Anno nono

Georgii III. Regis.

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.

WHEREAS the Town of Birmingham, in the County of Warwick, is a large, populous, and trading Town: And whereas certain Ways and Paſſages within the ſaid Town are too narrow for the commodious paſſing and repaſſing of Paſſengers, Waggons, and other Carriages, to the great Danger and Inconvenience of the Inhabitants of the ſaid Town, and of Perſons reſorting thereto: And whereas it would tend greatly to the Convenience of the Inhabitants of the ſaid Town, if a certain ancient Building, ſituate near the Market Place, called the Upper Round-about Houſe, was taken down, and the Ground upon which the ſame now ſtands, was laid open: And whereas it would add greatly to the Safety and Advantage of the ſaid Town, Preamble.

if the Streets, Lanes, Ways, and Passages thereof, were kept clean and properly lighted, and kept free from Nuisances, Obstructions, and Annoyances: May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That John Ash M. D. William John Banner, John Baskerville, Samuel Bradbourn, Thomas Bingham, James Butler, Samuel Baker, Henry Carver Esquire, Francis Coales, Thomas Careless, John Cope, Thomas Faulconbridge, John Freer, Samuel Freeth, John Ford, Samuel Garbett Esquire, Samuel Galton, Richard Goolden, John Gold, Samuel Harvey, Gregory Hicks, James Jackson, John Kettle, Sampson Lloyd senior, Sampson Lloyd junior, Michael Lakin, Thomas Lutwyche, Thomas Lawrence, William May, Benjamin Mansell, John Moody, John Oseland, Thomas Pemberton, William Russell, John Ryland, Thomas Russell, Richard Rabone, John Rogers, William Small M. D. Joseph Smith, John Taylor Esquire, Joseph Thomas, John Turner senior, John Turner junior, Joseph Wilkinson, William Walsingham, William Welch, Elias Wallin, Joseph Webster, Thomas Westley, shall be, and they are hereby constituted and appointed Commissioners for putting this Act in Execution: And when any of the Commissioners herein named, or at any Time to be elected, in pursuance of this Act (except the Lord of the Manor of Birmingham) shall die, or remove out of the said Town to dwell, or refuse to act, or be rendered incapable of being a Commissioner, or acting as such, in manner herein after mentioned; it shall and may be lawful for the remaining Commissioners, at any Meeting in pursuance of this Act, of any Seven or more of them, at such Meeting, to elect One other Person, being an Inhabitant within the said Town, and qualified as is herein after mentioned, to supply the Place of each Commissioner so dying, removing, or refusing to act, or being rendered incapable of acting, as herein after is mentioned. (Notice in Writing, signed by the Clerk for the time being of the said Commissioners, of such Meeting, and of the Purpose and Intent thereof, being previously given to, or left at, the House or last Place of Abode within the said Town, of each of the said remaining Commissioners, Three Days at least, exclusive of the Day of delivering the same, and of the Day of Meeting); and every Person

Commissioners Names.

On Death, &c. of Commissioners, others to be chosen.

son so elected, is hereby vested with the same Powers for putting this Act in Execution, and shall and may, and is hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the Person in whose Stead he shall be so elected, was, and would, or might have acted.

Qualification of Commissioners.

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

Commissioners not to hold any Place of Profit.

Commissioners may act as Justices.

First Meeting of Commissioners.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall meet and assemble together at the House of John Cambden, known by the Sign of the Castle, in Birmingham aforesaid, on the Tuesday Fortnight next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two in the Afternoon, in order to put this Act in Execution; and shall and may, from time to time, by Adjournment, meet and assemble together at the same Place, or at any other convenient Place within the said Town, as they, or any Seven or more of them, shall appoint; and all Orders and Proceedings of the said Commissioners in the Execution of this Act shall be at publick Meetings held in pursuance of this Act, and not otherwise, except as herein after is excepted: And if it shall happen that there shall not appear at any Meeting which shall be appointed to be held, a sufficient Number of Commissioners to act and to adjourn to another Day, or if they shall omit or neglect to adjourn, or if there shall be any

No Proceedings valid unless done at a publick Meeting.

special Occasion for any Meeting between the Time of any Adjournment, or at any other Time; then, and in every such Case, their Clerk, or any Seven or more of the said Commissioners, shall and may call a Meeting at the Place where the last Meeting was appointed to be held, or at some other convenient Place within the Town of Birmingham, between the Hours of Three and Seven in the Afternoon of such Day on which such Meeting shall be called; Notice thereof being given as herein after is mentioned.

Notice to be given of Meetings.

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

Commissioners may treat for Premisses described in the Schedule, &c.

And, for the effectual laying open and widening the several Ways, Passages, and Places, and taking down the Buildings particularly mentioned and described in a Schedule to this Act annexed; be it enacted by the Authority aforesaid, That from and after the Tuesday Fortnight after the passing of this Act, the said Commissioners, or any Seven or more of them, shall have 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, specified in the Schedule hereunto 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 and determined in Manner herein after mentioned, 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 or Buildings now stand, or so much thereof as shall be necessary, to be laid open, for or towards the widening, enlarging, or improving, the Streets, Ways, Passages, and Places, described in the Schedule hereunto annexed.

And whereas it may happen that some Persons or Bodies Politick, Corporate, or Ecclesiastical, Feoffees

in Trust, Femes Covert, or others, who are seised or possessed of, intitled unto, or interested in, some Houses, Tenements, Buildings, or Ground, or some Part or Share thereof, which may be necessary to be pulled down or purchased for the Purposes aforesaid, may be willing to treat and agree to sell such Houses, Buildings, and Premisses, but are incapable of selling, granting, or conveying the same; be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Ecclesiastical, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whomsoever, and for all Femes Covert, and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Houses, Tenements, Buildings, Ground, and Premisses, or any Part thereof, to sell and convey all or any such Houses, Tenements, Buildings, Ground, and Premisses, or any Part thereof, and all their Estate, Right, Title, and Interest whatsoever, of, in, or to, the same, to the said Commissioners, or to such Persons and their Heirs for ever as the said Commissioners, or any Seven or more of them, shall direct, in Trust for them the said Commissioners, for the Purposes in this Act contained; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made by virtue and in pursuance of this Act as aforesaid, shall, without any Fine or Fines, Recovery or Recoveries, be good, valid, and effectual to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And that all such Persons so conveying as aforesaid shall be, and are hereby indemnified for what they shall do by virtue or in pursuance of this Act, notwithstanding any Omission, Mistake, or Defect, in Matter or Form whatsoever.

Bodies Politick, &c. to contract for the Sale of Lands, &c.

And be it further enacted by the Authority aforesaid, That if any Body Politick, Corporate, or Ecclesiastical, Corporations Aggregate or Sole, Femes Covert, or other Person or Persons whatsoever, in and by this Act impowered and qualified to contract for, sell, convey, and dispose of, any Part of the Premisses herein before mentioned, shall refuse to treat and agree as aforesaid, or shall refuse to receive, upon due Tender thereof made, any Sum or Sums of Money, as and for the Purchase-money for their respective Estates and Interests in the Houses, Tenements, Buildings, Grounds, and

Where Persons refuse to treat for Sale of Lands, &c.

and Premiſſes, intended to be taken down or uſed by virtue of and in purſuance of this Act; or ſhall, upon Notice in Writing given to the principal Officer or Officers of ſuch Bodies Politick, Corporate, or Eccleſiaſtical, Corporations Aggregate or Sole, or to ſuch Femes Covert, or other Perſon or Perſons reſpectively, or left at the Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers, of ſuch Houſes, Buildings, Tenements, and Premiſſes, for the Space of Thirty Days after ſuch Notice, neglect or refuſe to treat, or ſhall not agree with the ſaid Commiſſioners, or by reaſon of Abſence, or otherwiſe, ſhall be prevented from treating and agreeing, or ſhall decline or refuſe to ſell, convey, and diſpoſe of, the Premiſſes whereof, or wherein, or whereunto, they reſpectively ſhall be ſo ſeiſed, poſſeſſed, intereſted, or intitled as aforeſaid, or their reſpective Rights, Titles, Claims, or Intereſts in, to, or upon, the ſame, or any Part thereof, unto the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall nominate and appoint for the Purpoſes, and according to the Tenor, true Intent, and Meaning of this Act, or ſhall not produce or make out a clear Title to the Premiſſes they are in Poſſeſſion of, or to the Intereſt they claim therein, to the Satisfaction of the ſaid Commiſſioners; then, and in every ſuch Caſe, the ſaid Commiſſioners, or any Seven or more of them, ſhall, and they are hereby impowered and required, from time to time, to iſſue a Warrant or Warrants, under their Hands and Seals, to the Sheriff of the County of Warwick for the time being, commanding ſuch Sheriff to impannel, ſummon, and return a Jury; and the ſaid Sheriff is hereby required accordingly to impannel, ſummon, and return, a Jury of Twenty four ſufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for Trials of Iſſues joined in his Majeſty's Courts at Weſtminſter, to appear before the ſaid Commiſſioners, or any Seven or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, not being leſs than Ten nor more than Twenty Days after ſuch Warrant ſhall be ſerved upon the ſaid Sheriff; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place appointed as aforeſaid, the ſaid Sheriff ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, being ſo qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve:

or cannot make a Title,

Sheriff to ſummon a Jury.

