto they respectively belong, or were before affixed, and not otherwise; and the Charges and Expences attending the same shall and may be recovered of the Owners or Occupiers thereof respectively, in the same Manner as the Charges and Expences of cleansing and lighting the said Streets are directed to be recovered under the said recited Act, or this Act: And if any Person or Persons shall at any Time or Times thereafter hang, place, or erect, any Sign or Sign-post, or other Post, Sign-iron, Pent-house, Shew-board, Stall, Window-shutter or Flap, Porch, Shed, Butchers Stall, Bulk, or Gallows, Shamble, Block, or Piece of Timber, Chopping-block, Watering-Tub or Trough, Post, Rail, Stump, or other Encroachment, Nuisance, or Annoyance whatsoever, or cause the same to be done, contrary to the Directions aforesaid, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Ten Shillings, and the further Sum of One Shilling for every Day such Offence shall continue; and the Master Workman employed to erect, build, do, or perform the same, shall forfeit and pay the Sum of Forty Shillings; and it shall be lawful for the said Commissioners, or any Fifteen or more of them, to cause the same to be taken down and removed, without any Notice or Warning to be given to the Owner or Owners, Tenant, or Occupiers, to take down or remove the same.

and to regulate Bulks and Bulk Sashes.

And be it further enacted by the Authority aforesaid, That all Bulks and Bulk Sashes, which have been erected, built, or made to any House, Work-shop, or other Building in the said Town since the passing of the said recited Act, which shall be deemed or adjudged Annoyances by the said Commissioners, or any Fifteen or more of them, by Writing under their Hands, shall be altered or regulated in such Manner as not to project more than Twelve Inches from the perpendicular Wall

of the said House, Work-shop, or other Buildings, into any Street, Lane, Way, or Passage in the said Town, upwards of Ten Yards in Breadth; and all Bulks and Bulk Sashes which have been erected, built, or made to any House, Work-shop, or other Buildings, in any Street, Lane, Way, or Passage, since the passing of the said recited Act, not more than Ten Yards in Breadth, shall be removed and wholly taken away by the Owners or Proprietors thereof respectively, within Six Calendar Months after Notice given for that Purpose, by Writing under the Hand of the Clerk of the said Commissioners for the Time being, to be left at the Houses or other Buildings before which the same shall respectively stand, in case of the same being then inhabited; and if such House or other Building shall not be inhabited, then such Notice to be placed on the Door, or some other conspicuous Part of such House or other Building: And in case of such Owners or Proprietors refusing or neglecting to alter, regulate, or remove, and wholly take down such Bulk or Bulk Sashes within such Time; then, and in either of the Cases aforesaid, it shall be lawful for the said Commissioners, or any Fifteen or more of them, to cause all such Bulks or Bulk Sashes to be altered, regulated, removed, or wholly taken down, as the Case shall require, and to sell such Bulks or Bulk Sashes, or such Parts thereof as shall be taken down as aforesaid, returning to the Owners the Overplus of the Produce thereof, after defraying all Charges and Expences of altering, regulating, or taking down, and selling the same, (if any such Surplus shall be); and every such Owner shall likewise forfeit and pay the Sum of Twenty Shillings.

How Bulks, &c. shall be built.

And be it further enacted, That no Bulk or Bulk Sash shall at any Time hereafter be erected, built, or made to any House, Work-shop, or other Building, in any Street, Lane, Way, and Passage, which now is or hereafter shall be upwards of Ten Yards in Breadth, to project more than Twelve Inches from the perpendicular Wall of the said House, Work-shop, or other Building in or from which the same shall be made; nor shall any Bulk or Bulk Sash whatever be erected, built, or made

to any House, Work-shop, or other Building, in any Street, Lane, Way, or Passage in the said Town, which is or shall be not more than Ten Yards in Breadth, on Pain of forfeiting for each respective Offence the Sum of Twenty Shillings, and the further Sum of One Shilling for every Day such Offence shall continue; and the Master Workman employed to erect, build, or make the same, shall forfeit and pay the Sum of Forty Shillings: And it shall be lawful for the said Commissioners, or any Fifteen or more of them, to cause the same to be taken down, removed, and carried away, without any Notice or Warning to be given to the Owner or Owners, Tenant or Occupier, to take down, remove, or carry away the same.

Penalty on Persons baiting Bulls, &c.

