ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 83.

An Act for paving, cleanſing, lighting, watching, and otherwiſe improving the Streets, and other public Paſſages and Places in *Kidderminſter*, in the County of *Worceſter*. [21ſt *May* 1813.]

WHEREAS the Town of *Kidderminſter*, in the County of *Worceſter*, is not only a large and populous Town, and of late Years much increaſed, but is alſo ſituated in the great Road from *Holyhead*, *Cheſter*, and *Salop*, to *Worceſter*, *Glouceſter*, *Bath*, *Briſtol*, and other Places in the Weſtern Part of the Kingdom: And whereas the Footpaths of the ſeveral Streets and other public Paſſages and Places within the ſaid Town are greatly out of Repair, and in ſome Parts narrow and incommodious for Paſſengers, and not properly cleanſed, lighted, or watched, and are ſubject to various Encroachments, Obſtructions, Nuiſances, and Annoyances: And whereas the River *Stour*, and certain Watercourſes running through the ſaid Town, are much obſtructed by Encroachments erected in, upon, or over the ſame, whereby Parts of the ſaid Town are frequently flooded, and thereby rendered damp and unhealthy: And whereas it would be conducive to the Health and Safety of the Inhabitants of the ſaid Town, and of great Benefit and Convenience to Paſſengers, and Perſons inhabiting therein and reſorting thereto, if the ſaid Footpaths were properly formed and paved, and the ſaid Streets, Lanes, Ways, Paſſages, and Places, widened, cleanſed, lighted, and watched, and all Encroachments, Nuiſances, and Annoyances within the ſaid Town removed and prevented in future: 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 the High Steward, Recorder, High Bailiff, Juſtice, Aldermen, or Capital Burgeſſes of the Borough of *Kidderminſter*, and the Vicar of *Kidderminſter*, and their reſpective Succeſſors for the Time being, *William Baker*, *Thomas Bayliſs*, *John Beſt*, *Joſeph Bowyer*, *Thomas Bradley*, *John Broom*, *Herbert Broom*, *William Canning*, *John Cooper*, *Joſhua Cotton Cooper*, *Joſeph Crane*, *Thomas Crump*, *George Cuſtance*, *Edward Davis*, *Timothy Dobſon*, *John Evans*, *Winter Froſt*, *Elijah Grove*, *John Gough*, *Samuel Harris*, *Thomas Hill*, *James Hooman* Senior, *James Hooman* Junior, *John Hooman*, *William Hopkins* Senior, *William Hopkins* Junior, *Matthew Jefferys*, *Joſeph Lea*, *William Lea*, *John Lea* of the Shrubbery, *John Lea* of the Lakes, *Thomas Lea*, *Simcox Lea*, *Abel Lea*, *Edward Newcomb*, *Benjamin Newcomb*, *Thomas Pardoe*, *William Penn*, *Thomas Perry*, *William Pitt*, *William Porter*, *Samuel Brecknell Perrin*, *Edward Prichard*, *John Rider*, *George Robinſon*, *Robert Shirley*, *James Sprigg*, *George Talbot*, *Henry Talbot*, *Jacob Turner*, *John Beresford Turner*, *John Wagstaff*, *Daniel Wagstaff*, *Samuel Wagstaff*, and *Richard Watſon*, ſhall be and they are hereby appointed Commiſſioners for putting this Act in Execution; and that when any of the Commiſſioners herein named, or at any Time to be elected, in purſuance of this Act, (except the High Steward, Recorder, High Bailiff, Juſtice, Aldermen, or Capital Burgeſſes of the Borough of *Kidderminſter*, and Vicar of *Kidderminſter*, for the Time being), ſhall die, or refuſe to act, or be rendered incapable of being a Commiſſioner, or acting as ſuch in Manner herein-after mentioned, it ſhall and may be lawful for the remaining Commiſſioners, and they are hereby directed, at a Meeting to be held upon the *Friday* next after the Twenty-fourth Day of *June* in each and every Year, or any Seven or more of them, at ſuch Meeting to elect one other Perſon, being qualified as herein-after is mentioned, to ſupply the Place of each Commiſſioner ſo dying or refuſing to act, or being rendered incapable of acting as herein-after is mentioned, Notice in Writing, ſigned by the Clerk for the Time being of the ſaid Commiſſioners, of ſuch Meeting, and of the Purpoſe and Intent thereof, being previouſly affixed upon the Door of the Pariſh Church of *Kidderminſter* on the *Sunday* preceding; and every Perſon ſo elected, is hereby veſted with the ſame Powers for putting this Act in Execution, and ſhall and may, and is hereby authorized to act, to all Intents and Purpoſes, in as full, large, and ample a Manner, as the Perſon in whoſe Stead he ſhall be ſo elected, was, and would or might have acted.

Appointment of Commiſſioners.

II. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act (except the Vicar of *Kidderminſter* for the Time being) unleſs he ſhall be rated in the Poor's Books at not leſs than Ten Pounds, or together with any Partner in Trade at not leſs than Twenty Pounds, or with Two or more Partners in Trade at not leſs than the Sum of Thirty Pounds, for the Houſe, Warehouſe or Shop, or Houſes, Warehouſes or Shops, or other Buildings, which ſhall be by him or them occupied within the ſaid Town of *Kidderminſter*, and ſhall really and *bonâ fide* be poſſeſſed, either in Real or Perſonal Eſtate, to the Amount or Value of One thouſand Pounds, or not being ſo rated ſhall be poſſeſſed of a Real Eſtate in the ſaid Town, of the Amount or Value of Two thouſand Pounds; and that no Perſon whomſoever

Qualification of Commiſſioners.

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 for the County of *Worceſter*, or for the Borough of *Kidderminſter*, in the County of *Worceſter*, may act as ſuch in the Execution of this Act (except in ſuch Matters in which they may be perſonally intereſted): And the ſaid Commiſſioners ſhall at all their Meetings defray their own Expences: And every Perſon (except the Vicar of *Kidderminſter* for the Time being) ſhall, before he acts as a Commiſſioner, take or ſubſcribe the Oath or Affirmation following, before any Two or more of the ſaid Commiſſioners, (who are hereby empowered to adminiſter the ſame), in the Words, or to the Effect following; that is to ſay,

Commiſſioners, being Juſtices, may act.

Commiſſioners to pay their own Expences.

Oath.

'I do ſwear, [*or*, being One of the People called *Quakers*, do ſolemnly affirm,] That I am truly and *bonâ fide* in the actual Poſſeſſion, Enjoyment and Receipt of the Rents and Profits of Lands, Tenements or Hereditaments, or poſſeſſed of a Perſonal Eſtate to the Amount or Value of One thouſand Pounds, or poſſeſſed of a Real Eſtate, ſituate in the Town of *Kidderminſter* in the County of *Worceſter*, of the Value of Two thouſand Pounds; and that I will truly and faithfully execute the Truſts repoſed in me by an Act paſſed in the Fifty-third Year of the Reign of King *George* the Third, intituled *An Act* [*inſert the Title of this Act*] to the beſt of my Skill and Knowledge, without Favour or Affection to any Perſon whomſoever: So help me GOD.'

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

Penalty on Commiſſioners acting not being qualified.

IV. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall meet and aſſemble together at the Houſe of *Edward Davies*, the *Lion Inn*, in the ſaid Town of *Kidderminſter*, on the Second *Wedneſday* in the next or ſucceeding Month after the paſſing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, in order to put this Act into Execution; and ſhall and may from Time to Time, by Adjournment, meet and aſſemble together at the ſame Place, or any other convenient Place within the ſaid Town, as they or any Seven or more of them ſhall appoint; and all Orders and Proceedings of the ſaid Commiſſioners in the Execution of this Act ſhall be at a Public Meeting held in purſuance of this Act, and not otherwiſe, (except as herein-after excepted); and if it ſhall happen that there ſhall not appear at any Meeting which ſhall be appointed to be

First Meeting of Commiſſioners.

held, a ſufficient Number of Commiſſioners to act, and to adjourn to another Day, or if they ſhall omit or neglect to adjourn, or if there ſhall be any Special Occaſion for any Meeting between the Time of any Adjournment, or at any other Time, then and in every ſuch Caſe their Clerk, or any Seven or more of the ſaid Commiſſioners, ſhall and may call a Meeting at ſuch Time and Place as they ſhall think proper.

Notice to be given of Meetings.

V. Provided always, and be it further enacted, That previous to any Meeting of the ſaid Commiſſioners in purſuance of this Act, ſubſequent to ſuch Firſt Meeting as aforeſaid, Notice in Writing, ſigned by their Clerk, or by Seven or more Commiſſioners, of the Time and Place of every ſuch intended Meeting, ſhall from Time to Time be given, by affixing the ſame upon the Door of the Pariſh Church of *Kidderminſter* on the *Sunday*, and upon the Town Hall Two Days preceding ſuch intended Meeting.

Chairman to be appointed.

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

Proceedings to be entered in a Book.

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

Officers to be appointed.

