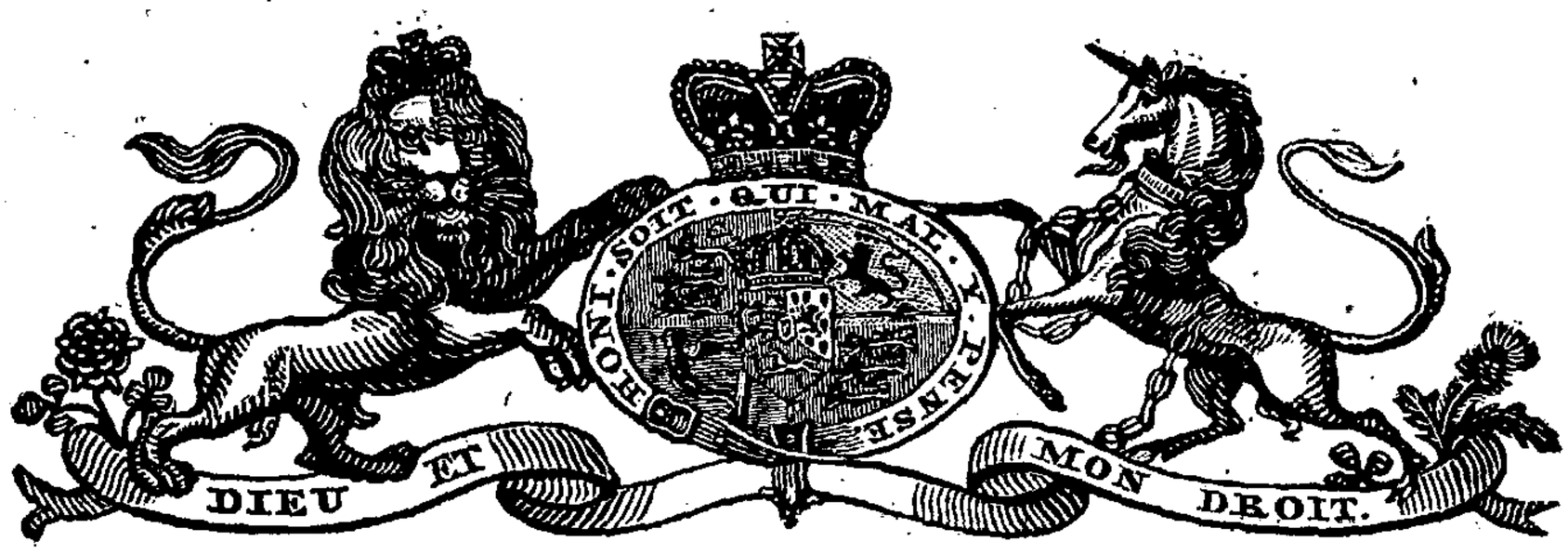



ANNO QUINTO

# GEORGII IV. REGIS.

## *Cap.* lxviii.

**An Act for paving, lighting, watching, cleansing, widening, regulating, and otherwise improving the Town of *Walsall* and the Neighbourhood thereof, within the Parish of *Walsall* in the County of *Stafford*.** [28th *May* 1824.]

WHEREAS the Town of *Walsall* and the Neighbourhood thereof within the several Townships of the Borough and Foreign of *Walsall*, in the Parish of *Walsall* in the County of *Stafford*, are large and populous, and are Places of considerable Trade; and the several Streets, Lanes, Entries, and other public Passages and Places within the same are not sufficiently paved, cleansed, lighted, or watched, and are subject to various Nuisances and other public Inconveniences: And whereas it would tend greatly to the Safety, Convenience, and Advantage, not only of the Inhabitants of the said Town and Neighbourhood, but of all other Persons resorting to and travelling through the same, if the said Streets, Lanes, Entries, and other public Passages and Places, were properly paved, cleansed, lighted, watched, widened, regulated and improved, and if all Obstructions, Nuisances, and Annoyances therein were removed, and in future prevented: But such beneficial Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this pre-

Commissioners appointed.

sent Parliament assembled, and by the Authority of the same, That the Mayor, Recorder, Justices of the Peace, Capital Burgesses, and the Common Clerk or Town Clerk of and for the Borough and Foreign of *Walsall* for the Time being respectively, the Vicar of the Parish of *Walsall* for the Time being, the Head Master of the Free Grammar School of *Queen Mary* at *Walsall* for the Time being, the Steward of the Lord or Lady of the Manor of *Walsall* for the Time being, the Churchwardens of the Parish of *Walsall* for the Time being, and the Overseers of the Poor of the Borough and Foreign of *Walsall* for the Time being respectively, together with *Josiah Adams*, *Thomas Adams* Surgeon, *Edward Serjeant Ash*, *John Vaughan Barber*, *Benjamin Barber*, *Joseph Bagnall*, *Samuel Barber*, *William Bagley*, *Hill Cox*, *William Chavasse*, *Joseph Cowley*, *Thomas Cowley*, *John Day*, *William Elwell*, *John Eyland*, *John Farrington*, *Samuel Fletcher* (*Park Street*), *Richard Moore Fletcher*, *James Groves*, *John Hobbins*, *James Hammersley Hobbins*, *Joseph Haden*, *John Heeley*, *Richard Jesson*, *Richard Jesson* (the younger), *Richard James* (*Park Street*), *Richard James* (*Birmingham-street*), *Thomas James*, *James Lea*, *Joseph Marlow*, *William Mold*, *William Neville*, *John Nicholls*, *Joseph Newman*, *William Newton*, *Isaac Newton*, *Thomas Oerton*, *Thomas Pearce*, *Thomas Pitt*, *Thomas Rowley*, *Thomas Hector Spurrier* Clerk, *Joseph Stubbs*, *James Smith*, *John Thompson*, *Joseph Wollatt*, *Francis Yates*, and their Successors, to be elected and appointed in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for carrying this Act into Execution.

Limits of the Act.

II. And be it further enacted, That the Limits of this Act shall for all the Purposes thereof be deemed and taken to comprise the whole of that Part of the Town of *Walsall* which is called the Borough of *Walsall*, within the Parish of *Walsall* aforesaid; and also such Parts of the said Town of *Walsall* as are situated within the Foreign and Parish of *Walsall* aforesaid as are herein-after mentioned; that is to say, that Part of the said Town called *The Townsend Bank*, adjoining to the Borough of *Walsall* aforesaid; also that Part of the said Town called *Stafford Street*, extending from the *Townsend Bank* aforesaid as far as a certain Gate there, called *The Flaxoven Gate*, upon the Turnpike Road leading from the Town of *Walsall* aforesaid towards the Town of *Stafford* in the said County of *Stafford*; also that Part of the said Town called *The Wolverhampton Road*, extending from the Borough of *Walsall* aforesaid towards the Town of *Wolverhampton* in the said County of *Stafford*, as far upon the same Road as a certain Lane there called *Blue Lane*; also that Part of the said Town called *Marsh Lane*, including the Wharf and Buildings contiguous thereto, adjoining the Borough of *Walsall* aforesaid; also that Part of the said Town leading from a Street called *Mew Street*, in the Borough of *Walsall* aforesaid, towards a Place called *The Windmill*, in the Foreign of *Walsall* aforesaid, extending as far as a certain Place there called *The Field Gate*; also that Part of a certain Street within the Parish of *Walsall* aforesaid, called *Birmingham Street*; also that Part of the said Town leading from *Birmingham Street* aforesaid, and a certain Street called *King Street*, within the Town of *Walsall* aforesaid, extending from the said last-mentioned Streets upon the Turnpike Road leading from the Town of *Walsall* aforesaid towards *Birmingham*, as far as the Turnpike Gate upon the said Road, called *The Birmingham Gate*; and also that Part of the said Town called *The Lime Pit Bank*.

III. And

Qualification of Commissioners.

III. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, (except such Persons as are herein appointed Commissioners by virtue of their Offices or Situations), unless he shall reside within the Limits of this Act, and who shall really and *bonâ fide* be possessed of Real or Personal Property, or both Species of Property taken together, amounting to the Value of One thousand Pounds above Reprizes, or who shall refuse or neglect for the Space of Six Calendar Months to act, or shall become Bankrupt; and every Person before he shall act as a Commissioner in the Execution of this Act (except in administering the Oath or Affirmation herein-after mentioned) shall take and subscribe, before some Justice of the Peace for the said Borough and Foreign of *Walsall*, or any Two or more of the Persons qualified as herein-after mentioned, present at any Meeting to be held in pursuance of this Act, an Oath or Affirmation in the Form or to the Effect following, (except such Persons as are herein appointed Commissioners by virtue of their Offices or Situations as aforesaid); which Oath or Affirmation any Justice of the Peace as aforesaid, or any one of the said Persons so qualified, is hereby empowered to administer; (that is to say),

Oath.

'I *A. B.* do swear, [*or being a Quaker*, do solemnly affirm,] That I am really and *bonâ fide* possessed of Real Property [*or* Personal Property, *or* Real and Personal Property added together, *as the Case may be*,] amounting to the Value of One thousand Pounds above Reprizes; and that I will faithfully, truly, and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities reposed in me as a Commissioner by virtue of an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*].

'So help me GOD.'

Commissioners not to act when interested.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act during such Time as he shall hold any Office, Place of Profit, or Employment under the said Commissioners, or during such Time as he shall have any Share or Interest in any Contract or Work to be performed and done under any of the Powers of this Act, or in any Manner wherein he shall be in anywise personally or beneficially interested, except as a Creditor on the Rates, Assessments, or Monies herein directed to be made, levied, collected, and received.

Penalty on disqualified Persons acting.

V. Provided always, and be it further enacted, That if any Person not being so qualified, or being disqualified by any of the Causes aforesaid, or not having taken and subscribed such Oath or Affirmation, shall act as a Commissioner in the Execution of this Act, such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, with full Costs of Suit, to any Person who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign Protection, Wager of Law, nor more than one Imparlance shall be allowed; and every Person so sued or prosecuted shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty and Costs, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act: Provided always, that all Acts and Proceedings of

any

any Person acting as such Commissioner, though not duly qualified previously to his being convicted of any such Offence, shall be as valid and effectual notwithstanding such Conviction, as if such Person had been so qualified: Provided also, that it shall be lawful for such of the said Commissioners as shall be Justices of the Peace for the Borough and Foreign of *Walsall* aforesaid, to act as such Justices in the Execution of this Act, notwithstanding their being Commissioners under this Act, except in Cases in which they may be personally interested.

For Supplying Decrease in Commissioners.

VI. And be it further enacted, That when and so often as the Commissioners herein named or hereafter to be elected by virtue of this Act shall, by Death, Refusal to act, or by any of the Causes of Disqualification before-mentioned, be reduced to the Number of Sixteen (exclusive of such Persons as are herein-before appointed Commissioners by virtue of their Offices or Situations as aforesaid), it shall be lawful for the surviving or remaining Commissioners, and they are hereby empowered at any Meeting to be held for that Purpose in pursuance of this Act, to elect and appoint some other Person or Persons to the Number of Twenty-six, in the Place or Stead of such Commissioner or Commissioners so dying, refusing, or becoming incapable or disqualified to act as herein-before mentioned; and Notice, in writing or printed, signed by the Clerk for the Time being of the said Commissioners, or by any Two or more of the said Commissioners, of the Time and Place of such Meeting, and of the Purpose thereof, shall be previously given to or left at the House or last Place of Abode within the Limits of this Act of each of the said remaining Commissioners, Ten Days at least (exclusive of the Day of delivering the same and of the Day of Meeting); and all and every Persons and Person so from Time to Time elected and appointed in manner herein-before directed (being qualified as aforesaid) shall be a Commissioner and Commissioners, and be joined with the other Commissioners, and have the like Powers and Authorities vested in him and them in all respects whatsoever for putting this Act into Execution, as if he or they had been named a Commissioner or Commissioners in and by the same.

Meetings of the Commissioners.

VII. And be it further enacted, That the said Commissioners shall meet at *The George Hotel* in *Walsall* aforesaid, or at such other Place within the Limits of this Act, as they may think fit, on the Third *Monday* next after the passing of this Act, or as soon after as conveniently may be, between Nine of the Clock in the Forenoon and Four of the Clock in the Afternoon, and shall then and there proceed to carry this Act into Execution; and in case none, or a less Number than Five of the said Commissioners shall attend such Meeting, then such Meeting shall be deemed to be adjourned to the next Day, and so *toties quoties*, until a sufficient Number of the said Commissioners shall attend at such Meeting to act in the Execution of this Act; and the said Commissioners shall and may at such Meeting, and at their several Meetings to be holden for the Purposes of carrying this Act into Execution, from Time to Time adjourn themselves and appoint their next Meeting to be held at the same Place, or at such other Place within the Limits of this Act, and at such Time as the said Commissioners shall from Time to Time order and direct, provided that no Adjournment shall be made for a longer Time than Three Calendar Months; and if, at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Commissioners to act or

to adjourn, or appearing, shall not adjourn such Meeting, the Clerk to the said Commissioners shall from Time to Time, as often as such Case shall happen, adjourn such Meeting to some other Day, within Fifteen Days then next following, to be holden at the same Place; and the said Clerk shall cause Notice thereof to be affixed on the Door of the Parish Church of *Walsall* aforesaid, at least Ten Days before the Day to which such Meeting shall be so adjourned: Provided always, that no Business shall be done or proceeded upon by the said Commissioners at any Meeting, except the first Meeting to be held under this Act, before Eleven of the Clock in the Forenoon, nor shall any Meeting be appointed to be held at any later Hour than Four of the Clock in the Afternoon of the Day on which such Meeting may be appointed to be holden; and at all their several Meetings the said Commissioners shall pay and defray all their own Expences, except any Sum not exceeding Ten Shillings a Day for the Use of the Room wherein they shall meet for the Purposes of this Act.

Orders to be made at Meetings.

VIII. And be it further enacted, That all Orders and Determinations of the said Commissioners in the Execution of this Act shall be made at a Meeting or Meetings to held in pursuance hereof, and not otherwise, (except in Cases hereby otherwise particularly provided for), and no Order or Determination shall be made unless the major Part of the Commissionsioners present at the respective Meetings to be holden in pursuance of this Act shall concur therein; and all Acts, Orders, and Proceedings relating to the Execution of this Act, which are hereby directed to be had, made, done, or executed by or before the said Commissioners, and all the Powers and Authorities hereby in them vested generally, shall and may be had, made, done, and executed by the major Part of the Commissioners who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number of Commissioners present at every such Meeting not being less than Five, (except in Cases where any other Number is by this Act named for any particular or special Purpose), and al Acts, Orders, and Proceedings, had, made, or done by or before such Five Commissioners shall have the same Force and Effect, and be binding and conclusive on all Persons, and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or executed by or before all the said Commissioners; and at every Meeting of the said Commissioners a Chairman shall in the first place be appointed, who in case of an equal Number of Votes (including such Chairman's Vote) shall have the casting or decisive Vote; and no Order or Determination at any Meeting of the said Commissioners, once made, agreed upon, or entered into, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to propose such Revocation or Alteration shall have been given at a previous Meeting held pursuant to this Act, and shall have been entered in the Book of Proceedings of such Meeting, and unless such Notice, signed by any Two or more Commissioners, shall have also been affixed to the Door of the Parish Church of *Walsall*, Twenty-one Days at least before such Meeting, nor unless such Revocation or Alteration shall be agreed to be made by Ten Commissioners at the least.

Meetings on Emergencies.

IX. And be it further enacted, That if after any Adjournment of the said Commissioners, it shall on any Emergency be thought necessary that an earlier Day of Meeting should be appointed, it shall be lawful for any Two or more of the said Commissioners, (or for their Clerk, being authorized

rized by an Order in Writing signed by Two or more of them, although not assembled at a public Meeting), mentioning the Time, Place, and Purpose of such Meeting, to appoint and give Notice of such earlier Meeting, in the Manner before directed (such Time not being less than Three Days after such Notice); and all Proceedings of the Commissioners at such earlier Meeting relating to the particular Subject on which such Meeting shall be called, shall be as valid as they would have been in case the Commissioners had met in pursuance of an Adjournment; and such earlier Meeting shall and may be adjourned to and be held at such Time and Place as the said Commissioners shall think proper, in the same Manner as any other Meeting under this Act may be adjourned.

Proceedings to be entered.

X. And be it further enacted, That the said Commissioners shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of the Names of all the Commissioners who shall attend the respective Meetings, and of all Acts, Orders, and Proceedings relative to the Execution of this Act; and the Chairman of each Meeting of the said Commissioners shall always subscribe his Name at the End of the Proceedings of the said Commissioners at every such Meeting; and the said Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments of the Rates, or Transcripts thereof, shall and may be read in Evidence in all Causes, Suits, and Actions, touching any thing done in pursuance or by virtue of this Act.

Accounts to be be kept of Receipts and Disbursements, which shall be open to Inspection.