And be it further enacted, That if any Person shall bait, or cause to be baited, any Bull, in the Manner called Bull-baiting, in any Part of the said Town, such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Five Pounds; and if any Person or Persons shall make, or assist in making, any Fire or Fires, commonly called Bonfires, or shall set Fire to, or let off or throw any Squib, Serpent, Rocket, or other Fireworks whatsoever, in any of the Streets, Lanes, Ways, Passages, or other publick Places within the said Town, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Five Shillings.

Penalty of rolling Casks, Wheels, &c. on Foot-pavements.

And be it further enacted, That if any Person or Persons shall roll any Cask or Wheel, or drive any Wheelbarrow, or wilfully ride, drive, or lead, or cause to be rode, driven, or led, any Horse or other Cattle on any of the Footways within the said Town, other than in Cases of absolute Necessity, such Person or Persons shall forfeit and pay, for every such Offence, the Sum of Two Shillings and Sixpence.

Penalty on erecting Stalls, &c. except the Lord of the Manor.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall erect, place, or set up, or cause or procure to be erected, placed, or set up, any Stands, Stalls, Crates, or Pens, or other Conveniencies, upon the Market Day, or other Days in the Week, in the Street or Place called The Market Place, or in any other Street, Lane, Way, or Passage within

the said Town, without the Consent of the said Commissioners, or any Seven or more of them, first had or obtained in Writing under their Hands, (except such Stands or Stalls as shall, from Time to Time, be set up and belong to the Lord of the Manor of Birmingham aforesaid, for the Time being), it shall be lawful for the said Commissioners, or any Seven or more of them, either at any Meeting in pursuance of this Act, or without any such Meeting, upon Complaint of any such Obstruction, Nuisance, or Incroachment, to cause the same to be taken down, carried away, and deposited in such Place or Places as the said Commissioners, or any Seven or more of them, shall direct or appoint, there to remain until the Offender or Offenders shall have paid and discharged all Costs, Charges, and Expences attending the carrying away and depositing the same, as aforesaid; as also the Sum or Fine of Ten Shillings for every such Offence: And in case such Fine, and the Charges of carrying away and depositing the same, shall not be paid within the Space of Six Days next after such carrying away and depositing the same as aforesaid, the said Commissioners, or any Seven or more of them, shall cause the same to be sold, and the Monies arising therefrom shall be applied to the same Uses and Purposes as the Monies arising from the Rates or Assessments are hereby directed to be applied.

Swine or Cattle not to be suffered to wander in the Streets.

And be it further enacted, That if any Swine, Beast, or Cattle, shall be found wandering about any of the Streets, Lanes, Ways, or Passages, within the said Town, it shall be lawful for any Officer or Officers of the said Commissioners to impound such Swine, Beast, or Cattle, in the common Pound of the said Town, or such other Place as shall be appointed for that Purpose by the said Commissioners or any Seven or more of them, and the same to detain in the said Pound or Place until the Sum of Two Shillings and Sixpence, and the Expence of impounding such Swine, Beast, or Cattle, shall be fully paid and satisfied: And in case such Penalty and Expences shall not be paid within Three Days after such Swine, Beast, or Cattle shall be impounded, it shall be lawful for such Person or Persons as

as shall be appointed by the said Commissioners, or any Seven or more of them, for that Purpose, to sell, or cause such Swine, Beast, or Cattle to be sold, returning the Overplus (if any be) upon Demand to the Owner or Owners thereof, after deducting the said Penalty, and the Charges of impounding, keeping, and Sale, which said Penalty shall be applied towards the Purposes of this Act.

Persons wilfully injuring Lamps to be committed.

And be it further enacted by the Authority aforesaid, That whenever any Person shall wilfully and maliciously, or wantonly break, throw down, spoil, or damage any Lamp, or any Materials or Furniture thereto belonging, or fired thereto, every such Person, unless he shall immediately pay a Penalty after the Rate of Twenty Shillings per Lamp for the Lamps so broken, or the Materials or Furniture so spoiled or damaged, shall and may be seized by a proper Officer, or by any Person seeing the Offence committed, and carried to the common Prison of the said Town, and be there detained and kept until such Time as he can be conveniently carried before some Justice of the Peace in and for the said County of Warwick, which shall be done within Forty-eight Hours from the Time of the Offender being apprehended; and every such Justice is hereby authorised and required to order such Person immediately to pay such Penalty, and on Failure therein, to remand such Person back to the said Prison for the Space of One Month, if his Offence shall be wilfully, maliciously, or wantonly breaking, pulling down, spoiling, or damaging only One Lamp, or the Materials or Furniture belonging or affixed to only One Lamp; but if the Offence of such Person shall be wilfully, maliciously, or wantonly breaking, pulling down, spoiling, or damaging more than One Lamp, or the Materials or Furniture belonging to more than One Lamp, then for such Time as such Justice shall think proper, and order, not exceeding Three Calendar Months, and such Person shall be there accordingly confined and kept for such Time.