VIII. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall and may, from Time to Time, whenever they think neceſſary, by Writing under their Hands, appoint and employ a Treaſurer and Clerk, and Aſſeſſor or Aſſeſſors, Collector or Collectors of the Rates or Aſſeſſments to be made as herein-after directed, and alſo a Surveyor, and ſuch other Officers and Perſons as they ſhall think neceſſary to employ in the Execution of this Act, and ſhall from Time to Time take ſuch Security from every ſuch Treaſurer and Collector for the due Execution of their reſpective Offices, as the ſaid Commiſſioners ſhall think proper; and the ſaid Commiſſioners may remove and diſplace any ſuch Officer and Perſon from Time to Time, whenever they ſhall think proper, and ſhall and may, out of the Monies to be raiſed by virtue of this Act, allow and pay to every ſuch Treaſurer, Clerk, Surveyor, Aſſeſſor, or Collector, and other Officer or Perſon to be employed as aforeſaid, ſuch Salary or Allowance as they the ſaid Commiſſioners ſhall think reaſonable; and that every ſuch Treaſurer, Clerk, Surveyor, Aſſeſſor, Collector, and other Officer to be appointed as aforeſaid, ſhall from Time to Time, as

Officers to account.

often

often as thereunto required by the ſaid Commiſſioners, render and give to the ſaid Commiſſioners, or to ſuch Perſon as they ſhall appoint, a true, fair, and particular Account in Writing of all Monies which ſhall have been by him collected or received by virtue of this Act, and how, to whom, and on what Account any ſuch Monies ſhall have been paid, together with the proper Receipts and Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as, upon the Balance of ſuch Accounts, ſhall appear to be in his Hands, to the ſaid Commiſſioners, or to ſuch Perſon, and at ſuch Time as they ſhall direct and appoint; and every ſuch Officer ſo accounting ſhall, upon Oath, if required (which Oath the ſaid Commiſſioners, or any Seven or more of them, are hereby authorized to adminiſter) verify his ſaid Accounts, and the particular Items and Articles thereof, and the ſeveral Receipts and Payments which ſhall be therein contained; and if any ſuch Officer ſhall refuſe, or wilfully neglect to render or give ſuch Account as aforeſaid, or to produce and deliver up to the ſaid Commiſſioners the Receipts and Vouchers relating to the ſame, or to verify the Items or Articles thereof upon Oath, if required, or to deliver up to the ſaid Commiſſioners, or to ſuch Perſon as they ſhall for that Purpoſe appoint, within Fourteen Days next after being thereunto required, by Writing under the Hands of any Seven or more of the ſaid Commiſſioners, all Books, Papers, and Writings in his Cuſtody or Power, relating to the Execution of his Office, or of this Act, or ſhall refuſe or neglect to pay all ſuch Monies as upon the Balance of any ſuch Account ſhall appear to be in his Hands, to the ſaid Commiſſioners, or to ſuch Perſon as they ſhall direct or appoint, and Complaint ſhall be made by the ſaid Commiſſioners, or by ſuch Perſon as they ſhall appoint for that Purpoſe, of any ſuch Neglect or Refuſal as aforeſaid, to any Juſtice of the Peace for the County, City, Town, or Place, wherein ſuch Officer ſhall be or reſide, ſuch Juſtice is hereby empowered to ſummon the Officer againſt whom ſuch Complaint ſhall be made to appear before him, at a Time and Place in ſuch Summons to be mentioned, and upon his appearing or non-appearing, the Service of ſuch Summons being proved by the Oath of any credible Witneſs (which Oath ſuch Juſtice is hereby empowered to adminiſter), to hear and determine the Matter of ſuch Complaint in a ſummary Way; and if upon the Confeſſion of the Officer againſt whom ſuch Complaint ſhall be made, or by the Oath of any credible Witneſs, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected or raiſed by virtue of this Act ſhall be due from ſuch Officer, the ſaid Juſtice may, upon Non-payment thereof within ſuch reaſonable Time as he ſhall appoint, by Warrant under his Hand and Seal, cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer, rendering the Overplus (if any) to ſuch Officer upon Demand, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; and if ſufficient Goods and Chattels of ſuch Officer cannot be found to anſwer and ſatisfy ſuch Money, and the Charges of levying and raiſing the ſame, or if ſuch Officer ſhall not appear before the ſaid Juſtice at the Time and Place by him to be appointed in ſuch Summons, and it ſhall in Manner aforeſaid appear to ſuch Juſtice that ſuch Officer ſhall have refuſed, or wilfully neglected to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or to deliver up ſuch Books, Papers, and Writings as aforeſaid, the ſaid Juſtice is hereby authorized, by Warrant under his Hand and Seal, to cauſe ſuch Officer to be committed to the Common Gaol or Houſe of Correction for the ſaid

County of *Worceſter*, there to remain without Bail or Mainprize until he ſhall have delivered in his Account, and verified the ſame as aforeſaid, and ſhall have produced and delivered up the Receipts and Vouchers relating thereto, or delivered up ſuch Books, Papers, and Writings, or given Satisfaction to the ſaid Commiſſioners concerning the ſame, and ſhall have paid all Monies which ſhall appear to be in his Hands, and the Charges attending the Recovery thereof, or ſhall have compounded with the ſaid Commiſſioners for the ſame, which Compoſition the ſaid Commiſſioners are hereby empowered to make and receive; but no Officer, who ſhall be committed on account of his not having ſufficient Goods and Chattels as aforeſaid, ſhall be detained in Priſon for any longer Time than Six Calendar Months: Provided always, that if any Money ſhall remain due from ſuch Officer, the Commitment of him to Priſon ſhall not be deemed a Diſcharge for the ſame, nor exonerate his Surety or Sureties; but ſuch Officer, and his Surety and Sureties, ſhall ſtill remain liable to the Payment thereof, in the ſame Manner as if ſuch Officer or Perſon, Officers or Perſons, had not been committed to Priſon.

Yearly Accounts.

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

Commiſſioners to ſue and be ſued in the Name of their Clerks.

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

Inhabitants may be Witneſſes.

XI. And be it further enacted, That no Inhabitant of the ſaid Town ſhall, in any Action, Proſecution, Information, Cauſe, Hearing, Examination,

nation, or Proceeding whatsoever, relating to or concerning the Execution of this Act, or concerning the said Town, be deemed an incompetent Witness on account of his, her, or their being charged with or liable to pay any Rate or Assessment to be raised, levied, and collected by virtue of this Act.

Enabling incapacitated Persons to sell.

XII. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations, whether Aggregate or Sole, Spiritual or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or for Lunatics and Idiots, and other Trustees whomsoever, not only for and on the Behalf of themselves, their Heirs and Successors, but also for and on the Behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, or other Person or Persons, and also to and for all Femes Covert who are or shall be seised in their own Right, and to and for all Persons, whether Tenants for Life or Tenants in Tail General or Special, or for Years determinable on any Life or Lives, and to and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Houses, Buildings, or Erections, Lands, Tenements, or Hereditaments, or any Part thereof, which shall be thought necessary to be purchased for the Purposes of this Act, to treat, contract, and agree with the said Commissioners for the Sale thereof, or of any Part thereof, and to sell, convey, surrender, and assure all or any Part thereof, and all his, her, or their Estate, Right, Title, and Interest whatsoever of, in, and to the same, to the said Commissioners and their Successors, or to such Person or Persons, and his, her, or their Heirs for ever, as the said Commissioners or any Seven or more of them shall direct, in Trust for them the said Commissioners, for any of the Purposes of this Act, or to agree with the said Commissioners for any Recompence to be made for the Damage which may be done to any such Houses, Buildings, Erections, Lands, Tenements, or Hereditaments, in the Execution of any of the Powers of this Act; and that all Contracts, Agreements, Bargains, Sales and Conveyances, Assignments, Surrenders and Assurances, which shall be so made by virtue and in pursuance of this Act, shall be good, valid, and effectual, to all Intents and Purposes whatsoever, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of the said several and respective Cestuique Trusts, and all claiming or to claim by, from, or under them, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons whomsoever, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act: Provided always, that nothing in this Act contained shall extend, or be construed to extend, to empower the said Commissioners to take down or purchase for the Purposes of this Act any Messuages, Lands, Buildings, or Hereditaments, save and except such Land as shall be wanted for the Purpose of altering, widening, and amending the River *Stour*, *Mill Pond*, *Back Brook*, and *Daddle Brook*, and in erecting of Floodgates, and cutting Sluices therefrom as hereafter is mentioned, without the Consent of the Person or Persons who shall be seised, possessed of, or interested in such Messuages,

Lands, Buildings, and Hereditaments, in Writing for that Purpoſe firſt had and obtained.

The Damage and Recompence to be ſettled by a Jury.

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

Verdict of the Jury to be final.

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

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

Jury may be challenged.

Commiſſioners may impoſe Fines on Sheriff making Default, or on Jury, or on the Witneſſes.

XIV. And be it further enacted, That in caſe any Jury or Juries to be ſummoned and ſworn purſuant to the Authority of this Act, ſhall give in and deliver a Verdict or Aſſeſſment for more Money as a Recompence or Satisfaction for the Right or Property of any Perſon or Perſons in any ſuch Lands and Grounds, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Commiſſioners, or any Seven or more of them, before the ſummoning or returning of the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or for any Loſs or Damage as aforeſaid, or for leſs Money than ſhall have been offered to be accepted or taken on behalf of the ſaid Commiſſioners, as the Purchaſe Money for Lands or Grounds to be ſold to the ſaid Commiſſioners, then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Differences, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Commiſſioners ſhall have ſuch Controverſy and Diſpute; which ſaid Coſts and Expences, having been aſcertained and ſettled by ſome Juſtice of the Peace for the ſaid Borough of *Kidderminſter*, not intereſted in the Matter in queſtion (who is hereby required to examine and ſettle the ſame), ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed or adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk or Clerks to the ſaid Commiſſioners by the Ways and Means herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Caſes where any Perſon or Perſons ſhall by reaſon of Abſence have been prevented from treating, the Whole of ſuch Coſts and Expences ſhall be borne and paid by the ſaid Commiſſioners in Manner aforeſaid.

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

Money to be allowed for Lands, how to be charged and tendered.

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

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

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

Perſons of whom Lands are bought, or whoſe Buildings adjoin Parts of Streets, to have the Preference.

XVII. Provided always, and be it further enacted, That the ſaid Commiſſioners, before they ſhall ſell and diſpoſe of any Piece or Pieces of Ground, or any Buildings, ſhall firſt offer to re-ſell the ſame to the Perſon or Perſons from whom they ſhall have purchaſed the ſame, and next to the Perſon whoſe Building ſhall adjoin the ſame; and in caſe ſuch Perſon or Perſons ſhall not then and thereupon agree, or ſhall refuſe to re-purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the ſaid Borough of *Kidderminſter*, by ſome Perſon or Perſons not intereſted in the Premiſes, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Commiſſioners, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall, in all Courts whatſoever, be ſufficient Evidence and Proof that ſuch Offer was made and was not agreed to, or was refuſed by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be).