And

And all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Commissioners, or any Seven or more of them, are hereby impowered to summon and call before them all and every such Person and Persons as shall be thought necessary to be examined as Witnesses, touching the said Matters in question; and the said Commissioners, or any Seven or more of them, may order and authorize the said Jury to view the Place or Places, or Matter in Controversy, which Jury (upon their Oath, to be administered by the said Commissioners, or any Three or more of them, and those Oaths as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any Three or more of them, are hereby impowered to administer) shall enquire of the Value of such Houses, Tenements, Buildings, and Premisses, and shall assess and award the Sum or Sums to be paid to every such Person or Persons, Bodies Politick or Corporate, for the Purchase of such their Estates and Interests; and the said Commissioners, or any Seven or more of them, shall give Judgement for such Purchase-monies so to be assessed by such Juries; which said Verdict, and the Judgement thereupon pronounced by the said Commissioners, or any Seven or more of them, shall be binding and conclusive to all Intents and Purposes, against the King's Majesty, his Heirs, and Successors, and against all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever.

Jurors may be challenged, but not the Array.

Witnesses may be summoned and examined upon Oath.

Jury to assess the Value of the Premisses,

and their Verdicts to be binding.

Provided also, and be it further enacted, That in all Cases where the Verdict or Assessment shall be given or made for more Monies, as a Recompence or Satisfaction for any Houses, Tenements, Buildings, Ground, or Premisses, than had been previously offered by, or on Behalf of, the said Commissioners; that then all the Expences of summoning such Jury, and of taking such Inquest, shall be settled by the said Commissioners, or any Seven or more of them, and be defrayed by the said Commissioners: But if any Verdict or Assessment shall be given or made for no more or a less Sum than had been previously offered by or on Behalf of the said Commissioners; then, and in every such Case, the Costs and Expences of summoning such Jury, and taking such Inquest, shall be settled in like Manner by the said Commissioners, or any Seven or more of them, and be borne and paid by the Person or Persons with

Expences of Jurors how to be borne.

whom the said Commissioners shall have such Controversy or Dispute.

Persons requesting the Jury to be summoned, to give Security to proceed.

Provided likewise, and be it further enacted, That all and every Person or Persons making Complaint, and requesting such Jury, shall, before the said Commissioners shall be obliged to issue out their Warrant or Warrants for summoning such Jury as aforesaid, first enter into a Bond, with Two sufficient Sureties, to the Treasurer to the said Commissioners for the time being, in the Penalty of Fifty Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury, and taking such Inquest, in case a Verdict shall be given for no more or a less Sum than had been offered by or on Behalf of the said Commissioners, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any Houses, Tenements, Buildings, Ground, or Premisses, as aforesaid.

If Commissioners do not pay Purchase money in Six Months, all Proceedings to be void.

Provided always, and be it further enacted by the Authority aforesaid, That if the said Commissioners shall not within Six Months after such Judgement, Decree, or Determination as aforesaid, pay, or cause to be paid, all such Sum or Sums of Money as shall be so assessed or awarded, for the Purchase of the respective Estates and Interests in any Houses, Tenements, Buildings, Ground, or Premisses as aforesaid; that then such Judgement, Decree, or Determination, and all Contracts, Agreements, or Proceedings, to be had, made, or done, in consequence thereof, shall be utterly void and of none Effect; any thing herein contained to the contrary thereof notwithstanding.

On Payment of Purchase-money, Premisses to be conveyed.

And it is hereby further enacted and declared by the Authority aforesaid, That upon Payment of such Sum or Sums of Money so to be awarded or adjudged, the Person or Persons to whom the same shall be so awarded for the Purchase of the said Houses, Tenements, Buildings, Ground, or Premisses, or for the Purchase of any Estate or Interest therein, shall make and execute, or procure to be made and executed, good, valid, and legal Conveyances, Assignments, and Assurances in Law, to the said Commissioners, or to such Person or Persons as the said Commissioners, or any Seven or more of them, shall order, direct, and appoint, of the Houses, Tenements, Buildings, and Premisses, or of such Estate or Interest, for which such Sum or Sums of Money shall be so awarded; and shall procure all necessary Parties to execute such Conveyances, Assignments, and Assurances, and shall do all Acts, Matters,

and Things, neceſſary and requiſite to make a good, clear, and perfect Title to the ſaid Commiſſioners, or the Perſon or Perſons ſo by them in this Behalf to be appointed as aforeſaid; and ſuch Conveyances, Aſſignments, and Aſſurances, ſhall contain all ſuch reaſonable and uſual Covenants as on the Part of the ſaid Commiſſioners, or of the Perſon or Perſons ſo by them in this Behalf to be appointed as aforeſaid, ſhall be reaſonably required; and in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums ſhall be ſo awarded as aforeſaid, ſhall not be able to evince their Title to the Premiſſes, and to make, or procure to be made, ſuch good, valid, and legal Conveyances thereof as aforeſaid, or ſhall refuſe ſo to do being thereto required, and ſuch Sum or Sums ſo aſſeſſed and awarded as aforeſaid being tendered to be paid to him, her, or them, on their making ſuch Title, and executing, or procuring to be executed, ſuch Conveyances, Aſſignments, and Aſſurances as aforeſaid; or in caſe ſuch Perſon or Perſons, to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid, cannot be found, or in caſe by reaſon of Diſputes depending in any Court of Law or Equity, or for Defect of Evidence, it ſhall not appear what Perſon or Perſons is or are intitled to the Premiſſes in queſtion; or if any Mortgagee or Mortgagees ſhall refuſe to take in his, her, or their Mortgage Money due on the Premiſſes, after Notice given to him, her, or them, for that Purpoſe, as is herein after provided; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to order the ſaid Sum or Sums ſo aſſeſſed and awarded as aforeſaid, as and for the Value and Purchaſe-money for the ſaid Houſes, Tenements, Buildings, Ground, and Premiſſes, or as ſhall be due on ſuch Mortgage, to be paid to the Treaſurer of the ſaid Commiſſioners for the time being, for the Uſe of the Parties intereſted in the ſaid Premiſſes, to be paid to them and every of them, according to their reſpective Eſtates and Intereſts therein, at ſuch Time as the ſaid Commiſſioners, or any Seven or more of them, ſhall order and direct; and the ſaid Treaſurer is hereby required to give a Receipt or Receipts for ſuch Sum and Sums, mentioning and ſpecifying for what Premiſſes, and for whoſe, and to what Uſe, the ſame is or are received, to ſuch Perſon as ſhall pay any ſuch Sum or Sums as aforeſaid.

Mortgagees refuſing to take their Money, the ſame to be paid to the Treaſurer.

And be it further enacted by the Authority aforeſaid, That all ſuch Verdicts, Judgements, Decrees, Orders, and

Verdicts, Receipts, &c. to be regiſtered with Clerk of the Peace.

and other Proceedings, of the said Commissioners, as relate to or concern any Houses, Tenements, Buildings, Ground, and Premisses, so to be purchased as aforesaid, and all Receipts which the said Treasurer shall give for any such Sum or Sums of Money paid to him as aforesaid in consequence of any such Verdict and Judgement, being first signed by Seven or more of the Commissioners who shall be present at the taking of such Verdicts, and pronouncing such Judgements respectively, shall be transmitted to, and kept by, the Clerk of the Peace amongst the Records of the Quarter Sessions of the Peace for the County of Warwick, and shall be deemed to be Records of the said Quarter Sessions to all Intents and Purposes; and the same, or true Copies thereof, shall be deemed and taken to be good and effectual Evidence and Proof in any Court or Courts of Law or Equity whatsoever; and all Persons shall and may have Recourse to the same gratis, and take Copies thereof, paying for every Copy, not exceeding One hundred Words, Three Pence, and so proportionably for any greater Number of Words; and immediately on such Payment, and Entry of such Verdict, Judgements, Sentences, Decrees, and Orders, of the said Commissioners and Juries, and of such Receipt or Receipts of the said Treasurer as aforesaid, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law or Equity, of the Person or Persons for whose Use such Money shall be paid, in, to, and out of, the said Houses, Tenements, Buildings, and Premisses, shall vest in the said Commissioners, or the Person or Persons to whom the said Commissioners, or any Seven or more of them, shall order, direct, and appoint, such Conveyances to be made, and they shall respectively be deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person, having any Estate in the Premisses, had actually conveyed the same to them by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine and Recovery, or any other legal Conveyance whatsoever; and such Payment shall not only bar all Right, Title, Claim, and Demand, of the Person or Persons to whose Use such Payment was made, but also shall extend to, and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person or Persons; and likewise to bar all Estates Tail in Reversion or Remainder against the Issue and Issues of such Person or Persons, and every

The Premisses to vest in the Trustees.

every Person claiming under them, as effectually as a Fine and Recovery, or either of them, would do, if levied or suffered by the proper Parties in due Form of Law.

Purchase-money may be laid out in Government Securities, in Trust, that the Money may be assigned to the Parties.

Provided always, That it shall and may be lawful for the said Commissioners, or any Seven or more of them, after such Payment to the said Treasurer and Entry as aforesaid, upon the Petition of any Person or Persons in whom the legal Estate in Possession of such Houses, Tenements, or Buildings, was vested at the Time of the said Payment to the said Treasurer, to place out or invest, or to cause to be placed out or invested, such Sum or Sums of Money, or any Part thereof, in some of the publick Funds, or on Government Security, at Interest, in the Name of the said Treasurer, in Trust to transfer and assign the same to such Person or Persons to whom the Premisses shall belong, on their executing proper Conveyances thereof; and in the mean Time, in Trust, to pay the Interest and Dividends arising therefrom to such Person or Persons so in Possession of the said Premisses as aforesaid.

Mesne Profits recoverable.