XI. And be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, and expended for or on account of the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, and every Creditor of the Rates hereby authorized to be made, and of every Person paying any Rate or Assessment hereby authorized to be made, or otherwise affected thereby, without Fee or Reward; and the said Commissioners, Creditors, and other Persons aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Commissioners, Creditors, or Persons aforesaid to inspect the same, or to take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds for each Default, to be levied, recovered, and applied in Manner herein-after provided.

Annual Meeting for auditing Accounts, &c.

XII. And be it further enacted, That a Meeting of the said Commissioners shall be held on the First *Friday* in the Month of *June* yearly, at the Place herein-before mentioned, or to be appointed as aforesaid, at which the Accounts of all Monies received and paid from Time to Time by virtue or in execution of this Act by any Person or Persons whomsoever, shall be produced and stated to and examined and settled by the said Commissioners.

XIII. And

Officers to be appointed.

XIII. And be it further enacted, That the said Commissioners shall and may from Time to Time, by Writing under their Hands, elect and appoint a Treasurer or Treasurers, Clerk or Clerks, Assessor or Assessors, Collector or Collectors, Receiver or Receivers of the Monies to be raised and paid under or by virtue of this Act, and also Surveyors, Paviors, Scavengers, Rakers, Cleansers, Lighters of Lamps, Firemen, and such other Officers or Persons, as and when they the said Commissioners shall think proper, for carrying this Act into Execution; and the said Commissioners shall and may from Time to Time remove them or any of them, and in like Manner appoint others in the Room of those removed; and out of the Monies to be raised by virtue of this Act, the said Commissioners shall and may pay such Salaries, Wages, or Allowances to the said Officers and other Persons as they the said Commissioners shall think reasonable; and the said Commissioners shall and they are hereby required to take such Security from every such Treasurer, Collector, or other Officer as they shall think reasonable; and all such Officers so to be appointed shall, under their Hands, (at such Times and in such Manner as the said Commissioners shall direct), deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, and of all Monies which shall have been received by such Officers and other Persons respectively, by virtue or for the Purposes of this Act, specifying how much thereof has been paid or disbursed, and for what Purposes, together with the Vouchers and Receipts for such Payments; and shall pay all such Money as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they shall appoint; and if any such Officer or Person shall refuse or wilfully neglect to make and render such Accounts, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid; or shall refuse or neglect to deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by Notice in Writing, signed by any of the said Commissioners, or by their Clerk by their Order, to be given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Information and Satisfaction to the said Commissioners respecting the same, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to bring or cause to be brought an Action or Actions in any of His Majesty's Courts of Record at *Westminster*, against the Officer or Person making such Default as aforesaid, for the Recovery of the Monies which shall be in the Hands of such Officer or Person, with full Costs of Suit; or if the Complaint shall be made by the said Commissioners, or by any Person or Persons whom they shall appoint for that Purpose, to any Justice of the Peace for the County or Place wherein such Officer or Person so neglecting or refusing shall reside or be, such Justice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Officer or Person so refusing or neglecting to be brought before him, and upon his appearing, or having been summoned and not appearing (except from some reasonable Cause to be allowed by such Justice) or not being to be found, to hear and determine the Matter in a summary Way; and if, upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath, it shall appear to such Justice that any of the Money which shall have been collected, received, or raised by virtue of

of this Act, or in any other Manner, shall be in the Hands of such Officer or Person, or be unaccounted for, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person, together with the Costs and Charges of making such Complaint, and of such Distress and Sale; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money and the Charges as aforesaid, or if it shall appear to such Justice that such Officer or Person shall have refused or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relative to the Execution of this Act shall be in the Custody or Power of such Officer or Person, and that he shall refuse or wilfully neglect to deliver up or give Satisfaction respecting the same as aforesaid, then and in any of the said Cases such Justice shall commit such Offender to the Common Gaol for the Borough and Foreign of *Walsall* aforesaid, or to the Common Gaol or House of Correction for the County of *Stafford*, at the Discretion of such Justice, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), and until he shall have delivered up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person who shall be committed by virtue of this Act on account of his not having sufficient Goods or Chattels, shall be detained in Prison for any longer Term than Six Calendar Months: Provided also, that if any Money shall remain due from such Officer or Person, Officers or Persons, the Commitment of him or them to Prison shall not be deemed a Discharge for the same, nor exonerate his or their Surety or Sureties; but such Officer or Person, Officers or Persons, and his and their Surety and Sureties, shall 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.

Penalty on Officers taking any Fee or Reward besides the Salary.

XIV. And be it further enacted, That if any Clerk or other Officer or Servant who shall be employed by the said Commissioners in the Execution of this Act, shall exact, take, or receive any Fee or Reward whatsoever other than such Salaries, Rewards, and Allowances as shall be appointed by the said Commissioners, for or on account of any thing done or to be done by virtue of this Act, or in any Manner whatsoever relative to the carrying of this Act into Execution, or shall be concerned or interested in any Contract or Bargain made or to be made by the said Commissioners for any of the Purposes intended by this Act, every Person so offending shall thenceforth for ever be incapable of being employed under this Act, and shall likewise forfeit and pay any Sum not exceeding Fifty Pounds, to be levied, recovered, and applied in Manner herein-after mentioned.

Offices of Clerk and Treasurer not

XV. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner

of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Commissioners for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk, or other Person in the Service or Employ of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place of Profit or Trust under this Act other than that of Treasurer, every Person so offending shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* or elsewhere, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

to be held by the same Person.

XVI. And be it further enacted, That the said Commissioners may sue and be sued for or concerning any thing which shall be done by virtue or in pursuance of this Act, or for or concerning any Matter or Thing relating or incident to the obtaining and passing of this Act, in the Name or Names of any One or more of them, or in the Name of their Clerk for the Time being; and no Action or Suit which may be brought, commenced, or prosecuted by or against the said Commissioners by virtue or on account of this Act, in the Name or Names of any One or more of them, or in the Name of their Clerk, shall abate or be discontinued by the Death, Suspension, or Removal of such Commissioner or Commissioners or Clerk, or by any Act or Default of such Commissioner or Commissioners or Clerk, done or suffered without the Consent or Direction of the said Commissioners; but any one or more of the said Commissioners, or the Clerk to the said Commissioners for the Time being, shall be always deemed Plaintiffs or Plaintiff, or Defendants or Defendant, in any such Action or Suit, as the Case may be, except in such Actions or Suits as may be prosecuted between the said Commissioners and their Clerk for the Time being, in which Actions or Suits any One of the said Commissioners shall and may be Plaintiff or Defendant (as the Case may be): Provided always, that every such Clerk or Commissioner or Commissioners, in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to arise or be received by virtue of this Act, all such Damages, Costs, Charges, and Expences as such Clerk or Commissioner or Commissioners shall be put to or become chargeable with by reason of his or their being so made Plaintiff or Defendant, Plaintiffs or Defendants therein; and such Clerk or Commissioner or Commissioners shall not be personally answerable or liable for the Payment of the same, or any Part thereof, unless such Action or Suit shall arise in consequence of his or their own wilful Neglect or Default, or have been brought or commenced, or be defended without the Order or Direction of the said Commissioners, at a Meeting held for that Purpose: Provided also, that such Clerk or Commissioner or Commissioners shall not, by reason of his or their being such Clerk or Commissioner or Commissioners, be deemed an inadmissible Witness or Witnesses in any such Action or Suit, unless it be on his or their own personal Account.

Commissioners may sue and be sued in the Name of their Clerk.

Executors, &c. of Officers dying, to pay over Balances due from such Officers.

XVII. And be it further enacted, That if any Collector or Receiver, or other Person employed by the said Commissioners, who shall have received any Sum of Money by virtue or for the Purposes of this Act, shall die before he or they shall have paid and satisfied all the Money so received by him, then and in every such Case the Executors or Administrators, Executrix or Administratrixes, or other Person or Persons possessing the Estate and Effects of every such Person so dying, shall be liable to pay and make good all such Sums of Money by such Collector or Receiver, or other Person, so received and not paid, out of such Estate and Effects in the regular Course of Administration, and the same shall be recoverable by Action or Suit in any of His Majesty's Courts of Record at *Westminster*, against such Executors or Administrators, Executrixes or Administratrixes, Person or Persons as aforesaid.

Pavements to be made and repaired.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, when and in such Manner as they shall think proper, to cause, order, and direct all, or any, or any Part of the present or future Pavements of the said Streets, Lanes, Entries, and other public Passages and Places within the Limits of this Act, as well in those Parts used by Carriages as those used by Foot Passengers, to be taken up, and the same or any of them, or any Part or Parts of them, to be raised, lowered, altered, repaired, flagged, or paved; and also to make common Sewers, Drains, or Watercourses, in any of the Streets, Lanes, Entries, and other public Passages and Places within the said Limits, for the Purpose of carrying or conveying Water from the same, and to cleanse, alter, amend, and divert such Sewers, Drains, or Watercourses; and the Expences of such flagging, paving, renewing, draining, altering, diverting, and repairing, shall at all Times be paid out of the Rates or Assessments and other Monies to be made, levied, and recovered, or received under the authority of this Act.

Water to be conveyed from private Premises into publicDrains.

XIX. And be it further enacted, That all the Occupiers of Yards, Passages, or other Property adjoining or near to any of the said Streets, Lanes, Entries, public Passages, and Places in which shall be contained common Sewers or Watercourses, shall from Time to Time, as Occasion shall require, convey the Water from such Premises by Drains or Sewers, at their own Expence, into the Drains, Sewers, or Watercourses of the said Streets, Lanes, Entries, public Passages and Places, under the Penalty of a Sum not exceeding Five Pounds for each Default therein, Ten Days Notice in Writing, signed by any Two or more of the said Commissioners, or by the Clerk to the said Commissioners, having been first given to such Occupier or Occupiers, or left at his, her, or their Place or Places of Abode, to cause such Water to be conveyed into the public Drains as aforesaid.

Commissioners empowered to cause Streets, &c. to be lighted with Oil or Gas.

XX. And be it further enacted, That it shall be lawful for the said Commissioners to light, or to cause the several Streets, Lanes, Entries, and other public Passages and Places within the Limits of this Act, or such of them as they shall think proper, to be lighted, either by Oil Lamps, or by means of Gas or Inflammable Air, as the said Commissioners shall think fit, and to direct what Part or Parts of the said Town shall be lighted with Oil, and what Part or Parts by means of Gas or Inflammable

Inflammable Air; and it shall be lawful for the said Commissioners from Time to Time to contract and agree with any Company of Proprietors, or other Person or Persons, to light the same by means of Oil, or Gas, or Inflammable Air, in such Manner, and upon such Terms and Conditions, and under such Stipulations and Agreements, as the said Commissioners shall think proper, and to provide and set up all necessary Lamps, Lamp Posts, Lamp Irons, and to execute all other Matters, Things, and Works necessary for that Purpose; and in case it shall be determined to light all or any of the said Streets, Lanes, Entries, public Passages and Places with Gas or Inflammable Air, then it shall be lawful for the said Commissioners to direct the breaking up the Soil and Pavement of any of the Footways or Carriageways of any of the said Streets, Lanes, Entries, and other public Passages and Places, and the digging, sinking, constructing, laying, and fixing Pipes, Stopcocks, Plugs, Branches, and all other Works and Machinery, by any Company of Proprietors, or other Person or Persons, for the Conveyance of the said Gas or Inflammable Air for the Purpose of lighting the several Streets, Lanes, Entries, and other public Passages and Places within the Limits of this Act, or any of them; and from Time to Time to direct such Pipes, Stopcocks, Plugs, Branches, Works, and Machinery to be repaired, altered, or renewed: Provided always, that nothing herein contained shall authorize or empower the said Commissioners to carry, lay, or fix or continue any Pipe or Pipes, or any other Thing for the Conveyance of the said Gas or Inflammable Air, through or against any Dwelling House or private Building, or any private Lands, Hereditaments, or Premises, without the Consent in Writing of the Owner and Occupier thereof respectively for that Purpose.

Commissioners to repair Damage done to Walls, &c. by fixing Lamp Posts, &c.

XXI. Provided always, and be it further enacted, That if any Injury or Damage shall be occasioned to any Rail, Building, or Wall, by the affixing, setting up, taking down, altering, or removing any Lamp, or any Lamp Iron, or other Fastening thereof, the said Commissioners shall immediately cause the said Injury or Damage to be well and sufficiently repaired; and the Expences attending the same shall be paid out of the Money to be raised by virtue of this Act.

Commissioners may erect Apparatus to make Gas themselves.

XXII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners (in case they shall deem it expedient) to light all or any of the said Streets, Lanes, Entries, and other public Passages and Places within the Limits of this Act with Gas or Inflammable Air (without contracting for the same), and for that Purpose to erect or cause to be erected Gasometers, Cisterns, Pillars, and all the other necessary Apparatus to produce, conduct, supply, and receive such Gas or Inflammable Air, in such Manner as they shall think proper; and for that Purpose to purchase or rent from any Person (who shall be willing to let, sell, or dispose of the same) any Buildings, Erections, Lands, Tenements, or Hereditaments within the Borough or Foreign of *Walsall* aforesaid (not exceeding Three Statute Acres), for the Purpose of erecting and making suitable Buildings and Apparatus thereon for the manufacturing of Gas or Inflammable Air as aforesaid.

Commissioners to make and use Gas Works under Advice of

XXIII. Provided also, and be it further enacted, That for the greater Security against Accidents by such Gas Works, the said Commissioners, and all other Persons with whom they may contract, are hereby directed and

some Person skilled in such Works.

and required to erect or cause to be erected all such Gasometers, Cisterns, Pillars, and all other the necessary Apparatus, and to lay all such Pipes, Stopcocks, Syphons, Plugs, Branches, and Machinery as aforesaid, by the Advice and Direction of some Person or Persons thoroughly skilled and experienced in the Nature of such Works, whose entire Approbation thereof as to Safety and otherwise, shall be had before the same shall be used for the Purposes of this Act.

Works to be inspected Twice in every Year.

XXIV. And be it further enacted, That the said Commissioners, and the Person or Persons with whom they shall contract, shall and they are hereby required to have the said Works inspected at least Twice in every Year by one or more experienced Person or Persons, to see that the same are in a fit State, and properly conducted and managed; and in case of any Error, want of Repair, Insufficiency, or other Mismanagement being pointed out, to cause the same to be forthwith corrected, amended, and repaired, according to the Opinion of such Person or Persons.

Commissioners empowered to let out Gas Lights, in case they light the Streets themselves.

XXV. And be it further enacted, That in case the said Commissioners shall deem it expedient to erect such Gas Apparatus, and to light the said Streets, Lanes, Entries, and other public Passages and Places, or any of them, with Gas or Inflammable Air, without contracting for the same as aforesaid, it shall be lawful for the said Commissioners, after sufficiently lighting the said Streets, Lanes, Entries, and other public Passages and Places, to let out or grant to any Person or Persons whomsoever who shall be willing to take the same, any Light or Lights, or Argand, Cockspur, Batwing, or any other Kind of Burner or Burners, and to supply the same with Gas or Inflammable Air, upon such Terms and Conditions, and at such annual Rents for the same, and in such Manner as they the said Commissioners shall from Time to Time think proper; and for that Purpose to direct the breaking up of the Pavement and Soil thereof, and do all other Things that may be necessary for furnishing and conveying any such Light or Lights as aforesaid, and for repairing, altering, and renewing the same; provided nevertheless, that all Money to proceed therefrom, or arise thereby, be in the first Instance applied to defray the Expences of the Gas Apparatus and other things connected therewith; and if there shall be any Overplus, then the same shall be applied generally for the Purposes of this Act.

Company to remove Pipes, &c. on private Property, on Notice.

XXVI. Provided always, and be it further enacted, That in case any Pipe, Cock, or Branch, shall be carried or laid from any Main or Pipe of the said Commissioners, Contractors, or other Persons supplying Gas, into or through or against any private Dwelling House, Manufactory, Warehouse, Wharf, Building, Yard, or Ground, for the Purpose of lighting the same or any other Dwelling House, Manufactory, Building, Yard, or Ground, in pursuance and conformably to the Powers and Authorities in this Act contained, and the Owner or Occupier of any such private Dwelling House, Manufactory, Warehouse, Wharf, Building, Yard, or Ground, into or through or against which such Pipe, Cock, or Branch shall pass or be laid, shall be desirous that the same Pipe, Cock, or Branch shall be altered or removed and taken away, and of such his or her Desire shall give Notice in Writing to the said Commissioners, Contractors, or other Persons supplying Gas as aforesaid, then and in every such Case the said Commissioners, Contractors, or other Persons shall, within Seven

Seven Days after the Receipt of such Notice, alter or remove and take away, or cause to be altered or removed and taken away, all or any such Pipes, Cocks, and Branches as shall have been so introduced and laid therein or thereupon, from any such Main of the said Commissioners, Contractors, or other Persons as aforesaid; and in Default thereof, it shall and may be lawful to and for such Owner and Occupier, or any other Person or Persons acting under his or her Authority, to cause such Pipes, Cocks, and Branches to be altered or removed and taken away, as the Case may require, and the Costs and Expences of such Removal shall be recovered from the said Commissioners, Contractors, or other Persons as aforesaid, on Complaint before a Justice of the Peace, as any Penalty is recoverable under this Act, if the same be not paid on Demand by such Commissioners, Contractors, or other Persons as aforesaid.