Conveyance good by Bargain and Sale.

XVIII. And be it further enacted, That the Conveyance of any Eſtate or Intereſt of any Femes Covert to the ſaid Commiſſioners, or any Seven or more of them, or any Perſon or Perſons in Truſt for them, by Bargain and Sale acknowledged by ſuch Femes Covert, and duly inrolled in the Court of King's Bench at *Weſtminſter* within Six Calendar Months after the making thereof, ſhall as effectually and abſolutely convey the Eſtate and Intereſt of ſuch Femes Covert in the Premiſes, as any Fine or Fines, Recovery or Recoveries, would or could do if levied or ſuffered thereof in due Form of Law; and further, that all Bargains and Sales whatſoever

to be made of any such Lands and Hereditaments as shall be so purchased by such Commissioners, or any Seven or more of them, by virtue of and for the Purposes of this Act, and inrolled as aforesaid, shall have the like Force, Effect, and Operation in Law, to all Intents and Purposes, as any Fine or Fines, Recovery or Recoveries whatsoever, would have had if levied or suffered by the Bargainer or Bargainers, or any Person or Persons seised of any Estate in the Premises, in Trust for such Bargainer or Bargainers, in any legal Manner or Form whatsoever.

Tenant at Will, &c. to quit Premises.

XIX. And be it further enacted, That every Tenant at Will, or Lessee for a Year, or any other Person or Persons in Possession of any Lands, Tenements, Houses, Buildings, Grounds, and Hereditaments, or any Part thereof, which shall be purchased by virtue of and for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will, or as Lessee for a Year, or from Year to Year, in case the said Commissioners, or any Seven or more of them, or such Person or Persons authorized by them, shall give Six Calendar Months Notice to quit such Possession, then such Tenant or Tenants shall at the End of such Six Calendar Months, or so soon after as he or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Commissioners, or any Seven or more of them, or to the Person or Persons authorized by them to take Possession thereof; and that in case any such Tenant or Tenants, or Person or Persons so in Possession as aforesaid, shall refuse to give such Possession as aforesaid, then it shall be lawful for the said Commissioners, or any Seven or more of them, to issue their Precept or Precepts to the Sheriff of the County of *Worcester*, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver such Possession accordingly of the said Premises, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods and Chattels: Provided always, that when any Tenant at Will shall by virtue of this Act be required to quit any Lands, Tenements, or Hereditaments, before the Expiration of the current Year of such Tenancy, the said Commissioners shall make such Recompence to every such Tenant for so quitting as shall be agreed upon between the said Commissioners, or any Seven or more of them, and such Tenant; and in case they cannot agree, then such Recompence shall be assessed by a Jury, in such and the same Manner as is herein before directed and appointed in Cases of Purchase of Land by the said Commissioners.

Application of Compensation in Money, if amounting to 200l.

XX. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments, which shall be purchased for the Purposes of this Act, of any Body Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees or other Trustees, or any Feme or Femes Covert, or other Person or Persons being incapacitated to give Discharges for the Purchase or Compensation Money, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Commissioners for executing this Act, or any Seven or

or more of them, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making the Conveyance or Settlement shall be existing undetermined and capable of taking Effect, or in such other Manner as the said Court shall direct; and in the mean Time, and until such Purchase shall be made, the said Money shall by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, so to be purchased, in case such Purchase or Settlement were made.

Where less than 200l. and exceeding 20l.

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

being required to obtain the Direction or Approbation of the Court of Chancery.

Application where less than 20l.

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

In caſe of not making out Titles, or if Perſons cannot be found, Purchaſe Money to be paid into the Bank;

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

ſubject to the Order of the Court of Chancery on Motion or Petition.

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

XXIV. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon or Perſons to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the ſaid Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or for any Eſtate, Right, or Intereſt, in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been

such Purchaſe, ſhall be deemed entitled thereto, according to ſuch Poſſeſſion.

been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, and Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

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

Footways, &c. to be ſwept.

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

Commiſſioners empowered to pave.

XXVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time to cauſe the ſeveral Footpaths to be paved with Pebbles and Curb Stones, and the ſeveral Streets, Lanes, and other public Paſſages and Places within the ſaid Town to be paved, repaired, amended, altered, cleanſed, and lighted, and Gutters, Sinks, Drains, Sewers, and Watercourſes to be cut or made in, through, or under the ſame, the Gutters, Sinks, Drains, Sewers, and Watercourſes already made therein to be opened or widened, and the Form or Courſe thereof altered, and the Ground of any of the ſaid Streets, Lanes, and other public Paſſages and Places to be raiſed, lowered, or altered, in ſuch Manner as the ſaid Commiſſioners ſhall think expedient, neceſſary, or proper, according to the true Intent and Meaning of this Act; and that if any Perſon or Perſons ſhall take up or cauſe to be taken up, or make or cauſe to be made, any Alteration in the Form of the Pavement or Curbing, or of any Part thereof, within any of the ſaid

Streets, Lanes, public Paſſages or Places, without the Conſent of the ſaid Commiſſioners, or any Seven or more of them, every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; and in caſe the Perſon or Perſons ſo taking up or altering any ſuch Pavement or Curbing, or any Part of the ſame reſpectively, ſhall not within Seven Days after Notice in Writing by the Surveyor to the ſaid Commiſſioners, or by ſome other Perſon or Perſons acting under their Direction, given to or left at the laſt or uſual Place or Places of Abode of ſuch Perſon or Perſons, cauſe the ſaid Pavement or Curbing reſpectively, which ſhall have been ſo altered or taken up, to be reinſtated and put into its former State, then and in every ſuch Caſe the Surveyor to the ſaid Commiſſioners ſhall cauſe the ſame to be ſo done, and the Coſts and Charges thereof ſhall be borne and paid by the Perſon or Perſons who ſhall have taken up or altered any Part of ſuch Pavement or Curbing; and in caſe of Nonpayment thereof on Demand to the ſaid Surveyor or other Perſon, by or under the Authority of the ſaid Commiſſioners, ſuch Coſts and Charges ſhall and may be levied and recovered in ſuch and the like Manner as any Penalty is by this Act directed to be levied and recovered.

Pavements not to be altered without Leave.

XXVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time to appoint ſuch and ſo many Paviors, Artificers, Workmen, Labourers, Carters, and others, and to provide ſuch Horſes, Carts, Carriages, Wheelbarrows, Tools, and other Implements, as they ſhall judge neceſſary for the Purpoſe of carrying this Act into Execution.

Paviors and Carters to be appointed, and Implements purchaſed.

XXIX. And be it further enacted, That ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall employ, having an Order in Writing for the Purpoſe, made at a Meeting of the ſaid Commiſſioners, and ſubſcribed by their Clerk, is and are hereby authorized to ſearch for, dig, cut, gather, take, and carry away any Stone, Gravel, Clay, Sand, or other Materials for the Purpoſe of paving, curbing, amending, or repairing any of the ſaid Streets, Lanes, public Paſſages or Places, out of or from any Lands or Grounds ſituate in the Pariſh of *Kidderminſter* (not being a Yard, Garden, Orchard, Park, Paddock, Lawn, Pleaſure Ground, or Nurſery for Trees, or the Towing Paths or Wharfs belonging to any Canal or the Branches thereof), ſuch Perſon or Perſons tendering to the Owners or Occupiers of ſuch Lands and Grounds for ſuch Materials, and for any Damage done thereto, ſuch Recompence and Satisfaction as ſhall be agreed upon by the ſaid Commiſſioners and ſuch Owners and Occupiers, or (in caſe of any Difference touching the Amount of ſuch Recompence or Satisfaction) as ſhall be ſettled and determined by the Juſtices (not intereſted in the Premiſes) aſſembled at a General Quarter Seſſions of the Peace of the ſaid Borough of *Kidderminſter*, who ſhall in a ſummary Way ſettle and determine the ſame, and award Coſts to either Party, and the Judgment or Order of ſuch Juſtices therein ſhall be final and concluſive to all Parties; and the ſaid Commiſſioners ſhall have full Power and Authority to cauſe to be dug, carted, and carried out of or brought into the ſaid Streets, Lanes, public Paſſages and Places, ſuch Gravel, Stones, Clay, Sand, and other Materials.

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

XXX. Provided

Notice to be given before Materials are taken.

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

Where Materials for Paving may be lodged.

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

Penalty on damaging Materials.

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

Commiſſioners may direct the Streets to be cleanſed.

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

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

XXXIV. And be it further enacted, That if any Perſon or Perſons whomſoever, other than the Perſon or Perſons employed by or contracting with the ſaid Commiſſioners for cleanſing the ſeveral Streets, Lanes, Ways, Public Paſſages or Places within the ſaid Town, ſhall take or carry away, or cauſe to be taken and carried away, any Dung, Soil, or other Filth, ariſing out of ſuch Streets, Lanes, Ways, or other Public Paſſages or Places

as

as aforesaid, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Owners may keep Ashes, &c. for their own Use.

XXXV. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to prevent any Person or Persons from preserving or keeping any Soil, Dirt, Dust, Dung, Ashes, Cinders, Manure, Muck, Filth, or Rubbish, which shall have arisen or have been made within his, her, or their Houses, Yards, or other Premises, or from making Use of the same for the Purpose of manuring any Lands in his, her, or their own Occupation, or of selling or disposing of the same, so as such Soil, Dirt, Dust, Cinders, Dung, Ashes, Manure, Muck, Filth, or Rubbish, be not laid down or placed in any Street, Lane, Way, Public Passage or Place within the said Town, for any longer Time than shall be necessary for loading and carrying away the same, nor be suffered to remain so as to be an Annoyance to any of the Inhabitants of the said Town.

New Streets to be laid out;

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

and paved by Owners.

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

in the Carriage and Footway, to be curbed and paved in such Manner as the said Commissioners shall direct; and all such Houses, Buildings or Premises, and the Owners and Occupiers thereof respectively, shall, for the Space of Ten Years from the Time such Pavement shall be completed, be exempted from being charged or assessed to, or paying any of the Rates or Assessments commonly called the Highway Levies, within the said Town of *Kidderminster* in respect thereof.