Provided always, and it is hereby enacted, That all and every Person and Persons who would be intitled to recover the mesne Profits of the Premisses against the Person or Persons so in Possession, in case the same had not been so conveyed to, or vested in, the said Commissioners, or other Person or Persons as aforesaid, shall be intitled to recover the Sum or Sums to arise from all Interest and Dividends as aforesaid, by Action of Debt or otherwise, against the Person or Persons who shall receive the same; and the said Treasurer is hereby authorized and required to obey such Order or Orders, from time to time, as shall be made by the said Commissioners, or any Seven or more of them, for the Payment of such Sum or Sums of Money, or any Part thereof, in order to the same being vested in Public Securities as aforesaid; and the said Commissioners, or any other Person or Persons to whom the said Premisses shall, by the said Commissioners, or any Seven or more of them, be ordered or appointed to be conveyed as aforesaid, shall be quieted in the Seisin and Possession of the Houses, Tenements, Buildings, Ground, and Premisses, for which such Money shall be so paid as aforesaid, and shall not be answerable or accountable in any Court of Law or Equity for the Money so deposited and placed out as aforesaid, any otherwise than according to the Tenor, Purport, and true Meaning of this Act.

Money belonging to Corporations to be laid out in Purchase of other Estates.

And be it further enacted by the Authority aforesaid, That the principal Money arising from the Sale of any Houses, Tenements, Buildings, Ground, and Premisses, which shall be purchased for the Purposes in this Act mentioned, of any Body Corporate or Collegiate, Corporation Aggregate or Sole, being Feoffees in Trust, Guardians, Committees, or other Trustees, or of any Feme Covert, shall be paid to them respectively, or to such Persons as they shall respectively nominate to receive the same, in Trust, with all convenient Speed then afterwards, to be re-invested in the Purchase of other Houses, Tenements, Buildings, or Hereditaments, to be conveyed and settled to and upon and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies, as the Houses, Tenements, Buildings, and Hereditaments, which shall be purchased from them respectively by the said Commissioners, or other Person or Persons as aforesaid, were respectively settled, limited, or assured, at the Time of such purchasing of the same, or of so many of such Uses as, at the Time of making such Conveyances and Settlements, shall be existing and capable of taking Effect.

Persons barred, may bring Actions for Purchase-money.

Provided nevertheless, That any Person or Persons barred of any Right, Title, Interest, Claim, or Demand whatsoever, in, to, or out of the said Houses, Tenements, Buildings, Ground, and Premisses, by virtue of this Act, shall be at Liberty to bring an Action or Actions of Debt, for Money had and received to his, her, or their Use, or take such other legal Remedy as he, she, or they, shall think proper against any Person or Persons, or the legal Representative of any Person or Persons who received the Purchase-money arising from such Sale of the said Houses, Tenements, Buildings, Ground, or Premisses as aforesaid; and that in every such Case the Plaintiff or Plaintiffs, on Proof of such Title as would have enabled them to recover such Houses, Tenements, Buildings, Ground, or Premisses, or any Part thereof, or any Estate or Interest in the same, shall recover the said Purchase-money, or so much thereof as shall be equivalent to their Interest in the said Premisses, together with such Interest as shall be equivalent to the mesne Profits of the Premisses which they would have been intitled to recover in case this Act had not been made.

Mortgagees to convey.

And be it further enacted by the Authority aforesaid, That every Mortgagee or Mortgagees of any Houses, Tenements, Buildings, and Hereditaments, which shall

shall be purchased in pursuance of this Act, his, her, or their Heirs, Executors, Administrators, and Assigns respectively, on having Six Months Notice in Writing given to him, her, or them, from the said Commissioners, or any Seven or more of them, or any Person authorized by them, or any Seven or more of them, that they will pay off and discharge the Principal and Interest-money which, at the Expiration of the said Six Months, shall be due on such Mortgage, shall, at the End of the said Six Months after every such Notice, or Payment or Tender of the Principal-money and Interest which shall be then due, convey and assign his, her, and their respective Estates and Interests in and to the said mortgaged Premisses, to the said Commissioners, or any Seven or more of them, or to such Person or Persons as they shall so as aforesaid nominate or appoint, in Trust for the said Commissioners, to the Uses and Purposes of this Act; and if any such Mortgagee or Mortgagees, his, her, or their Heirs, Executors, Administrators, or Assigns, shall refuse so to do, then all Interest on every such Mortgage, from the Expiration of the said Six Months after any such Notice, shall cease and determine.

Tenants to quit.

And be it further enacted by the Authority aforesaid, That in case the said Commissioners, or any Seven or more of them, or any Person authorized by them, shall, after any Houses, Tenements, Buildings, or Premisses, shall be purchased in pursuance of this Act, give Six Calendar Months Notice in Writing to all or any the Tenants or Occupiers of any such Houses, Tenements, Buildings, or Premisses, which shall be so purchased, to quit or deliver up the Possession of such Houses, Tenements, Buildings, or Premisses, at the Expiration of such Six Months; then all and every such Tenant or Occupier shall, at the End of such Six Months after every such Notice, peaceably and quietly deliver up the Possession of the Premisses so by him, her, or them, respectively occupied, whether upon Lease or otherwise, to the said Commissioners, or to the Person or Persons who shall be appointed by them, or any Seven or more of them, to take Possession thereof; and if any Person or Persons, so in Possession, shall refuse to give up such Possession at the Expiration of such Six Months after every such Notice, it shall and may be lawful for the said Commissioners, or any Seven or more of them, from time to time to issue their Precept or Precepts to the Constable or Constables of the Town of Birmingham for the time being, to cause

Commissioner's Precept to Constables.

Poſſeſſion thereof to be delivered to ſuch Perſon or Perſons who ſhall be in ſuch Precept or Precepts nominated to receive the ſame; and the ſaid Conſtable or Conſtables are hereby reſpectively required to deliver Poſſeſſion according to ſuch Precept or Precepts of the Premiſſes therein mentioned, and to levy ſuch Coſts as ſhall accrue by means of the iſſuing and executing of every ſuch Precept or Precepts, by Diſtreſs and Sale of the Goods and Chattles of any Perſon or Perſons who ſhall have refuſed to give up ſuch Poſſeſſion as aforeſaid, and ſhall refuſe or neglect to pay the ſame Coſts.

Commiſſioners may ſell Remainder of Premiſſes.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, or any Perſon or Perſons in whom any Houſes, Tenements, Buildings, Ground, or Premiſſes, ſhall be veſted by virtue of this Act, to lett, ſell, or diſpoſe of ſo much or ſuch Parts thereof as ſhall not be neceſſary for the opening and widening of the ſaid Streets, Ways, or Paſſages, intended to be laid open or widened by virtue and in purſuance of this Act; and alſo all or any Part of the preſent Paſſage leading out of the Corn Market into Saint Martin's Church-yard, to any Perſon or Perſons, to and for ſuch Uſe or Uſes as they ſhall think proper, giving Preference to the Perſon or Perſons of whom ſuch Houſes, Tenements, Buildings, Ground, and Premiſſes, ſhall have been purchaſed, and to his, her, or their Heirs, Executors, and Adminiſtrators.

Penalty on Perſons neglecting their Duty.

And be it further enacted by the Authority aforeſaid, That if any ſuch Conſtable or Conſtables ſhall make Default in the Premiſſes, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds; and if any Perſon, ſo ſummoned and returned as aforeſaid upon ſuch Jury, ſhall not appear, or appearing, ſhall refuſe to give his Verdict, or in any other Manner wilfully neglect his Duty contrary to the true Intent of this Act; or if any Perſon ſo ſummoned to give Evidence ſhall not appear, or appearing, ſhall refuſe to be ſworn or examined, or to give Evidence, every Perſon ſo offending reſpectively ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds; to be levied by virtue of any Warrant or Warrants under the Hands and Seals of the ſaid Commiſſioners, or any Seven or more of them, by Diſtreſs and Sale of the Goods and Chattles of the Perſon or Perſons ſo offending, rendering the Overplus to the Owner thereof, after ſuch Penalty, and the Charge of ſuch Diſtreſs and Sale, ſhall be deducted.

And

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners, or any Seven or more of them, from time to time, to nominate and appoint such and so many Scavengers, Rakers, or Cleansers, of the Streets, Lanes, Ways, Passages, and public Places, within the said Town, and such Keepers and Lighters of Lamps, and so many Clerks, Treasurers, and other Officers, as they shall think proper, and to remove and displace them, or any of them respectively, as they shall see Occasion, and appoint others in their stead in case of Death or Removal, and also to limit and appoint what Wages and Allowances shall be paid and given to them respectively; and also to order and appoint how and in what Manner the Scavengers, Rakers, or Cleaners, Keepers and Lighters of Lamps, shall respectively act and execute their several Offices, Places, and Employments; and shall also direct and appoint the Number and Sort of Lamps, how and in what Parts of the said Town they shall be set up, and to what Houses, Buildings, or other Places, within the said Town, they shall be affixed, and for how long Time the same shall be and continue lighted; and also shall and may from time to time make such other Orders, Rules, and Regulations, (not inconsistent with any thing in this Act contained) as the Nature of each particular Service shall seem to them to require, and from time to time vary, alter, revoke, or make void, any of their Orders, Rules, or Regulations, at their Discretion, and do such other Things as to them shall seem necessary and expedient for putting this Act in Execution; which Orders and Regulations, so as aforesaid to be from time to time made, shall be valid and effectual to all Intents and Purposes; and all and every such Officer and Officers as aforesaid, shall give such Security for the due and faithful Performance of their respective Offices, as the said Commissioners, or any Seven or more of them, shall think fit.

Commissioners may appoint Lamp-lighters, Clerks, &c.

