ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. clxiii.

An Act for the better paving, draining, lighting, cleansing, and otherwise improving the Parish of *West Bromwich* in the County of *Stafford*, and for constructing Cemeteries there, and for making, maintaining, and regulating Markets and Market Places therein; and for other Purposes.

[10th *July* 1854.]

WHEREAS it would be attended with great public Advantage if the Parish of *West Bromwich* were sufficiently paved, drained, lighted, cleansed, and otherwise improved, and it would also be of great public Advantage if Cemeteries were constructed, and if Markets and Market Places were made, maintained, and regulated therein: And whereas the said Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

The West Bromwich Improvement Act, 1854.

10 & 11 Vict. c. 16., 8 & 9 Vict. c. 18., and 10 & 11 Vict. c. 34. incorporated.

I. That the several Acts of Parliament following, (that is to say,) "The Commissioners Clauses Act, 1847," "The Lands Clauses Consolidation Act, 1845," "The Towns Improvement Clauses Act, 1847," except so much of that Act as relates to the Approval of the Inspector or Inspectors appointed under the general Provisions of that Act or any other Act, and also except the Fiftieth Section of that Act, which are not intended to be incorporated with or form Part of this Act), "The Cemeteries Clauses Act, 1847," and "The Markets and Fairs Clauses Act, 1847," shall be incorporated with and form Part of this Act.

Meaning of certain Expressions.

II. That the Expression "the Quarter Sessions" in the said "Commissioners Clauses Act," "The Towns Improvement Clauses Act," "The Markets and Fairs Clauses Act," and "The Cemeteries Clauses Act," shall mean the Quarter Sessions for the County of *Stafford*; and that the Word "Owner" in this Act shall mean the Person for the Time being receiving the Rackrent of the Lands or Premises in connexion with which the said Word is used, whether on account of or as Agent or Trustee for any other Person, or who would so receive the same if such Lands or Premises were let at a Rackrent; and that the Word "Street" shall mean any present or future Square, Court, Alley, Way, Highway, Lane, Road, Thoroughfare, public Passage or Place, within the Parish of *West Bromwich*.

Short Title.

III. That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *West Bromwich* Improvement Act, 1854."

Limits of Act.

IV. That the Limits of this Act shall comprise and include the entire Parish of *West Bromwich*.

Act to be executed by Commissioners.

V. That the Commissioners and their Successors, to be appointed and qualified as herein-after mentioned, and also the Magistrates, to be nominated as herein-after mentioned, shall be the Commissioners for the Purposes of this Act, and for making and maintaining all Works and Conveniences, and doing all Acts and Things, which they may deem necessary for such Purposes, subject to the Provisions contained in this Act and the Acts incorporated herewith.

Three Magistrates to be nominated Commissioners.

VI. That the Magistrates acting in Quarter Sessions shall annually nominate Three Magistrates acting in Petty Sessions at *West Bromwich*, and being Persons duly qualified to act as Commissioners under this Act, which Three Magistrates so nominated shall be Commissioners,

sioners, provided that their Jurisdiction as Magistrates shall not be affected by their so being or acting as Commissioners.

Number of Commissioners.

VII. That the Number of the Commissioners (exclusive of Magistrates so nominated as aforesaid) shall be Thirteen.

Qualification of Commissioners.

VIII. That every Commissioner under this Act shall have the following Qualifications; (that is to say,) he shall be resident within the Parish of *West Bromwich*, or within Seven Miles in a direct Line from *Christchurch*, *West Bromwich*, and shall either be rated as Occupier to the Rate for the Relief of the Poor of *West Bromwich* in the annual Sum of Twenty-five Pounds or upwards, or be seised or possessed of the Rents and Profits of Houses, Buildings, or Lands of the annual Value of One hundred Pounds for an Estate of Freehold, or for any Term of Years not having less than Five Years to run, for his own Use, or be possessed of a Personal Estate of the Value of Two thousand Pounds over and above all his Debts and Liabilities.

First Election of Commissioners.

IX. That the First Election of Commissioners (other than the Magistrates nominated as aforesaid) shall take place within Two Calendar Months after the passing of this Act; and that with a view to such Election the Overseers of the Poor for the Parish of *West Bromwich* shall, as soon as conveniently may be after the passing of this Act, appoint a Day, not being less than Thirty Days after the passing of this Act, and a Place within the Limits of this Act, for such Election; and that at such First Election only the said Overseers shall be the Returning and Presiding Officers; and that such Overseers shall and may at such First Election only perform all such Functions and do all such Acts as by "The Commissioners Clauses Act, 1847," are directed or authorized to be done by the Commissioners, as the Returning or Presiding Officer, with reference to the Election of Commissioners, and that the Expenses of or incident to such First Election incurred by the said Overseers shall be repaid to them by the Commissioners out of the Monies arising from the General Improvement Rate herein-after authorized to be levied; provided that if One of such Overseers shall refuse or neglect to perform the Duties by this Act imposed upon him with reference to such First Election, it shall be lawful for the other of them to act alone in the Performance of such Duties; and such Overseer so acting alone shall, with reference to such First Election as aforesaid, have all the same Powers, Duties, and Authorities as both of them if acting together would have had by virtue of this Act with reference thereto.

X. That

Qualification of Voters at First Election.

X. That every Owner of Property within the Limits of this Act, and every Person who and every Corporation or Company which shall at the Time of the First Election of Commissioners be rated to the Relief of the Poor in respect of any Property within the said Parish of *West Bromwich*, and who shall, Seven Days at least before the said First Election, have paid all Poor Rates (if any) which shall have become payable by him or them in respect of such Rating at any Time previously to the Commencement of the Sixth Month before such Election, shall be entitled to vote at the First Election of the Commissioners, in accordance with the Scale of voting prescribed by the Commissioners Clauses Act, 1847.