Boundaries of Town to be ascertained.

XXXVIII. And whereas the said Town of *Kidderminster* hath been for some Time past rapidly increasing in its Size and Extent, and various new Buildings have been erected, and it is in contemplation to erect many others in the said Town and the Suburbs thereof, be it therefore further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered from Time to Time, at any Meeting or Meetings to be held for that Purpose, to ascertain, vary, and fix the Limits or Boundaries of the said Town of *Kidderminster*, for the Purposes of this Act, which Limits shall not extend beyond the Borough of *Kidderminster*, and to fix and appoint what Lands, Houses or other Buildings shall be deemed or taken to be within the said Town, for the several Purposes of this Act, of which Meeting or Meetings Notice shall be given in some Newspaper published in the County of *Worcester*, and also a like Notice shall be affixed on the principal Outer Door of the Parish Church of *Kidderminster* aforesaid, for Two *Sundays* before such Day or Days of Meeting; and all Lands, Houses or other Buildings which shall from Time to Time be so fixed and appointed, shall be and be deemed and taken to be within the said Town of *Kidderminster*, for the Purposes of this Act; and the Powers, Provisions, and Authorities herein contained, shall extend to and be executed and put in force within such Limits or Boundaries.

Commissioners may widen Streets.

XXXIX. And be it further enacted, That for the Improvement of the said Town, and for public Advantage, it shall and may be lawful to and for the Commissioners appointed by virtue of this Act, or Two-thirds of them present at a General Meeting to be convened by Notice to be signed by the Clerk to the said Commissioners, and affixed on the Outer Door of the said Parish Church of *Kidderminster*, and upon the Town Hall in *Kidderminster* aforesaid, Two *Sundays* preceding such Meeting, and also left at the Dwelling House of such of the said Commissioners as shall be then resident in the said Town, and who shall have acted as a Commissioner within the then last Twelve Months, in which Notice shall be mentioned and expressed the Purport of what is intended to be brought forward at such Meeting so to be called (such Two-thirds not to consist of less than Sixteen Commissioners) to alter, widen, turn and extend any of the Streets, Lanes, Ways and Passages, and to lengthen, continue, and open the same from the Sides or Ends of any Streets, Lanes, Ways, Passages, Roads or Places within the said Town; and in case any Houses, Walls, Buildings, Lands, Tenements or Hereditaments, or any Part thereof, which shall in the Opinion of the said Commissioners project into, obstruct or prevent them from so doing; and the Possession or Occupation and Purchase of such Houses, Walls, Buildings, Lands, Tenements or Hereditaments, shall or will be found necessary for any of the Purposes aforesaid, it shall and may be lawful to and for the said Commissioners, or Two-thirds of them present at a Meeting to be specially called

called as aforesaid (such Two-thirds not to consist of less than Sixteen Commissioners), to treat, contract and agree, or to employ any Person or Persons to treat, contract and agree with the Owner and Owners of any such Houses, Walls, Buildings, Lands and Hereditaments, of what Nature, Kind, Tenure or Quality soever, for the Purposes aforesaid, or any of them, and to pay for the same such Sum or Sums of Money as shall be agreed upon by the said Commissioners as aforesaid, out of the Money to be raised, or which may arise or accrue by virtue of this Act, and to pull down, use, sell or dispose of the same, or the Materials thereof, in such Way, Manner, and Form, as they shall think most expedient; and the Sites thereof, or such Parts thereof as the said Commissioners shall think necessary, to lay into the said Streets, Lanes, Ways, Passages, Roads or Places: Provided always nevertheless, that no Sum or Sums of Money shall be laid out or expended in altering, widening, turning or extending any of the said Streets, Lanes, Ways, Passages or Places in the said Town, until a sufficient Sum of Money shall be reserved out of the Rates to be collected by virtue of this Act for lighting and watching the said Town, at least Six Months in each and every Year.

Property of Pavements, &c. vested in Commissioners.

XL. And be it further enacted, That the Property of and in all Stones, Gravel, and other Materials, of which the present and any future Pavements, both of the Carriageways and Footways of the several Streets, Lanes and other Public Passages and Places within the said Town of *Kidderminster*, already or hereafter to be set out or made, shall consist, and also the Floodgates and Sluices hereafter to be erected and cut, and also all the Dirt, Dust, Dung, Ashes and Filth to be swept, gathered and collected in or from those Places or any of them, and also all Lamps, Lamp Irons, Lamp Posts, Watch Houses and Watch Boxes, which now are or which hereafter shall be erected or fixed within the said Town by the said Commissioners acting by virtue of this Act, and which shall be erected or fixed, and all Materials, Implements and other Things thereto belonging, or which shall be purchased or provided by virtue or for the Purposes of this Act, shall belong to and be the Property of, and are hereby vested in the said Commissioners; and the said Commissioners, or any Seven or more of them, shall and may cause to be brought any Action or Actions, or direct the preferring any Bill or Bills of Indictment, as the Case may require, against any Person or Persons who shall steal, take, or carry away, detain, spoil, injure or destroy the several Articles and Things hereby vested in them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively, it shall be and be deemed and taken to be sufficient to state generally, that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Commissioners for paving, lighting, watching, cleansing and otherwise improving the Town of *Kidderminster*, in the County of *Worcester*, without particularly stating or specifying the Name or Names of all or any of the said Commissioners; and the said Commissioners shall have full Power and Authority, from Time to Time, to sell and dispose of, for the Purposes of this Act, all or any of the said Articles and Things, or any Part or Parts of the same respectively, to such Person or Persons, and in such Manner as they the said Commissioners shall think proper.

XLI. Provided

Perſons liable to Statute Duty to continue ſo.

XLI. Provided always, and be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Duty or Work, or are or ſhall be chargeable with any Rate or Aſſeſſment towards repairing and amending the ſeveral Highways within the ſaid Town of *Kidderminſter*, intended to be paved, repaired and amended by the ſaid Commiſſioners, by virtue of this Act, or any Part thereof, ſhall ſtill remain and continue liable and chargeable thereto, in like Manner as he or they were before liable and chargeable; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid Borough of *Kidderminſter*, and they are hereby required and empowered, upon Application made to them by the ſaid Commiſſioners, or any Seven or more of them, or by their Clerk or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Highways by the Inhabitants of the ſaid Town of *Kidderminſter*, and alſo what Sum or Sums of Money ſhall be paid to the ſaid Commiſſioners, or their Surveyor or Surveyors, as and for a Rate, or in lieu of a Compoſition for ſuch Statute Work as aforeſaid; and in order thereunto, it ſhall and may be lawful to and for ſuch Juſtices, from Time to Time, to ſummon the Surveyor or Surveyors of the Highways of the ſaid Town of *Kidderminſter*, to bring Liſts before ſuch Juſtices at ſome Place to be expreſſed in ſuch Summons, within Fourteen Days after the ſerving of ſuch Summons, of the Names of the ſeveral Perſons who within ſuch Town are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid, which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions, as is, are or may be directed by any Law or Statute in Force and Effect for the Repairs of the Public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Highways as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay Time or Harveſt Time) and in ſuch Parts of the ſaid Highways as the ſaid Commiſſioners, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Commiſſioners, or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct, and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe by any Surveyor of the ſaid Commiſſioners, ſhall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her,

or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Highways, shall be found idle or negligent by any Surveyor to the said Commissioners, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Parts of the said Highways; all which Forfeitures shall be paid to the Treasurer to the said Commissioners, and applied towards the amending of the said Highways; and in case the said Surveyor or Surveyors of the Highways for the said Town shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Commissioners may compound for Statute Duty.

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

Power to cut Drains through Gardens, &c.

XLIII. And whereas it may be necessary for draining and cleansing the said Streets, Lanes, Ways, Public Passages and Places, to cut, dig, sink, and make Drains, Watercourses, and Sewers, through or across certain Courts, Yards, Gardens, and Alleys within the said Town and Precincts; be it therefore further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, and they are hereby authorized and empowered to cause such Drains, Watercourses, and Sewers, as may be needful and requisite for conveying and carrying off Water and Soil from the said Streets, Lanes, Ways, Passages, and Places, to be cut, dug, sunk, and made through or across any Court, Yard, Garden, or Alley, within the said Town and Precincts, belonging to any Person or Persons whomsoever, although the same may not be Part of the said Streets, Lanes, Ways, or Public Passages and Places; and the said Commissioners are hereby authorized, empowered, and required to make such Recompence and Satisfaction to the Owner or Owners, Occupier or Occupiers of such Court, Yard, Garden, or Alley, through or across which the said Drains, Watercourses, and Sewers shall be so cut, dug, sunk, and made, as between him or them, and the said Commissioners, shall be

agreed upon; and in case of any Difference concerning such Recompence and Satisfaction, the Justices of the Peace for the said Borough of *Kidderminster*, at the then next General Quarter Sessions of the Peace to be holden for the said Borough (on Eight Days Notice thereof being given in Writing by such Owner or Owners, Occupier or Occupiers, or by the Treasurer, Clerk, or Surveyor appointed by the said Commissioners to the other of them) shall hear, settle, and determine the same.

Not to affect the Powers of Trustees under a certain Turnpike Act.

XLIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to vest in the said Commissioners for executing this Act, any of the Pavements of the Carriageways or Highways which any Trustees or Commissioners, acting under or in Execution of an Act passed in the Fortieth Year of the Reign of His present Majesty, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers of an Act, passed in the Seventeenth Year of the Reign of His present Majesty, for more effectually amending, widening, and keeping in Repair several Roads leading from the Market House in the Town of* Kidderminster, *in the County of* Worcester, *and several other Roads therein mentioned,* are liable to amend or repair, or to interfere with or annul any of the Powers or Authorities given to or vested in any of the Trustees or Commissioners acting under or in Execution of the said Act, or to vary or alter any of the Provisions in such Act contained.

Commissioners may contract for the performing of the Works.