Recovery of Rent.

XXVII. And be it further enacted, That in case any Person or Persons who shall contract with the said Commissioners, or otherwise agree to take, or shall use or enjoy the Benefit of the said Gas in his, her, or their private Dwellings, Warehouses, Shops, Inns, Taverns, or other Buildings or Manufactories, shall refuse or neglect, for the Space of Ten Days after Demand thereof made by the said Commissioners, or by any Person under their Authority, to pay the Sum or Sums then due for the same to the said Commissioners, according to the Terms and Stipulations of the said Commissioners, it shall be lawful for the said Commissioners, or their Clerk, or any Person or Persons acting by or under their Authority, by Warrant under the Hand and Seal of any Justice of the Peace for the said Borough and Foreign, to levy the said Sum or Sums of Money, in respect whereof such Neglect or Refusal shall happen, by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) to such Person or Persons so refusing or neglecting, after the necessary Charges of making such Distress and Sale shall be first deducted.

Service Pipes to be kept fully charged with Gas.

XXVIII. And be it further enacted, That the Branch or Service Pipes which shall be put down for lighting the said Streets, Lanes, Entries, and other public Passages and Places, shall be kept fully charged with Gas; and the Stopcocks shall be so turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

Gas Pipes to be laid Three Feet from Water Pipes, &c. in a particular Manner.

XXIX. And be it further enacted, That all and every the Pipes or other Conduits, to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Lane, Entry, or other Passage or Place within the Limits of this Act, shall be so laid at the greatest practicable Distance; and whenever the Width of the Carriageway in such Street or Place will allow thereof, at the Distance of Three Feet at least from the nearest Part of any Water Pipe, Sough, or Watercourse already laid down, or hereafter to be laid down, for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Lanes, Entries, or other Passages or Places within the Limits of this Act, except in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, Soughs, or Watercourses, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes, Soughs, and Watercourses, at the greatest practicable Dis-

tance therefrom, and shall form therewith a right Angle; and in such Cases the said Gas Pipes, so crossing the said Water Pipes, Soughs, and Watercourses, shall be at least Six Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes, Soughs, or Watercourses, than Three Feet at least; and that in laying down the said Gas Pipes the said Commissioners, Contractors, or other Persons supplying Gas shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto, with proper and sufficient Materials; and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively airtight, and in all and every respect prevent the said Gas from escaping therefrom, upon pain of forfeiting for every Offence the Sum of Five Pounds.

For preventing the Escape of Gas.

XXX. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up in pursuance of this Act, the acting Commissioners, or the Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons contracting to light or lighting with Gas the said Streets, Lanes, Entries, and other public Passages and Places, shall, immediately after Notice given to them or him by Parol or in Writing of any such Escape of Gas, from any Inhabitant or Inhabitants of the said Limits, or other Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Commissioners, or the Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons so contracting to light or lighting with Gas, shall not within Twenty-four Hours next after such Notice given effectually stop and prevent any future Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said acting Commissioners, or the Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to escape as aforesaid; which Penalty or Penalties shall from Time to Time be recoverable in a summary Way, on the Oath of One or more credible Witness or Witnesses, by Information to be laid before some One or more Justice or Justices of the Peace for the said Borough and Foreign, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the Treasurer of the said Commissioners, or of the Goods and Chattels of such Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons so contracting to light or lighting as aforesaid.

Penalty on damaging Pipes, &c.

XXXI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously remove, take away, destroy, damage, or injure any or any Part of any Pipe, Plug, Post, or other Apparatus, Article, Matter, or Thing belonging to the said Commissioners, or shall wilfully or maliciously waste any of the Inflammable Air or Gas supplied by the said Commissioners,

Commissioners, every Person so offending in any of the respective Premises, and being thereof lawfully convicted, either by Confession or on the Oath or Affirmation of One credible Witness, before One or more Justice or Justices of the Peace for the said Borough and Foreign, shall forfeit and pay to the said Commissioners any Sum not exceeding Five Pounds, and Three Times the Amount of the Damage done or occasioned by such Conduct, the same to be ascertained by such Justice or Justices; and such Penalty and Damage, together with reasonable Costs, shall be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any) on Demand to the Owner of such Goods and Chattels, or such Offender shall and may be committed to the Common Gaol for the said Borough and Foreign, or to the Common Gaol or House of Correction for the County of *Stafford*, at the Discretion of such Justice or Justices, there to remain for any Time not exceeding Six Calendar Months.

Ingredients used in manufacturing Gas not to be conveyed into any River, Stream, &c.

XXXII. And be it further enacted, That it shall not be lawful for the said Commissioners, or any Body or Bodies Politic or Corporate, or Company or Companies of Proprietors, or any other Person or Persons whomsoever, to carry or convey, or cause to be carried or conveyed, any Washings or Liquids, or any Lime or other Ingredients, Matters, or Thing whatsoever, which shall arise or be made in manufacturing or preparing any Gas or Inflammable Air whatsoever, or in the Prosecution of any of the Gas Works, into the River *Tame*, or into any Pond, Ditch, Brook, or Canal, or any Sewer, Drain, Conduit, or other Place whatsoever, by which it may ultimately be carried or conveyed into the said River, or into any other Stream or Brook, or into any Pond, Ditch, Brook, Canal, Sewer, Drain, Conduit, or Reservoir for Water.

Penalty for conveying Washings into any Stream, &c.

XXXIII. Provided always, and be it further enacted, That if the said Commissioners, or any Body or Bodies Politic or Corporate, or Company or Companies of Proprietors, or any other Person contracting to light or lighting with Gas the said Streets, Lanes, Entries, and other public Passages and Places, shall at any Time drain or carry, or cause or suffer to be drained, carried, or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever, which shall arise or be made in the Prosecution of the said Gas Works, into the River *Tame*, or into any River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Feeder, Pond, or Spring Head, or into any Drain, Sewer, or Ditch communicating with any of them; or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Aqueduct, Canal, Waterway, Feeder, Pond, or Spring Head, whereby the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in every such Case the said Commissioners, or any such Body or Bodies Politic or Corporate, or Company of Proprietors, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlance, shall be allowed; and such Penalty shall be paid to the Person or Persons who

shall

shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months after the Time when such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased; provided also, that over and above, and in addition to the said Penalty of Two hundred Pounds, (and whether such Penalty shall or shall not be recovered), in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, into the said River *Tame*, or into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Spring Head, or into any Drain, Sewer, or Ditch communicating with any of them, or any such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person whomsoever to the said Commissioners, or any of them, or to the Company or Companies of Proprietors, or any of them, or other Person or Persons as aforesaid, and the said Commissioners, Company or Companies of Proprietors, or other Person or Persons, shall not within Twenty-four Hours after such Notice given, stop and prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners, Company or Companies of Proprietors, or other Person or Persons, shall forfeit and pay the Sum of Twenty Pounds for each Day such Washings, waste Liquids, or noisome or offensive Liquids or Things, shall be so drained, conducted or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who in the Judgment of the Justice or Justices before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

To prevent Contamination of Water.

XXXIV. And be it further enacted, That whenever the Water of the Company of Proprietors, or other the Owners or Proprietors of any Water Works within the said Borough of *Walsall*, shall be contaminated or affected by the Gas of the said Commissioners, Contractors, or other Persons supplying Gas, the said Commissioners, Contractors, or other Persons supplying Gas, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and the same shall be applied to and for the Use and Benefit of the said Company of Proprietors, or other the Owners or Proprietors of any Water Works; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the said Commissioners, Contractors, or other Persons supplying Gas, shall within Twenty-four Hours next after Notice thereof in Writing signed by any of the Directors, or by the Treasurer, or by the Manager or Chief Clerk for the Time being of and for the said Company of Proprietors, or other the Owners or Proprietors of any Water Works, to be left at the usual Office or Place of transacting Busi-

ness of the said Commissioners, Contractors, or other Persons supplying Gas, cause Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting the Water of the said Company of Proprietors, or other the Owners or Proprietors of any Water Works; and in case the said Commissioners, Contractors, or other Persons supplying Gas, shall not within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Commissioners, Contractors, or other Persons supplying Gas, shall on each and every Complaint, whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being, or to any One of the Directors for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Water Works, for the Use and Benefit of the same Proprietors or Owners, over and above the before-mentioned Penalty of Twenty Pounds, to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which the Water of the said Company of Proprietors, or other the Owners or Proprietors of any Water Works, shall be and remain contaminated, tainted, or affected by the Gas of the said Commissioners, Contractors, or other Persons supplying Gas; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer, Manager, or Chief Clerk for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Water Works, or by and in the Name of any One or more of the Directors of the said Company of Proprietors, or other the Owners or Proprietors of any Water Works, at the Option of the Parties prosecuting such Information against the said Commissioners, Contractors, or other Persons supplying Gas, before any Justice of the Peace for the said Borough and Foreign of *Walsall*, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Commissioners, Contractors, or other Persons supplying Gas, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties, and Costs, when so levied, shall be paid to the Treasurer, or to one of the Directors for the Time being of the Company of Proprietors, or other the Owners or Proprietors of any Water Works, for the Use of the same Proprietors or Owners.

For ascertaining if the Water is contaminated.

**XXXV.** And whereas it may be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Commissioners, Contractors, or other Persons supplying Gas; be it therefore enacted, That in every such Case it shall and may be lawful to and for the said Company of Proprietors, or other the Owners or Proprietors of any Water Works, to dig to and about, and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, Contractors, or other Persons supplying Gas, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Commissioners, Contractors, or other Persons supplying Gas; and if it shall appear that the said Water has

has been contaminated by any Escape of Gas of the said Commissioners, Contractors, or other Persons supplying Gas, the Costs and Expences of the said Digging, Search and Examination, and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Commissioners, Contractors, or other Persons supplying Gas, which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Commissioners, Contractors, or other Persons supplying Gas, then and in such Case the said Company of Proprietors, or other the Owners or Proprietors of any Water Works, shall bear and pay all the Costs and Expences of such Examination, Repair and Search, and shall also make good to the said Commissioners, Contractors, or other Persons supplying Gas, any Loss, Injury or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Commissioners, Contractors, or other Persons supplying Gas, in and by such Search and Examination, and also to the Pavement of the said Streets so broken up or disturbed in such Search or Examination, the Amount of such Injury, Loss or Damage to be ascertained and determined, if necessary, by such Justice or Justices of the Peace as aforesaid.

**Commissioners may provide Lamps.**

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to purchase and provide such and so many Lamps of such Sorts and Sizes, and such and so many Lamp Irons and Lamp Posts, and all such other Materials and Things for the lighting such Lamps either with Oil or Gas, as they shall judge necessary, and to direct the same to be affixed and set up on or against the Walls or Rails of any of the Houses, Tenements, or Buildings, or against any other Walls or Rails, in any of the Streets, Lanes, Entries, public Passages and Places within the Limits of this Act, or in such other Places and in such other Manner as they the said Commissioners shall think proper and convenient; and to cause the same, or any of them, from Time to Time to be taken down, altered, amended, removed, or renewed, when and as often as they the said Commissioners shall think fit; and to cause such Lamps, or any of them, to be lighted at such Seasons of the Year, on such Evenings, in such Manner, and at such Hours of the Evening, and to be kept burning for so many Hours during the Night, as to them the said Commissioners shall seem necessary or proper: Provided always, that nothing herein contained shall authorize or empower the said Commissioners to set up or fix any such Lamp, Lamp Iron, or Lamp Post against any Dwelling House or Houses or private Buildings, or any private Lands or Hereditaments and Premises, or so to continue the same, without the Consent in Writing of the Owner and Occupier of every such Dwelling House, Hereditament, or Building respectively for that Purpose.

**Penalty for wilfully breaking Lamps.**

XXXVII. And be it further enacted, That if any Person or Persons shall wilfully break, take away, throw down, displace, or otherwise destroy, deface, or damage any Lamp which shall be erected by Order of the said Commissioners, or by any other Person or Persons, for the Purpose of lighting any of the said Streets, Lanes, Entries, and other public

Passages and Places, or any Lamp Post, Lamp Iron, Cover, or Furniture thereof respectively, or shall wilfully extinguish the Light or Lights of or in any such Lamp or Lamps, it shall be lawful for any Justice of the Peace for the Borough and Foreign of *Walsall* aforesaid, and he is hereby authorized and required, upon Complaint to him made by any One or more credible Witness or Witnesses, of any such Offence having been committed, to summon before him, or any other Justice of the Peace for the said Borough and Foreign, the Party or Parties complained against; and in case of his, her, or their making default to appear according to such Summons (Oath being made that the Party or Parties complained against have been served with such Summons, or that the same hath been left at his, her, or their usual Place of Abode, if known,) to issue a Warrant for apprehending the Party or Parties accused; or it shall be lawful for any Person who shall see any such Offence committed to apprehend, and for any Person to assist in apprehending, the Offender or Offenders, and by the Authority of this Act, without any other Warrant or Authority, 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 Foreign; and such Justice shall and he is hereby authorized and required to examine upon Oath any Witness who shall appear or be produced to give Evidence touching any such Offence; and if the Party or Parties accused shall be convicted of such Offence, either on his, her, or their own Confession, or upon such Evidence as aforesaid, then and in every such Case, he, she, or they shall, for each and every such Offence respectively, and if more than one, shall severally forfeit and pay any Sum not exceeding Five Pounds, and shall besides make full Satisfaction (such 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 make such Satisfaction as aforesaid, such Justice is hereby authorized, empowered, and required to commit such Offender or Offenders to the House of Correction for the County of *Stafford*, there to be kept to hard Labour, or to the Common Gaol for the Borough and Foreign of *Walsall* aforesaid, for any Time not exceeding Three Calendar Months; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be so committed, unless such Penalty and Satisfaction shall be sooner paid and made as aforesaid.

Satisfaction for accidental Damage to Lamps.

XXXVIII. And be it further enacted, That if any Person shall carelessly, negligently, or accidentally break, throw down, or otherwise destroy, deface, or damage any Lamp, Lamp Post, Lamp Iron, Cover, or Furniture thereof respectively, and shall not upon Demand make Satisfaction for the Damage so done, then and in every such Case it shall be lawful for any Justice of the Peace for the said Borough and Foreign of *Walsall*, and he is hereby authorized and required, upon Complaint thereof made, to summon before him the Party so complained of; and upon his or her appearing or making default to appear, (Oath being made that the Party complained against had been served with such Summons, or that the same had been left at his or her usual Dwelling House or last Place of Abode), such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either upon Confession of the Party, or the Oath of One or more credible Witness or Witnesses, shall award and order

order such Satisfaction to be made by the Party or Parties complained against, for the Damage so done to the said Commissioners, or other Person or Persons thereby injured, as to such Justice shall appear just and reasonable; and in case the Sum so awarded shall not be paid forthwith, it shall be lawful for such Justice, and he is hereby required to cause the same to be levied and recovered in the same Manner as any Fine or Penalty is by this Act directed to be levied and recovered.

Power to appoint Watchmen.

XXXIX. And be it further enacted, That the said Commissioners shall and they are hereby empowered, from Time to Time as they shall think necessary, to appoint a sufficient Number of fit and able-bodied Men to patrol, watch, and guard the said Streets, Lanes, Entries, and other public Passages and Places, or any Part or Parts thereof, for and during such Periods of the Year as they the said Commissioners shall think fit; and to pay to such Men so employed such reasonable Wages or Allowances as they shall think proper, and to give such Orders and Directions concerning the Manner in which they shall be armed and stationed for the due and regular Performance of their Duty, as the said Commissioners shall judge proper and expedient, and from Time to Time to remove any of them and appoint others in their Stead; and it shall be lawful for such Watchmen or Patrolmen so to be appointed as aforesaid, or any of them, and they are hereby respectively authorized, directed, and required to apprehend and secure in some Place of Safety all suspicious Persons, Thieves, Vagabonds, Prostitutes, Night-walkers, Disturbers of the public Peace, and Persons misbehaving themselves during the Time they shall be on Duty, and to carry all such Persons, as soon as conveniently may be, before some Justice of the Peace for the Borough and Foreign of *Walsall* aforesaid, to be examined and dealt with according to Law.

Watch Boxes may be provided.

XL. And be it further enacted, That the said Commissioners shall from Time to Time provide such and so many Boxes as they shall think necessary, and place and fix the same against any House or Building, or in any other Place or Places in the said Streets, Lanes, Entries, or other public Passages and Places, as they shall think proper, for the Use and Accommodation of Watchmen or Patrolmen; and in case any Person or Persons shall displace, overturn, damage, or injure any such Boxes when so fixed, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, besides the Damage or Injury so done, to be ascertained by the Justice before whom such Offender or Offenders shall be convicted.

Power to reward Watchmen.