Qualification at other Elections of Commissioners.

XI. That every Owner of Property within the Limits of this Act, and every Person who and every Corporation or Company which shall be rated to any Rate to be made under the Provisions of this Act in respect of any Property within the Parish of *West Bromwich*, and who shall, Seven Days at least before the Day of the Election of the Commissioners, have paid all the said Rates which shall have become payable by him or them in respect of such Property at any Time previously to the Commencement of the Sixth Month before such Election, shall be entitled to vote at every Election of Commissioners subsequent to the First Election, in accordance with the Scale of voting prescribed by "The Commissioners Clauses Act, 1847."

Voting by Corporations and Companies.

XII. That any Corporation or Company by this Act authorized to vote at any Election of Commissioners shall for the Purposes of such voting be considered as One Owner, and shall vote by Proxy.

Power to Voters to nominate Candidates for Election.

XIII. That it shall be lawful for any Person qualified to vote at any Election of Commissioners under this Act, at any Time not more than Ten or less than Seven Days before such Election, by a written Notice signed by him and delivered to the Returning Officer, to nominate for Election thereat any duly qualified Persons (not exceeding in Number the Commissioners to be elected at such Election), and that such Returning Officer shall, within Two Days after the Receipt of any such Notice, give Notice thereof to the Persons thereby nominated.

Commissioners incorporated.

XIV. That the Commissioners and their Successors shall be incorporated by the Name of "The *West Bromwich* Improvement Commissioners," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and by that Name may sue and be sued, and shall have Power to purchase and hold Lands for the Purposes of this Act.

XV. That

Commissioners may meet without Inspector being Present.

XV. That as to so much of the Clause numbered Eighty-four of "The Towns Improvement Clauses Act, 1847," which relates to the Notice required to be given by the Commissioners to the Inspector of the intended Work, and of the Time and Place appointed for hearing Objections thereto, it shall not be incumbent on the Commissioners to give to the Inspector Notice of the said Works, or of the Time and Place appointed for hearing Objections thereto; and that the Commissioners may hold the Meeting, and exercise the Powers given by the Clause numbered Eighty-five of the last-mentioned Act, without the Presence or Concurrence of the Inspector.

Penalty upon Officers and Servants interested in Contracts on taking Fees improperly.

XVI. That no Officer or Servant appointed or employed by or under the Commissioners shall in anywise be concerned or interested in any Bargain or Contract made with the Commissioners for the Purposes of this Act; and if any such Officer or Servant be so concerned or interested, or shall, under colour of his Office or Employment, exact, take, or accept any Fee or Reward whatsoever, other than his proper Salary, Wages, and Allowances, he shall be incapable of afterwards holding or continuing in any Office or Employment under this Act, and shall forfeit and pay the Sum of Fifty Pounds, which Sum may be recovered by any Person, with full Costs of Suit, by Action of Debt.

Power to Commissioners to purchase Lands for the Purposes of this Act.

XVII. That the Commissioners may agree with the Owners of any Land within the Parish for the absolute Purchase thereof for any of the Purposes of this Act, and they shall resell any Parts of the Lands so purchased which shall not be wanted for such Purposes.

Powers for compulsory Purchase of Lands limited.

XVIII. That the Powers of the Commissioners for the compulsory taking of Lands shall not be exercised after the Expiration of Three Years from the Commencement of this Act, nor in respect of any Lands except such as are mentioned in the Schedules hereto, or in the Plans and Book of Reference herein-after mentioned.

Produce of Sale of superfluous Lands.

XIX. That all Monies which shall come to the Hands of the Commissioners in consequence of the Sale of any superfluous Lands under the Provisions of this Act and the said "Lands Clauses Consolidation Act, 1845," shall be applied in Discharge of the Debt due upon the General Improvement Rate; and if there be no Debt due, then shall fall into and become Part of the General Improvement Rate, and shall be applicable as Part thereof.

Power to borrow on Security of Rates.

XX. That it shall be lawful for the Commissioners to borrow, on the Security of the Rates herein-after authorized to be levied, the Sums herein-after mentioned; (that is to say,)

On the Security of the Sewer Rate, any Sum not exceeding Thirty thousand Pounds:

On the Security of the Highway Rate, any Sum not exceeding Ten thousand Pounds:

On the Security of the Cemetery Rate, any Sum not exceeding Seven thousand Pounds:

On the Security of the General Improvement Rate, any Sum not exceeding Fifty-three thousand Pounds.

Commissioners may cause Streets to be paved and Sewers to be made.

XXI. That the Commissioners shall and may, subject to the Provisions of this Act and the Acts incorporated herewith, cause to be paved, drained, cleansed, lighted, and otherwise improved, the Parish of *West Bromwich*, and do all necessary Acts for promoting the Health and Convenience of the said Parish, and for that Purpose may exercise all the Powers vested in them by this Act and the Acts incorporated herewith; and in particular may make and execute the several Works delineated and shown in the Plans and Sections of the Sewage Works and Reservoirs, which, together with a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands in or on which the same are intended to be made or executed, have been deposited with the Clerk of the Peace of the said County of *Stafford*, upon the Lands delineated on the said Plans and described in the said Book of Reference, and shall and may enter upon, take, and use such of the Lands mentioned in the said Plans and Book of Reference as shall be necessary for that Purpose.

Power to deviate from the Line and Levels shown on Plans and Sections.