XLV. And be it further enacted, That the said Commissioners, or any Seven or more of them, may, and they are hereby authorized and empowered, from Time to Time, to contract with any Person or Persons for paving, curbing, repairing, cleansing, and lighting the said Streets, Lanes, Ways, Public Passages and Places within the said Town, and for furnishing Materials for the same, and for scouring, cleansing, and widening the said River *Stour*, *Back Brook*, and *Daddle Brook*, and for doing or performing all or any other of the Works by this Act directed, authorized, or empowered to be done or performed, in such Manner, and under such Penalties, for the due Performance of such Contracts, as the said Commissioners shall think fit, giving Fourteen Days Notice of their Intention to enter into every such Contract, in order that any Person willing to undertake the same may make Proposals to the said Commissioners at the Time and Place to be mentioned in such Notice; and every such Contract shall be good, valid, and binding, as well upon the said Commissioners as upon the other Party or Parties thereto; and in case any such Work shall not be well and sufficiently done and performed according to such Contract, the said Commissioners may cause an Action or Suit to be brought in any of His Majesty's Courts of Law or Equity, against every such Contractor, either for a specific Performance of such Contract, or for any Penalty contained therein, or for any Damage sustained by reason of the Non-performance thereof: Provided always, that it shall be lawful for the said Commissioners (if they think fit) to compound and agree with any Contractor for any Penalty incurred by him for the Breach or Non-performance of any such Contract, for such Sum of Money as the said Commissioners shall think proper, not being less than the Injury or Damage sustained by the Breach or Non-performance of such Contract, and of all Costs, Charges, and Expences which shall be occasioned thereby; provided also, that no such Contract shall be made for a longer Space of Time than Three Years from the Time of entering into such Contract.

XLVI. And

Projections to be removed.

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

How Bulk Saſhes ſhall be regulated.

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

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

Slaughter-houſes, Hog-ſtyes, and other Noiſome Buildings, to be removed.

XLVIII. And be it further enacted, That in caſe any Slaughter-houſe, Hog-ſtye, Neceſſary-houſe, or other noiſome or offenſive Building or Place whatſoever, in or near any of the Streets, Lanes, Ways, Public Paſſages or Places within the ſaid Town, ſhall by the ſaid Commiſſioners, or any Sixteen or more of them, be deemed a Nuiſance to any of the Inhabitants or Perſons reſiding therein, it ſhall and may be lawful to and for the ſaid Commiſſioners, upon Complaint thereof to them made by any ſuch Inhabitant or other Perſon or Perſons, by Notice in Writing under the Hands of the ſaid Commiſſioners, or under the Hand of their Clerk, to order any ſuch Nuiſance or Offence to be removed; and in caſe the ſame ſhall not be removed within Fourteen Days after ſuch Notice given to the Perſon or Perſons who ought to remove the ſame, or left at his, her, or their laſt uſual Place of Abode, ſuch Perſon or Perſons ſhall forfeit and pay any Sum not exceeding Ten Shillings for every Day the ſame ſhall continue unremoved after the Expiration of the Time mentioned in ſuch Notice.

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

XLIX. And be it further enacted, That all Spouts and Gutters belonging to and which convey Water from the Tops of the Houſes, Warehouſes, Shops, or other Buildings, directly into any of the Streets, Lanes, Ways, or Public Paſſages or Places within the ſaid Town, and all Sewers, Gutters, Drains or Sinks conveying any Water, Sock, Filth, or other Material or Thing from any Houſes, Buildings, Yards, or Premiſes within the ſaid Town, ſhall within Three Calendar Months after the paſſing of this Act be removed or covered, and the Water or other Material or Thing ſhall be conveyed by Pipes to be brought down by the Sides or Fronts of ſuch Houſes, Warehouſes, Shops, or other Buildings, Yards, and Premiſes, into ſome underground Sewer, or into ſome Ciſtern, Reſervoir, or Kennel, at the Coſts and Charges of the reſpective Owners or Proprietors thereof; and in caſe the ſame ſhall not be done within the Time aforeſaid, or within the Space of Fourteen Days next after Notice to be given by the ſaid Commiſſioners, or any Seven or more of them, or their Clerk for the Time being, the Occupier of every ſuch Houſe, Warehouſe, Shop, or other Building, ſhall forfeit and pay any Sum not exceeding the Sum of Five Shillings for each and every Day any ſuch Spout or Gutter, Sewer or Drain ſhall remain, and the Water and other Material or Thing not conveyed down as aforeſaid, after the Time herein-before limited; and it ſhall and may be lawful to and for any Tenant or Tenants of any ſuch Houſes, Warehouſes, Shops, or other Buildings aforeſaid, and they are hereby required (in caſe of Neglect or Refuſal by the reſpective Owners or Proprietors thereof) to alter ſuch Spouts and Gutters in

Manner herein-before directed; and such Tenant or Tenants so altering such Spouts and Gutters, Sewer or Drain, shall and may retain and deduct the Expence out of his, her, or their next Rent or Rents, and their respective Landlords are hereby required to allow the same; and that if any Person or Persons shall hereafter erect, or make or cause to be erected or made, any Spout or Gutter, Drain or Sewer, for conveying Water or other Material or Thing from any old or new House, Warehouse, Shop, or other Building and Premises, in any Manner contrary to the Directions and true Meaning of this Act as aforesaid, every such Person shall forfeit and pay any Sum not exceeding Five Pounds, and also the further Sum of not exceeding Ten Shillings, for every Week such Spout or Gutter shall remain.

For removing Encroachments upon a certain Part of the River Stour.

L. And whereas by reason of many Encroachments erected and set up in or upon the said River *Stour*, between a Mill called the *Town's Mill*, and a Wear upon the said River, within the said Town, adjoining a Garden, the Property of *George Hallen*, in the Possession of *Thomas Crump*, and a Piece of Land belonging to *Joseph Bowyer*, in the Possession of Messieurs *Cole* and *Bowyer*, and by the said River of *Stour* below such Wear, and also the Mill Pond between such Wear, and a Back Brook or Watercourse running from such Mill Pond opposite *Caldwall Hall*, into the River *Stour*; and also a certain Brook called *Daddle Brook*, not being properly scoured and cleansed, Part of the said Town is at Times much flooded, and thereby rendered damp and unhealthy; be it therefore further enacted, That the said Commissioners, or any Sixteen or more of them, may, and they are hereby empowered from Time to Time, and as they shall think proper, to cause to be removed and taken down all Buildings and Encroachments which shall by them, or any Sixteen or more of them, be deemed Nuisances or Obstructions, which have been erected or shall be erected upon the said River *Stour* or *Daddle Brook* within the said Town, and to alter, widen, and amend the said Back Brook, and to scour and cleanse the said River and Mill Pond, above the present Flood-gates, Back Brook, and *Daddle Brook*, within the said Town, and also to cause to be erected and set up a Flood-gate or Flood-gates upon or adjoining the said Mill Pond between, not exceeding Fifteen Yards above the said Wear, and Twenty Yards below the present Flood-gates, and cut and make a Sluice or Sluices therefrom over and across the adjoining Lands into the River *Stour* or Back Brook; such Sluice or Sluices not to extend along or across such Lands more than Forty Yards; and in case of the overflowing of the said River *Stour*, more than Eighteen Inches over the said Wear, to draw or open the Flood-gate or Flood-gates now erected or to be erected and set up, in order to carry off the Water from and out of the said Mill Pond into the River *Stour*, below the said Flood-gate or Flood-gates so to be erected; and also to alter the Course of or widen the said Back Brook or Watercourse opposite *Caldwall Hall* aforesaid, running from the said Mill Pond into the said River of *Stour*, in such Manner as the said Commissioners, or any Sixteen or more of them, shall from Time to Time think proper; making such Recompence and Satisfaction to the Owner or Owners, Occupier or Occupiers of such Lands, for such Damage as he, she, or they shall sustain by the Erection of such Flood-gate or Flood-gates, and by the cutting of such Sluice or Sluices, or by the widening or altering of the Course of the said Back Brook, as between him, her, or them and the said Commissioners shall be agreed upon; and in case of any Difference

concerning such Recompence and Satisfaction, the same shall be determined by the Verdict of a Jury in Manner herein-before mentioned: Provided always, that nothing in this Act contained shall extend, or be construed to extend, to empower the said Commissioners, at any Time after the Expiration of Seven Years from the passing of this Act, to erect or set up such Flood-gate or Flood-gates, or cut such Sluices in, upon, over, or across the Lands between the said Wear and the present Flood-gates, without the Consent of the Person or Persons who shall be seised, possessed of, or interested in the said Lands which will be wanted for such Purposes, in Writing first had and obtained.

Floodgates to be kept in Repair.

LI. And be it further enacted, That from and after the erecting and setting up of such Flood-gate or Flood-gates, and cutting such Sluice or Sluices, or altering or widening the said Back Brook, the said Commissioners are hereby directed from Time to Time, and at all Times thenceafter, to keep in repair such Flood-gate or Flood-gates, and the Banks of such Sluice or Sluices and Back Brook, out of the Money to be raised by virtue of this Act.

Houses projecting, when taken down how to be rebuilt.

LII. And be it further enacted, That whenever any House or other Building standing in any Street, Lane, Way, or other Public Passage or Place within the said Town, and projecting beyond the regular Line of such Street, Lane, Way, or other Public Passage or Place, or of the Range of Buildings thereto adjoining, shall be taken down to be rebuilt, it shall be lawful for the said Commissioners, or any Seven or more of them, if they think proper, to require and compel the Owner or Owners thereof, when the same shall be rebuilt, to cause such House or other Building to be set back in and according to such regular Line as aforesaid, and to give such Directions, and make such Orders in Writing under their Hands for that Purpose, as the said Commissioners shall think proper, and to cause the same to be delivered to or left at the House or last or usual Place of Abode of such Owner or Owners, some or one of them; and if any House or other Building shall be built, erected, or rebuilt, contrary to such Directions and Orders, the same shall be and deemed to be an Encroachment, Nuisance, and Annoyance, within the Intent and Meaning of this Act, and be removed and removable as such: Provided always nevertheless, that full Recompence and Satisfaction shall be made to the Owner or Owners of, and all Persons interested in the Premises, for any Loss or Damage he, she, or they may sustain by such House or other Building being so set back, and all the Powers, Provisions, and Clauses contained in this Act with respect to the Houses or other Buildings to be taken down, shall extend and apply and be applicable to any House or other Building so to be set back as aforesaid, and to making Compensation and Satisfaction to the Owner or Owners thereof, and Persons interested therein, as fully and effectually, to all Intents and Purposes, as if the same were now repeated.