Rates instead of those granted by the former Act.

And be it further enacted by the Authority aforesaid, That instead of the Rates mentioned in and provided to be raised by the said recited Act, for the Purposes

thereof, which are hereby declared to be repealed, there shall and lawfully may, from Time to Time, be levied and raised in the said Town, for the Purposes of the said recited Act, and of this present Act, such Rates as are herein-after mentioned; (that is to say,) All and every Person and Persons who shall rent or occupy within the said Town of Birmingham any House, Tenement, or Building, or any Houses, Tenements, or Buildings, or other Hereditaments, of the yearly Rent or Value of One Pound, and under Ten Pounds, shall be rated and assessed at any Sum not exceeding Three-pence in the Pound in any One Year; and all and every Person and Persons who shall, as aforesaid, rent or occupy within the said Town any Hereditaments and Premises of the yearly Rent or Value of Ten Pounds, and under Twenty Pounds, shall be rated and assessed at any Sum not exceeding Sixpence in the Pound in any One Year; and all and every Person and Persons who shall, as aforesaid, rent or occupy within the said Town, any Hereditaments and Premises of the yearly Rent or Value of Twenty Pounds or upwards, shall be rated and assessed at any Sum not exceeding Nine-pence in the Pound in any One Year, according to such Rents or Values respectively: Which respective Rates shall be subject to Appeal, and shall be assessed, in like Manner as is directed by the said recited Act, with respect to the Rates therein mentioned; and that all and every the Rates and Assessments to be made in pursuance of this Act shall be payable and collected Twice a Year, or oftener, in every Year; and that all Rates and Assessments, which shall be made as aforesaid, shall be allowed and signed by the said Commissioners, or any Seven or more of them, who have hereby Power to amend any such Rate or Assessment, by inserting, or causing to be inserted, the Name or Names of any Person or Persons who shall have been omitted to have been inserted in any such Rate or Assessment, and who ought to have been rated; or by taking out the Name or Names of any Person or Persons whose Name or Names shall have been inserted in any such Rate or Assessment, and who ought not to be rated, or by

by varying, altering, or raising, or lowering the several and respective Sum and Sums of Money, which shall be charged, rated, or assessed, in such Rate or Assessment, upon any Person or Persons whomsoever.

Persons left out of Poors Rate on Account of Poverty not to be rated.

Provided always, and be it further enacted, That no Rate or Assessment shall be charged upon any Person or Persons, who, by reason of his, her, or their Poverty or Inability only, is, are, or shall be excused and left out of the Rates made for the Relief of the Poor within the said Town.

How Persons shall be rated who occupy different Houses, &c.

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

Thing in the said recited Act, or this present Act, contained to the Contrary notwithstanding.

Manner of recovering Rates.

And be it further enacted, That in case any Person or Persons so rated and assessed, or charged as aforesaid, shall refuse or neglect to pay any such Rates or Assessments to the Collector or Collectors for the Space of Three Days after personal Demand thereof made, or Demand in Writing left at the last Place of Abode of such Person or Persons, it shall be lawful for any Justice of the Peace for the said County of Warwick, upon Oath, which Oath he is hereby impowered and required to administer, by Warrant under his Hand and Seal, which Warrant he is hereby required to grant, to authorise and direct the said Collector or Collectors to levy such Rate or Monies so refused or neglected to be paid, and in Arrear, together with the Costs and Charges attending the same; to be ascertained by the said Justice, by Distress and Sale of the Goods and Chattels of every such Person and Persons so refusing or neglecting to pay, or in Arrear, rendering the Overplus, (if any be), to the Party or Parties so distrained upon, or leaving the same for his, her, or their Use, at the Place where such Distress shall be made.

How Houses let in different Apartments shall be rated.