And it is hereby further enacted by the Authority aforesaid, That at every Meeting of the Commissioners in pursuance of this Act, such One of the Commissioners present as the major Part of them then attending shall appoint, or otherwise elect by Ballot, shall preside, and be called President; and in case of Equality of Voices or Votes of the Commissioners so assembled (including his own) such President shall upon all Occasions have a casting and decisive Voice or Vote; and that no Act, Order, or Determination, to be done or made at any of the said

Method of appointing a President at Commissioners Meetings.

Meetings, shall be good or valid, unless the Majority of the Commissioners then present, or an equal Number of such Commissioners (whereof the President at such Meeting shall be One) shall consent therein.

Rules for cleansing the Streets.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons inhabiting within the said Town shall from and after the said Tuesday Fortnight after the passing of this Act, sweep and cleanse, or cause to be swept and cleansed, the Streets, Lanes, Ways, and Passages, within the said Town, before or on the Sides of their respective Houses, Warehouses, Shops, Stables, and other Buildings (not being dead Walls) to the Middle of such Streets, Lanes, Ways, and Passages, so as the same do not exceed Twelve Feet from the Front of such Premisses respectively, Once in every Week; that is to say, every Friday between the Hours of Six in the Morning and Two in the Afternoon, or upon such other Days, and at such other Times, as the said Commissioners, or any Seven or more of them, shall appoint, and collect and put together the Dirt and Soil in the said Streets, Lanes, Ways, and Passages, with the least Obstruction to the Way, Road, and Passage, therein respectively that may be, to the End the same may be ready for the Scavenger to carry away, upon Pain of forfeiting One Shilling for every Offence or Neglect; and the Scavenger or Scavengers, or other Officer or Officers, Person or Persons, to be from time to time appointed for that Purpose, shall, and they are hereby required to sweep and cleanse, or cause to be swept and cleansed, the remaining Part of such Streets, Lanes, Ways, and Passages, as shall be beyond Twelve Feet from the Front of the Buildings, towards the Middle thereof, and also the Streets, Ways, and Passages, before all poor Houses, dead Walls, void or waste Grounds and Places, Churches, Church-yards, Chapels, Meeting-houses, the School called the Free School, and other publick Buildings within the said Town, at such Times as shall be appointed by the said Commissioners, or any Seven or more of them, and collect and put together the Dirt and Soil thereof in the Manner aforesaid, to the end the same may be ready for loading and carrying away, upon Pain of forfeiting Ten Shillings for every Offence or Neglect; and no Person or Persons whatsoever shall throw, cast, or lay, or cause, permit, or suffer, to be thrown, cast, or laid, any Ashes, Rubbish, Dust, Dirt, Dung, or other Filth or Annoyance whatsoever, in any Street, Lane, Way,

Passage, publick Place or Watercourse, within the said Town, (except the Dirt and Soil to be collected and put together as aforesaid, and except also as herein after is mentioned) upon Pain of forfeiting for every such Offence One Shilling as herein after is directed; but shall, and he, she, and they, are hereby required to keep, or cause the same to be kept, in their respective Houses, Backsides, or Yards, until such Time as the Scavenger, or other Officer thereto appointed, shall come by or near their Houses or Doors, with a Cart or Carts, or other Conveniencies to carry away the same, upon Pain of forfeiting One Shilling for every such Offence; which Scavenger or Scavengers, or other Officers thereto appointed, in pursuance of this Act, shall come once in every Week, or on such other Days and Times as the said Commissioners, or any Seven or more of them, shall appoint, into such Parts of the Town as shall be so appointed, and bring, or cause to be brought, a Cart or Carts, or other Conveniencies, into all Streets and Places within the said Town where such Cart or Carts, or other Conveniencies, can pass; and, at or before their Approach, by Bell, loud Voice, or otherwise, shall give Notice to the Inhabitants of his or their coming, and give the like Notice in every Court, Passage, or Place, into which the said Cart or Carts, or other Conveniencies, cannot pass, and abide and stay there a convenient Time, so that the Inhabitants or Persons concerned respectively may bring forth their Ashes, Rubbish, Dust, Dirt, Dung, and Filth, (except any Filth from any Privy or Necessary-house) to such Cart or Carts, or other Conveniencies; all which Ashes, Rubbish, Dust, Dirt, Dung, and Filth (except as aforesaid) as well as all such Dirt and Soil as shall be swept up and collected together as aforesaid, the said Scavenger, or other Officer appointed for that Purpose, shall then immediately, or as soon as may be, carry away, or cause to be carried away, gratis, upon Pain of forfeiting Ten Shillings for every Offence or Neglect; and no Person or Persons whatsoever shall take or carry away, or cause to be taken or carried away, any Ashes, Dirt, Dust, Muck, Dung, or Manure, out of the said Streets, Lanes, Ways, and Passages, of the said Town, besides such Scavenger, or other Officer, to be appointed by the said Commioners for that Purpose as aforesaid (except and unless the same shall be taken or carried away by the Person or Persons to whom the same shall respectively belong, or by his, her, or their

Order

Order or Direction, before the Time that such Scavenger, or other Officer as aforesaid, shall come to carry away the same; and except such Muck, Dung, or Manure, as shall be brought into the said Streets, Lanes, Ways, or Passages, from their respective Dungholes or Dunghills, for the Convenience of loading and carrying away the same) on Pain of forfeiting and paying the Sum of One Shilling for every such Offence; and no Inhabitant of the said Town, or any other Person, shall permit or suffer any Muck, Dung, or Manure, by them, or any of them, brought, or cause to be brought, into the said Streets, Lanes, Ways, or Passages as aforesaid, in order to be loaded and carried away, to continue or remain therein above the Space of Twenty four Hours, on Pain of forfeiting Five Shillings for every such Offence.

Commissioners may compound for cleaning the Streets.

Provided always, 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, as they shall think proper, to compound with the Inhabitants, or any of them, of any Street, Lane, Way, or Passage, within the said Town, by the Year, for such Sum or Sums of Money as they the said Commissioners shall think proper, for the Sweeping and Cleansing to be done by such Inhabitants respectively by virtue of this Act: Provided such Composition Money be always paid down in Advance.

Spouts and Gutters regulated.

And be it further enacted by the Authority aforesaid, That all Spouts and Gutters belonging to, and which convey Water from, the Tops of the Houses, Warehouses, Shops, or other Buildings, directly into the Streets, Lanes, Ways, or publick Places, within the said Town, shall, within Nine Calendar Months after the Passing of this Act, be removed, and the Water conveyed by Pipes to be brought down by the Sides or Fronts of such Houses, Warehouses, Shops, or other Buildings, into some Under-ground Sewer, Cistern, or Reservoir, or to the Ground, at the Costs and Charges of the respective Owners or Proprietors thereof: And in case the same shall not be done within the Time aforesaid, the Occupier of every such House, Warehouse, Shop, or other Building, shall forfeit and pay the Sum of One Shilling for each and every Week any such Spout or Gutter shall remain, and the Water not conveyed down as aforesaid, after the Time herein before limited: And it shall and may be lawful to and for any Tenant or Tenants of any such Houses, Warehouses, Shops, or other Buildings aforesaid, and they are hereby required (in

case of Neglect or Refusal, by the respective Owners or Proprietors thereof) to alter such Spouts and Gutters in Manner herein before directed; and such Tenant or Tenants so altering such Spouts and Gutters shall and may retain and detain the Expence out of his, her, or their next Rent or Rents, and their respective Landlords are hereby required to allow the same; and that if any Person or Persons shall hereafter erect, or cause to be erected, any Spout or Gutter for conveying Water from any old or new House, Warehouse, Shop, or other Building, in any Manner contrary to the Directions and true Meaning of this Act aforesaid, every such Person shall forfeit and pay the Sum of One Shilling for every Week such Spout or Gutter shall remain.

To prevent Annoyances.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall set out, lay, or carry, or cause or procure, or permit or suffer, to be set out, laid, or carried, any Timber, Boards, Bricks, Tubs, Hogsheads, or Barrels, Thorals, Stalls, Benches, Crates, Pens, Waggons, Drays, Carts, or other Carriages, (any longer than shall be reasonably necessary for the loading or unloading the same;) or if any Person or Persons shall continue, place, or erect, any Butchers Gallows, Posts, Shamble, or Block; or shall continue or place any Steps leading into any Cellar or Vault; or shall place or lay out any other Material, Matter, or Thing, which shall occasion any Annoyance, Nuisance, or Obstruction whatsoever, in any of the said Streets, Lanes, Ways, or Passages, so as to stop, obstruct, incommode, or annoy, any Person or Persons, Carriage or Carriages whatsoever, passing therein, (except as aforesaid, and except such Stalls, Benches, Crates, or Pens, or other Conveniencies, which shall or may be used during the Times of any publick Fairs or Markets within the said Town, or which shall or may be used in the said Street or Place called The Market Place; and except such Scaffoldings, or other Erections, Bricks, Lime, or other Materials, as shall be reasonably necessary for the building and repairing Houses and other Works; and except such Rubbish as shall be necessarily occasioned by such Buildings or Repairs, so as such Scaffoldings, Erections, Bricks, Lime, Materials, and Rubbish, be set up and continued with as little Annoyance and Inconvenience to Passengers and Carriages as may be, and be continued no longer than shall be reasonable and necessary;) it shall and may 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 altered or regulated, removed, taken, 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; and also the Sum or Fine of Ten Shillings for every such Offence.

Time when Stalls, &c. are to be removed.