XXII. That it shall be lawful for the Commissioners to deviate from the Levels of such Works respectively as shown in the said deposited Plans and Sections to the Extent of Five Feet only, and no more; and that it shall be lawful for the Commissioners to deviate from the Lines of such Works as delineated on the said Plans to the Extent of Forty-four Yards only, and no more; provided that the Works shall not, by means of any such Deviation as herein-before authorized, be made to extend into the Lands of any Person, whether Owner, Lessee, or Occupier, whose Name is not mentioned in the Book of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeds from Mistake shall have been certified in the Manner provided for by this Act or the Acts incorporated herewith in Cases of unintentional Errors in the said Book of Reference.

As to Construction of Main Sewer under Birmingham, Wolverhampton, and Dudley Railway.

XXIII. That in carrying the Main Sewer under the Line of the *Birmingham, Wolverhampton, and Dudley* Railway, the Level of Outfall shall be kept at least as low as the same is shown on the deposited Section; and the Commissioners shall afford all reasonable Facilities to the *Birmingham, Wolverhampton, and Dudley* Railway Company

Company for connecting their existing and future Drainage with the said Main Sewer.

Works affecting said Railway to be executed to Satisfaction of Engineer of Great Western Railway.

XXIV. That the Works to be executed under the Powers of this Act, so far as they affect the *Birmingham, Wolverhampton, and Dudley* Railway, shall be constructed to the Satisfaction of the Engineer for the Time being of the *Great Western* Railway Company.

Saving Rights of Birmingham, Wolverhampton, and Dudley Railway Company, &c.

XXV. That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of the *Birmingham, Wolverhampton, and Dudley* Railway Company, or of the *Great Western* Railway Company, in respect of the *Birmingham, Wolverhampton, and Dudley* Railway, further or otherwise than is by this Act expressly provided.

Construction and Maintenance of Culvert under Birmingham Canal at Rider's Green Bottom Lock.

XXVI. That the Commissioners, in constructing the Culvert which appears on the said Plans and Sections to be intended to be made under the *Birmingham* Canal near *Rider's Green* Bottom Lock, shall leave a clear Waterway of the present Width, and not less than Five Feet Six Inches in Depth from the Top-water Level of the said Canal; and that full Compensation shall be made to the Company of Proprietors of the *Birmingham* Canal Navigations for all Loss, Damage, and Injury which the said Company may at any Time hereafter sustain by reason of the Construction of the said Culvert, whether in the Execution of the Works connected therewith or any subsequent Want of Repair thereof, from whatever Cause such Want of Repair may arise, or otherwise in relation thereto; and if the said Culvert shall at any Time be out of repair and the said Commissioners shall not, within the Space of Three Days after Notice in Writing, commence the Repair thereof, and proceed therein with all reasonable Despatch, the said Company shall be at liberty to make all necessary Repairs thereto in such Manner as they may think proper; and all Expenses thereof shall be repaid by the said Commissioners to the said Company on demand, or otherwise the said Company may sue for and recover such Expenses against the said Commissioners by Action in any of the Superior Courts.

Commissioners not to interfere with the Birmingham Canal Navigations.

XXVII. That it shall not be lawful for the Commissioners, in exercising any of the Powers conferred on them by this Act, to take, use, or interfere with any of the Water in the Canals belonging to the said Company of Proprietors of the *Birmingham* Canal Navigations, or in any Manner to impede the Navigation thereof, or to take, divert, or interfere with any of the Brooks, Streams, Feeders or Watercourses by which the said Canals are now supplied with Water,

or

or to injure any of the Works or Property of the said Company of Proprietors, without their Consent under their Common Seal first had and obtained.

Commissioners to make Works to receive Sewage Refuse.

XXVIII. And whereas the Sewage Works shown on the said Plans and Sections include Reservoirs for the Reception of the Sewage of the District comprised within the Limits of this Act, and it is expedient that such Reservoirs or other Works as herein-after mentioned should be provided before the proposed Sewers are made use of: Be it enacted, That the said Commissioners, before they open for Use any Sewer constructed by them under the Provisions of this Act, and discharging or which shall discharge its Contents into the River *Tame* or any of the Tributaries thereof, shall construct and complete and for ever thereafter maintain and make use of such intended Reservoirs, or such Cesspools, Strainers, or other Works as shall be agreed on between the Engineer of the Commissioners and the Engineer of the Company of Proprietors of the *Birmingham* Waterworks, or after any Purchase of the *Birmingham* Waterworks by the Council of the Borough of *Birmingham* under the Provisions of "The *Birmingham* Improvement Act, 1851," by the Surveyor of the said Council, or in case of any Difference between the said Engineers or the said first-mentioned Engineer and the said Surveyor, as the Case may be, as shall be determined by an Umpire to be appointed by such Engineers or Engineer and Surveyor, and in case such Engineers or Engineer and Surveyor cannot agree as to such Umpire, by an Umpire to be appointed by the Board of Trade, for the Purpose of reasonably cleansing and removing the Filth and other Matter mechanically suspended in the said Sewage Water from the said Sewers; and the said Commissioners shall not discharge into the River *Tame* or any of its Tributaries any Sewage or Sewage Water which shall not have passed through such Reservoirs or other Works as aforesaid, and by such means as aforesaid have been reasonably cleansed from the Filth or other Matter mechanically suspended therein.

Power to levy a Sewer Rate.