And be it further enacted by the Authority aforesaid, That where any Person or Persons shall rent or occupy any House or Houses, Building or Buildings, or other Hereditaments, and shall let any Part or Parts thereof to any under Tenant or under Tenants, the first Taker or Takers of such House or Houses, Building or Buildings, or other Hereditaments, shall be liable to pay the Whole of the Money which shall be assessed on such House, Building, or other Hereditament, for the Purposes of this or the said recited Act, in respect thereof, or the first Taker or Takers, and his, her, or their under Tenant or under Tenants, shall be separately liable to pay such Parts thereof as shall be proportioned to the Parts really and bona fide payable by them respectively of the Rent of the Whole of such Houses, Buildings, or other Hereditaments, at the Option or Election of the said Commissioners, or any Seven or more of them, such Option or Election to be signified

signified by Writing under the Hands of any Seven or more of such Commissioners; and where Persons shall hold or occupy jointly and in Partnership, any House or Houses, Warehouse or Warehouses, Building or Buildings, or other Hereditaments within the said Town, the Rate or Assessment made in respect thereof shall be paid by the Person first named in the said Partnership, or first Partner, and such Rate or Assessment shall be added to the Rate or Assessment payable by him in respect of any other Premises he may happen to hold or occupy within the said Town, and the same shall be paid for together, as if the same were only One entire Holding or Occupation.

Collectors, &c. to be appointed;

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners, or any Seven or more of them, by Writing under their Hands, to nominate and appoint such Number of Persons as they shall from Time to Time think fit, for the Purposes of collecting the Rates or Assessments by this Act directed to be raised, and for transacting any other Business, Matters, or Things, in, for, or about the putting of this or the said recited Act in Execution, taking such Security for the faithful Execution of their respective Offices, as the said Commissioners, or any Seven or more of them shall think fit; and out of the Money raised by such Rates and Assessments to pay or allow unto such Persons such Salaries or Recompence, yearly, or otherwise, for his or their Trouble, as to them the said Commissioners, or any Seven or more of them, shall seem meet and reasonable, and to revoke and countermand, alter and vary, such Nominations and Appointments, and Salaries or Recompence, and make others in their Stead, or not, as to them shall seem meet and proper.

and allow them Salaries.

Collectors to account.

Provided always, and be it further enacted by the Authority aforesaid, That all and every Person or Persons who shall be appointed to collect such Rates or Assessments, or any of them, shall, from Time to Time, yearly, or oftner, if required, by the said Commissioners, or any Seven or more of them, account before such Commissioners, or any Seven or more of them,

for all Money received in respect of such respective Rates or Assessments, and shall make Oath of the Truth of all Accounts before the said Commissioners, or any Seven or more of them, (any One of whom is hereby authorised and impowered to administer such Oath): And in case of any such Person refusing to render such Account within Seven Days after the same shall be demanded, or within such Time to make Oath of the Truth of such Accounts, or to make Payment as aforesaid; then, and in any of the Cases aforesaid, such Commissioners, or any Seven or more of them, may, and are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions in the Names of such Commissioners, or in the Name or Names of any Two or more of them, against the Person or Persons so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Person or Persons respectively; or if Complaint shall be made by the said Commissioners, or any Seven or more of them, of any such Refusal or Neglect, to any Justice or Justices of the Peace for the said County of Warwick, such Justice or Justices may, and is and are hereby authorised and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Person or Persons so refusing or neglecting to be brought before him or them, and, upon his or their appearing, or not being to be found, to hear and determine the Matter in a summary Way: And if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justice or Justices that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Person or Persons, such Justice or Justices may and is and are hereby authorised and required, upon Nonpayment thereof, by Warrant or Warrants under his Hand and Seal, or their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons respectively; and if no Goods or Chattels of such Person or Persons can be found sufficient to answer and satisfy

the said Money, and the Charges of levying the same; then such Justice or Justices shall commit every such Offender to the Common Gaol or Prison for the said County, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment, as aforesaid, or until he shall compound with the said Commissioners, or any Seven or more of them, and shall have paid such Composition in such Manner as they shall appoint; which Composition the said Commissioners, or any Seven or more of them, are hereby impowered to make: But the Commitment of such Collector to Gaol or Prison shall not acquit or discharge any Surety or Sureties, Security or Securities, that shall or may have been taken by, or given to the said Commissioners, or any Seven or more of them, for the due and faithful Execution of the Office of Collector, or any Action, Suit, or Process, commenced, or to be commenced, for Recovery of any Monies so received.

A Part of the Rates to be applied in making the Openings.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners, or any Fifteen or more of them, from Time to Time, to apply and dispose of a Tenth Part or Share, and no more, of the Money which shall from Time to Time arise from the Rates and Assessments to be collected in pursuance of this Act, for or towards the Purpose of purchasing and pulling down, and laying open the Houses, Buildings, Grounds, and Estates, mentioned and specified in the Schedules to the said recited Act, and this Act, respectively annexed; any Thing in the said recited Act contained to the Contrary thereof in any-wise notwithstanding.