And be it further enacted by the Authority aforesaid, That all Stalls, Crates, Benches, and Lumber, used in the said Town by any Person or Persons keeping Stalls or Standings in the Streets, shall be taken or carried away before Twelve of the Clock at Night upon every Saturday in every Week, and before Nine of the Clock in the Evenings of all other Days, by the respective Persons using the same, on pain of forfeiting One Shilling for every Offence or Neglect therein.

Method how Carts shall be conducted by the Drivers.

And be it further enacted by the Authority aforesaid, That at all Times for the future when any Cart, Watercart, Sledge, or Dray, shall be drawn in any Street, Lane, Way, or Place, within the said Town, the Person driving or having the Care of each such Cart, Watercart, Sledge, or Dray, shall guide the same by holding in his Hand a Halter or Cord, not less than a Yard and a Half long, fastened to the Head of the Shaft Horse, on pain of forfeiting, for every Offence or Omission, the Sum of Two Shillings and Six Pence: And it shall be lawful for any Person or Persons whatsoever who shall see the Offence committed to seize, and also for any other Person or Persons to assist in seizing, the Offender and Offenders, and by the Authority of this Act, and without any other Warrant, to convey and deliver him or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the County of Warwick; and the Party or Parties accused being brought before him, such Justice shall proceed to examine, upon Oath, any Witness or Witnesses who shall appear or be produced to give Information touching such Offence (which Oath the said Justice is hereby required to administer); and if the Party or Parties accused shall be convicted of the Offence, either by his or their own Confession, or upon such Information as aforesaid, he or they so convicted shall forfeit and pay the said Sum of Two Shillings and Six Pence.

And

And be it further enacted by the Authority aforesaid, That for the future the Wheels of every Cart kept or used for carrying Goods, or other Things, for Hire, within the said Town, shall be made with Fellies Six Inches broad at the least, and of a flat even Surface in every Part of such Fellies; on Pain that the Owner or Driver of every Cart used for Hire as aforesaid, not having such Fellies, shall, for every Offence, forfeit and pay the Sum of Ten Shillings. Breadth of Wheels.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall and may order and direct the Houses within the said Town to be numbered with Figures placed or painted on the Doors thereof, or in such other Part as they the said Commissioners, or any Seven or more of them, shall think proper; and shall and may likewise order and direct to be painted, or otherwise described, on a conspicuous Part of some House or other Building, at or near the End or Corner of each Street, Lane, Passage, or Place, the Name by which such respective Street, Lane, Passage, or Place, is usually or properly called or known: And every Person or Persons who shall wilfully or maliciously destroy, injure, obliterate, or deface, any such Number, Figure, Name, or Description, or any Part thereof, or cause or procure the same to be done, shall, for every such Offence, forfeit and pay the Sum of Ten Shillings. Names of Streets and Houses to be marked.

And whereas the Market for the Sale of Neat Cattle, within the said Town, has usually been held in the Principal Street and greatest Thoroughfare of the said Town, called The High Street, to the great Danger and Inconvenience of all Persons living and resorting there, be it therefore further enacted by the Authority aforesaid, That for the future, that Part of the Street called Dale End, which is between the House now in the Occupation of Clement Satterthwaite, and the End of Chapel Street, and not elsewhere, shall be the Place for holding a Market for Neat Cattle; and if any Person shall expose to Sale any Neat or other Cattle in any other Part of the said Town, every such Person shall, for every such Neat or other Cattle so exposed to Sale, forfeit the Sum of Five Shillings. Market for Cattle to be removed.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to contract with any Person or Persons for a sufficient Number of Lamps necessary to fix and set up in the said Town, Commissioners may contract for Lamps and Cleansing.

Town, and for Irons, Posts, and other Materials and Utensils needful for fixing the same, from time to time, and for finding and providing the said Lamps with all Requisites, and for lighting, supporting, attending, and repairing, the same; and also with any Person or Persons to be and act as Scavenger or Scavengers, to carry away the Dirt and Soil of the Streets, Lanes, Ways, Passages, and Publick Places, within the said Town, according to the Purport of this Act; and to purchase, lease, or otherwise agree for One or more Piece or Pieces of Land or Ground lying near the said Town, where the Dirt, Dust, Rubbish, Ashes, Soil, and Filth, of the said Town, may be carried to, and laid upon; and to contract with any Person or Persons annually, or otherwise, for the sweeping, cleansing, and carrying away, the Dirt, Soil, and other Filth, from the said Streets, Lanes, Ways, Passages, and Publick Places within the said Town; and to make and enter into any such other Contracts and Agreements as they shall judge expedient and proper to answer the Intents and Purposes of this Act: And the said Commissioners, or any Seven or more of them, are hereby also authorized and impowered to put up to the best Bidder, or otherwise contract for, sell, or dispose of, all such Dung, Dirt, or Manure, as shall arise within the said Streets, Lanes, Ways, and Passages, or be collected, carried, and laid together, and by such Scavenger, or Officer for that Purpose, taken and carried away as aforesaid, and to apply the Money arising therefrom for the Purposes in this Act mentioned.

Lamps, &c. vested in the Commissioners:

And it is hereby further enacted by the Authority aforesaid, That the Property of the said Lamps, and all Materials and Furniture thereto belonging or affixed, shall be, and are hereby vested in the Commissioners for the time being; and they, or any One or more of them, is and are hereby authorized and impowered, in his or their Name or Names, to bring Actions, and prosecute Indictments, against any Person or Persons, for stealing, taking, or carrying away, breaking, extinguishing, spoiling, or damaging, the same; and all and every Person and Persons who shall wilfully or maliciously break, throw down, take away, extinguish, damage, or spoil, any Lamp or Lamps put up by virtue of this Act, or wilfully damage the Posts, Irons, or other Furniture thereof, or wilfully hinder or obstruct any of the Commissioners or Officers employed in any Manner in the Execution of this Act, every Person or Persons so offending

Penalty on damaging them.

offending in any of the Matters aforesaid, which shall be taken and deemed distinct and separate, shall, upon being convicted thereof, by the Oath of One or more credible Witness or Witnesses, or his, her, or their own Confession, before any Justice of the Peace for the said County of Warwick (which Oath such Justice is hereby impowered and required to administer without Fee or Reward) shall forfeit, for the First Offence, the Sum of Twenty Shillings, for the Second Offence, the Sum of Forty Shillings, and for the Third and every other Offence, the Sum of Five Pounds; One Half whereof shall go to the Informer, and the other Half to the said Commissioners, to be disposed of as the other Forfeitures are hereby directed to be applied: And in case any Person or Persons shall carelessly, negligently, or accidentally break, throw down, or otherwise damage any of the said Lamps so put up as aforesaid, or the Irons, Posts, or other Furniture thereof, or extinguish the Lights thereof, and shall not immediately, upon Demand, make Satisfaction for the Damage done thereto; then, and in such Case, it shall and may be lawful to and for any One or more Justice or Justices of the City, County, or Place, where such Person or Persons shall be or reside, upon Proof thereof by Oath as aforesaid (which Oath such Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) of One or more Witness or Witnesses, or by the Confession of the Party, to award such Sum or Sums of Money, by way of Satisfaction for such Damage, as such Justice or Justices shall think reasonable; and in case of Refusal or Neglect to pay any of the Sums of Money so awarded, within Six Days after demanded, to cause the same, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices, to be levied by Distress and Sale of the Goods and Chattles of the Person or Persons who shall so have done such Damage, rendering to him, her, or them, the Overplus (if any shall be) after deducting the Costs and Charges of such Warrant, and of such Distress and Sale, when demanded.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, and they are hereby authorized and impowered, from time to time, as there shall be Occasion, to alter and set up, alter and take down, or cause to be altered and set up, altered and taken down, such and so many Lamps as

Power to place Lamps.

they shall, from time to time, find necessary and expedient, in, upon, and from, any dead Walls, and the Outside Walls of any House or Buildings within the said Town, making good all such Damages as may at any Time happen to be done thereby.

Contracts to be binding.

And be it further enacted by the Authority aforesaid, and it is hereby declared, That all Contracts entered into by the said Commissioners with any Workmen or other Person or Persons, for any of the Purposes of this Act, shall be binding upon such Workmen or other Person or Persons making the same; and that Actions and Suits, in the Name or Names of any One or more of the said Commissioners, or of their Clerk or Clerks, Treasurer or Treasurers, for the time being, shall and may be maintained thereon, and Damage and Costs recovered against the Parties failing in the Execution thereof; and that the Sum of Money requisite for fulfilling the said Contracts, according to the true Intent and Meaning thereof, shall be the Measure of the Damages to be recovered in any Action against such Contractor or Contractors as aforesaid, making Default in fulfilling his said Contract; any Law or Usage to the contrary thereof notwithstanding: And all such Damages and Costs as shall be so recovered shall be applied to the Uses and Purposes of this Act.

Actions may be maintained in Name of One Commissioner, or of Clerk, or Treasurer.

For appointing Assessors.