XLI. And be it further enacted, That it shall and may be lawful for the said Commissioners to cause Rewards in Money to be paid out of the Monies arising by virtue of this Act to any Watchmen or Patrolmen appointed by virtue of this Act, who may be disabled or wounded in the Execution of their Duty, as they the said Commissioners shall think reasonable.

Watchmen vested with the Powers of Constables.

XLII. And be it further enacted, That all Watchmen and Patrolmen shall be sworn in as Constables before some Justice of the Peace for the said Borough and Foreign, and act as such while in the Execution of the Powers and Authorities of this Act; and they are hereby invested with, and shall have and enjoy the like Powers and Authorities, Privileges and Immunities,

Immunities, as any Constable or Constables is or are invested with, or have and enjoy by Law.

Penalty on Watchmen misconducting themselves.

XLIII. And be it further enacted, That if any Watchman or Patrolman shall not observe, perform, and keep the Orders, Rules, and Regulations which shall be made for the Purposes aforesaid by the said Commissioners, or shall in any Manner neglect his Duty, every Person so offending shall forfeit and pay for every such Neglect or Offence any Sum not exceeding Forty Shillings, and shall, if the Commissioners think proper, be immediately discharged from his Office or Employment.

Penalty on Publicans harbouring Watchmen.

XLIV. And be it further enacted, That if any Victualler, Alehouse Keeper, or other Person selling Ale, Spirituous or other Liquors, shall entertain or harbour in his or her House, Outhouse, or Premises, any Watchman or Patrolman employed under or by virtue of this Act, or permit or suffer any of them to remain in his or her House or Premises during any Part of the Time appointed for his being on Duty, every such Victualler, Alehouse Keeper, or other Person aforesaid so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Commissioners to direct Streets to be cleansed.

XLV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required to cause all the Streets, Lanes, Entries and other public Passages and Places within the Limits of this Act, or such of them as they shall think fit, to be properly cleansed and maintained in a State of Cleanliness; and also to cause the same, or such of them as they shall think proper, to be watered from Time to Time as they shall direct, and for those Purposes to employ any Person or Persons, and to purchase or hire any Cart or Carts, or other Carriage or Carriages, and also any Horse or Horses; and to cause the Dust, Dung, Manure, Dirt, Soil, and Filth in any such Streets, Lanes, Entries, or other public Passages and Places, to be removed and taken away.

Pavement not to be altered without the Consent of Commissioners.

XLVI. And be it further enacted, That no Person or Persons shall at any Time hereafter make or cause to be made any Alteration in the Form of the Pavements, or Pitching of any of the Carriageways or Footpaths within the Limits of this Act, or break up any Part of the same for any Purpose whatever, without first obtaining the Consent of the said Commissioners, to be signified by Writing under the Hands of any Two or more of them, upon pain of forfeiting any Sum not exceeding Ten Pounds for every such Offence; and such Person or Persons so offending shall also pay to the Treasurer or other Person appointed by the said Commissioners to receive the same all the Costs, Charges, and Expences of restoring the Ground or Pavement of such Carriageway or Footway to its former State.

Extending Operation of Act to new Streets.

XLVII. And be it further enacted, That if at any Time hereafter it shall appear to a Majority of the Inhabitants of any Street or Place within the Foreign of *Walsall* aforesaid, not included within the Limits of this Act, who shall be rated to the Relief of the Poor, that it would be expe-

dient to extend the Benefits of this Act to such Street or Place, then and in such Case the said Inhabitants shall signify the same by Writing to the said Commissioners at any of their Meetings to be held under or by virtue of this Act, and from and immediately after such Notification shall be so made, it shall be lawful for the said Commissioners and they are hereby authorized and empowered, from Time to Time to extend the Powers and Provisions of this Act to such Street or Place, and the Rates and Assessments hereby authorized to be made and levied, in such and the same Manner, to all Intents and Purposes, as if the same had been included within the Limits of this Act.

Power for Commissioners to repair and cleanse Lanes, &c. not public Highways.

XLVIII. And whereas there are several Lanes, Courts, Passages, and Places within the Limits of this Act which are not public Highways, or repaired by virtue of the public Highway Acts, and the Occupiers of the adjoining Premises, or other Persons liable to pave, repair, or cleanse the same may neglect or refuse so to do, and which, by reason of the Uncleanliness and bad State of Repairs of such Lanes, Courts, Passages and Places, are offensive to the Inhabitants residing in or near the same; be it therefore enacted, That the said Commissioners shall and they are hereby empowered (in case of any Neglect or Refusal on the Part of the Occupiers, or other Persons liable, for the Space of Ten Days after Notice in writing or printed, signed by any Two or more of the said Commissioners, or by their Clerk by their Order, and served upon the Occupier or Occupiers of such Premises, or other Persons respectively), to repair, pave, cleanse, scour, and drain such Lanes, Courts, Passages and Places, or to cause the same to be done in such Manner as the said Commissioners shall think right and proper, and to charge the several Occupiers of such Premises, or other Persons respectively, with the Expences thereof, in such Proportions as to the said Commissioners shall seem fair and reasonable; and on Refusal to pay or reimburse the said Commissioners all such Charges and Expences which shall or may be occasioned thereby, the same shall or may be recovered in like Manner as any Penalty or Forfeiture is by this Act authorized to be recovered.

Commissioners may contract for lighting, paving, &c.

XLIX. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered from Time to Time, to contract and agree with any Person or Persons they may think proper, for the paving, flagging, widening, altering, amending, and improving of the Carriageways and Footpaths, and for lighting, watching, cleansing, and watering the said Streets, Lanes, and other public Passages and Places within the Limits of this Act, and for furnishing Materials, and doing and performing all other Matters and Things necessary for completing any of the Works hereby authorized; which Contract or Contracts so to be entered into shall be reduced into Writing, and signed by the said Commissioners, or any Five or more of them, and also by the Person or Persons contracting to perform such Works respectively; and the Person or Persons contracting to perform such Works shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when such Works shall be done, performed, and completed, and the Penalties to be suffered in case of Nonperformance thereof, which Contract or Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Commissioners:

Commissioners: Provided always, that Ten Days Notice at least shall be given previous to the Meeting for entering into such Contract, by Writing to be affixed on the outer Door of the principal Entrance of the Parish Church of *Walsall* aforesaid, or in such other Manner as the said Commissioners shall direct, in which Notice shall be specified the Works and Business to be contracted for at such Meeting, to the end that Persons may tender Proposals for such Contracts at a certain Time and Place in such Notice to be mentioned; and the said Commissioners shall and they are hereby required to take Security from every such Contractor for the due Performance of his, her, or their Contract; and it shall be also lawful for the said Commissioners, and they are hereby also directed to cause the Works to be done in pursuance of such Contracts to be inspected by their Surveyor or Surveyors, or by such other Person or Persons as they shall from Time to Time appoint; and in case the same shall not be well and sufficiently performed according to the true Intent and Meaning of such Contract or Contracts, or shall not be done and completed at or within the Time or Times, and at such Times to be by such Contract or Contracts limited for doing and completing the same, the said Commissioners shall and may bring, or cause to be brought, any Action or Actions at Law, or Suit or Suits in Equity, against the Person or Persons so contracting and neglecting to perform such Contract or Contracts, or for any Injury suffered or sustained on account of the Nonperformance thereof; and upon proving the signing of the said Contract or Contracts and Nonperformance thereof, the said Commissioners shall be entitled to and shall recover such Penalty or Damage as may be awarded, with full Costs of Suit: Provided always, that it shall be lawful for the said Commissioners from Time to Time, and at all Times hereafter, to compound and agree with any Person or Persons against whom the said Commissioners shall bring or cause to be brought any Action or Suit for any Penalty incurred in any Contract hereafter to be made or entered into in pursuance of this Act, on account of any Breach or Nonperformance of any such Contract, for such Sum or Sums of Money as they shall think proper, so as the Sums compounded and agreed for be not less than the Injury sustained by the Breach or Nonperformance of such Contract, and the Costs, Charges, and Expences which shall have been or which may be occasioned thereby: Provided always, that the said Commissioners or their respective Estates shall not be liable, in their individual or personal Capacity, to any Loss, Damage, or Prejudice by reason of their signing any such Contract.

When any new Street is made, the Owners of the Premises adjoining to cause the same to be paved.

L. And be it further enacted, That whenever any new Street within the Limits of this Act shall be laid out and formed, the Owners and Proprietors of the Houses, Buildings, and Premises adjoining to such Street, when and so soon as so many of such Houses, Buildings, and Premises as shall form Three-fourth Parts of such Street shall be built, shall and they are hereby required to cause the Square of their Houses, Buildings, or Premises, as far as the Centre of such new Street, both in the Carriage and Footway, to be paved in such Manner as the said Commissioners shall direct; and after the same shall be so paved, the said Commissioners shall cause them to be kept in repair, and cleansed, lighted, and watched in the like Manner as the other Streets, Lanes, Entries, and public Places within the said Limits are paved, cleansed, lighted,

lighted, and watched, by and out of the Rates and Assessments to be made and levied by virtue of this Act.

Inhabitants to sweep Pavements opposite their Houses.

LI. And be it further enacted, That the respective Occupiers of every House, Tenement, or other Hereditament within the Limits of this Act, shall scrape, sweep, and clean, or cause to be scraped, swept, and cleaned the Footways or Foot Pavements the whole Length of the Front of their respective Houses or Tenements, dead Walls, vacant Pieces of Ground, and other Hereditaments, and the Channels or Watercourses opposite the same respectively, to the full Extent of the said Footways or Foot Pavements, before, behind, and on the Side or Sides of the same respectively, before the Hour of Nine in the Morning on every *Saturday* in every Week, or oftener, and on such other Days, and at such Times, as the said Commissioners shall from Time to Time order and direct; and shall also, immediately after so cleansing the same, cause the Dirt and Soil to arise from such cleansing to be collected and taken away, upon pain of forfeiting any Sum not exceeding Ten Shillings for every Neglect therein.

Dirt not to be swept into Channels.

LII. And be it further enacted, That in case any Person shall sweep, rake, or place, or cause to be swept, raked, or placed, any of the Mud, Dirt, Rubbish, Filth, or Soil in the said Streets, Lanes, and public Places within the Jurisdiction of the said Commissioners, to, in, or upon the Channels on the Sides of the said Streets, Lanes, or public Passages or Places, every Person so offending in any or either of the said Cases shall forfeit and pay any Sum not exceeding Twenty Shillings.

No Person to take away Dirt but Contractors.

LIII. And be it further enacted, That if any Person or Persons other than such Occupiers, or the Person or Persons employed by or contracting with the said Commissioners for cleansing the said Streets, Lanes, Entries, and other public Passages and Places, or the Person or Persons employed by or acting under the Direction of the Person or Persons so contracting, shall take or carry away, or cause to be taken and carried away, any Dust, Dung, Manure, Dirt, Ashes, or other Filth, out of any of the Streets, Lanes, Entries, and other public Passages and Places, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Liberty for the Inhabitants to remove their Ashes for their own private Use.

LIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prevent any of the Inhabitants residing within the Limits of this Act from preserving or keeping any Dung, Ashes, Dust, Dirt, Filth, or Rubbish within their Yards, Gardens, or Premises for their own Use, or from carrying the same away, at any Time they may think proper, so as such Dung, Ashes, Dust, Dirt, Filth, or Rubbish be not laid down or placed in the said Streets, Lanes, or other public Passages or Places for any longer Time than shall be necessary for loading and carrying away the same, or be of any Annoyance to the said Inhabitants, or any Persons passing through the same; but in case the Person or Persons so preserving such Dung, Ashes, Dust, Dirt, Filth, or Rubbish, shall permit or suffer the same to become a Nuisance or Annoyance to any of such Inhabitants, or to any other Persons as aforesaid, and shall not remove the same for the Space of Twenty-four Hours after Notice in

Writing so to do, signed by any One or more of the said Commissioners, or by their Clerk, such Person or Persons shall forfeit and pay any Sum not exceeding Twenty Shillings for every Day such Annoyance shall be permitted to remain after such Notice given as aforesaid.

Commissioners of any Road Act shall continue liable to repair Roads as before the passing of this Act.

LV. Provided always, and be it further enacted, That this Act or any thing herein contained, shall not extend or be construed to extend, to release or discharge the Trustees or Commissioners named or appointed under or by virtue of any Act or Acts of Parliament for repairing any Highway, Road, or Turnpike Road within or passing through the Limits of this Act, or any Part thereof, from the Expences of widening, amending, repairing any of the Streets, Roads, Lanes, Entries, or other public Passages and Places of and within the said Limits; but the said Trustees and Commissioners shall be subject and remain liable to the Expences of widening, amending, repairing the same and every of them, in the same Manner and to the same Extent, as they were before the passing of this Act, and as they would have been if this Act had not been passed.

Commissioners may hire Room and Office and Storehouse.

LVI. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time to hire any Room or Building as they shall think fit, within the Limits of this Act, for the Purpose of making use thereof as and for an Office or Offices for keeping their Accounts, holding their Meetings, and transacting the Business relating to this Act, and as a Storehouse or Storehouses for keeping their Implements and Materials, and for other the Purposes of this Act; and to pay out of the Monies to arise by virtue of this Act such yearly Rent or Rents as they the said Commissioners shall from Time to Time agree upon; and also to accept and take a Lease of such Room or Building to themselves or any of them, or any Person or Persons in Trust for them, for any Term or Number of Years or otherwise, at and under such yearly Rent or Rents as they shall from Time to Time think fit, and to pay such Rent or Rents out of the Monies to arise by virtue of this Act.

Names of Streets and Numbers of Houses to be put up.

LVII. And be it further enacted, That it shall be lawful for the said Commissioners to cause to be painted, engraved, or otherwise described and placed, on a conspicuous Part or Parts of any House or Houses, Building or Buildings, at or near each End, Corner, or Entrance of every Street, Lane, Entry, and other public Passage or Place within the said Limits, the Name by which such Street, Lane, Entry, or other public Passage or Place now is or shall be called or known; and also to cause every House and Building in the several Streets, Lanes, Entries, and other public Passages and Places within the Limits aforesaid, to be marked and numbered with Figures, either on the Door thereof or otherwise, and in such Manner as they shall think most proper for distinguishing the same, and from Time to Time to vary and renew the same Names, Numbers, and Figures, as Occasion may require; and if any Person shall wilfully destroy, obliterate, deface, remove, or (without the Consent of the said Commissioners first obtained) alter any such Name, Number or Figure, or any Part thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Numbers to be renewed.

LVIII. And be it further enacted, That when any such Numbers or Figures so painted or placed on any House or other Building within the said Limits, or on the Door thereof, shall decay, or otherwise become defaced or rubbed out, the Occupier or Occupiers of such House or Building shall, upon Notice in Writing being given for that Purpose, signed by any Two or more of the said Commissioners, cause the like Numbers or Figures to be painted or placed on such House or other Building, or on the Door thereof, within Ten Days after such Notice; and in case of Neglect or Refusal to comply with such Notice within the Time above specified, such Occupier or Occupiers shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings.

Doors and Gates to open inwards.

LIX. And be it further enacted, That the several Occupiers of Houses, Buildings, Yards, Gardens, and Lands within the said Limits, and every of them, are hereby respectively directed and required, at their own Costs and Expences, within Ten Days next after receiving Notice in Writing from the said Commissioners, signed by any One or more of them, to cause all such of the Doors and Gates leading into the several Houses, Buildings, Yards, Gardens, and Lands in their respective Occupations, which do now or shall hereafter open outwards upon or over any Foot-path in any of the Streets, Lanes, Entries, and other public Passages and Places within the said Limits, to be altered, so as that the same Doors and Gates shall thenceforward open inwards and into their respective Premises, or so as that the same shall not cause any Obstruction to the public Passage; and if any such Occupier shall neglect or refuse to make the Alteration so required by the said Commissioners, within the Period specified in such Notice, such Occupier shall forfeit and pay the Sum of Ten Shillings a Day for every Day during which such Gate or Door shall be suffered to remain opening outwards, or occasioning Obstruction as aforesaid, after the Expiration of the Time specified in such Notice.

Steam Engine Furnaces to consume their own Smoke.

LX. And be it further enacted, That all Furnaces employed or to be employed in the working of Engines by Steam within the Limits of this Act shall be so constructed as to consume their own Smoke; and if any Person or Persons shall, after the passing of this Act, use any Furnace for the Purpose aforesaid within the said Limits which shall not be so constructed, or shall negligently use any Furnace for the Purpose aforesaid so constructed as not effectually to consume the Smoke thereof, and prevent the same occasioning any Nuisance whatsoever, the Person or Persons so offending shall forfeit and pay the Sum of Forty Shillings for every Day during which such Furnace shall be so used, or during which any Nuisance thereby occasioned shall continue and be unabated.

Respecting Fire Engines.