XXIX. That, for the Purpose of purchasing, building, and repairing Sewers within the Limits of this Act, and for the Purpose of making, executing, and maintaining the Sewage Works, including the Purchase of Land for the Purposes of such Works, and for the securing and paying of any Monies which may be borrowed for such Purposes, and the Interest thereof, it shall be lawful for the Commissioners to make, assess, and levy, within the Limits of this Act, such Rate, to be called the Sewer Rate, as may be necessary for the Purposes aforesaid, not exceeding in any One Year One Shilling in the Pound of the full net annual Value of the Property included in such Rate.

XXX. That

Application of Sewer Rate.

XXX. That all Monies which shall come to the Hands of the Commissioners from the said Sewer Rate shall be disposed of as follows:

First, in paying the Interest of all Monies borrowed and which shall from Time to Time be due and owing on the Credit of the said Rate:

Secondly, in repairing Sewers within the Limits of this Act, and in maintaining Sewage Works:

Thirdly, in setting apart and appropriating the Sum directed by this or the General Acts incorporated herewith to be set apart and appropriated, in Payment of the Principal Monies which shall have been borrowed or secured on the said Sewer Rate:

Fourthly, in purchasing and building Sewers within the Limits of this Act, and in making and executing Sewage Works, including Purchase of Land:

And, lastly, in paying off all Principal Monies due on the Credit of the said Sewer Rate:

That all Monies raised by Mortgage or other Security on the said Sewer Rate shall be applied to the Purposes fourthly and lastly herein-before mentioned.

Power to sell Sewage Refuse.

XXXI. That it shall be lawful for the Commissioners to sell or otherwise dispose of the Sewage Refuse to be collected within the Limits of this Act in the Reservoirs authorized to be constructed by this Act, and the Proceeds and Produce thereof shall fall into and become Part of the General Improvement Rate, and shall be applicable as Part thereof.

Expense of cleansing, &c. Sewers to be paid out of General Improvement Rate.

XXXII. That the Expense of maintaining and cleansing all Sewers vested in the Commissioners, and other Expenses connected with such Sewers, not herein-before provided for, shall be defrayed out of the General Improvement Rate herein-after mentioned.

Owners of Land on which new Streets formed to lay down Sewers.

XXXIII. That if the Owner or Occupier of any Land within the Parish shall hereafter lay out any Street or Road over or across the same, he shall, at his own Expense, if and when so required by the Commissioners, lay down throughout the whole Length of such Street, or so far as his Land extends, a proper Sewer, of such Depth, Dimensions, and Materials, and in such Manner, as the Commissioners shall require; and in case he shall fail so to do after Three Months Notice given to him by the Commissioners for that Purpose, it shall be lawful for the Commissioners to cause such Sewer to be made; and the Expenses which shall be incurred by the Commissioners in respect thereof shall be recoverable by them from such Owner or Occupier as

Damages: Provided always, that if the Commissioners shall require such Sewer to be formed of a greater Diameter than Eighteen Inches, or at a greater Depth than Fourteen Feet from the Surface of the Road to the Bottom of the Sewer, or of any other Materials than those in ordinary Use for such Purposes, the Commissioners shall pay all Expenses attending the same, over and beyond the Cost of laying down a Sewer made of ordinary Materials, and Eighteen Inches in Diameter, and at the Depth of Fourteen Feet from the Surface of the Road to the Bottom of the Sewer: Provided also, that previous to any such Owner or Occupier beginning to lay down such Sewer as aforesaid, he shall give Twenty-eight Days Notice to the Commissioners of his Intention, and of the proposed Diameter, Depth, and Course of such Sewer; and if the Commissioners shall not, within the said Period of Twenty-eight Days, give or cause to be given Notice to such Owner or Occupier that the Commissioners desire such Sewer to be laid down of any other Kind, or of any other Depth, or in any other Course than the one so proposed to be made, then such Owner or Occupier may proceed to make such Sewer as originally proposed; and if the Commissioners shall give Notice of any such Desire, and such Owner or Occupier shall not proceed to make a Sewer in accordance with such Notice, then the Commissioners may, if they think fit, proceed to make a Sewer in accordance with such Notice, and may recover the Cost thereof, or if such Cost shall exceed the Cost of laying down a Sewer of ordinary Materials, and Eighteen Inches in Diameter, and at a Depth of Fourteen Feet from the Surface of the Road, to be estimated by the Surveyor to the Commissioners, then the Commissioners may recover the Amount of such last-mentioned Estimate, from such Owner or Occupier as Damages.

Sewers may be used by Owners and Occupiers of Land beyond Limits of Act.

XXXIV. That any Person being the Owner or Occupier of any Lands beyond the Parish may, with the Consent of the Commissioners first obtained in Writing, and upon Payment to them of a reasonable Sum of Money, to be agreed upon between them, at his own Expense, and under the Superintendence of the Surveyor of the Commissioners, cause to branch into and to communicate with any of the Sewers belonging to the Commissioners any Sewer or Drain which may be lawfully made from the said Lands, of such Size and in such Manner and Form of Communication as the Commissioners shall approve of: Provided always, that nothing in this Act contained shall affect any Right acquired by Grant, Prescription, User, or in any other Manner whatsoever, by such Owner, Occupier, or any Person under whom such Owner or Occupier may claim, and at the Time of passing of this Act vested in or belonging to such Owner or Occupier, to use any of the Sewers or Drains vested in the Commissioners by this Act.

XXXV. That

Persons properly working Mines not to be liable for Injury to Sewers, &c.

XXXV. That nothing in this Act contained shall prevent the Person for the Time being entitled to work any Mines under any Land in or upon which the Commissioners are by this Act, or any Act incorporated herewith, authorized to construct or lay any Sewers, or to make any Reservoir, from properly working such Mines, or shall make them liable to pay any Damages or make any Compensation in respect of any Injury done in the Course of such working to any such Sewer or Reservoir.