And be it further enacted by the Authority aforesaid, That from and after the Tuesday Fortnight after the passing of this Act, the said Commissioners, or any Seven or more of them, shall and may yearly and every Year, and so often as there shall be Occasion, under their Hands, nominate and appoint, and they are hereby impowered to nominate and appoint, Six or more Inhabitants or Residents in the said Town, to be Assessors of the Money by this Act directed to be raised: And the said Commissioners, or any Seven or more of them, shall and may, and they are hereby authorized and required, Once in every Year, or oftener, as there may be Occasion, to fix and ascertain, and, as soon as may be afterwards, to issue their Order, under their Hands, to the Assessors for the time being, how much in the Pound shall be raised by Taxation upon all Messuages, Tenements, Buildings, and Hereditaments within the said Town (except as herein after is excepted) and which shall be rated and raised in the Proportions herein after mentioned; that is to say, All and every Person and Persons who shall, at the Time of passing this Act, or at any Time hereafter,

Commissioners to ascertain Sum to be raised.

rent,

rent or occupy within the said Town, any House, Tenement, or Building, or any Houses, Tenements, Buildings, or other Hereditaments, of the yearly Rent or Value of Six Pounds, and under Ten Pounds, shall be rated and assessed at any Sum not exceeding Two 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 Premisses, of the yearly Rent or Value of Ten Pounds, and under Fifteen 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 Premisses of the yearly Rent or Value of Fifteen Pounds, and under Twenty Pounds, shall be rated and assessed at any Sum not exceeding Four 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 Premisses, of the yearly Rent or Value of Twenty Pounds, and under Twenty five Pounds, shall be rated and assessed at any Sum not exceeding Six 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 Premisses of the yearly Value of Twenty five Pounds and upwards, shall be rated and assessed at any Sum not exceeding Eight Pence in the Pound, in any One Year, according to such Rents and Values respectively: Provided always, That no Person or Persons whatsoever shall be charged or chargeable with any Rate, Tax, or Assessment, granted or appointed by virtue of this Act, who shall not rent or occupy within the said Town, an House, Tenement, or Building, or Houses, Tenements, Buildings, or other Hereditaments, of the annual Rent or Value of Six Pounds: Which several and respective Sums or Proportions, as the same shall be directed by the said Commissioners, or any Seven or more of them, the said Assessors are hereby commanded and required to rate and assess upon all Tenants and Occupiers; which Tenants and Occupiers shall and are hereby made liable to pay the Whole of every such Rate (except as is herein before excepted) of all Messuages, Houses, Stables, Coach-houses, Shops, Cellars, Vaults, Warehouses, Malt-houses, Granaries, Brew-houses, and other Buildings, Yards, Gardens, or Garden Grounds, situate, lying, and being,

within

within the said Town, according to the true annual Rent or Value thereof respectively.

Rates may be amended.

And it is hereby further enacted by the Authority aforesaid, That all Rates and Assessments which shall be made in pursuance of this Act, shall be allowed and signed by the said Commissioners, or any Seven or more of them; and they shall and may have Power to amend any such Rates or Assessments, by inserting, or causing to be inserted, the Name or Names of any Person or Persons who ought to have been rated, and shall appear to have been omitted therein; which Person or Persons, whose Name or Names shall be so inserted, the said Assessors shall and are hereby required to rate and assess, according to the Tenor, true Intent, and Meaning of this Act; and such Assessors shall appear and bring with them, at a Time and Place to be prefixed in such Order, Two Copies or Duplicates of such Assessments, fairly written and subscribed by them, and shall deliver the same unto the said Commissioners; and shall, upon any reasonable Notice from time to time to be to them given by the said Commissioners, or any Seven or more of them, or by their Clerk for the time being, be attending upon them at any of their Meetings in pursuance of this Act, and at any Court or Courts of Quarter Sessions, or at any Adjournment thereof, or otherwise, as there shall be Occasion, then and there to explain, amend, or justify, such their Assessments; and after the said Rates and Assessments are so made and confirmed, the said Commissioners, or any Seven or more of them, shall and may, and they are hereby authorized and required to cause the same to be collected and received as soon as may be, of and from the Person and Persons respectively on whom the same shall be respectively rated, charged, and assessed; and shall and may yearly and every Year, and so often as there shall be Occasion, under their Hands nominate and appoint the said Assessors, or any Six or more other Inhabitants or Residents within the said Town, to be Collectors of and for the said Town of all such Rates and Assessments respectively as aforesaid; and shall and may, and they are hereby required, from time to time, as soon as may be after such Rates and Assessments are made and brought in, to issue their Order under their Hands to the said Collectors for the time being, and thereby to direct them jointly and severally to collect and receive, and the said Collectors are hereby commanded and required to collect and receive accordingly, within Fourteen Days from the

Assessors to appear, and justify their Rates.

Collectors to be appointed.

Date

Date thereof, or sooner if it can be done, the respective Sums of Money expressed or contained in such respective Assessments as aforesaid; Duplicates of which Assessments under the Hands of the said Commissioners, or any Seven or more of them, shall be delivered, together with the said Order, to such Collectors respectively, and as well as such Assessors as aforesaid, as all the said Collectors to whom any Order or Orders from the said Commissioners, shall from time to time be directed in pursuance of this Act, shall obey and execute the same in all Respects; and the said Commissioners, or any Seven or more of them, shall and may from time to time, as they see Occasion, remove any Assessor or Assessors, Collector or Collectors, and appoint any other or others, being inhabitant and resident as aforesaid, in his and their Stead: And in case any Person or Persons so rated, assessed, or charged as aforesaid, shall refuse or neglect to pay any such Rate or Assessment to the Collector or Collectors for the Space of Three Days after personal Demand thereof, or Demand in Writing left at the last Place of Abode of such Person or Persons so rated, assessed, or charged, and refusing or neglecting to pay as aforesaid, it shall and may be lawful to and for One or more Justice or Justices of the Peace for the said County of Warwick, upon Oath (which Oath he or they are hereby impowered to administer without Fee or Reward) of any such Demand and Non-payment, by Warrant under his or their Hand and Seal, or Hands and Seals, which he or they are hereby impowered and required to grant, to authorize and direct the said Collectors respectively to levy as soon as may be, such Rate or Monies so in Arrear and refused or neglected to be paid, together with the Costs attending the same, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattles of every such Person and Persons so in Arrear, and refusing or neglecting to pay as aforesaid, wherever such Goods and Chattles can be found; rendering the Overplus (if any be) to the Party or Parties so distrained or leaving the same for his, her, or their Use, at the Place where such Distress shall be made; and all and every of the said Collectors shall, and he and they are hereby required to pay the Money he or they shall respectively collect and receive by virtue of this Act, within Fourteen Days after the Expiration of the Time in which the same is herein before directed to be collected, to the Treasurer or Treasurers acting under the said Commissioners,

How Rates are to be recovered.

sioners, or to such other Person or Persons as they, or any Seven or more of them, shall appoint to receive the same, to be applied for the Uses and Purposes of this Act; and shall and hereby is and are required at the Time of his or their making every such Payment of such Money so collected, to deliver over to the Person or Persons so impowered to receive the same, a true and exact Copy or Duplicate of the Assessment whereby he or they hath or have collected the same, with an Account thereupon or thereunder written of all and every such Sum and Sums of Money in such Assessment rated, as remains or remain uncollected, (if any such there shall happen to be) together with the Reasons why the same hath or have not been collected and received, that it may appear whether the Non-payment thereof hath happened through the Insolvency of the Party rated, or through the Default of such Collector or Collectors: And in case any such Assessor or Assessors, Collector or Collectors, shall refuse or neglect to take upon him or them respectively the said Offices, or duly to execute the same according to the true Intent and Meaning of this Act, he and they so offending shall respectively forfeit and pay for every such Offence the Sum of Five Pounds, and shall continue liable to be again appointed into the said Offices respectively the Year following, or sooner, if the said Commissioners so assembled as aforesaid, or any Seven or more of them, shall so think fit; and in case of his or their Refusal or Neglect to take upon him or them respectively the said Offices, or duly to execute the same, he or they so refusing or neglecting shall be again liable to the like Penalty, and so as often as he or they shall refuse to take upon him or them the said Offices.

Parishes of St. *Martin* and St. *Phillip* united as to this Act.

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

Exceptions to being rated.

Provided also, and be it enacted by the Authority aforesaid, That no Person shall be rated or pay to the Rates or Assessments which shall be made by virtue of

or

or in pursuance of this Act, for or upon account of any Gardens, Garden Grounds, or Orchards, within the said Town, during the Time they shall or may be occupied for the Purpose only of selling the Fruit and Produce thereof, or for or upon account of any Arable, Meadow, or Pasture Ground, held or occupied within the said Town, or respective Parishes of Saint Martin and Saint Phillip aforesaid; nor shall any Person be rateable by virtue of this Act, for or in respect of any Stock in Trade, Money, or Personal Estate; any thing herein contained to the contrary notwithstanding.

Rates to be apportioned on Occupiers quitting, or coming in.

And be it enacted by the Authority aforesaid, That where any Person or Persons shall come into or occupy any House, Buildings, Hereditaments, or Premisses, rated or assessed, or liable to be rated or assessed by virtue of this Act, out of, or from which, any other Person assessed shall be removed, or which, at the Time of making any Rate in pursuance of this Act, was empty or unoccupied; that then every Person so removing from, and every Person so coming into or occupying the same, shall be liable to pay to such Rate in proportion to the Time that such Person occupied the same respectively, in the same Manner, and under the like Penalty of Distress, as if such Person so removed had not removed, or such Person so coming into and occupying such House, Buildings, Hereditaments, or Premisses, had been originally rated and assessed in such Rate; which said Proportion, in case of Dispute, shall, by the said Commissioners, or any Seven or more of them, be settled and ascertained.

Treasurers to pay the Money to Commissioners Orders.

And be it further enacted by the Authority aforesaid, That all and every Treasurer and Treasurers to be appointed in pursuance of this Act shall, and is and are hereby authorized and required to pay and apply all such Monies as he or they shall respectively receive by virtue hereof to such Person and Persons, and in such Manner, and at such Time and Times, as the said Commissioners, or any Seven or more of them, shall, from time to time, by an Order or Orders under their Hands, direct and appoint, for the Uses and Purposes of this Act, and such Commissioners are hereby impowered to make such Order or Orders accordingly.

Treasurers and Collectors to account to Commissioners.