Commissioners may raise 100*l.* by mortgaging a Tenth Part of the Rates,

And whereas it will be necessary to borrow Money upon the Credit of this Act, for the more speedy and effectual carrying the same into Execution; be it therefore enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners, or any Fifteen or more of them, and they are hereby authorised and impowered to raise, borrow, and take up and receive, of and from any Person or Persons whomsoever who shall be willing to lend and advance the same, any Sum or Sums of Money whatsoever, so as the whole Money which shall be owing or undischarged in respect thereof, at any One Time, do not

exceed the Sum of One thousand Pounds; and the said Commissioners, or any Fifteen or more of them, from Time to Time, are hereby impowered, by any Deed or Deeds, Writing or Writings, under their Hands and Seals, but without any Stamp, to assign over or mortgage, for any certain Term or Number of Years, a Tenth Part or Share of the yearly Revenue or Income to arise from the respective Rates or Assessments hereby granted, or any Part or Parts thereof, to such Person or Persons, or their Trustees, who shall advance or lend the same, for securing the Payment thereof, with Interest; or may sell and secure Annuities, payable quarterly, for the natural Life or Lives of such Person or Persons who shall contribute, advance, and pay, any Sum or Sums of Money, or the natural Life or Lives of such Person or Persons as shall be nominated by and on the Behalf of such respective Contributors at the Time of Payment of their respective Contribution-monies, to be paid out of the Tenth Part or Share of the yearly Rates or Assessments, in lieu of any Sum or Sums of Money to be by them borrowed or raised for the Ends and Purposes aforesaid; and so as the Money to be raised, both by Mortgage of the said Tenth Part or Share of the Rates, and by Annuities payable thereout, shall at no one Time exceed the Sum of One thousand Pounds; and that the Costs and Charges occasioned by the borrowing and securing such Money, and granting such Annuities, shall be paid out of the Rates to be raised by virtue of this Act.

or by granting Annuities.

How Interest and Annuities may be recovered.

And be it further enacted, That it shall be lawful for any Person or Persons who shall lend or advance any Money on the Credit of the said Tenth Part or Share of the said yearly Rates or Assessments, in Default of Payment of the Principal Money they shall so lend, or the Interest thereof, or in Default of due Payment of any Annuities that shall be secured to them thereupon, (after Demand thereof made at any Meeting of the said Commissioners, or any Seven or more of them), to collect, gather, and receive, a Tenth Part or Share of the said yearly Rates or Assessments by this Act granted, un-

till such Persons shall have received all Principal and Interest, or all such Sums of Money which shall be due to them respectively, by way of Annuity or Annuities, or otherwise, as the Case shall be; and all Costs and Expences attending the Collection and Receipt thereof, with the same Powers in every Respect for the collecting, gathering, and recovering, the said Tenth Part or Share of the said yearly Rates or Assessments for paying the said Principal Money, Interest, and Annuities, by such Ways and Means, and in such Manner, as the said Commissioners, or any Seven or more of them, could or might have collected the same; and the Persons liable to pay such Rates or Assessments shall, in that Case, be justified in making such Payments to such Mortgagees or Annuitants.

Books to be provided, and Names of Annuitants entered.

And be it further enacted, That there shall be provided by the said Commissioners, or any Seven or more of them, a Book or Books, in which shall be fairly written, in Words at Length, the Names and Surnames, with the proper Additions and Places of Abode of all Persons who shall be Proprietors of any of the Annuities aforesaid, and also the Sum paid for the Purchase of such Annuities, and the respective Days of Payment thereof; to which Book and Books it shall be lawful for the said respective Purchasers, and their Assigns, and to and for any Person or Persons liable to the Payment of Rates and Assessments, at all reasonable Times, to have Recourse, and inspect the same without Fee or Reward.

Annuities may be assigned.