Steam Engines to consume their own Smoke.

LIII. And be it further enacted, That the Owners or Occupiers of all Engines, commonly called *Steam Engines*, hereafter to be erected, set up, or used in the said Town of *Kidderminster*, shall use the Mode or Method now adopted, or other equally efficacious, to consume and burn the Smoke arising therefrom, so as to prevent the same from occasioning any Nuisance whatsoever; and if any Person or Persons shall set up or use any such Steam

Steam Engine, without burning or consuming the Smoke upon the Principle aforesaid, they shall forfeit and pay, for every such Neglect or Default, Fifty Pounds, and also the further Sum of Five Shillings for each Day the same shall continue to be used afterwards, to be recovered by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*; and that it shall and may be lawful to and for the said Commissioners to alter any Steam Engine now erected in the said Town, so that the Smoke arising therefrom may be so consumed, the Expence of making such Alteration, and all Losses which shall be occasioned to the Proprietor or Proprietors, Occupier or Occupiers thereof, by such Engine being stopped, to be defrayed out of the Money to be raised by virtue of this Act.

Penalty on firing Chimnies.

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

No new Buildings to be covered with Thatch.

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

Hoards to be erected.

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

Penalties for Nuisances in Stour and Daddle Brook.

LVII. And be it further enacted, That if any Person or Persons shall, after the passing of this Act, throw any Ashes, Cinders, Stones, Dirt, Dust, Muck, Dung, Rubbish, or other Filth whatsoever, into any Part of the River *Stour*, Mill Pond, or the Back Brook running therefrom, or the Watercourse called *Daddle Brook*, within the said Town, or put or place the same so near thereto as to fall therein, or erect or place any Building in, upon, or over any Part of the said River or Brook, every such Person or Persons offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and a further Sum not exceeding Five Shillings for each and every Day any Building so erected shall continue.

Lamps to be set up.

LVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, and they are

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

Penalty for wilfully breaking Lamps;

LIX. And be it further enacted, That if any Perſon or Perſons ſhall wilfully break, take away, throw down, or otherwiſe injure or damage any Lamp or Lamps which ſhall be erected by or by Order of the ſaid Commiſſioners, or by any Perſon or Perſons at his, her, or their own Expence, for the Purpoſe of lighting any of the ſaid Streets, Lanes, Public Paſſages or Places, or any Poſt, Iron, Cover, or other Furniture thereof, or ſhall wilfully extinguiſh the Light or Lights of any ſuch Lamp or Lamps, it ſhall and may be lawful to and for any Juſtice of the Peace for the ſaid Borough of *Kidderminſter*, and he is hereby required, upon Complaint to him made by One or more credible Witneſs or Witneſſes of any ſuch Offence, to iſſue a Warrant for apprehending the Party or Parties accuſed, or it ſhall and may be lawful to and for any Perſon or Perſons who ſhall ſee ſuch Offence committed to apprehend, and alſo for any Perſon or Perſons to aſſiſt in apprehending the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him, her, or them into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid Borough; and on the Party or Parties accuſed being brought before ſuch Juſtice, ſuch Juſtice ſhall proceed to examine, upon Oath, any Witneſs or Witneſſes who ſhall appear or be produced to give Evidence touching ſuch Offence, (which Oath ſuch Juſtice is hereby empowered to adminiſter); and if the Party or Parties accuſed ſhall be convicted of ſuch Offence, either by his, her, or their Confeſſion, or upon ſuch Evidence as aforeſaid, then and in every ſuch Caſe he, ſhe, or they ſhall for every ſuch Offence reſpectively, and if more than One, ſhall ſeverally forfeit any Sum not exceeding Five Pounds, and ſhall alſo make full Satisfaction (to be aſcertained by ſuch Juſtice) to the ſaid Commiſſioners, or other Party injured, for the Damage ſo done; and in caſe ſuch Offender or Offenders ſhall not, upon Conviction, forthwith pay ſuch Penalty by him, her, or them incurred, and alſo ſuch Satisfaction as aforeſaid, ſuch Juſtice is hereby required to commit ſuch Offender or Offenders to the Common Gaol or Houſe of Correction of the ſaid County of *Worceſter*, there to be kept to hard Labour for any Time not exceeding Six Months; but ſuch Offender or Offenders may be diſcharged before the Expiration of the Time for which he, ſhe, or they ſhall be committed, upon Payment of ſuch Penalty, and making ſuch Satisfaction as aforeſaid; and One Moiety of the ſaid Penalty or Penalties, when recovered, ſhall be paid to the Informer or Informers, and the other Moiety thereof to the

Treaſurer of the ſaid Commiſſioners, to be applied to the Purpoſes of this Act; and if any Perſon or Perſons ſhall negligently or accidentally break, throw down, or otherwiſe deſtroy, damage, or injure any of the ſaid Lamps, or any of the Poſts, Irons, or Furniture thereof, and ſhall not, upon Demand made by the ſaid Commiſſioners, or by their Treaſurer or Clerk, make Satisfaction for the Damage ſo done, it ſhall be lawful for any Juſtice of the Peace for the ſaid Borough, and he is hereby required, upon Complaint thereof made by One or more credible Witneſs or Witneſſes, by Warrant under his Hand, to ſummon before him the Party or Parties complained of, and upon his, her, or their appearing, or making Default to appear, (Oath having been made that the Party complained againſt had been ſerved with ſuch Summons, or that the ſame had been left at his, her, or their uſual Dwelling or Place of Abode, if known, or that he, ſhe, or they could not be found) ſuch Juſtice ſhall proceed to examine the Cauſe of ſuch Complaint, and upon Proof thereof, either by Confeſſion of the Party, or the Oath of One or more Witneſs or Witneſſes, ſhall award and order ſuch Satisfaction to be made by the Party or Parties complained againſt for the Damage ſo done, as to ſuch Juſtice ſhall appear juſt and reaſonable; and in caſe the Sum ſo awarded ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby required to cauſe the ſame to be levied, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons complained againſt, rendering to him, her, or them, upon Demand, the Overplus (if any) after ſuch Sum ſo awarded, and the Charges of proſecuting ſuch Complaint, and of ſuch Diſtreſs and Sale, ſhall be paid.

or negligently breaking Lamps.

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

For preventing Annoyances in the Streets.

any Time after the paſſing of this Act, leave open any Cellar Door or Grate in any of the ſaid Streets, Lanes, Ways, Public Paſſages or Places; or ſhall make or aſſiſt in making any Fires, commonly called *Bonfires*, or ſet fire to or let off any Gun, Piſtol, Squib, Serpent, Fire Balloon, Cracker, or Fireworks, within any of the ſaid Streets, Lanes, Ways, Public Paſſages or Places; or if any of the Inhabitants of the ſaid Town ſhall cauſe or permit or ſuffer to be removed any Aſhes, Cinders, Duſt, Dirt, Filth, Soil, Dung, or Rubbiſh, from any Houſe, Shop, Building, Warehouſe, or Yard within the ſaid Town, and ſhall wilfully or negligently permit or ſuffer the ſame to lie in any of the ſaid Streets, Lanes, Ways, Public Paſſages or Places in the ſaid Town, for any longer Time than ſhall be neceſſary for the loading and carrying away the ſame, or ſhall ſuffer the ſame to annoy his, her, or their Neighbour or Neighbours, or permit or ſuffer the Soil or Contents of any Privy or Neceſſary Houſe, Pigſtye, or Dunghill, to remain in any of the ſaid Streets, Lanes, Ways, Public Paſſages or Places, after the Hour of Eight o'Clock in the Morning, between the Firſt Day of *April* and the Firſt Day of *October* in each and every Year, and after the Hour of Ten o'Clock in the Morning, between the Firſt Day of *October* and the Firſt Day of *April* in each and every Year, every Perſon offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalties for leaving Carriages in the Streets.

LXI. And be it further enacted, That if any Perſon ſhall uſe any Waggon, Cart, Sledge, or Dray within the ſaid Town, not having the Name and Place of Abode of the Owner thereof painted in large Capital Letters, on the Front or on the near Side of ſuch Waggon, Cart, Sledge, Dray, or if any Waggon, Cart, Sledge, Dray, or other Carriage, ſhall be left or remain in any of the ſaid Streets, Lanes, Ways, or Public Paſſages or Places, without Horſes or other Cattle, for any Purpoſe whatſoever, or with Horſes or other Cattle, for any Time longer than ſhall be neceſſary for the loading or unloading thereof; or if any Stage Coach, Diligence, Poſt Chaiſe, or other Carriage let to hire, ſhall be left or remain in any ſuch Street, Lane, Way, Public Paſſage or Place, with or without Horſes, for any longer Time than ſhall be neceſſary for the taking up or ſetting down the Paſſengers, or of loading or unloading the Baggage; or if any Stone Horſe or Stallion ſhall be exhibited in any of the Streets, Lanes, Ways, Public Paſſages or Places of the ſaid Town; or if any Sort of Swine ſhall be kept or fed in any Stye or Cot, Court, Yard, or Garden, adjoining to any of the ſaid Streets, Lanes, Ways, Public Paſſages, or Places, not well and ſufficiently walled in, ſo as to prevent the ſame from becoming a Nuiſance to the Inhabitants of the ſaid Town; or if any Swine or other Beaſt ſhall be permitted to wander or be at large in any of the ſaid Streets, Lanes, Ways, Public Paſſages or Places; or if any Coal, Timber, Bricks, Stones, Dung, Wood, Goods, Wares, Merchandizes, or other Materials or Things, ſhall be laid or placed and left to remain in any of the ſaid Streets, Lanes, Ways, Public Paſſages or Places, for any longer Time than ſhall be neceſſary for moving or houſing the ſame; or if any Aſhes, Rubbiſh, Duſt, Dirt, Filth, or other Nuiſance or Annoyance, ſhall be thrown, caſt, or laid in any of the ſaid Streets, Lanes, Ways, Public Paſſages or Places, (except Aſhes, Sand, or Sawduſt in the Time of Froſt only, and to prevent Accidents) and ſuffered to remain for any longer Time than ſhall be neceſſary for removing the ſame; then and in every ſuch Caſe the Owner or Driver of every ſuch Waggon, Cart, Sledge, Dray, Wheelbarrow, or