And be it further enacted by the Authority aforesaid, That all and every such Collector and Collectors, Treasurer and Treasurers as aforesaid, shall yearly, or oftener, as the said Commissioners, or any Seven or more of them,

them, shall require, make, and render to such Commissioners, or any such other Person or Persons as they shall appoint, a true and perfect Account, in Writing, upon Oath if required, (which Oath the said Commissioners, or any One or more of them, are hereby impowered to administer) of all Sum or Sums of Money by him or them respectively collected, received, or paid, and applied as aforesaid, or which shall have been rated and assessed as aforesaid, and not received; and of all other Matters and Things committed to their respective Charge by virtue and under the Powers of this Act; and shall pay and deliver unto such Person or Persons as the said Commissioners, or any Seven or more of them, shall direct and appoint, all and every such Sum and Sums of Money as shall remain in his or their Hands at the Time of such Account: And if such Collector or Collectors, Treasurer or Treasurers respectively, or any of them, shall refuse or neglect to pay such Sum and Sums of Money accordingly; it shall and may be lawful to and for One or more Justice or Justices of the Peace for the said County of Warwick, and he and they is and are hereby required, upon Proof thereof by the Oath (which Oath such Justice or Justices are hereby impowered and required to administer without Fee or Reward) of One or more Witness or Witnesses, or by the Confession of the Party, by Warrant under his or their Hand and Seal, or Hands and Seals, to cause the same to be levied together with the Costs attending the same, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattles of every such Person or Persons so refusing or neglecting to pay as aforesaid, in like Manner, and with like Powers, as are hereby given with respect to Distresses for Non-payment of Rates, rendering the Overplus (if any be) to the Party or Parties so distrained, or leaving the same for his or their Use at the Place where such Distress shall be made: And in case no such sufficient Distress can be found, or in case such Collector or Collectors, Treasurer or Treasurers respectively, or any of them, shall refuse or neglect to make and render such Account as is herein before directed; then the said Justice or Justices on due Proof thereof by Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) of any One Person so being impowered to make such Distress, or of any One or more Witness or Witnesses, shall, and is and are hereby authorized and required by Warrant under his or their

Hand and Seal, or Hands and Seals, to cause the Offender or Offenders to be apprehended wherever he or they can be found within the said County of Warwick, or in any other City, County, or Place, (such Warrant being first backed or countersigned by some Magistrate in such other City, County, or Place) and to commit him or them to the Common Gaol of any such City, County, or Place, wherein any such Offender or Offenders shall or may be apprehended, there to remain without Bail or Mainprize until he or they have made a true and perfect Account and Satisfaction, and paid so much as, upon the said Account, shall appear to be remaining in his or their Hands; and all Costs and Charges attending such Proceedings as aforesaid (to be ascertained by such Justice or Justices) shall be fully paid, or Composition paid for the same, (which Composition the said Commissioners, or any Seven or more of them, are hereby impowered to make) or otherwise be delivered by due Course of Law.

Treasurer, &c. to give Security.

And it is hereby further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall, and they are hereby required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his or their Office or Offices, as to them shall seem meet; such Security to be taken in the Name or Names of such One or more of the said Commissioners appointed by or in pursuance of this Act as the said Commissioners, or any Seven or more of them, shall order and appoint.

Proviso.

Provided always, That no Person or Persons whatsoever shall be liable to serve the said Office of Collector oftener than Once in Ten Years, unless he or they voluntarily accept the same.

Application of the Monies.

And whereas a Sum of Three hundred Pounds and upwards has been raised by Subscription amongst the Inhabitants of the said Town of Birmingham for the Purpose of applying for and passing this Act, be it therefore enacted by the Authority aforesaid, That the Sum so subscribed shall be paid to the said Commissioners, or any Seven or more of them, or to such Person as they, or any Seven or more of them, shall appoint to receive the same, and shall be applied for and towards defraying the Charges and Expences in and about procuring and passing this Act; and if any Surplus shall remain, the same shall be applied as the Money to be raised by the Rates established by this Act is to be applied; and if the

Sum so subscribed shall not be sufficient for the Purposes aforesaid, then the Deficiency shall be made good out of the first Monies that shall be raised by virtue of this Act; and that the Residue of the Monies to be raised by virtue of this Act (not otherwise hereby particularly disposed of) shall be applied by the said Commissioners, or any Seven or more of them, for the respective Uses and Purposes, and according to the Powers hereby directed, appointed, and prescribed, and shall be applied, from time to time, in general, and without Distinction, in such Manner as if the said Town was but One entire Parish.

No Part of the Money raised shall be applied in opening any Passages.

Provided always, and it is hereby enacted and declared, That no Part of the Money to be raised by any Rate or Rates by virtue of this Act upon any of the Inhabitants of the said Town, shall be applied in laying open or widening any of the said Ways, Passages, or Places, or in purchasing of Houses, Buildings, Grounds, or Estates, for that Purpose, or otherwise, therein or thereabouts.

Proceedings to be entered in Books.

And be it further enacted by the Authority aforesaid, That all the Orders and Proceedings of the said Commissioners at their several Meetings to be held in pursuance of this Act, or otherwise under the Powers herein contained, shall from time to time be fairly wrote and entered in some proper Book or Books to be provided and kept for such Purposes; and that all such Books shall at any Meetings of the said Commissioners in pursuance of this Act be open, and liable to the Inspection of any Person rated and paying to the said Rates and Assessments; and all such Orders and Proceedings so entered shall be signed by Seven or more of the said Commissioners, and shall be deemed Originals, and shall be admitted to be read as Evidence in all Courts whatsoever in all Cases, Suits, and Actions, touching any thing to be done in pursuance and under the Authority of this Act.

Books may be read in Evidence.

Accounts to be made up annually, and be free from Inspection.

And be it enacted by the Authority aforesaid, That some Time between the Twenty fourth Day of April and the Twenty fourth Day of June in every Year, a fair and just Account shall be made and wrote out of all Monies received and paid by virtue or in pursuance of this Act, and how and to whom, and when and for what Purposes, the same have been laid out, paid, and expended; a Copy or Duplicate of which Account, signed by Seven or more of the said Commissioners so assembled as aforesaid, shall be deposited with the Clerk of the said Commissioners, who shall permit any Person so rated

rated as aforesaid to inspect the same at reasonable Times, paying One Shilling for such Inspection; and shall, upon Demand, forthwith give Copies of the same, or any Part thereof, to such Person, paying at the Rate of Three Pence for every Hundred Words, and so in proportion for any greater or less Number; which Account and Copy, or Duplicate thereof, the said Commissioners, or any Seven or more of them, are hereby impowered and required to cause to be wrote out, signed, and delivered accordingly.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and it is hereby further enacted by the Authority aforesaid, That if any Person or Persons shall apprehend him, her, or themselves, aggrieved by any Rate or Assessment made in pursuance of this Act, it shall and may be lawful for such Person or Persons, giving reasonable Notice to the respective Collector or Collectors, or to any One of them, to appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace for the said County of Warwick, or at any Adjournment thereof, which shall first happen next after Notice of such Appeal given as aforesaid; or if any Person or Persons shall apprehend him, her, or themselves, aggrieved by any Act, Order, Judgement, or Proceeding, (other than such Rate or Assessment) of the said Commissioners, or of any Justice or Justices of the Peace, under the Authority of this Act; it shall and may be lawful for such Person or Persons to appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be held for the County, City, or Place, wherein the Cause of Complaint shall arise, or at any Adjournment thereof, which shall first happen next after Notice of such Appeal given as is hereafter mentioned; such Appellant or Appellants first giving reasonable Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks for the time being of the said Commissioners, or of the said Justice or Justices, by whose Act, Order, Judgement, or Proceeding, the Grievance shall have most immediately arisen, and entering into a Recognizance before some Justice of the Peace for such County, City, or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Session or Adjournment; and the said Justices at such Session or Adjournment, shall hear and finally determine the Causes and Matter of any such Appeal, in a summary Way, and award to the

Notice of Appeal to be given.

Party or Parties for whom such Appeal shall be determined such Costs as to them in their Discretion shall seem reasonable.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any One or more Justice or Justices of the Peace of and for the said County of Warwick to hear and determine any of the Offences (not herein directed to be otherwise heard) which are made subject to, and punishable by, any pecuniary Penalties directed by this Act, and upon any Information or Complaint (which shall in all Cases be made within Ten Days after the Offence committed) exhibited before him or them, or any other Justice or Justices of the Peace of the said County, at such Time and Place as shall be therein appointed; and upon the Appearance, or Contempt of the Party accused in not appearing according to such Summons, it shall and may be lawful to and for such Justice or Justices before whom the Party or Parties accused shall be summoned to appear (such Summons being first proved to be either personally served on the Party or Parties accused, or left at his, her, or their last and usual Place of Residence within the said Town) to proceed to the Examination of any Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) and to hear the Circumstances of the Case, and thereupon, or upon Confession of the Party, to give and sign such Conviction and Judgement for the Forfeiture and Payment of such Penalty, or to acquit the Party accused for want of due Proof of the Offence, as shall be just and conformable the Tenor and true Meaning of this Act: And where the Party or Parties so accused shall be convicted upon or by reason of any such Information or Complaint; then the Penalty or Forfeiture wherein he, she, or they, shall be so severally convicted, and all and every the Penalties and Forfeitures, and all Fines by or under this Act incurred and imposed (the Manner of recovering and levying whereof is not otherwise hereby particularly directed) shall and may, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any One or more such Justice or Justices, which he or they are hereby impowered and required to grant, be recovered, with the Costs of the Conviction and Recovery thereof, to be ascertained by such Justice or Justices, by Distress and Sale of the Offenders Goods and Chatties (notwithstanding such Offender or Offenders shall die before such Distress and Sale can be completed)