LXI. And be it further enacted, That it shall be lawful for the said Commissioners to contract with any Person or Persons from Time to Time to keep the Fire Engines belonging to the said Town, and the Pipes, Buckets, or other Things belonging thereto, in good working Order and Repair, and for the said Commissioners to order the same to be used at such Time and Times as they shall direct, either in cases of Fire or for the Purpose of watering the said Streets, Lanes, Entries, and other public Passages

Passages and Places, or any of them, as they shall from Time to Time think necessary; and it shall also be lawful for the said Commissioners from Time to Time to purchase any new Engine or Engines, Pipes, Buckets, or other Things belonging thereto, or that may be requisite to be used therewith, for the Use of the said Town, and to pay and defray all Costs and Expences attending the same respectively out of the Monies to be raised by virtue of this Act; and such Engines, Buckets, Pipes, and all other Things connected with or belonging thereto respectively, shall be solely vested in the said Commissioners, who shall from Time to Time have the Custody, Controul, Management, and Direction of the same.

Power to erect a Weighing Machine.

LXII. And be it further enacted, That it shall be lawful for the said Commissioners, when and as they shall deem it expedient, to provide and maintain, in some convenient Place within the said Limits, a Machine for the weighing of Waggons, Carts, and other Carriages, and to rent or purchase such Buildings and Premises as may be necessary for that Purpose; and for the due Management and Superintendence of the same, from Time to Time to employ any proper Person to attend such Machine, who shall weigh all Waggons, Carts, and other Carriages brought thereto, and make Entries in a Book or Books to be kept for that Purpose, of the Weights thereof, and deliver Tickets, specifying the same Weights, to the Drivers of such Carriages, and from Time to Time to remove such Person, and appoint another in his Stead, as they shall think proper; and to appoint and regulate the Fees to be taken by the Person so attending, from the Drivers of such Carriages for weighing the same, and to allow the Whole or any Part of such Fees to such Person, or at their Discretion to pay and allow him a Salary, and apply the said Fees to the general Purposes of this Act; and also to make and establish such other Rules and Regulations for the Management of the said Machine, and relative thereto, and to the Conduct and Remuneration of the Person appointed to attend the same, as the said Commissioners shall think proper.

Drivers of Carts, &c. to go to Weighing Machine if required.

LXIII. And be it further enacted, That the Driver of every Waggon, Cart, or other Carriage, laden with Coals, Goods, or other Matters or Things, shall, at the Request of the Buyer or Seller of such Coals, Goods, or other Matters or Things, or the Person or Persons to whom or on whose behalf the same shall be consigned, or their respective Agents, lead and take such Waggon, Cart, or other Carriage, with or without the Lading thereof, to be weighed at such Machine, for which no additional Charge shall be made unless such Waggon, Cart, or other Carriage shall, for the Purpose aforesaid, be required to go a greater Distance from the regular Course of the Road than it would be otherwise necessary to pass in the conveying of the Coals, Goods, or other Matters or Things laden in such Waggon, Cart, or Carriage, than Half a Mile, including the going to and returning from such Machine, in which Case the Owners of such Waggons, Carts, or Carriages shall be allowed to make an additional Charge of One Penny for every Horse which shall be used in drawing the same, and a further Charge of the like Amount for every additional Half Mile that every such Waggon, Cart, or Carriage shall be taken out of the direct and regular Road for the Purpose aforesaid; and all such additional Charge for Carriage, together with the Fees to be paid for weighing any such Waggon, Cart, or Carriage, shall be paid and borne

by the Person or Persons requiring the same to be weighed as aforesaid; and in case the Driver, or other Person having the Charge of any such Waggon, Cart, or Carriage, shall not, upon being so requested as aforesaid, take the same to such public Weighing Machine as herein-before is directed and mentioned, or shall refuse to assist in the weighing of the same, every Person so offending, and being thereof convicted before any Justice of the Peace for the said Borough and Foreign of *Walsall*, shall forfeit and pay to the Person or Persons requiring such Waggon, Cart, or Carriage to be weighed as aforesaid, any Sum of Money not exceeding Forty Shillings.

**For preventing Frauds as to the weighing of Carts, &c.**

LXIV. And be it further enacted, That if any Owner or Driver of any Waggon, Cart, or other Carriage, laden with Coals, Goods, or other Matters or Things, whose Waggon, Cart, or other Carriage shall be weighed at such Machine, shall, at or before the Time of weighing the same, place or knowingly have any Article, Matter, or Thing in or about any such Waggon, Cart, or Carriage, other than and besides the proper Lading thereof; or shall alter any Ticket denoting the Weight of any such Waggon, Cart, or Carriage, or of the Lading of the same, which shall be delivered at such Machine, or shall make or use, or be privy to the making or using, any false or fraudulent Ticket respecting the Weight of any such Waggon, Cart, or Carriage, or the Lading thereof; or after the weighing of any such Waggon, Cart, or Carriage, with the Lading of the same, shall dispose of or remove any Part of such Lading, and shall afterwards deliver or dispose of, or attempt to deliver or dispose of the Residue of such Lading as being the full Lading denoted by such Ticket, or shall be guilty of any other fraudulent Contrivance touching the Weight of any such Waggon, Cart, or Carriage, or of the Lading thereof; or shall, after the same and the Lading thereof have been so weighed, change the Wheels thereof, and put on lighter Wheels, or make any Alteration, or do any other Matter or Thing to the said Waggon, Cart, or Carriage before the same shall be brought back to the same Machine to be again weighed without the Lading thereof; or if such Owner or Driver, Owners or Drivers, of any such Waggon, Cart, or Carriage, which shall have been weighed with the Lading thereof at any Machine as aforesaid, shall neglect or refuse to bring back the same without Alteration to be again weighed at the same Machine, being paid such Allowance for the same as herein-before is mentioned, in case of its being necessary to deviate from the proper Route of such Waggon, Cart, or Carriage for the weighing of the same; or if the Purchaser or Purchasers of any Coals, Goods, or other Matters or Things, conveyed in any Waggon, Cart, or other Carriage to or within the said Limits, and which shall have been weighed at any Machine within the said Limits, erected, provided, or maintained in pursuance of this Act, shall, after the same Waggon, Cart, or other Carriage, with the Lading thereof, shall have been so weighed as aforesaid, change the Wheels thereof, or cause the same to be changed, and put or place on, or cause to be put and placed on, heavier Wheels, or make any Alteration or do any other Matter or Thing to the said Waggon, Cart, or Carriage before the same shall be brought back to the same Machine to be again weighed without the Lading thereof; or if the Master or Keeper of any such Weighing Machine shall weigh any Waggon, Cart, or other Carriage, knowing that any thing has been added

added to the proper Lading thereof so as to increase the Weight of the same, or that the Wheels thereof have been changed or altered between the Time of the same and the Lading thereof being last weighed, and the Time of the same coming back to be again weighed, without giving immediate Notice thereof to the Person or Persons interested therein; or if the Master or Keeper of any such Machine shall wilfully neglect to weigh any Waggon, Cart, or other Carriage which shall come to the Machine to be weighed, according to the Turns in which Application shall be made for that Purpose, or shall not fairly and truly weigh the same with or without the Lading thereof (as the Case may be), and deliver to the Purchaser or Purchasers of such Coals, Goods, or other Matters or Things, or any other Person interested therein, or the Agent or Agents of any such Person, on Application for that Purpose, a Ticket or Account containing the true Weight of the said Waggon, Cart, or other Carriage, and also the Weight of the Contents thereof, or shall give to the Driver of such Waggon, Cart, or other Carriage a false Ticket or Account of the said Waggon, Cart, or other Carriage, or of the Lading thereof, or shall knowingly assist in or connive at any Fraud to be committed or attempted in or concerning the weighing of any such Waggon, Cart, or Carriage, or the Lading thereof, or any false Report or Representation of the Weight of the same; or if any other Person or Persons whomsoever shall knowingly act or assist in the committing of any Fraud respecting the Weight of any such Waggon, Cart, or Carriage to be weighed, or stated and represented to be weighed at any such Machine, or the Lading thereof, or in committing any of the Offences herein-before mentioned respecting any such Waggon, Cart, or Carriage which shall be weighed or brought to be weighed at any such Machine, or which shall be alleged to have been weighed at any such Machine; then and in every such Case or Cases the Person or Persons so offending, and being convicted thereof, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Property of Materials, &c. vested in Commissioners.

LXV. And be it further enacted, That the Stones, Gravel, Grates, and all Materials of, in, and belonging to all the present and future Carriageways and Footpaths in and upon the several Streets, Lanes, and other public Passages and Places within the Limits of this Act, and of all other Materials, Implements, Lamps, Lamp Irons, Lamp Posts, Pipes, Watch Boxes, Watch Houses, pitching and flagging Stones, and all other Matters and Things which shall be provided by the said Commissioners for the Purposes of this Act, and all the Dirt, Dust, Dung, Ashes, and Filth, to be swept, gathered, and collected in or from the said Streets, Lanes, and other public Passages and Places aforesaid, shall belong to, and be the exclusive Property of, and the same are hereby absolutely and exclusively vested in the Commissioners for the Time being acting in the Execution of this Act, who shall be known by the Name of "The Commissioners for the Improvement of the Town of *Walsall* in the County of *Stafford*;" and they the said Commissioners shall and may and they are hereby authorized and empowered to bring, or cause to be brought, any Action, or to prefer any Bill of Indictment, as the Case shall require, against any Person or Persons whomsoever, who shall steal, take, and carry away, detain, spoil, injure, damage, or destroy the several Articles or Things herein mentioned and vested in the said Commissioners

missioners as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally, that the Article or Articles, Thing or Things, for or on account of which such Actions shall be brought, or Bills of Indictment preferred, is or are the Property of "The Commissioners for the Improvement of the Town of *Walsall* in the County of *Stafford*," 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, Matters, and Things which at any Time hereafter may not be wanted for the Purposes of this Act, or any Part or Parts of the same respectively, to such Person or Persons, and in such Manner as the said Commissioners shall think proper, and shall apply the Money to arise thereby towards the Purposes of this Act; and if any Person shall maliciously or wilfully break, injure, destroy, or otherwise damage any of the Articles, Matters, or Things hereby vested in the said Commissioners, or to be fixed, placed, or laid by their Direction or Authority, or in Compliance with any Contract or Agreement to be made or entered into by or between the said Commissioners or any other Person or Persons, or any of the Works to be done in pursuance of this Act, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Rates how fixed.

LXVI. And for raising Money for carrying into Execution the several Purposes of this Act, be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered, Once in every Year, or when and so often as they shall think necessary, to make One or more Rate or Rates, Assessment or Assessments, to be signed by the said Commissioners, upon the Tenants or Occupiers of all Dwelling Houses, Shops, Workshops, Mills, Warehouses, Coach Houses, Gig Houses, Stables, Cellars, Vaults, and other Buildings and Premises whatsoever within the Limits of this Act, and upon the several Gardens and Yards thereunto respectively belonging, according to the annual Value of the same respectively, as estimated from Time to Time in the respective Rates for the Relief of the Poor, such Rate or Rates, Assessment or Assessments, not to exceed in any One Year the Sum of Three Shillings in the Pound, subject to an Appeal to the Justices of the Peace at any General or Quarter Sessions to be holden for the Borough and Foreign of *Walsall* aforesaid; and the Sum or Sums so rated or assessed on such Tenants or Occupiers shall be paid by them respectively to the Collector or Collectors, or other Person or Persons appointed by the said Commissioners to collect the same; and if any such Tenants or Occupiers shall neglect or refuse to pay his, her, or their Proportion or Proportions of any of the said Rates or Assessments respectively to the said Collector or Collectors, or other Person or Persons appointed by the said Commissioners to collect the same, for the Space of Ten Days after Demand made thereof at the Dwelling House or usual Place of Abode of such Tenant or Occupier, and in Cases of Joint Occupation of or Partnership in any Premises rated or assessed by virtue of this Act, Demand being made of the same at the Dwelling House or usual Place of Abode of any One such joint Occupier, or any One Partner of or interested in any such Premises so rated or assessed, and a Refusal or Neglect to pay the same for the Space

of Ten Days after such Demand made thereof as aforesaid, then and in every such Case the same shall be levied and recovered of and from all and every such Tenant or Tenants, Occupier or Occupiers so neglecting or refusing, by Distress and Sale of his, her, or their Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace acting for the said Borough and Foreign of *Walsall*, such Defaulters having been first duly summoned by such Justice or Justices to appear before him or them, at a Time and Place to be mentioned in such Summons, to show Cause for such Neglect or Refusal; and the Overplus (if any) of the Monies to be raised by such Distress and Sale shall be returned, on Demand, to the Owner or Owners of the Goods and Chattels so distrained and sold, together with what shall remain unsold, after deducting all Costs, Charges, and Expences occasioned previously to and attending such Distress and Sale, such Costs, Charges, and Expences to be ascertained and directed by the said Justice or Justices; and in default of such Distress, it shall be lawful for any such Justice or Justices to commit such Person or Persons to the Common Gaol for the Borough and Foreign of *Walsall* aforesaid, or to the Common Gaol or House of Correction for the County of *Satford*, at the Discretion of such Justice or Justices, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, or until Payment of such Sum or Sums of Money as shall have been found to be due and in arrear upon all or any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof, such Costs, Charges, and Expences to be ascertained and directed by the said Justice or Justices.

Exemption from Rates.

LXVII. Provided also, and be it further enacted, That none of the Rates or Assessments which shall be made by virtue of this Act shall be laid upon or in respect of the Tolls of the Fairs or Markets, Market House, Gaoler's House, Guildhall, Prisons, Sessions House, Charity Schools, or the Poor or Workhouse of and for the Use of the Poor of the Borough of *Walsall* aforesaid.

Poor Rates to be inspected.

LXVIII. And be it further enacted, That the said Commissioners and their Clerk, Assessor or Assessors, or other Person or Persons to be appointed by the said Commissioners, shall and they are hereby required and empowered to inspect or take Copies of or Extracts from any Rates or Assessments at any Time made for the Relief of the Poor, either of the Borough or Foreign of *Walsall* aforesaid, as often as they may find it necessary for the Purpose of making any of the Rates or Assessments to be made for the Purposes of this Act or otherwise, which Inspection, Copies, or Extracts, the Person or Persons having the Custody of such Poor Rates or Assessments is and are hereby required to permit and suffer to be made and taken without Fee or Reward; and in case any such Person or Persons shall neglect or refuse so to do, he or they shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Recovery of Rates from Persons quitting the Premises rated.

LXIX. And be it further enacted, That in case any Person or Persons who shall be rated or assessed by virtue of this Act, shall quit his, her, or their House or Houses, Shop or Shops, Mill or Mills, Warehouse or Warehouses,

houses, Coach House or Coach Houses, Gig House or Gig Houses, Stable or Stables, Cellar or Cellars, or other Building, Garden, Land, Tenement, or Hereditaments, whereon any Rate or Assessment shall be made by virtue of this Act, before he, she, or they shall have paid such Rate, and shall afterwards refuse or neglect to pay the same when demanded of such Person or Persons, or at his, her, or their Place or Places of Abode, by the Collector of such Rates authorized by the said Commissioners, then and in every such Case it shall and may be lawful for any One or more Justice or Justices of the Peace for the said Borough and Foreign, and he and they is and are hereby required, upon any Information or Complaint of such Collector or Collectors of such Demand and Refusal or Neglect, to summon such Person or Persons to appear before him, or any other Justice of the Peace for the said Borough and Foreign, and upon the Appearance or Contempt of such Person or Persons, it shall and may be lawful to and for such Justice to hear and determine the Matter of such Complaint in a summary Way, and to give a Judgment for the Amount of such Rate or Assessment, or so much thereof as shall appear to the said Justice to be then remaining due and unpaid, and by Warrant under his Hand and Seal, which he is hereby authorized and required to grant, to levy the same, or so much thereof as shall remain unpaid, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting, together with the Costs and Charges in the Premises; and in default of such Distress, it shall be lawful for such Justice or Justices to cause such Defaulter to be apprehended and brought before him or them, and to commit any such Defaulters to the Common Gaol for the said Borough and Foreign, or to the Common Gaol or House of Correction for the County of *Stafford*, at the Discretion of such Justice or Justices, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, or until Payment of such Sums of Money as shall have been found to be due and in arrear upon any such Rates or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof, such Costs, Charges, and Expences to be ascertained and directed by such Justice or Justices.

**Persons removing to pay in proportion.**

LXX. And be it further enacted, That in all Cases where any Person shall remove from or quit the Possession of any House, Building, Land, Ground, or other Tenement or Hereditaments, the Tenant or Occupier whereof shall be rated or assessed, or be liable to be rated or assessed, by virtue of this Act, such Person so removing from or quitting the same shall be liable to pay such Rate or Assessment in proportion to the Time that such Person occupied the same respectively, and in like Manner as if such Person had not removed from or quitted the Possession of the same; and in all Cases where any Person shall come into or occupy any House, Building, Ground, or other Tenement or Hereditaments rated or assessed or liable to be rated or assessed as aforesaid, out of or from which any other Person shall have removed, or which at the Time of making any such Rate or Assessment was empty and unoccupied, the Person or Persons coming into or occupying the same shall pay such Rate or Assessment, although his, her, or their Name or Names may not be inserted in such Rate or Assessment, in proportion to the Time that such Person or Persons shall occupy the same respectively, and in like Manner as if such Person or Persons had been originally rated

rated or assessed by Name in such Rate or Rates, Assessment or Assessments; which said Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners.