Trustees of Birmingham and Wednesbury Roads not to collect Tolls on certain Parts of Road.

XXXVI. That after the Thirty-first Day of *December* One thousand eight hundred and fifty-four the Trustees of the Turnpike Roads leading from *Birmingham* to *Wednesbury* and *Great Bridge* shall not collect any Toll upon those Portions of the said Roads which lie between the Junction of *Roebuck Lane* with the said Turnpike Road and the Gasworks at *Swan* Village, and between the *Junction* Inn and the *Box Irons* Inn at *Hill Top*, all in the said Parish; and the said Trustees may exercise the Powers for widening, altering, lighting, watering and improving now vested in them, so far as the same relate to those Portions of the said Roads within the Limits of this Act with the Concurrence of the said Commissioners; but, save and except as herein-before mentioned, nothing in this Act contained shall be construed to prejudice or affect any of the Powers, Authorities, or Liabilities of the said Trustees in respect of the said Roads.

All Public Roads within the Limits to be considered as Streets.

XXXVII. That all public Roads now existing or at any Time hereafter to exist within the Limits of this Act shall be considered as Streets within the Meaning of "The Towns Improvement Clauses Act, 1847."

Power to levy a Highway Rate.

XXXVIII. That it shall also be lawful for the Commissioners, for the Purposes of maintaining, repairing, paving, cleansing, and keeping in order the Roads, Streets, and Ways under their Control, and for securing and paying any Money which shall be borrowed for such Purposes, and the Interest thereof, to make, assess, and levy such equal separate Rate, to be called "The Highway Rate," as may be necessary for the Purposes aforesaid, not exceeding in One Year Two Shillings and Sixpence in the Pound of the full net annual Value of the Property included in such Rate.

Application of Tolls and Highway Rate.

XXXIX. That all Monies which shall come to the Hands of the said Commissioners from the said Rate shall be applied and disposed of as follows:

First, in paying the Interest of all Monies borrowed, and which shall from Time to Time be due and owing, on the Credit of the said Rate;

Secondly,

Secondly, in repairing, cleansing, and keeping in order the Roads, Streets, and Ways under the Control of the Commissioners;

Thirdly, in setting apart and appropriating the Sum directed by this or the General Acts incorporated herewith to be set apart and appropriated, in Payment of the Principal Sum which shall have been borrowed or secured on such Highway Rate;

Fourthly, in paving or otherwise improving the said Roads, Streets, and Ways; and,

Lastly, in paying off the Principal of all Monies due on the Credit of the said Rate:

That all Money which shall be raised by any Mortgage or Security on the said Rates shall be applied to the Purposes fourthly and lastly herein-before mentioned.

Power to Commissioners to construct Cemeteries.

XL. That the Commissioners shall and may, subject to the Provisions in this and in the incorporated Acts contained, make and maintain Cemeteries in and upon the Lands mentioned and described in that Behalf in Schedule (A.) to this Act annexed, and enter upon, take, and use such of the said Lands as shall be necessary for that Purpose.

Cemeteries not to be constructed within 300 Yards of certain Property.

XLI. That no Part of the Cemeteries authorized to be constructed by this Act shall be constructed within Three hundred Yards of any House of the annual Value of Fifty Pounds, or having a Plantation or ornamental Garden or Pleasure Ground occupied therewith, except with the Consent of the Owner, Lessee, and Occupier thereof in Writing.

Part of Cemeteries to be set apart for Established Church.

XLII. That before any Burial shall be allowed in such Cemeteries, a Part of the Cemeteries authorized to be constructed by this Act shall be set apart for Burial according to the Rites of the Established Church.

Reserving Rights of Incumbents.

XLIII. That the Commissioners shall pay, in respect of every Corpse which shall be interred in the Part of the Cemeteries set apart for Burial according to the Rites of the Established Church, to the Incumbent of any Parish or Ecclesiastical District in which the said Person shall have died, the same Fees as such Incumbent would have been entitled to receive if such Corpse had been buried in the Parish or Ecclesiastical District of which he is the Incumbent, in respect of such Interment: Provided always, that no such Incumbent shall be entitled to receive any such Fees, unless he shall (and for that Purpose he is hereby empowered so to do) perform or cause to be performed over such deceased Person, by some Clergyman of the Established Church whom he may from Time to Time appoint, the Burial Service according

according to the Rites of the Established Church: Provided also, that all Payments made by the Commissioners in respect of such Fees as aforesaid shall be considered as Payments made for maintaining the Cemeteries.

Payments for Cemeteries how to be applied.

XLIV. That all Payments made to the Commissioners in respect of Fees or otherwise, arising from the Cemeteries hereby authorized to be constructed, shall be appropriated in the same Manner as is herein-after directed with reference to the Cemetery Rate herein-after mentioned, and shall fall into and be considered as Part of the Monies to be raised by means of that Rate: Provided, that if the Amount of such Payments shall at any Time exceed what is required for the Purposes to which the Cemetery Rate is herein-after made applicable, such Excess shall fall into and become Part of the General Improvement Rate herein-after mentioned, and shall be applicable as Part thereof.

Power to Commissioners to levy Cemetery Rate.

XLV. That for the Purpose of Purchasing Sites for constructing, making, and maintaining Cemeteries under the Powers of this Act, it shall be lawful for the Commissioners to make, assess, and levy, within the Limits of this Act, such Rate, to be called "the Cemetery Rate," as may be necessary for the Purposes aforesaid, not exceeding in any One Year Threepence in the Pound of the full net annual Value of the Property included in such Rate.