Hand

Hand Cart, and the Owner of any ſuch Stone Horſe or Stallion, Swine or other Beaſt, Coal, Timber, or other Things as aforeſaid, and the Perſon who ſhall ſo throw, caſt, or lay any Dung, Filth, Aſhes, Rubbiſh, Duſt, Dirt, or other Nuiſance or Annoyance, or Water, ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds; and it ſhall be lawful for any Perſon or Perſons to impound any ſuch Waggon, Cart, Sledge, Dray, Coach, or other Carriage, Material or Thing, ſo left or remaining as aforeſaid, and alſo any ſuch Swine or other Beaſt ſo wandering or being at large as aforeſaid, in the common Pound, and the ſame to detain in ſuch Pound until ſuch Penalty, together with the Coſts and Charges of keeping and removing the ſame, ſhall be fully paid and ſatisfied; and if ſuch Penalty and Expences ſhall not be paid within Five Days after the ſame reſpectively ſhall be ſo impounded, it ſhall be lawful for ſuch Perſon or Perſons as ſhall be appointed by the ſaid Commiſſioners, or any Seven or more of them, for that Purpoſe, to ſell and diſpoſe of the ſame, and the Overplus (if any) of the Money ariſing by ſuch Sale, after Payment of the ſaid Fine and Expences of Sale, ſhall be paid to the Owner or Owners thereof reſpectively.

Certain Streets may be uſed for Sale of Meat and other Things, on Market Days, till a new Market Houſe is built.

LXII. Provided always, and be it further enacted, That nothing herein contained ſhall extend to prevent, injure or interfere with the erecting or ſetting up of Stalls, Shambles and Standings, upon the uſual Market Days and Fairs, for the Sale of Butchers Meat, Fiſh, Poultry, Butter, Eggs, Cheeſe, Vegetables, Earthen Ware, Glaſs and other marketable Commodities, Matters and Things uſually expoſed to ſale in Markets and Fairs, in the ſame Manner as heretofore, until a new, ſufficient, and commodious Market Houſe, with Stalls, Shambles and Standings, ſhall be erected and built in a proper and convenient Situation within the ſaid Town, upon a Plan to be approved of by the ſaid Commiſſioners, or any Sixteen or more of them, ſufficiently large and commodious for the Accommodation of Perſons reſorting to ſuch Markets for the Sale of ſuch Commodities; nor to the ſetting-up of Pens for the Sale of Sheep and Pigs on the uſual Market Days and Fair Days.

Names of Streets may be ſet up.

LXIII. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, may, if they think fit, order and direct to be painted and engraved, or otherwiſe deſcribed, on a conſpicuous Part of ſome Houſe or other Building, at or near the End or Corner of every ſuch Street, Lane, Way, Public Paſſage and Place, the Name by which ſuch Street, Lane, Way, Public Paſſage and Place, is now or ſhall hereafter be called or known; and may order and direct the ſeveral Houſes, Shops, Warehouſes and Buildings, within the ſaid ſeveral Streets, Lanes, Ways, Public Paſſages and Places, or any of them, to be numbered with Figures painted or placed on the Door of every ſuch Houſe, Shop, Warehouſe or other Buildings, or ſuch other Part thereof as the ſaid Commiſſioners ſhall think proper; and if any Perſon ſhall wilfully obliterate or deface any ſuch Name or Names, Number or Numbers, or any Part thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending in any of the ſaid Caſes ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence.

Power to appoint Watchmen.

LXIV. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, may, and they are hereby authorized and empowered,

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

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

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

Commiſſioners empowered to reward diſabled Watchmen.

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

Appointment of Collectors, and fixing Rates.

LXVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, not exceeding Twice in every Year, as they ſhall ſee Occaſion, under their Hands to nominate and appoint, and they are hereby empowered to nominate and appoint Two or more Inhabitants or Reſidents in the ſaid Town, to be Aſſeſſors with their Conſent of the Money by this Act directed to be raiſed, and from Time to Time to iſſue their Order or Precept to the ſaid Aſſeſſors, to be appointed as aforeſaid, ſpecifying how much in the Pound ſhall be raiſed by Taxation upon all Meſſuages, Tenements, Buildings, and Hereditaments, within the ſaid Town, at the ſame Rate and in the ſame Proportion as the ſame Meſſuages, Tenements, Buildings, and Hereditaments ſhall be then rated or aſſeſſed in the Poors Rate or Aſſeſſment for the Relief of the Poor of the ſaid Borough, and ſhall and may from Time to Time divide the ſaid Town into ſuch ſuitable and convenient Parts, and alſo direct and appoint the ſaid Aſſeſſors to ſuch Parts as they the ſaid Commiſſioners

missioners shall think proper, for the more convenient and easy Assessment and Collection of the Money by this Act directed to be assessed and collected; and which said Rate or Assessment so to be made, raised, and assessed as aforesaid, for the Purposes of this Act, shall be levied and assessed in the Proportions following; (that is to say), upon all and every Person and Persons who shall rent or occupy within the said Town of *Kidderminster*, any Houses, Tenements, or other Hereditaments, which shall for the Time being be rated or assessed in the then Rate or Assessment for the Poor of the said Borough, under Five Pounds, One Shilling in the Pound; at Five Pounds and under Ten Pounds, the Sum of Two Shillings in the Pound; at Ten Pounds and upwards, the Sum of Three Shillings in the Pound; and the said Assessors are hereby authorized and required to rate and assess the same accordingly, which said Tenants and Occupiers shall pay and are hereby made liable to pay the whole of every such Rate according to the annual Value or Rent of all such Houses, Tenements, Buildings, or other Hereditaments and Premises whatsoever, to be occupied by him, her, or them respectively, at which they shall be so rated in the said Poor Rate or Assessment.

Rates and Assessments to be signed and allowed.

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

Exceptions to being rated.

LXIX. Provided always, and be it enacted, That no Person shall be rated or pay to the Rates or Assessments which shall be made by virtue of or in pursuance of this Act, for lighting, cleansing, or watching the said Town, for or upon account of any Gardens, Garden Grounds, or Orchards within the said Town, during the Time they shall or may be occupied for the Purpose only of selling the Fruit and Produce thereof, or of any

any Arable, Meadow or Paſture Ground, or Wood Land, held or occupied as ſuch in the ſaid Town of *Kidderminſter*; nor ſhall any Perſon be rateable by virtue of this Act, for or in reſpect of any Profits ariſing from Tolls, Stallage, Pennage, Picage Duties or Emoluments, due and payable to the Lord or Lords, Lady or Ladies of the Manor of *Kidderminſter*, or the Owner or Owners of the Fairs or Markets there; nor for any Tythes, Tenths, Oblations, Stock in Trade, Money or Perſonal Eſtate, Licenſed Places of Worſhip, and Public Schools not uſed for any other Purpoſe; any Thing herein contained to the contrary notwithſtanding.

How Perſons ſhall be rated who occupy different Houſes.

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

How Houſes let in different Apartments ſhall be rated.

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

LXXII. And

Collectors to collect Rates.

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

Commiſſioners empowered to reduce Rates.

LXXIII. Provided always, and be it further enacted, That if any Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, ſhall think himſelf, herſelf, or themſelves aggrieved by any Rate or Rates, Aſſeſſment or Aſſeſſments, to be made in purſuance of this Act, ſuch Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, may by himſelf, herſelf, or themſelves, or by his, her, or their Agent or Agents, apply to the ſaid Commiſſioners at any of their ſaid Meetings; and it ſhall and may be lawful to and for the ſaid Commiſſioners, on ſuch Application, to mitigate or reduce ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, and to give ſuch Relief in the Premiſes as to them the ſaid Commiſſioners, upon the Appeal or Complaint of any Perſon or Perſons ſubject and liable to the Payment of any Rate or Rates, Aſſeſſment or Aſſeſſments, by virtue of this Act, to mitigate, reduce, or leſſen ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, Regard being had to the then Poor Rate; and alſo to excuſe or remit the Payment thereof by reaſon of the Inability of ſuch Perſon or Perſons to pay the ſame.

Power to raiſe Money at Intereſt.

LXXIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or of Two Thirds of them, preſent at a Meeting, ſuch Two Thirds not to conſiſt of leſs than Sixteen Commiſſioners, from Time to Time to borrow and take up at Intereſt ſuch Sum or Sums of Money, not exceeding in the Whole at any One Time the Sum of Four thouſand Pounds, for the Purpoſes of this Act, upon the Credit

Credit of the Rates or Aſſeſſments to be laid and collected by virtue of this Act, for lighting, cleanſing, or watching the ſaid Town, and by Writing under their Hands and Seals to aſſign all or any Part of the ſaid Rates or Aſſeſſments to ſuch Perſon or Perſons as ſhall lend and advance any Money thereon, or to his or their Truſtee or Truſtees, as a Security for the Principal Money to be advanced, with legal Intereſt for the ſame, and the Coſts and Expences of ſuch Aſſignment thereof, to be made as herein-after mentioned, ſhall from Time to Time be defrayed by the ſaid Commiſſioners out of the Monies to be ſo borrowed; and every ſuch Aſſignment ſhall be in the Words, or to the Effect following:

Form of Aſſignment.

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

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

Power to raiſe Money upon Annuities.

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

Form of Security for Grant of Annuity.