Ready furnished Houses, how assessed.

LXXI. And be it further enacted, That the Lessee, Landlord, or Owner of all Houses, Buildings, or Tenements within the Limits of this Act, which is, or shall or may be let out ready-furnished, or in separate Apartments, Rooms or Floors, shall be deemed and taken to be the Tenant or Occupier thereof for the Purposes of this Act, and shall be liable and subject to the Rates or Assessments directed by this Act to be made, raised, and levied according to the Poor Rate Assessment; and every such Lessee, Landlord, or Owner, and all and every Person or Persons renting or occupying any such ready-furnished Houses, or separate Apartments, Rooms, or Floors as aforesaid, shall be liable and compellable to pay the said Rates or Assessments, to be recovered in manner herein directed; and every such Tenant or Occupier who shall pay any such Rate or Assessment, or from whom the same shall be recovered in pursuance of this Act, shall and may deduct the same from and out of the next Rent due and payable from him, her, or them to such respective Lessee, Landlord, or Owner, and the Receipt for such Payment shall be a sufficient Discharge for the Tenant or Occupier to his or her Landlord for so much Money as he or she shall pay, or shall be levied on him or her by virtue of this Act; but no such Tenant or Occupier shall at any Time be required to pay, or be subject or liable to pay, any greater Sum for or towards the Discharge of the said Rates or Assessments, or any of them, and Arrears thereof, than the Amount of the Rent actually due and payable by such Tenant or Occupier to the Lessee, Landlord, or Owner of the Premises so let out ready furnished, or in separate Apartments, Rooms, or Floors, to him or her: Provided always, that nothing herein contained shall extend to prejudice or vacate any Agreement between Landlords and Tenants.

Commissioners may reduce or remit Rates on account of Poverty.

LXXII. Provided also, and be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, upon the Complaint of any Occupier of any Dwelling House or other Hereditaments, subject to the Payment of the said Rates or Assessments, to mitigate, reduce, lessen, remit or excuse, for or on account of his or her Poverty or Inability only, Payment of that Part of the said Rate or Assessment which by this Act is made payable by such Occupier for such Dwelling House or other Hereditaments, in such Manner as the said Commissioners shall in their Discretion think just and reasonable.

Persons aggrieved by the Rate may appeal to the Commissioners.

LXXIII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, he, she, or they may appeal to the said Commissioners at their First or Second Meeting to be holden after the demanding of such Rate or Assessment; and the said Commissioners are hereby authorized and empowered, if they shall think fit, to give such Relief in the Premises as to them shall seem reasonable; and if any Person or Persons shall be dissatisfied with the Determination of the said Commissioners therein, he, she, or they may appeal in the Manner herein-after mentioned to the General or Quarter

Sessions of the Peace to be holden for the Borough and Foreign of *Walsall* aforesaid, or for the County of *Stafford*, at the Option of the Person or Persons aggrieved, whose Determination therein shall be final and conclusive.

Commissioners may borrow Money.

**LXXIV.** And for the more speedy and effectual raising of Money for the Purposes of this Act, be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby empowered from Time to Time to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the whole the Sum of Five thousand Pounds, upon the Credit of the Rates or Assessments to be laid and collected by virtue of this Act; and by Writing under their Hands and Seals to mortgage or assign over the said Rates or Assessments, or any Part thereof, to the Person or Persons who shall advance or lend such Money, or his, her, or their Trustee or Trustees, as a Security for the Money so to be borrowed, together with Interest for the same; and every such Mortgage or Assignment may be according to the Form following; (that is to say),

Form of Mortgage.

'BY virtue of an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* [*here insert the Title of this Act,*] We, being of the Commissioners appointed by virtue of the said Act, in consideration of the Sum of paid to us by *A. B.* [*insert the Name, Place of Abode, and other necessary Addition of the Lender,*] for the Purposes of the said Act, do grant and assign unto the said *A. B.* his Executors, Administrators, and Assigns, [*or* to his or her Trustee or Trustees, *as the Case may require,*] 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 is or shall be borrowed upon the Credit of the said Assessments; to be had and holden from this Day until the said Sum of with Interest for the same at the Rate of *per Centum per Annum*, to be paid shall be fully repaid and satisfied. In witness whereof, we have hereunto set our Hands and Seals, the Day of in the Year of our Lord.'

Money may be raised by Annuities.

And every such Mortgage or Assignment shall be good, valid, and effectual in the Law, provided that the whole Sum to be charged on the Credit of the said Rates or Assessments shall not at any Time exceed the Sum of Five thousand Pounds: Provided always, that in case the said Commissioners, or any Five or more of them, shall think it advisable to raise all or any Part of the said Sum by the granting of Annuities for the Life or Lives of any Person or Persons, then it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by any Writing or Writings under their Hands and Seals, to grant any Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners any Sum or Sums of Money for the absolute Purchase of any such Annuity

nuity or Annuities, to be paid and payable during the natural Life of every such Contributor, or the natural Life of every such Person as shall be nominated by or on behalf of such Contributor at the Time of the Payment of his or her Contribution or Purchase Money; and the Grant of every such Annuity may be according to the Form following; (that is to say),

'BY virtue of an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], we being of the Commissioners appointed by or by virtue of the said Act, in consideration of the Sum of paid to us by *A. B.* [*insert the Name, Place of Abode, and other necessary Addition of the Lender,*] for the Purposes of this Act, do hereby grant unto the said *A. B.*, his Executors, Administrators, and Assigns, Annuity or Yearly Sum of out of the Rates or Assessments arising by virtue of the said Act, which Annuity or Yearly Sum of shall be paid to the said his Executors, Administrators, and Assigns, upon the Day of in every Year, during the natural Life of and the First Payment thereof shall be made upon the Day of next ensuing the Date hereof. In witness whereof, we have hereunto set our Hands and Seals, the Day of in the Year of our Lord .'

And every such Grant shall be a good, valid, and effectual Security in Law for the Payment of such Annuity; which said several Annuities, so to be purchased, shall be made payable and be paid Half-yearly during the natural Lives of such Contributors respectively, or the natural Life or Lives of such other Person or Persons as shall be nominated by such respective Contributors, and a proportionate Part of such Annuity shall be paid from the last Half-yearly Day of Payment to the Day of the Death of the said Annuitant, or his or her Cestuique Vie; and the said Commissioners shall pay the said Annuities, freed and discharged from every Tax and Deduction whatsoever.

Restrictions as to Grants of Annuities.

LXXV. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and according to the Rate prescribed by Two several Acts, one passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities*; and the other passed in the Fifty-second Year of the Reign of His said late Majesty, intituled *An Act for amending Two Acts passed in the Forty-eighth and Forty-ninth Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities.*

48 G.3.c.142.

52 G.3.c.129.

Power to borrow Money at

LXXVI. And be it further enacted, That in case the said Commissioners can at any Time borrow or take up any Sum of Money at a lower Rate of

Lower Interest to discharge Securities at higher.

of Interest than the Mortgages, Assignments, or Securities which shall be then in force shall bear, it shall be lawful for the said Commissioners from Time to Time to charge the said Rates or Assessments in Manner aforesaid with such Sum or Sums of Money as they shall think proper, and the Interest thereof at such lower Rate aforesaid, and to pay off and discharge the Mortgages, Assignments, and Securities bearing a higher Rate of Interest.

Mode of transferring Securities.

LXXVII. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money borrowed, or for the Annuities granted as aforesaid, by Writing under their Hands to transfer the same respectively to any Person, according to the Form following, or any other Form of Words to the like Purport or Effect, as the Case may be; *videlicet*,

'I *A. B.* [*insert the Name, Place of Abode, and other necessary Addition of the Person assigning*,] do hereby assign the within Mortgage [*or* 'Grant of the within mentioned Annuity], and all my Right and Title in 'and to the Principal Money and Interest [*or* Annuity], and all Arrears now 'due thereon, and thereby secured unto *C. D.* [*insert the Name, Place of 'Abode, and other necessary Addition of the intended Assignee*], his Executors, 'Administrators, and Assigns. Dated this 'Day of in the Year of our 'Lord .'

Entries to be made of Securities.

And Entries or Memorials of all such Mortgages or Assignments and Grants of Annuities which shall be made in pursuance of this Act, and of all Transfers thereof, expressing in Words at length the Name, Additions and Places of Abode, and other necessary Descriptions of all such Persons as shall from Time to Time be entitled to the Principal Money and Interest, or the Annuities thereby respectively secured, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, to which Book any Person interested shall at all reasonable Times have Access, and free Liberty to inspect the same, without Fee or Reward; and for the Entry of every such Transfer or Assignment the said Clerk shall be paid Two Shillings and Sixpence, and no more; and every such Transfer and Assignment, after such Entry thereof as aforesaid, shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators, or Assigns, to the Benefit of the Security or Grant thereby transferred; and all Persons to whom such Mortgages, Assignments, or Grants of Annuities shall be made, or who shall be entitled to the Monies or Annuities thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Assessments equally one with another, without any Preference in respect to the Priority of advancing such Money, or the Dates of any such Mortgages, Assignments, or Grants respectively.

Application of the Money raised by Commissioners.

LXXVIII. And be it further enacted, That all the Money to arise by the said Rates, Assessments, and other Monies hereby granted, or to be levied or recovered by virtue of this Act, and which may be borrowed on the Credit thereof, or which may arise or be received by any other Means, shall be paid to the Treasurer to the said Commissioners, or to

to such other Person or Persons as they shall appoint, and shall be applied and disposed of, in the first Place, in paying and discharging the Interest of the Monies which shall be borrowed, and the Annuities which shall be granted, under this Act; and then from Time to Time in defraying the Charges and Expences of paving, cleansing, lighting, watching, widening, and otherwise improving the Streets, Lanes, Entries, and other public Passages and Places within the Limits of this Act; and in paying and defraying all Expences which the said Commissioners and other Officers shall necessarily sustain and be put unto in carrying this Act into Execution, or in prosecuting or defending any Prosecutions, Actions, or Suits in any Manner relative to the Execution of this Act, or of any thing to be done under or by virtue of the same, and for such other Uses and Purposes as are herein expressed; and the Residue of all such Monies shall be paid and applied in reducing, paying off, and discharging all such Principal Sums as shall be borrowed as aforesaid.

Sinking Fund.

LXXIX. And be it further enacted, That when any Sum of Money shall be borrowed or taken up at Interest upon the Credit or Security of the said Rates or Assessments, the Sum of Ten Pounds *per Centum per Annum* on every such Sum shall, if the said Commissioners shall think it expedient, after the passing of this Act, or at any Time hereafter, to adopt a Sinking Fund, from thenceforth be charged on this Act, and be appropriated and paid out of the Rates, Duties, and Assessments, over and besides the Interest payable on the Money borrowed, in order to form a Sinking Fund for the gradual Payment of all Principal Sum and Sums so to be borrowed; and that as often as the said Sinking Fund shall amount to the Sum of Two hundred Pounds, then and in such Case that Sum shall be applied in the Payment of an equal Amount of the said Principal Money then due and owing on the Credit or Security of the said Rates or Assessments, rateable or by Lot among the Creditors, as the said Commissioners shall think proper.

Commissioners may abate and prevent Nuisances.

LXXX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, empowered, and required, from Time to Time as they shall think proper, to cause all Encroachments, Obstructions, Nuisances, and Annoyances in the Streets, Lanes, Entries, and other public Passages and Places within the Limits of this Act, to be abated and removed in such Manner as they the said Commissioners shall think proper; and from and after the passing of this Act it shall not be lawful for any Person or Persons to erect or place any Penthouse, Shed, Signpost, Bow Window, Steps, or any other Matter or Thing, so as to project into or hang over any of the Highways or Footpaths of any of the said Streets, Lanes, Entries, or other public Passages and Places, upon pain of forfeiting a Sum not exceeding Five Pounds for every such Offence; and in case the Person or Persons causing any such Obstruction or Encroachment shall not remove the same within Ten Days after Notice in Writing, signed by any Two or more of the said Commissioners, or by their Clerk for that Purpose, to be given to him, her, or them, or left at his, her, or their Dwelling House or usual Place of Abode, it shall be lawful for the said Commissioners to cause the same to be removed, and to charge the Expences thereof to such Person or Persons, and if the same shall not be paid on Demand made by the Clerk to the said Commis-

sioners, or other Person authorized by them, the same shall be levied and recovered in like Manner as any Penalty or Forfeiture is by this Act directed to be recovered.

Regulating Cellar Doors or Flaps.

LXXXI. And be it further enacted, That from and after the passing of this Act, all Spouts and Pipes for conveying Water from the Roofs of Houses or other Buildings into the said Streets, Lanes, Entries, or other public Passages and Places, shall be made or placed so as to convey such Water from such Roofs close to the Face or Side of such Houses or Buildings down to the Ground or Pavement, under a Penalty of Twenty Shillings for every Day the same shall remain placed contrary to the Directions of this Act, after Notice in Writing for that Purpose from any Two or more of the said Commissioners shall have been left one full Week at such House or Building, for the Occupier thereof, such Penalty to be paid by such Occupier; and where any Opening is now or may hereafter be made in the paving or flagging of any of the said Streets, Lanes, Entries, or other public Passages and Places, as an Entrance into or for the Purpose of carrying Coals or other Articles into any Vault or Cellar, whether such Vault or Cellar be inhabited or uninhabited, or for the Purpose of giving Light into any Room or Cellar, or for any other Purpose, the Door, Lid, or Flap, Covering or Grating to such Opening shall be made (at the Expence of the Occupier of the Cellar, Kitchen, Building, or other Premises to which such Opening shall communicate) of Iron or such other Materials, and of such Dimensions, and in such Manner and Form as the said Commissioners shall direct and approve of; and every such Door, Lid, Flap, Grating or Covering, shall from Time to Time be repaired, varied, and altered, at the like Expence of the Person or Persons for whose Use and Benefit the same shall be possessed and enjoyed, and in such Manner and Form as the said Commissioners shall direct or appoint; and in case any Person shall cause any such Grating or Covering to be made, repaired, varied, or altered contrary to, or shall neglect or refuse to make, repair, vary, or alter such Grating or Covering consistently with, such Direction or Appointment as aforesaid, or shall cause or permit any such Cellar Door, Cellar Lid, Flap, or Cover within the said Limits, to be left open at any Time between Sun-setting and Sun-rising on any Pretence whatsoever, without the same being well and sufficiently lighted and guarded, so as to prevent Accidents from happening, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

When Houses or other Buildings projecting into any Street, are taken down to be rebuilt, the Commissioners may order the same to be set back.

LXXXII. And be it further enacted, That whenever any House or other Building, standing in any Street, Lane, Entry, or other public Passage within the Limits of this Act, and projecting beyond the regular Line of such Street, Lane, Entry, or other public Passage, or of the Range of Buildings adjoining thereto, shall be taken down and rebuilt, it shall be lawful for the said Commissioners, 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 Order 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 the Owner or

Owners thereof, some or one of them; and if any House or other Building shall be built or erected contrary to such Directions and Orders, the same shall be and be 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, that full Recompence and Satisfaction shall be made by the said Commissioners, out of the Money to be raised by virtue of this Act, to the Owner or Owners of, or other Person or 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.

Penalty on obstructing Causeways, &c.