Application of the Cemetery Rate.

XLVI. That all Monies which shall come to the Hands of the Commissioners from the said Cemetery Rate shall be disposed of as follows:

First, in paying the Interest of all Monies borrowed, and which shall frome Time to Time be due and owing, on the Credit of the said Rate;

Secondly, in setting apart and appropriating the Sum directed by this or the General Acts incorporated herewith to be set apart and appropriated in Payment of the Principal Monies which shall have been borrowed or secured on the said Cemetery Rate;

Thirdly, for purchasing Sites for, and constructing, making, and maintaining Cemeteries under the Powers of this Act; and,

Lastly, in paying off the Principal Monies due on the Credit of the said Cemetery Rate:

That all Monies which shall be raised by any Mortgage or Security on the said Rates shall be applied to the Purposes thirdly and lastly above mentioned.

Power to Commissioners to

XLVII. That the Commissioners shall and may, subject to the Provisions contained in this and the said incorporated Acts, enter upon,

construct Markets.

upon, take, and use the Lands mentioned and described in Schedule (B.) to this Act; and upon such Land, or on any other Land which may be obtained by the Commissioners for that Purpose, by Agreement with the Owners, Lessees, and Occupiers thereof, construct Markets and Market Places, with all necessary Buildings and Works, for the Sale of such marketable Commodities as are in Schedule (C.) to this Act mentioned or referred to, and also a Market Place for the Sale of Cattle.

Tolls to be taken for the Markets.

XLVIII. That after any Market or Market Place shall have been constructed under the Provisions of this and the incorporated Acts, it shall be lawful for the Commissioners from Time to Time to demand from any Person occupying or using any Stand, Stall, Shed, Pen, or Place in the Market Place or Building or Ground connected therewith, or bringing into such Market Place or Buildings or Ground any marketable Commodities specified in the said Schedule (C.) to this Act annexed, such Stallages, Rents, and Tolls as the Commissioners shall from Time to Time appoint, not exceeding the several Stallages, Rents, and Tolls specified in the said Schedule.

Tolls for Cattle Market as in Schedule (D.)

XLIX. That it shall be lawful for the Commissioners from Time to Time to demand in the Cattle Market from any Person bringing therein any Cattle or other Live Stock specified in the Shedule (D.) to this Act annexed, such Stallages, Rents, and Tolls as the Commissioners shall from Time to Time appoint, not exceeding the several Stallages, Rents, and Tolls specified in the said Schedule.

Tolls for Slaughter-houses, as in Schedule (E.)

L. That it shall be lawful for the Commissioners to demand from any Person slaughtering Cattle in any Slaughter-house belonging to them such Tolls as are specified in Schedule (E.) to this Act annexed.

Tolls for weighing and measuring, as in Schedule (F.)

LI. That it shall lawful for the Persons for the Time being appointed to attend the Weighing-houses or Places for weighing or measuring any Article sold in the Market Place (or Place for a Fair) by Weight or Measure, from Time to Time to demand such Tolls as the Commissioners shall appoint, not exceeding in any Case the Amount set forth in the Schedule (F.) to this Act annexed.

Tolls for weighing Carts, as in Schedule (G.)

LII. That it shall be lawful for the Person for the Time being appointed by the Commissioners to attend the Machines for weighing Carts within the Parish of *West Bromwich* to demand from the Person requiring the same to be weighed, such Tolls as the Commissioners may appoint, not exceeding in any Case the Amount set forth in the Schedule (G.) to this Act annexed, and such Tolls shall be paid

paid before any Waggon, Cart, or Carriage in respect of which the same are payable shall be weighed.

Tolls, &c. from Market, &c. how to be applied.

LIII. That all Payments made to the Commissioners in respect of Tolls or Stallage of or otherwise arising from the said Markets or Slaughter-houses, or from any such weighing or measuring as aforesaid, shall be applicable, in the first instance, in Payment of the Commissioners Expenses with reference to such Markets, Slaughter-houses, weighing or measuring, or incident thereto; and that so much, if any, of such Payments as shall not be required for that Purpose shall fall into and become Part of the General Improvement Rate herein-after mentioned, and shall be applicable as Part thereof.

Power to levy a General Improvement Rate.

LIV. That, for the Purpose of defraying the Costs and Expenses of obtaining this Act, and of carrying the Powers and Provisions thereof into execution, excepting the Purposes to which any Rates to be made for Highways, Sewers, Cemeteries, and private Improvements are hereby or by any Act incorporated herewith directed to be applied, and including the Costs and Expenses of buying, maintaining, and providing such Markets as herein-before mentioned, and for securing and paying any Monies which may be borrowed for such Purposes and the Interest thereof, it shall be lawful for the Commissioners from Time to Time to make, assess, and levy such equal Rate, to be called "The General Improvement Rate," as may be necessary for the Purposes aforesaid, not exceeding in any One Year One Shilling and Twopence in the Pound of the full net annual Value of the Property included in such Rate.

Application of General Improvement Rate.

LV. That all Monies which shall come to the Hands of the Commissioners from the said Rate called "The General Improvement Rate" shall be applied and disposed of as follows:

First, in defraying the Charges and Expenses which shall have been incurred in or incident to the obtaining or passing of this Act;

Secondly, in paying the Interest of all Monies borrowed or which shall be from Time to Time due and owing on the Credit of the said Rate;

Thirdly, in setting apart and appropriating the Sum directed by this or the General Acts incorporated herewith to be set apart and appropriated in Payment of the Principal Monies which shall have been borrowed or secured on the said Improvement Rate;

Fourthly, in carrying all the Purposes of this Act into execution, except the purchasing, making, and maintaining Highways and Roads, and the purchasing, building, and repairing Sewers, and

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the purchasing Sites for, and constructing, making, and maintaining Cemeteries; and,

Lastly, in paying off the Principal of all Monies due on the Credit of the said Improvement Rate:

That all Monies which shall be raised by any Mortgage or Security on the said Rates shall be applied to the Purposes firstly, fourthly, and lastly herein-before mentioned.