'WE of the Commiſſioners appointed by or in pur- 'ſuance of an Act of Parliament made in the Fifty-third Year of 'the Reign of King *George* the Third, intituled [*here ſet forth the Title of*

'*this*

'*this Act*], in Consideration of the Sum of
'paid by of
'to the Treasurer appointed in pursuance of this
'Act, do hereby grant unto the said an
'Annuity or yearly Sum of out of the Rates
'or Assessments granted or arising by virtue of the said Act, which An-
'nuity or yearly Sum of shall be paid to the
'said or his Assigns, during the Term of his
'natural Life, [*or*, to the said his Executors,
'Administrators, or Assigns, during the natural Life of
'*as the Case may be*] upon the Day of in every
'Year during the natural Life of him the said at
'the the First Payment thereof to be made on the
'Day of next ensuing the Date hereof. In Witness whereof,
'we the said Commissioners have hereunto set our Hands and Seals the
Day of in the Year '

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

Power to assign.

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

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

And a Copy of every Security or Assignment, and of every Grant of Annuity, which shall have been made in pursuance of this Act, and an Extract or Memorial of every Transfer thereof respectively, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners; which Extract or Memorial shall specify and contain the Date, Names of the Parties, and Sums of Money thereby transferred; to

which Book any Perſon intereſted ſhall at all ſeaſonable Times have acceſs, and have free Liberty to inſpect the ſame without Fee or Reward; and for the Entry of every ſuch Transfer, the ſaid Clerk ſhall be paid by the Perſon to whom ſuch Transfer ſhall be made, the Sum of Two Shillings and Sixpence, and no more, and every ſuch Transfer after Entry thereof as aforeſaid, ſhall entitle the Perſon to whom the Transfer ſhall be made, and his or her Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security thereby transferred, without any other Regiſtry or Enrolment whatſoever.

Application of the Money.

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

Recovery and Application of Penalties.

LXXVIII. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or impoſed, or authorized to be impoſed, the Manner of levying and recovering whereof is not herein otherwiſe directed, ſhall, upon the Proof of the Offences reſpectively before any One or more Juſtice or Juſtices of the Peace for the ſaid Borough, either by the Confeſſion of the Party or Parties offending, or by the Oath of One or more Witneſs or Witneſſes (which Oath ſuch Juſtice or Juſtices of the Peace is and are hereby authorized and required to adminiſter, without Fee or Reward), be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices, which Warrant or Warrants ſuch Juſtice or Juſtices is and are hereby empowered to grant; and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any there be) upon Demand to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, (the Coſts, Charges, and Expences of making ſuch Diſtreſs, and the keeping and ſelling thereof being firſt deducted) ſhall, if not directed to be otherwiſe applied by this Act, be paid to the Treaſurer for the Time being to the ſaid Commiſſioners, and applied towards the Purpoſes of this Act, and in Aid of the Rates to be made in purſuance of this Act; but nevertheleſs it ſhall and may be lawful to and for the ſaid Commiſſioners, at any Meeting to be held in purſuance of this Act, to order their Treaſurer for the Time being, in any Caſe in which no Reward has been awarded by any Juſtice to any Informer, to pay ſuch Part of the ſaid Penalties to the Informer as they ſhall judge reaſonable, not exceeding One Moiety thereof; and in every ſuch Caſe where Diſtreſs is directed to be made, levied, or taken by this Act, and ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines ſhall not be forthwith paid, it ſhall and may be lawful for ſuch Juſtice or Juſtices of the Peace, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of the County of *Worceſter*, there to remain, without Bail or Mainprize, for any Time not exceeding One Calendar Month for the Firſt

Offence, and for the Second and every other Offence of the ſame Kind, for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, or Fines, and all reaſonable Charges and Expences attending the ſame, ſhall be ſooner paid and ſatisfied.

LXXIX. And be it further enacted, That all and every Juſtice or Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Words, or any other Form of Words to the ſame Effect; (that is to ſay,)

Form of Conviction.

'BE it remembered, That on this Day of in the Year of our Lord is duly convicted before me [*or*, us] of His Majeſty's Juſtices of the Peace for the Borough of *Kidderminſter*, of having [*here ſtate the Offence againſt this Act, as the Caſe may be*] contrary to the Form of the Statute in that Caſe made and provided; and I [*or* we, *as the Caſe may be*] do declare and adjudge that the ſaid hath forfeited for his [*or* her, *as the Caſe may be*] ſaid Offence, the Sum of Given under my Hand and Seal [*or* Hands and Seals, *as the Caſe may be*] the Day and Year above written.'

Power to adminiſter Oaths.

LXXX. And be it further enacted, That in all Caſes where the ſaid Commiſſioners, or any Juſtice or Juſtices of the Peace is or are by this Act authorized or required to examine any Perſon or Perſons on Oath or Affirmation, it ſhall be lawful for ſuch Commiſſioners and Juſtice or Juſtices reſpectively, to adminiſter ſuch Oath or Affirmation; and that if any Perſon or Perſons ſhall upon his or their Examination, upon Oath or Affirmation before the ſaid Commiſſioners or Juſtice or Juſtices reſpectively, wilfully and corruptly give falſe Evidence, ſuch Perſon or Perſons ſo offending, and being thereof duly convicted, ſhall be and is and are hereby declared to be ſubject and liable to ſuch Pains and Penalties as, by any Law now in being, Perſons convicted of wilful and corrupt Perjury are ſubject and liable to.

Diſtreſs not deemed unlawful for want of Form.

LXXXI. And be it further enacted, That when any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in any Proceedings relating thereto, nor ſhall the Party or Parties be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſons aggrieved by ſuch Irregularity may receive full Satisfaction for the ſpecial Damage incurred by an Action on the Caſe.

Power of Appeal.

LXXXII. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Rate or Rates, Aſſeſſment or Aſſeſſments, made in purſuance of this Act, or any other Matter or Thing done or directed to be done in purſuance of this Act, ſuch Perſon or Perſons may, if he, ſhe, or they ſhall think fit, apply for Relief to the ſaid Commiſſioners at their next Meeting, to be held after Demand made of ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, or next after any ſuch Matter or Thing done and committed

mitted by, or by any Order of the ſaid Commiſſioners by which ſuch Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved; and the ſaid Commiſſioners are hereby authorized and empowered to give ſuch Relief in the Premiſes as to them ſhall ſeem neceſſary; and if ſuch Perſon or Perſons ſhall neglect or omit to apply to the ſaid Commiſſioners as aforeſaid, or not be ſatisfied with the Determination of the ſaid Commiſſioners, or if any Perſon or Perſons ſhall be diſſatisfied with the Order or Determination of any Magiſtrate, in any Matter relating to this Act, that then and in either of the ſaid Caſes he, ſhe, or they may appeal to the Quarter or General Seſſions of the Peace to be held for the ſaid County of *Worceſter*, within Four Calendar Months next after ſuch Cauſe of Complaint ſhall ariſe, or ſuch Determination of the ſaid Commiſſioners or Magiſtrate ſhall be made; ſuch Appellant firſt giving or cauſing to be given Fourteen Days Notice at the leaſt in Writing of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Clerks of the ſaid Commiſſioners, or leaving ſuch Notice for him or them at his or their laſt or uſual Place or Places of Abode, and within Seven Days after ſuch Notice, enter into a Recognizance before One of His Majeſty's Juſtices of the Peace for the ſaid Borough of *Kidderminſter*, with Two ſufficient Sureties, in the Sum of Fifty Pounds, conditioned to try ſuch Appeal, and to abide the Order of, and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter or General Seſſions; and the ſaid Juſtices, at ſuch Quarter or General Seſſions of the Peace for the ſaid County, upon due Proof of ſuch Notice having been given as aforeſaid, and of entering into ſuch Recognizance, ſhall hear and determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party appealing or appealed againſt as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Juſtices ſhall be binding and concluſive.

Limitation of Actions.

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

ſame,

same, as any Defendant or Defendants hath or have for recovering Costs of Suit in any other Cases by Law.

Notice of Actions.

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

Proceedings not to be removed by Certiorari.

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

Saving the Rights of the Company of Proprietors of The Staffordshire and Worcestershire Canal Navigation.

LXXXVI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to revoke, alter, annul, prejudice, lessen, or defeat any of the Rights, Privileges, Powers, or Authorities vested in or granted to the Company of Proprietors of *The Staffordshire and Worcestershire Canal Navigation*, in and by Two several Acts of Parliament made and passed respectively in the Sixth and Tenth Years of the Reign of His present Majesty, the one intituled *An Act for making and maintaining a navigable Cut or Canal from the River* Severn *between* Bewdley *and* Tilton Brook, *in the County of* Worcester, *to cross the River* Trent *at or near* Heywood Mill, *in the County of* Stafford, *and to communicate with a Canal intended to be made between the said River* Trent *and the River* Mersey; and the other intituled *An Act to explain and amend an Act made in the Sixth Year of the Reign of His present Majesty, intituled* 'An Act for making and maintaining a navigable Cut or Canal from 'the River Severn between Bewdley and Tilton Brook, in the County of 'Worcester, to cross the River Trent at or near Heywood Mill, in the 'County of Stafford, and to communicate with a Canal intended to be made 'between the said River Trent and the River Mersey,' and for granting

further Powers for that Purpose; or to annul or make void any legal Act, Deed, Matter, or Thing, made, done, or executed by the said Company of Proprietors, under, by virtue, or in pursuance thereof respectively.

Saving the Rights of the Lord of the Manor of Kidderminster.

LXXXVII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend, to prejudice, lessen, or defeat any Right, Interest, Property, Power, Privilege, Franchise, or Authority of the Right Honourable *Thomas* Lord *Foley*, His Heirs or Assigns, as Lord or Lords of the Manor of the Borough of *Kidderminster* aforesaid, or as Lord or Lords of Fairs and Markets within the said Borough; but all and every such Rights, Interests, Property, Powers, Privileges, Franchises, and Authorities, may be exercised and enjoyed in as full and ample Manner to all Intents and Purposes as the same were exercised and enjoyed before the passing of this Act.

Public Act.

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

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