LXXXIII. And be it further enacted, That if any Person or Persons shall, upon any of the Footways or Foot Pavements in any of the Streets, Lanes, Entries, and other public Passages and Places within the said Limits run, draw, drive, or carry thereon, any Wheelsledge, Wheelbarrow, Handbarrow, Bier, or Carriage, whatsoever; or roll any Cask or Tub, other than for the necessary loading or unloading thereof, upon, from, or out of any Carriage Road or Footway, further than the Extent of the Premises in the Occupation of the Person from or to whose House or Building such Cask or Tub shall be rolled; or if any Person shall wilfully drive any Cart or Carriage whatsoever, or shall ride, lead, or drive any Horse or other Beast, or any Cattle whatsoever, on any of the said Footways and Foot Pavements; or shall wilfully break up, damage, or remove any Part of the Pavements, or set up, affix, or use any Stall, Standing-block, or Working-place thereon, or so near thereto as to obstruct the Passage thereon; or put or place any Cask, Tub, Pail, Bucket, Stool, Bench, Stall, or erect, set up, or place any Blind, Shade, Coverlid, or Awning, or any other Matter or Thing in the Front of, or before any House, Shop, or other Building, and suffer it to remain so as in any Manner to cause any Obstruction or Impediment in the Footway, or on the Foot Pavement; or shall in any Street, Lane, Entry, or other public Passage or Place within the Limits of this Act, hoop, fire, cleanse, wash, or scald any Cask or Tub, or hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber; or make or repair, or wash or clean, any Coach, Chaise, Gig, Waggon, Cart, Sledge, or other Carriage, (except such as may want immediate Repair from any sudden Accident on the Spot, or which cannot be conveniently removed for that Purpose, such unavoidable Repair to be done and completed with all convenient Speed); or if any Person shall hang out or cause to be hung out any Linen or Cloth, or any Article of wearing Apparel, or other Article for the Purpose of Sale, or of airing or drying the same, upon or from any Door or Window within any Street, Lane, Entry, or other public Passage or Place within the Limits of this Act, or fix or tie up any Line, Rope, or Cord for any such Purpose; or if any Person shall, in or upon any such Street, Lane, Entry, or other public Passage or Place, shoe, bleed, farry, or kill any Horse or other Beast or Cattle, (except in case of Accident); or if any Person shall within any such Street, Lane, Entry, or other public Passage or Place, show or expose any Stallion, or expose to Sale any Horse or other Beast (except only in such Places as the said Commissioners shall direct), or turn loose any Horse, Mule, Ass, Pig, or other Beast; or if any Person shall make or assist in making of any Bonfire, or shall wantonly let off or fire any Gun, Pistol, Blunderbuss, or other Fire-arms, or shall wantonly let off any Serpent or Rocket, or throw any Cracker, Squib, or other Fire-works,

works, or play at Football, Bandy, or any other Game or Games, to the Annoyance of any Inhabitant or Passenger; or fly any Kite or Kites; or shall wilfully break, or aid, abet, or assist in wilfully breaking any Glass Pane or Window, Panes or Windows, in or belonging to any Dwelling House or other Building; or if any Person shall, on any of the Footways or Foot Pavements, throw or lay down any Coals, Cokes, Bricks, Sand, Lime, Gravel, Stones, or other Thing, and suffer the same to remain in any of the said Streets, Lanes, Entries, or other public Passages and Places after Sun-set, without placing a sufficient Light upon or near the same to prevent Accidents; or if any Person shall leave or cause to be left in any of the said Streets, Lanes, Entries, or other public Passages and Places any Cart, Waggon, or other Carriage whatsoever, for any longer Time than for the Purpose of loading or unloading the same; or if any Person shall kill or slaughter, or scald, singe, dress, or cut up any Pig or Animal, either wholly or in part, in any of such Streets, Lanes, Entries, or other public Passages and Places, or cause or permit any Blood to run from any Slaughter House, Butcher's Shop or Shambles, into the same or any of them; or shall, for the Purpose of obtaining or collecting Manure, or for any other Purpose, stop up or impede the Passage of any Common Sewer, Ditch, Drain, or Watercourse; or shall empty, convey, or discharge any Filth or Rubbish into any Common Sewer or public Drain; or if any Person or Persons shall, in any of the said Streets, Lanes, Entries, or other public Passages and Places, bait or cause to be baited any Bull, Bear, Badger, or other Animal; or shall fight or set on to fight any Dogs or Cocks, or shall permit or suffer his, her, or their Mastiff, Bull-dog, or other kind of Dog, or any other dangerous Animal, to go at large, without being safely and sufficiently muzzled, or shall not, after public Notice given by Order of any Justice or Justices of the Peace for the Borough and Foreign of *Walsall* aforesaid, tie up and keep safely secured his, her, or their Dog or Dogs, in order to prevent any Danger or Mischief happening by reason of Hydrophobia or otherwise; or if any Driver of any Waggon, Cart, or other Carriage shall, in any of the said Streets, Lanes, Entries, or other public Passages and Places, ride on the Shafts, or in or upon any Part of such Waggon, Cart, or other Carriage, without Reins, or any of the Horses or Cattle drawing the same; or if any Person riding any Horse or Beast, or driving any Sort of Carriage, shall ride or drive the same furiously, so as to endanger the Life or Limb of any Passenger or other Person; or if any Person or Persons shall wilfully hinder, obstruct, or prevent the free Passage of any of the said Streets, Lanes, Entries, Ways, Footways, or other public Passages or Places; or if the Driver of any Sort of Carriage whatever, meeting any other Carriage, shall not keep his or her Carriage on the Left or Near Side of the Road, or shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage, or of any of His Majesty's Subjects within the Limits of this Act; or shall suffer any Stage Coach, Diligence, Post-chaise, or other Carriage let out to hire, to remain longer than may be necessary for the taking up or setting down of any Passenger, or for the loading or unloading of their Baggage; or if any Person shall fix up any Flower-pot or Bough-pot at any Window, without sufficiently guarding the same, so as to prevent the same being blown or thrown down;

or

or shall commit or permit any other Kind of Obstruction or Annoyance, in or upon any Street, Lane, Entry, or other public Passage or Place within the Limits of this Act, then and in every such Case every Person offending, or the Owner or Proprietor of any such Horse, Beast, Cattle, Carriage, Goods, Matter, or Thing as aforesaid, as the Case may be (in case the Person actually offending cannot afterwards be found), shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for any Officer appointed by virtue of this Act, or for any Constable, to take away and remove any of the before-mentioned Obstructions, in case the Party occasioning the same shall not remove the same within a reasonable Time after being required so to do by any Person whomsoever; and it shall be lawful for any Constable or other Peace Officer, or any One of the said Commissioners, or any Officer or other Person acting by or under their Authority by virtue of this Act, and without any Warrant whatsoever, to seize and apprehend any such Offender or Offenders as aforesaid, and forthwith to convey him, her, or them before some Justice or Justices of the Peace for the said Borough and Foreign, in order to his, her, or their Conviction of such Offence: Provided always, that nothing herein contained shall extend, or be construed to extend, to prevent or hinder any Person from placing any Stall, Stool, Bench, or Form for the Sale of Goods or Wares, or from exposing to Sale any Meat, Poultry, Vegetables, Fruit, or any other Matter or Thing in any Street, Lane, Entry, or other public Passage or Place within the Limits of this Act, so as the same does not prevent the free Passage of Persons passing through or along the same; nor any Person from selling or exposing to Sale any Horse, Beast, Cattle, Sheep, or Swine, or placing any Stall, Booth, Stool, Bench, or Form for the Sale of Goods or Wares, or from exposing to Sale any Meat, Poultry, Vegetables, Fruit, or any other Matter or Thing, in any Market Place within the said Limits, on the usual Days of holding the Markets and Fairs within the same.

If Chimneys, &c. take Fire a Penalty to be paid.

LXXXIV. And be it further enacted, That if any Chimney or Funnel for conveying Smoke, within the Limits of this Act, shall be set on Fire, or suffered to be set on Fire, or shall take Fire, the Occupier of the Shop, Dwelling House, Workshop, or other Place to which such Chimney or Funnel belongs, shall forfeit and pay any Sum not exceeding Five Pounds.

Regulation as to Night Soil.

LXXXV. And be it further enacted, That no Person shall empty or begin to empty any Privy, or to take and carry away any Night Soil, or bring or place any Carts for removing the same, from any House, Building, or Place, already erected or hereafter to be erected, built, or made, within the Jurisdiction of the Commissioners for executing this Act, before the Hour of Ten of the Clock in the Night, or shall continue to take away the same after the Hour of Six in the Morning between *Michaelmas* and *Lady Day*, and after the Hour of Four in the Morning between *Lady Day* and *Michaelmas*; and that no Person shall unload or cast or spill, or cause or suffer to be unloaded, cast or spilt, any such Night Soil out of any Cart, Tub, or otherwise, within the District comprised in this Act; and if any Person shall offend herein he shall for

every such Offence forfeit and pay any Sum not exceeding Five Pounds, One Half whereof shall go to the Informer, and the other Half shall be paid to the Treasurer of the said Commissioners, to be applied to the general Purposes of this Act.

Hoards may be erected.

LXXXVI. And be it further enacted, That nothing herein contained shall hinder or prevent any Person from erecting or building any Hoard or other thing by way of Inclosure, either within or without the Area of his House, Wall, or Building, for the Purpose of making Mortar, or making Bricks or Stone, or making or working up any Lime, Sand, or other Materials for, or making, building, altering, or repairing any House, Wall, or other Building within the Limits of this Act, or to subject him to any Penalty on account thereof, provided that such Person shall previously have and obtain a Licence for that Purpose under the Hand of the Clerk, Surveyor, or Inspector to the said Commissioners, which Licence such Clerk, Surveyor, or Inspector is hereby required forthwith to grant to any Person applying for the same, and for which he shall receive the Sum of One Shilling and no more, and such Licence shall specify the Length and Breadth of every such Hoard, and the Time it is to continue for such Purposes aforesaid; and if any Person shall erect any Hoard or Inclosure of greater Dimensions than shall be specified in, or shall suffer such Hoard or Inclosure to remain for any longer Time than shall be allowed by such Licence, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings for every Day that such Hoard or Inclosure, or any Part thereof, shall be continued after Notice shall have been given by the Clerk, Surveyor, or Inspector, to take down and remove the same: Provided always, nevertheless, that in case such Licence shall at any Time be renewed, no Fee or Reward shall be received or taken for such Renewal.

Proviso in favour of Builders.

LXXXVII. Provided nevertheless and be it further enacted, That no Person shall be subject to any Penalty by virtue of this Act for or on account of any building Materials, Rubbish or Dirt being in or upon any of the said Streets, Lanes, Entries, or other public Passages and Places, before or near the House or Building of such Person, occasioned by the building or pulling down, rebuilding or repairing such House or Building, so that there be convenient Room left for Carriages to pass, and a sufficient Way kept clear for Foot Passengers; and so that the Owner or Occupier of such House or Building do cause such Materials, Rubbish and Dirt, to be removed out of the said Streets, Lanes, Entries, or other public Passages or Places, within a reasonable Time after such building, pulling down, or repairing shall be finished, or upon Notice to be given to him or her, signed by any one or more of the said Commissioners, and so that during the Time the same shall be lying in such Street, Lane, Entry, or other public Passage and Place, such Owner or Occupier shall guard and fence off the same, either by a temporary Railing or otherwise, and also set up and maintain a sufficient Light or Lights during the whole of the Night-time, to the Satisfaction of the said Commissioners, to prevent Accidents and Mischief happening therefrom; provided also, that in case any Person so placing such Materials, Rubbish, or Dirt in any of the said Streets, Lanes, Entries, or other public Passages or Places, shall not during the whole of the Night effectually guard and fence off

the same, and also set up and maintain a sufficient Number of Lights, so as to prevent Accidents or Mischief happening therefrom, every Person making Default in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Regulations as to Statute Labour.

LXXXVIII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards the repairing and amending any of the Highways within the Townships of the Borough and Foreign of *Walsall* aforesaid, shall be and remain liable thereto, in like manner, in every respect, as they now are or have heretofore been; and it shall be lawful for any Two or more Justices of the Peace for the Borough and Foreign of *Walsall* aforesaid, and they are hereby required and empowered, upon Application made to them by the said Commissioners, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Highways by the Inhabitants of the respective Townships of the Borough and Foreign of *Walsall* aforesaid, and also what Proportion of the Money received by the Surveyor or Surveyors of the said Highways in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Commissioners or their Treasurer; and in order thereunto the Surveyor or Surveyors of the Highways for the said Townships shall, on an Order in Writing made by the said Justices, on an Application to them by the said Commissioners, or by their Clerk or Surveyor by their Order, and respectively delivered to such Surveyor or Surveyors of the said Highways, or left at his or their last or usual Place of Abode, bring and deliver, within Ten Days afterwards, to the said Commissioners or their Clerk, true and perfect Lists in Writing of the Names of the several Persons who within the said Townships 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 are or may be directed by any Law or Statute in Force or Effect for the Repairs of the public Highways; and the said Commissioners or their Clerk having received such Lists, shall within Fourteen Days afterwards give a Notice to the Surveyor or Surveyors of the said Highways of the Time when such Lists will be laid before the said Justices, in order to apportion the said Statute Duty; and at the Time appointed in and by such Notice, the said Lists shall be laid before the said Justices by the said Commissioners or their Clerk, in the Presence of one of the Surveyors of the said Highways (if he shall attend), 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 do 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 Time (not being Hay-time or Harvest), and on such Parts of the said Highways, as the said Commissioners or their Surveyor shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Surveyor or Surveyors of the said Townships respectively to pay over to the said Commissioners or their

their Treasurer, or other Person duly authorized to receive the same, such Proportion of the Composition Money for Statute Work as aforesaid, as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; 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 to 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 Fines, Penalties, and Forfeitures as such Person or Persons may be subject or liable by any Law or Statute now in Force and Effect for 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 any of the said Highways, shall be found idle or negligent by any Surveyor to the said Commissioners, such Surveyor is hereby empowered to remove and dismiss 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 Part of such Highways, all which Forfeitures shall be paid to the Treasurer to the said Commissioners, and applied towards amending such Highways; and in case the Surveyor or Surveyors of the said Highways shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly or wilfully give in false and imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the said Borough and Foreign.

**Commissioners may compound for Statute Labour.**

LXXXIX. And be it further enacted, That it shall be lawful for the said Commissioners to compound and agree with all 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 any Part of the Statute Work to be by them done on the said Highways; which Composition Money shall be paid by the Person or Persons compounding to the Treasurer of the said Commissioners, at such Time or Times, and in such Manner as shall be agreed upon at the entering into such Composition; and in default of Payment the same shall and may be recovered in like manner as any Fine, Penalty, or Forfeiture is by this Act directed to be recovered.

**Power for Commissioners to purchase Lands, &c.**

XC. And be it further enacted, That for the Purpose of making the narrow Parts of the said Streets, Lanes, Entries, and other public Passages and Places safe and commodious for Carriages and Passengers, and for opening proper Communications between any of the said Streets, Lanes, Entries, and other public Passages and Places, or any of them, and

and for altering, widening, and improving the present Communications between the said Streets, Lanes, Entries, and other public Passages and Places, or any of them, and for otherwise improving the said Town and the Neighbourhood thereof in manner by this Act directed or otherwise, and also for enlarging the Churchyard belonging and adjoining to the Parish Church of *Walsall* aforesaid, and for improving, widening, or altering the present Communication to the said Church, it shall be lawful for the said Commissioners to treat and agree with such Person or Persons, or Body or Bodies Politic or Corporate, Spiritual or Lay respectively, as shall be or be deemed to be Owners of or interested in any such Houses, Buildings, Erections, Projections, Lands, Tenements, or other Hereditaments, within the said Town or the Neighbourhood thereof, as the said Commissioners shall think right and proper to be taken or used for the Purposes aforesaid, for the absolute Purchase thereof respectively, or for the Damage to be done thereto respectively, in the Execution or for the Purposes of this Act, and to take down and remove or alter all or any of such Houses, Building, Erections, Projections, Tenements, or Hereditaments so to be purchased, or any Part or Parts of the same respectively, and to make use of and appropriate all or any of the Ground or Sites thereof respectively, and also to make use of and appropriate all or any of the Lands to be so purchased for all or any of the Purposes aforesaid, as they the said Commissioners shall think fit.

Power for Bodies Politic, &c. to sell.

XCI. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, and all Corporations, whether Aggregate or Sole, Spiritual or Lay, and all Tenants for Life or Years, or in Fee Tail, General or Special, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or for Lunatics and Idiots, or other Trustees whomsoever, not only for and on behalf of themselves, their respective Heirs and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, 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, and to and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any Houses or other Buildings, Erections, Lands, Tenements, or other Hereditaments, or any Part thereof within the Jurisdiction of the said Commissioners, which the said Commissioners are by this Act enabled to purchase for any of the Purposes of this Act, to treat, contract, and agree with the said Commissioners for the Sale thereof, or any Part thereof, and to sell and convey all or any Part thereof, and all the Estate, Right, Title, or Interest whatsoever, of, in, and to the same, to the said Commissioners and their Successors, or to such Persons and their Heirs for ever, as the said Commissioners shall direct, in trust for them the said Commissioners, for any of the Purposes of this Act; and that all Contracts, Agreements, Bargains, Sales, and Conveyances which shall be so made by virtue and in pursuance of this Act, shall without any Fine, Recovery, or other Conveyances or Assurances in the Law whatsoever, and without Enrolment and Registry, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Party or Parties so conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand

whatsoever of their several and respective Cestuique Trusts, and all Persons claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion, expectant on any particular Estates, and the same shall be considered and deemed to bar and shall bar the Dower of the Wife or Wives of such Party or Parties, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and all the Issue or Issues of the Party claiming under them, or any of them respectively, any Law, Statute, or Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, and all Tenants for Life or Years, or in Fee Tail, General or Special, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons, are and shall be hereby fully indemnified for what they respectively shall do by virtue and in pursuance of this Act.