Power to compound with Owners of Houses of 7*l.* Value for Payment of Rates.

LVI. That when the net Value of any Premises liable to Assessment under this Act does not exceed the Sum of Seven Pounds, or whenever any Premises liable to such Assessment are let to weekly Tenants or in separate Apartments, and the Rents become payable or are collected at any shorter Period than quarterly, the Commissioners may from Time to Time, if they shall think fit, compound with the Owner of such Premises for the Payment of any of the Rates to be made under this Act, upon such reduced Estimate of the net annual Value, not being less than One Half of the net annual Value at which the Premises are then assessed as the Commissioners think reasonable; and the Amount of such Composition shall be recoverable in the same Manner in all respects as the Rate in respect of which it may have made: Provided, that such Composition shall be payable whether the Premises are occupied or not.

Land, &c. to be rated in One Fourth Part of the Value.

LVII. That the Occupier of any Lands used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water, or used only as a Canal or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall be assessed in respect of the same to the Rates by this Act authorized to be levied, in the Proportion of One Fourth Part only of the net annual Value thereof.

Houses unfit for Human Habitation may be closed.

LVIII. That on Complaint of the Inspector of Nuisances that any House within the Limits of this Act is unfit for Human Habitation, the Commissioners being satisfied of such Unfitness by such medical or other Evidence as they may think fit, may give Notice to the Owner and Occupier of the Unfitness of such House for Human Habitation; and if after Fourteen Days Notice such House shall be still occupied, the Commissioners may summon the Occupier and Owner before Two Magistrates, who, upon Proof to their Satisfaction of such Unfitness as aforesaid, may order the Tenant to be ejected, and the House to be no more used as a Place for Human Habitation until so altered that in the Opinion of Two Magistrates the same shall be made habitable: Provided always, that for the Purpose of serving such Notice or Summons on the Owner, it shall be sufficient

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to affix the same on the outer Door of the aforesaid House, in case such Owner cannot be found or his Residence unknown; and if such Order be not complied with, the Owner against whom it is made shall be liable to a Penalty not exceeding Ten Shillings for every Day during such default: Provided also, that no such Order for the Ejectment of a Tenant shall be executed on a *Sunday*, *Good Friday*, or *Christmas Day*, or at any Time except between the Hours of Nine in the Morning and Four in the Afternoon, nor until Twenty-four Hours after Service of a Copy thereof upon the Occupier, either personally or by affixing the same on the outer Door of the aforesaid House.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Lands and Buildings to be taken, situate within the Parish of West Bromwich and County of Stafford, for the Purpose of constructing a Cemetery.

Description.	Owner or reputed Owner.	Occupier.
Garden - - -	Right Honourable the Earl of Dartmouth, or the Trustees of the late Earl of Dartmouth.	Thomas Stokes.
Stables, Gig Houses, and Yard.	Right Honourable the Earl of Dartmouth, or the Trustees of the late Earl of Dartmouth.	Thomas Stokes.
House and Outbuildings	Right Honourable the Earl of Dartmouth, or the Trustees of the late Earl of Dartmouth.	Thomas Stokes.
House, Outbuildings, and Garden.	Right Honourable the Earl of Dartmouth, or the Trustees of the late Earl of Dartmouth.	Thomas Beeson.
House, Outbuildings, nad Garden.	Right Honourable the Earl of Dartmouth, or the Trustees of the late Earl of Dartmouth.	William Lawley.
House, Outbuildings, and Garden.	Right Honourable the Earl of Dartmouth, or the Trustees of the late Earl of Dartmouth.	John Heeley.
Land - - -	Right Honourable the Earl of Dartmouth, or the Trustees of the late Earl of Dartmouth.	Jeremiah Grigg.
Land - - -	Right Honourable the Earl of Dartmouth, or the Trustees of the late Earl of Dartmouth.	Jeremiah Grigg.
Land - - -	Right Honourable the Earl of Dartmouth, or the Trustees of the late Earl of Dartmouth.	William Hadley.

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SCHEDULE (B.)

Land and Buildings to be taken, situate within the Parish of West Bromwich and County of Stafford, for the Purpose of constructing Markets.

Description.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
Private Footpath -	George Robins -	George Hayes Hinchliffe.	George Hayes Hinchliffe.
Land - - -	George Robins -	George Hayes Hinchliffe.	James Sylvester.
Buildings, Wood Sheds, and Land used as a Market Place.	George Robins -	George Hayes Hinchliffe and Edward Maud.	Edward Maud.
Shop - - -	George Robins -	George Hayes Hinchliffe and Edward Maud.	William Sheldon.
Shop - - -	George Robins -	George Hayes Hinchliffe and Edward Maud.	Isaac Horton.
Shop - - -	George Robins -	George Hayes Hinchliffe and Edward Maud.	John Hyde.
House, Shop and Outbuildings.	George Robins -	George Hayes Hinchliffe and Edward Maud.	Lewis Anderson.
Workshops and Outbuildings.	George Robins -	George Hayes Hinchliffe and Edward Maud.	John Ward.
Land and private Footpath.	William Izon -	Thomas Davies & Thomas Edward Davies.	Samuel Kimberley and William Izon.
Land and private Footpath.	William Izon -	Thomas Davies & Thomas Edward Davies.	William Izon.
Land - - -	William Izon -	Thomas Davies & Thomas Edward Davies.	William Izon.
New laid out Street called Lombard Street West.	Willlam Izon, Samuel Gregory, John Ward, and William Mattheson.	Thomas Davies & Thomas Edward Davies.	William Izon, Samuel Gregory, John Ward, and William Mattheson.