And be it further enacted by the Authority aforesaid, That it shall be lawful for any Person or Persons intitled to any such Mortgage or Mortgages of the Rates, or any such Annuity or Annuities, and his, her, or their Executors, Administrators, or Assigns, from Time to Time, by Writing under his, her, or their Hand and Seal, or Hands and Seals, to be indorsed on the Back of his, her, or their Assignment or Security, or by any other Writing or Writings, under his, her, or their Hand and Seal, or Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, without any Stamp, to assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest Money, and

and Annuities thereby secured, or any Part thereof, to any Person or Persons whomsoever; and such Assignee may, and is hereby impowered, to assign the same again in like Manner, and so toties quoties; all which Assignments or Transfers shall be produced to the Clerk of the said Commissioners, within Twenty Days next after the Date thereof, who shall cause an Entry thereof to be made in a Book or Books to be kept for that Purpose; for which Entry the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and no such Transfer shall be valid until such Entry shall be made.

Application of the Money.

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

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed, (the Manner of levying and recovering whereof is not hereby otherwise particularly directed), shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of some Justice of the Peace for the said County of Warwick, which Warrant such Justice is hereby impowered and required to grant, upon the Confession of the Party or Parties, or upon the Information of any One or more credible Witness or Witnesses upon Oath, (which Oath such Justice is hereby required to administer), and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any) upon Demand to the Party or Parties whose Goods and Chattels shall be so distrained, (the Charges of such Distress and Sale being first deducted), shall be paid to the Treasurer to the said Commissioners for the Time being, and be applied towards the Purposes of this Act.

And whereas by the said recited Act it is enacted and declared, That in Cases where any Appeal shall be made to the Justices of the Peace, at any General or Quarter Session of the Peace, the said Justices, in such Session, shall hear and finally determine the same; which may be attended with Inconveniencies and Hardships: Be it therefore further enacted by the Authority aforesaid, That a Writ of Certiorari to remove any Rates, or any Orders or other Proceedings made or taken by any Justices, at any General or Quarter Session, or Adjournment thereof, may be sued out and granted, any Thing in the said Act contained to the Contrary thereof in anywise notwithstanding.

Allowing a Writ of *Certiorari* against Orders of Sessions.

And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Thirty Days Notice shall be thereof given, in Writing, to the Clerk or Treasurer to the said Commissioners, nor at any Time whatsoever after sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed, for which such Action or Actions, Suit or Suits, shall be so brought; and all such Actions and Suits shall be laid and tried in the County or Place where such Matters and Things respectively shall be committed or done, and not in any other County or Place; and that the Defendant or Defendants, in such Actions and Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act: And if the said Matter or Thing shall appear to have been so done, or if it shall appear that such Action or Suit was brought before Thirty Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited,

Limitation of Actions.

General Issue.

or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Actions, or if Judgement shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his or their Costs in any other Cases by Law.

Treble Costs.

Publick Act.

And be it further enacted, That this Act, and every Thing herein contained, shall be deemed, adjudged, and taken to be, a Publick Act; and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

SCHEDULE

SCHEDULE referred to in the Act.

To widen *Moor Street*,

TO take down Six Tenements and a Blackſmith's Shed, One of them now or late in the Occupation of *William Butler*, together with the ſaid Shed, One of them unoccupied; and the Four others now or late in the reſpective Occupations of *Thomas Allen*, *Ann Marſon*, *Eliſabeth Brockhurſt*, and *Charles Butler*.

To widen *New Street*.

To take down Six Tenements, Two of them now or late in the Occupation of *John Reddell*, and the other Four now or late in the reſpective Occupations of *John Jackſon*, *Robert Farmer*, *Thomas Farmer*, and *William Newey*; and to take in ſo much Land, Part of a Cloſe, belonging to *John Meredith*, and alſo Three Perch of Land in the Poſſeſſion of *James Dalton*, lying next the Road at the End of *New Street*, as ſhall be ſufficient to make the ſaid Road Sixty Feet wide.

To widen *Bull Lane*.

To take down Four Tenements, now or late in the reſpective Occupations of *William Rogers*, *Joſeph Mills*, *William Hodgel*, and *William Greening*.

To widen the Road by the Side of *Saint Philip's Church Yard*.

To take down a Tenement in the Occupation of *George Williamſon*; and to take in ſo much Land, Part of the Land of Meſſrs. *Duncomb* and Company, adjoining to the ſaid Road, as ſhall be neceſſary to make the ſame Thirty Feet wide.

To

To widen *Smallbrook Street*.

To take down a ſmall Tenement in the Occupation of *James Onions*.

To widen the Street or Road called *Mount Pleaſant*.

To take in ſo much Land, Part of the Land of Meſſrs. *Duncomb* and Company, adjoining thereto, as ſhall be ſufficient to make the ſaid Street or Road Forty-eight Feet wide.

FINIS.