Application of Compensation Money amounting to 200*l.*

XCII. And be it further enacted, That if any Money shall be paid or agreed to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used, by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such 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 Court of Exchequer, to be placed to his Account there, *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled 1 G. 4. c. 35. *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court 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, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances 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, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary, or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such

and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or 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 such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Order can be made, the said Money shall, by Order of the said Court, 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, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities, or Government or Real Securities, shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by the 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 such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

Application of Compensation Money when less than 200*l.* and not less than 20*l.*

XCIII. Provided always, and be it further enacted, That if any Money so agreed to be paid for any Lands, Tenements, or Hereditaments, to be purchased, taken, or used for the Purposes of this Act, 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 exceed or amount to 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, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners, or any Three or more of them, to be signified in Writing under their respective Hands) be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the Commissioners for executing this Act, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Commissioners, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Application of Compensation when less than 20*l.*

XCIV. Provided also, and be it further enacted, That where such Money so agreed to be paid as last herein-before mentioned, shall be less than

than Twenty Pounds, then and in all such Cases the same shall be paid 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 purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit, or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

**In case of not making out Titles, or Persons entitled not being found.**

XCV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be agreed to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers 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 in case the Person or Persons to whom such Sum or Sums of Money shall be agreed to be paid 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 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 Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person 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, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, 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 therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank of *England* as aforesaid.

**Persons presumptively entitled.**

XCVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person 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 Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, for the Purposes aforesaid, or to any Bank Annuities, or Government or Real Securities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, or Government or Real Securities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments

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, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities, or Government or Real Securities, to be purchased with such Money, and also the Capital of such Bank Annuities, or Government or Real Securities, 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.

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

XCVII. 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, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, or 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 said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XCVIII. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments to be made to the said Commissioners and their Successors, shall be made in the Form or to the Effect following; (*videlicet*),

**Form of Conveyance.**

'I *A. B.* of in consideration of the Sum of to me paid by the Commissioners for improving the Town of *Walsall* and the Neighbourhood thereof, acting by virtue of an Act of Parliament made in the Fifth Year of the Reign of King *George* the Fourth, intituled [*here insert the Title of this Act,*] do hereby grant and convey to the said Commissioners and their Successors all [*here describe the Premises to be conveyed,*] and all my Right, Title, and Interest to and in the same and every Part thereof, to hold to the said Commissioners and their Successors for ever. In witness whereof I have hereunto set my Hand and Seal this Day of in the Year of our Lord .'

And every such Sale, Conveyance, and Assurance so made shall be good, valid, and effectual to vest the Premises so conveyed in the said Commissioners and their Successors, freed and absolutely acquitted and discharged of and from all Claims, Rights, Interests, Charges, and Incumbrances of all Persons whomsoever, to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

**Provision for Payment of Purchase Money, &c. and for vesting of Property in the Commissioners.**

XCIX. And be it further enacted, That every Sum of Money to be agreed for as aforesaid shall be paid out of the Monies to be received by virtue of this Act, to the Party or Parties respectively entitled to such Monies, or to their Agents; and upon Payment thereof, or in case of Refusal to accept the same, on placing the same in the Bank of *England* in manner by this Act directed (whether such Conveyance as aforesaid shall or shall not be made), all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law and Equity, of the Person or Persons respectively, unto whom or to whose Credit or Use the same shall have been paid, in, to, and out of such Lands, Tenements, or other Hereditaments, shall vest in the said Commissioners and their Successors, in trust for effecting the Purposes of this Act, and they shall be deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery of Seisin, Fine, common Recovery, Surrender, or any other Conveyance or Assurance whatsoever; and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Use or Credit such Payments shall have been made as aforesaid, but also shall extend to and be deemed and construed to bar the Dower and Dowers of the Wife or Wives of such Person and Persons, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue or Issues of such Person and Persons, and every Person claiming under them, as effectually as Fines or common Recoveries would do, if levied or suffered by the proper Parties in due Form of Law.

**Power for Commissioners to cause Buildings taken down to be formed into Streets, &c.**

C. And be it further enacted, That it shall be lawful for the said Commissioners to cause all and every the Houses and other Buildings, Erections, and Projections, which shall at any Time be purchased under the Powers and for the Purposes of this Act, or any of them, or any Part of them, to be appropriated to the Purposes of this Act, or otherwise to be taken down, and to cause so much of the Sites thereof, and of any other Land to be purchased under the Powers and for the Purposes of this Act, to be added to or laid into the Churchyard, Streets, Lanes, or other public Passages or Places, or to be formed and made into any new Streets, Lanes, or other public Passages or Places, for the Purpose of making Communications between any of the present Streets, Lanes, or other public Passages or Places, or to the said Church, in such Manner as the said Commissioners shall judge proper; and the Land so added to or laid into the Churchyard, or into the respective Streets, Lanes, or other public Passages or Places respectively, shall for ever afterwards be deemed Part thereof, and the same, and also such as shall be formed and made into any new Streets, Lanes, or other public Passages or Places as aforesaid, shall be used as common public Highways.

**Powers to sell Premises not wanted.**

CI. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners to sell or otherwise dispose of such Part or Parts of any Houses, Buildings, Lands, Tenements, or other Hereditaments which may have been purchased under the Authority of this Act, for the Purpose of making such Alterations or Improvements as aforesaid, as may afterwards be found unnecessary for the Purpose first intended, to any

any Person willing to purchase the same; and that all Monies to be raised by any Sale or Sales as aforesaid, shall be considered as Part of the General Fund applicable to the Purposes by this Act declared; and for completing or carrying any such Sales into effect the said Commissioners, or any Five or more of them, are hereby authorized and empowered to make and execute any Conveyances of such of the said Premises as shall be so sold unto the Purchasers thereof, and such Conveyances shall in all Cases be deemed sufficient in Law to vest such of the said Premises as shall be expressed and intended to be granted by such Conveyances in the Purchasers thereof, and his, her, or their respective Heirs and Assigns.

Corporation to pay the Expences of this Act.

CII. And be it further enacted, That all the Expences of procuring, obtaining, and passing of this Act, shall be paid and borne by the Mayor and Commonalty of the Borough and Foreign of *Walsall* aforesaid, and that no Part of such Expences shall be paid out of the Money to be raised by any of the Rates or Assessments to be made and levied by virtue of this Act.

Corporation exonerated from paving Streets, in consideration of paying an annual Sum.

CIII. And whereas the Mayor and Commonalty, or the Mayor and Capital Burgesses of the Borough and Foreign of *Walsall* aforesaid, have anciently paved and maintained certain of the Streets within the said Borough: And whereas the said Mayor and Commonalty are willing and desirous to pay a certain Sum of Money annually, in order to be discharged from the Costs, Charges, and Expences of maintaining and repairing such Pavements; be it therefore enacted, That the said Mayor and Commonalty shall and they are hereby required to pay, or cause to be paid, to the said Commissioners, or to their Treasurer for the Time being, or to such other Person or Persons as the said Commissioners shall appoint to receive the same, the Sum of Twenty Pounds in each and every Year; and in default thereof, or of any Part thereof, the same shall and may be levied and recovered by such Ways and Means as are herein provided for the Recovery of any Rate or Assessment to be rated or assessed by virtue of this Act; and in consideration of such annual Payment, the said Mayor and Commonalty shall be and are hereby declared to be freed, exonerated, and for ever discharged from all future Charges and Expences of making, repairing, and cleansing any of the Pavements, Sewers, Drains, Grates, Sinks, Gutters, and Watercourses within the said Borough (except such Rates and Assessments as they or their Successors may be liable to as Owners or Occupiers of any Houses, Lands, Tenements, or Hereditaments, which shall be liable to any Rate to be made by virtue of this Act); and that all such Parts of the said Borough as before the passing of this Act were or had been paved, repaired, or cleansed at the Expence of the said Mayor and Commonalty, shall for ever hereafter be paved, repaired, and cleansed by and under the Direction of the said Commissioners.

Pumps, &c. to be under the Controul of Commissioners.

CIV. And be it further enacted, That the public Pumps in the several Streets and other public Places within the Limits of this Act, and also the Conduit in the *High Street* in the Borough aforesaid, together with the Reservoirs, Watercourses, and Soughs supplying the same respectively with Water,

Water, which before the passing of this Act were or had been repaired, maintained, and supported by the Constable or Overseers of the Poor of the Borough of *Walsall* aforesaid, or by the Mayor and Capital Burgesses of the Borough and Foreign aforesaid, shall after the passing of this Act be vested in, and be under the Controul, Care, and Management of the said Commissioners, and be repaired, maintained, and supported by them out of the Rates or Assessments to be made and levied, or other Money received by virtue of this Act, any Law, Usage, or Custom to the contrary thereof in anywise notwithstanding; and if any Person or Persons shall wilfully or maliciously damage, spoil, or injure any of the said Pumps or Conduit, or stop up, break in, damage, injure, or destroy any of the Reservoirs, Watercourses, or Soughs as aforesaid, or divert, turn off, or spoil the Water therein, every Person so offending shall for every such Offence forfeit and pay any Sum of Money not exceeding Five Pounds, to be recovered and applied as herein-before mentioned.

**In case of Nonpayment of Compensation for Materials, &c. the same to be levied on the Goods of the Commissioners or their Treasurer.**

CV. And be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Commissioners, or by any Person acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Commissioners or their Treasurer, in pursuance of the Directions or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satiafaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by Way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Surplus shall be returned on Demand to the said Commissioners or their Treasurer for the Time being, as the Case may be.

**Penalty on Non-attendance of Witnesses.**

CVI. And be it further enacted, That if any Person shall be summoned as a Witness before any Justice of the Peace, touching any Matter contained in any Information or Complaint for any Offence against this Act, either on behalf of the Prosecutor, or on behalf of the Person or Persons accused, and shall refuse or neglect to appear from Time to Time at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum for his or her Costs and Expences, without a rea-

a reasonable Excuse being made, to the Satisfaction of such Justice, for his or her Refusal or Neglect of appearing, or appearing, shall refuse to be examined upon Oath, or in case of a Quaker, on solemn Affirmation, and to give Evidence before such Justice of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

**Penalty on obstructing the Execution of this Act.**

CVII. And be it further enacted, That if any Person shall at any Time obstruct, hinder, or molest any Collector or other Person whomsoever, who are or shall be employed to put this Act in Execution, in the Performance or Execution of his Duty, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

**Recovery and Application of Forfeitures.**

CVIII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, (the Manner of levying and recovering whereof is not hereby particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way, by the Order and Adjudication of One or more Justice or Justices of the Peace for the said Borough and Foreign of *Walsall*, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal, or Hands and Seals, of such One or more Justice or Justices, who is and are hereby authorized and required to summon and examine any Witness upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties, not herein directed to be otherwise applied, shall be paid to the Treasurer of the said Commissioners for the Time being, to be applied for the general Purposes of this Act, unless such Penalties shall be incurred by the said Commissioners, in which Case the same shall be paid to the Overseers of the Poor of the Township or Place within which the Offence shall be committed; and it shall be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody, until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice or Justices, upon the

Confession of the Offender or Offenders, or otherwise, that he, she or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal, or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol for the Borough and Foreign of *Walsall* aforesaid, or to the Common Gaol or House of Correction for the County of *Stafford*, at the Discretion of such Justice or Justices, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, or until such Offender or Offenders shall have fully paid such Penalty or Penalties, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law.

Casual Offenders to be taken up.

CIX. And whereas Offences may be committed against this Act by Persons unknown to the said Commissioners, Collectors, Surveyors, or other Officers appointed to put the same into Execution; be it therefore further enacted, That it shall be lawful for any of the said Commissioners, or their Clerk, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person who shall commit any such Offence or Offences, and take him or her before any Justice of the Peace for the said Borough and Foreign, and such Justice shall and he is hereby empowered and directed to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

For the more easy Conviction of Offenders.

CX. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all Justices of the Peace before whom any Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the following Form, or in any other Form to the same Effect, as the Case shall happen: (that is to say),

'Walsall, Borough and Foreign, in the County of Stafford. } BE it remembered, That on [*Time of Conviction,*] at [*Place of Conviction,*] *A. B.* '[*Name and Addition of Offender,*] was convicted before me [*or* us,] '[*Name and Style of convicting Justice or Justices,*] for that the said *A. B.* '[*Name of Offender,*] on [*Time of committing Offence,*] at [*Place of committing Offence,*] did [*here state the Offence against this Act according to the Fact,*] contrary to an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*]; and I, [*or* we,] do therefore declare and adjudge, that the said *A. B.* has forfeited for the said Offence the Sum of [*Fine,*] or shall be committed to [*Place of Imprisonment,*] for the Space of [*Time of Imprisonment.*] Given under my Hand and Seal, [*or* our Hands and Seals], the Day and Year first above written.'

CXI. And

Conviction not to be quashed for Want of Form.

CXI. And be it further enacted, That no Order, Judgment, or other Proceeding made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction or Convictions of any Offender against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Writ of Certiorari, or 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 thereof in anywise notwithstanding.

Distress not unlawful for Want of Form.

CXII. And be it further enacted, That where 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 the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity that shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularities may recover Satisfaction for the Special Damage in an Action on the Case.

Appeal to the Quarter Sessions.

CXIII. Provided always, and be it further enacted, That if any Body Politic, Corporate, or Collegiate, or any Person or Persons whomsoever, shall think himself, herself, or themselves aggrieved by any Rate or Assessment made, or by any Order or Judgment of the said Commissioners, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, such Body Politic, Corporate, or Collegiate, or Person or Persons respectively, may appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the said Borough and Foreign, or for the County of *Stafford* aforesaid, at the Option of the Person or Persons aggrieved, within Three Calendar Months next after the Cause of Complaint shall have arisen, the Person or Persons appealing having first given at least Fourteen clear Days Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk to the said Commissioners, as the Case may be, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for the said Borough and Foreign, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace, or may, if they think proper, adjourn the Hearing thereof to the next subsequent General or Quarter Sessions of the Peace to be held for the said Borough and Foreign, or for the said County; and shall and may, upon the Determination of the Appeal, award such Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

CXIV. And

Inhabitants, &c. may be Witnesses notwithstanding being rated.

CXIV. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to or concerning the Execution of this Act, none of the said Commissioners, nor their Clerk, Collector, or other Officer or Servant, nor any Inhabitant or other Person within the Limits of this Act, shall be deemed incompetent to give Evidence by reason of his or her being rated or assessed to or paying any Rate or Assessment, or filling or holding any Office by virtue of or under this Act.

Regulations as to Actions.

CXV. And be it further enacted, That no Plaintiff shall recover in any Action to be commenced against any Person for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Twenty-eight Days before such Action shall be commenced, of such intended Action, signed by the Attorney of the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the said Defendant or Defendants in any such Action, by Leave of the Court after such Action shall have been brought, any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

CXVI. And be it further enacted, That no Action or Suit shall be commenced against any Person for any thing done in pursuance of this Act, or in relation to the Matters herein contained, after the Expiration of Three Calendar Months from the Time of the Fact being committed; and every such Action or Suit shall be brought and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his, her, or their Election, plead 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 and under the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall have been brought before the Expiration of Twenty-eight Days next after such Notice shall have been given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Expiration of the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place than as aforesaid, then and in any of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or upon any Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any other Defendant or Defendants hath or have in other Cases by Law.



CXVII. And

Directing what shall be deemed a Service of Notice on the Commissioners.

CXVII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, Party or Parties, to serve any Notice or Notices upon the said Commissioners, or any Writ or Writs, or other legal Proceedings, the Service thereof upon any One of the said Commissioners, or left at his usual Place of Abode, or upon the Clerk to the said Commissioners, or left at the Office of such Clerk, or at his last or usual Place of Abode, shall be deemed a sufficient Service of the same respectively on the said Commissioners.

Commissioners, &c. liable to be indicted for Nuisance.

CXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prevent any Person from proceeding by Indictment or otherwise against any of the Officers, Servants, or Workmen of the said Commissioners, or of any Body or Bodies Politic or Corporate, or Company or Companies of Proprietors, or other Persons contracting to light or lighting with Gas as aforesaid, in respect of any Works, or the Means which shall be employed by them, or any of them, in making the said Gas and using the same, or furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Action against the said Commissioners, Body or Bodies Politic or Corporate, or Company or Companies of Proprietors, or Person or Persons as aforesaid, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury shall proceed from the Preparation or the Use of the same Gas, or Method of lighting, or the Carelessness or want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Saving the Rights of the Corporation of Walsall.

CXIX. 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 Mayor and Commonalty, or Mayor and Capital Burgesses of the Borough and Foreign of *Walsall* aforesaid, and their Successors for the Time being, of, in, and to the Fairs and Markets in the said Borough and Foreign, and of, in, and to the Tolls, Tollages, Stalls, Stallage, or Picage arising from the said Fairs and Markets, or any other Rights, Interests, Privileges, or Authorities, (except such as are hereby expressly varied, repealed, or annulled); 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.

Saving the Rights of the Lord of the Manor of Walsall.

CXX. 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 *Orlando* Earl of *Bradford*, his Heirs or Assigns, as Lord or Lords of the Manor of the Borough and Foreign or Parish of *Walsall* aforesaid, or of the Lord or Lords of the said Manor for the Time being; but all and every such Rights, Interest, 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.

CXXI. 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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