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SCHEDUDE (C.)

List of Tolls to be taken.	£	*s.*	*d.*
For every covered Shed, Stall, Bulk, Block, Tressel, Standing Place or Station, used by any Person for exposing to Sale Flesh Meat, Cheese, Bacon, Pickled Pork, Fish, or any other live or dead Victuals, Fruit, Glass, Earthenware, or other Goods, Articles, Commodity, or Thing whatsoever (except as herein otherwise specifically charged), where such covered Shed, Stall, Bulk, Block, Tressel, Standing Place, or Station shall not exceed Six Feet in Length to the Front, per Day the Sum of - - - - - -	0	1	0
If above Six Feet and not exceeding Eight Feet in Length to the Front, per Day the Sum of -	0	1	3
If above Eight Feet in Length to the Front, per Day the Sum of - - - - - -	0	1	9
For every Stall, Bulk, Block, Tressel, Standing Place, or Station, not being covered, used by any Person for exposing to Sale Flesh Meat, Cheese, Bacon, Pickled Pork, Fish, or any other live or dead Stock or Victuals, Fruit, Glass, Earthenware, or other Goods, Articles, Commodity, or Thing whatever (except as herein otherwise specifically charged), where such uncovered Stall, Bulk, Block, Tressel, Standing Place, or Station shall not exceed Six Feet in Length to the Front, per Day the Sum of - - - - - -	0	0	6
If above Six Feet and not exceeding Eight Feet in Length to the Front, per Day the Sum of -	0	0	9
If above Eight Feet in Length to the Front, per Day the Sum of - - - - - -	0	1	0
For every Cart used by any Person for exposing or in which shall be exposed to Sale any Article, Commodity, or Thing, if drawn by One Horse, per Day the Sum of -	0	0	9
If drawn by Two or more Horses, per Day the Sum of - - - - - -	0	1	0
For every Waggon used by any Person for the like Purposes, per Day the Sum of - - -	0	1	6
For every Basket, Parcel, or Quantity of Butter not exceeding Six Pounds, the Sum of - - - -	0	0	1
For Ditto, exceeding Six Pounds and not exceeding Twelve Pounds, the Sum of - - -	0	0	2
For every additional Six Pounds, the Sum of -	0	0	1

	£	s.	d.
For Poultry, including Fowls, Chickens, and Ducks, Wild Fowls, Pigeons, and Rabbits, not exceeding Half-a-Dozen, the Sum of - - - - -	0	0	1
For Ditto, for each additional Half Dozen, the Sum of - - - - - -	0	0	1
For every Turkey, Goose, or Sucking Pig, the Sum of -	0	0	1
For every Basket, Parcel, or Quantity of Eggs under One Dozen, the Sum of - - - - -	0	0	0½
And for each additional Dozen the Sum of -	0	0	0½
For every Basket, Hamper, Parcel, or Quantity of any other Goods, Commodity, Article, or Thing exposed or offered for Sale, not before specifically charged or enumerated, or falling within any of the preceding Heads, and not containing more than One Bushel, the Sum of - - - - - -	0	0	1
And for every additional Half Bushel, the Sum of -	0	0	0½

SCHEDULE (D.)

The Cattle Market.

For the Exposure to Sale of Horses or other Beasts, Cattle, or Pigs, as follows; videlicet,			
For every Horse, Mare, or Gelding not exceeding Thirteen Hands in Height - - -	0	0	3
For every Horse, Mare, or Gelding exceeding Thirteen Hands in Height - - - -	0	0	6
For every Colt or Filly - - - -	0	0	2
For every Mule or Ass - - - -	0	0	2
For every Bull or Ox, Heifer or Steer - -	0	0	4
For every Calf - - - - -	0	0	2
For every Sheep or Lamb - - - -	0	0	1
For every Pig - - - - -	0	0	1
For every Sucking Pig - - - - -	0	0	0½

SCHEDULE (E.)

Slaughter-house.

For every Bull, Ox, Cow, Bullock, Steer, or Heifer -	0	1	0
For every Calf - - - - -	0	0	6
For every Sheep or Lamb - - - -	0	0	3
For every Hog or Pig - - - -	0	1	0
For every other Beast - - - - -	0	1	0

SCHEDULE (F.)

Weighing and measuring.	£	*s.*	*d.*
For weighing every Piece of Meat or Thing weighing not more than Twenty Pounds Avoirdupois - -	0	0	0½
For weighing every Piece of Meat or Thing weighing more than Twenty Pounds Avoirdupois, and not exceeding One hundred Pounds - - -	0	0	1
And so in proportion for any greater or smaller Quantity than One hundred Pounds Weight over and above One hundred Pounds Weight.			
For measuring every Quantity of Goods and Things sold by Measure, not exceeding One Bushel - -	0	0	0½
For measuring every Quantity more than a Bushel, and not exceeding Two Bushels - - -	0	0	1
And for every Bushel beyond Two Bushels - -	0	0	0½

SCHEDULE (G.)

Weighing Machines.

For weighing any Cart, Waggon, or other Carriage not exceeding One Ton - - - -	0	0	3
And so in proportion for any greater or smaller Weight than One Ton.			

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