Recovery of Forfeitures.

where-

wherever such Goods and Chattles can be found within the said Town, or elsewhere within the said County of Warwick, rendering the Overplus of such Distress (if any be) to the Party or Parties so distrained, or leaving such Overplus for his, her, or their Use, at the Place where such Distress shall be made: And in case sufficient Distress cannot be found within the said County, then it shall and may be lawful to and for One or more such Justice or Justices, and he and they are hereby required and impowered, by Warrant under his or their Hand or Hands, to apprehend, or cause to be apprehended, any such Offender or Offenders, so convicted or liable to pay any such Penalty or Penalties hereby appointed and directed to be paid, either within the said County of Warwick, or in any other County, City, or Place, (such Warrant being first backed or countersigned by some Magistrate in such other County, City, or Place) and by Force of such Warrant to commit him, her, or them, to the Common Gaol of any such County, City, or Place, wherein any such Offender or Offenders shall or may be so apprehended, there to be and remain, without Bail or Mainprize, until he, she, or they shall have fully paid such Penalty or Forfeiture, and all Costs and Charges attending such Proceedings as aforesaid, (to be ascertained by such Justice or Justices) or have paid such Composition for the same as the said Commissioners, or any Seven or more of them, shall have agreed to, (and which Composition they are accordingly impowered to make) or shall otherwise be delivered by due Course of Law; and all and every the Penalties, Fines, and Forfeitures, which shall be incurred, imposed, and recovered, by virtue of this Act, and which are not herein directed to be otherwise wholly applied, shall be applied immediately from and after the Recovery, Imposition, and Payment thereof respectively, as follows; that is to say, One Moiety thereof to the Informer, and the other Moiety thereof to be paid to the Treasurer or Treasurers of the said Commissioners for the time being, or to any other Person or Persons as they, or any Seven or more of them, shall appoint, for the same Uses and Purposes as the Money raised by the same Rates is to be applied; and in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating and concerning the Execution of this Act, any Inhabitant within the said Town may and shall be admitted to give Evidence of the Rate or Contribution charged as afore-

said upon any such Inhabitant by virtue hereof notwithstanding.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforesaid, That no Nomination, Appointment, Contract, Bond, Information, Warrant, Order, Judgement, Conviction, or other Writing whatsoever, under the Hand or Hands of any of the Commissioners for putting this Act in Execution, or of any Justice or Justices of the Peace, or only signed by them, or any of them, or exhibited before them, or any of them respectively, touching, concerning, or in Execution of any of the Powers or Authorities by this Act vested in such Commissioners or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp duty whatsoever.

Times when Writs of *Certiorari* may be sued.

And be it enacted by the Authority aforesaid, That no Writ of Certiorari to remove any Rates made in pursuance of this Act, or to remove any Orders or other Proceedings taken or made by the said Justices at the said General or Quarter Sessions, or any Adjournment thereof, touching such Rates, or touching any other matter or Thing as to which any Appeal is given to the said Justices at such Sessions or Adjournment thereof by this Act, shall be sued out or granted, but upon a Motion to be made some Time in the next Term after the Time for appealing as aforesaid is expired; and that no such Certiorari shall be allowed, until sufficient Security be given to the Treasurer or Treasurers acting under the said Commissioners, or to their Clerk for the time being, in the Sum of Fifty Pounds, to prosecute such Writ with Effect, and to pay the Costs to be ascertained by the Court to which such Rates, Orders, or Proceedings shall be removed, in case such Rates or Orders shall be confirmed; nor shall any such Rates, Orders, or Proceedings, be quashed or vacated for want of Form only; and all Costs and Charges of the said Commissioners, occasioned by any such Removal, other than such as they shall recover or receive under or by virtue of such Security as aforesaid, shall be defrayed out of the then subsisting or any subsequent Rate made or to be made by virtue of this Act.

Proceedings not to be quashed for want of Form.

No Suits to be commenced against Collectors, before Writ of *Certiorari*.

And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced or prosecuted against any Person or Persons who shall have been employed in the collecting or receiving any Money in pursuance of this Act, or any Rate or Rates which

shall

shall or may be quashed or discharged on any Certiorari to be brought in any of His Majesty's Courts of Record at Westminster or otherwise, for any Money collected or received on any such Rate or Rates before such Writ of Certiorari shall be brought or allowed; but that Justice may be done to such Person or Persons who shall or may pay towards any Rate which shall be quashed or discharged, the several Sums which shall appear to have been paid by them on such Rates, either in Whole or in Part, more than they ought to have paid, shall be repaid or allowed to them in the next Rate or Rates which shall be made in pursuance of this Act, as though the same had been paid on such new Rate or Rates; any thing in this Act, or any Law, Usage, or Custom, to the contrary thereof in any wise notwithstanding.

Writs to be without Cause.

Distress not deemed unlawful for want of Form;

And be it further enacted by the Authority aforesaid, That where any Distress and Sale shall be made for any Sum or Sums of Money directed to be levied, or any Person or Persons shall be apprehended or committed by virtue of this Act, such Distress, Sale, Arrest, or Commitment, shall not be deemed to be unlawful, nor the Party or Parties making or doing the same respectively be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form, or other Irregularity, in any Warrant of Appointment or other Warrant, or in any Rate or Assessment, Summons, Conviction, Order, Commitment, or other Proceeding or Proceedings whatsoever, relating to or concerning any such Distress, Sale, Arrest, or Commitment; nor shall the Party or Parties making such Distress, Sale, Arrest, or Commitment respectively, be deemed or construed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done or transacted in any such Case by him or them; but the Person or Persons aggrieved by any such Irregularity shall and may, by Action on the Case, recover Satisfaction for the special Damages only, and in every such Action shall have no more Costs than Damages.

nor the Parties distraining deemed Trespassers *ab initio*.

Proceedings not to be vitiated for Want of Form.

Provided always, That no Action or Suit whatsoever shall be commenced or prosecuted against any Person or Persons for any thing done or to be done in pursuance of this Act, or any Clause, Power, or Thing herein contained, until after One Calendar Month's Notice thereof in Writing, signed by the Party aggrieved, shall be given to the Clerk of the Justices or Justices, or the Clerk of the said Commissioners for the time

Limitation of Actions.

Notice to be given before Writ.

time being, under whose Power or Authority the Grievance shall have most immediately arisen, nor after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties so alledging him, her, or themselves, to be aggrieved, nor after Six Calendar Months next following such Grievance, and the Fact committed; and every such Action shall be laid in the County of Warwick, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall

General Issue.

and may plead at his Election specially, or the General Issue, and give this Act, and the Special Matter, in Evidence at any Trial to be had thereupon, and that the same was done in pursuance of this Act, and by Force of some or One of the Powers and Authorities hereby given: And if the same shall appear to be so done, or that such Action or Suit shall be brought before Notice had been thereof given, or after sufficient Satisfaction made or tendered, or after the Time limited for bringing the same as is herein before directed, or shall be laid in any other County or Place than as aforesaid; then the Jury in every such Case shall find a Verdict for the Defendant or Defendants; and in every such Action, if a Verdict shall be found for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover

Treble Costs.

Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Act not to prejudice Rights of Lord of the Manor, to Rents, Stallage, or Tollage.

Provided always, That nothing in this Act contained shall extend, or be construed to extend, so as to prejudice or affect the Right Honourable Andrew Lord Archer, Lord of the Manor of Birmingham, or his Heirs or Assigns, Lords of the said Manor for the time being, in respect to his Rents, Stallage, Tollage, or any other Rights and Emoluments belonging, due, or in any wise appertaining to him as Lord of the Manor (save and except all Right as the said Lord of the said Manor hath to such Fines, Amerciaments, Pains, and Penalties, as may be levied or recovered in pursuance of this Act for or in respect of any Nuisances or Annoyances whatsoever); any thing herein before contained to the contrary thereof in any wise notwithstanding.

Saving

Saving always to the King's most Excellent Majesty, His Heirs, and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Estate, Use, Trust, or Interest, of, in, to, or out of, the Ground whereon the said Building called The Upper Round-about House now stands, except any Power of building thereon. Saving to the King, &c.

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

SCHEDULE *of the Buildings to be taken down in pursuance of this Act.*

At the Entrance into *New Street*.

FOUR Tenements fronting towards the *High Street*, Two of them in the Occupation of *William Hutton*, One of *John Greaves*, and One of *Thomas Brueton*; with Five Tenements backwards, in the respective Occupations of *John Terry*, *Catharine Wright*, *Magdalen Hassard*, *Richard Walford*, and *John Ensell*. The Front towards the *High Street* (including the present Passage about Twelve Feet) being about Sixty four Feet; the Front towards *New Street* about Seventy Feet; the West Side to the Alley about Thirty three Feet; the South Side to the Alley, and projecting into the *High Street*, about Fifty five Feet.

The *Upper Round-about House*, in the Occupation of *Samuel Willetts*, or his Under-tenants.

On the North Side, or Front, about Nineteen Feet; on the West Side about Twenty five Feet; but including the Projection on the West Side, is about Twenty eight Feet; on the South Side about Nineteen Feet; and on the East Side about Twenty eight Feet.

The Houſe fronting the *Corn Market*, in the Occupation of *Francis Moles*.

The Front towards the *Corn Market*, about Fifteen Feet; on the Side towards the Paſſage leading into Saint *Martin's Church-yard*, about Thirty Feet; and the Back Part thereof, towards the ſaid *Church-yard*, about Fifteen Feet.

F I N I S.
