ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 47.

An Act to amend, alter, and enlarge the Powers of an Act, passed in the Second Year of the Reign of His present Majesty, so far as the same relates to maintaining a Nightly Watch, and lighting and cleansing the Streets, Rows, and Passages within the City of *Chester*; and for preventing Nuisances and Annoyances in the Streets, Rows, and Passages, within the said City, and for regulating and improving the Police thereof. [27th *May* 1803.]

WHEREAS by an Act passed in the Second Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for better regulating the Poor, maintaining a Nightly Watch, lighting, paving, and cleansing the Streets, Rows, and Passages, and providing Fire Engines and Firemen, and regulating the Hackney Coachmen, Chairmen, Carmen, and Porters within the City of* Chester, certain Persons therein mentioned are appointed Commissioners for executing the Purposes of the said Act, in relation to the watching, lighting, paving, and cleansing the said Streets, Rows, and Passages of the said City, and other Purposes: And whereas the Provisions contained in the said Act, relating to the Election of the said Commissioners, and to the maintaining a Nightly Watch, and lighting and cleansing the Streets, Rows, and Passages of the 2 Geo. 3.

ſaid City, and for removing and preventing Nuiſances, Annoyances, and Encroachments within the ſame, and making, raiſing, and collecting of Rates for the Purpoſes aforeſaid, have been found to be in ſeveral Reſpects inconvenient, defective, and inadequate to the Purpoſes of the ſaid Act; and it is therefore requiſite and expedient that the Powers and Proviſions of the ſaid Act, in relation to the Purpoſes aforeſaid, ſhould be altered or repealed and amended: May it therefore pleaſe your Majeſty, that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That ſo much of the ſaid recited Act as relates to the Appointment and Election of the Commiſſioners therein mentioned, and to the raiſing of Money, and the Removal and Prevention of Nuiſances and Annoyances within the ſaid City, ſhall be, and the ſame is hereby repealed; and that from and after the paſſing of this Act, the Mayor, Recorder, and Juſtices of the Peace of and for the ſaid City of *Cheſter* and County of the ſame City, for the Time being, together with the Dean and Prebendaries of the Cathedral Church of *St. Werburgh*, within the ſaid City, for the Time being, *Daniel Alderſey*, *Thomas Armitſtead*, *Roger Barnſton*, *John Bonner*, *Thomas Bennion*, *Edmund Buſhell*, *Richard Barker*, *Francis Edge Barker*, *Samuel Nevitt Bennett*, *Samuel Bennett*, *John Buckley*, *Robert Brittain*, *George Bulkeley*, *George Buſhell*, *Joſeph Bage*, *Joſeph Bozley*, *William Boult*, *Robert Baxter*, *George Bowen*, *John Broſter*, *Thomas Bradford*, *Henry Bowers*, *Courtenay*, *John Cotgreave*, *John Chamberlain*, *William Currie* Doctor of Phyſic, *Jonathan Colley*, *William Coker*, *William Cole*, *Benjamin Clubbe*, *Joſeph Clubbe*, *John Cooper*, *William Connah*, *Thomas Dixon*, *John Dutton*, *William Dawſon*, *Joſeph Dale*, *Andrew Daviſon*, *Joſeph Duke*, *William Davenport*, *William Edwards*, *Alexander Eaton*, *Thomas Evans*, *William Field*, *Thomas Finchett*, *Thomas Francis*, *Samuel Freeman*, *George Folliott*, *Thomas Fluitt*, *Edward Griffith*, *Thomas Griffith*, *Samuel Hodſon*, *Hugh Robert Hughes*, *John Stewart Hughes*, *Charles Henchman*, *Henry Heſketh*, *Thomas Hughes*, *Samuel Humphries*, *Charles Hamilton*, *George Harriſon*, *Joſeph Hornby*, *Edward Holt*, *Thomas Jenkins*, *David Francis Jones*, *Joſeph Johnſon*, *John Kerfoot*, *Stephen Leeke*, *George Harriſon Larden*, *Roger Langſhaw*, *Edward Lloyd*, *John Lowe*, the Honourable *Maſſey*, *Charles Morrall*, *William Moſs*, *Thomas Moulſon*, *Edward Mainwaring*, *William Nicholls*, *Robert Newell*, *William Newell*, *William Nelſon*, *James Okell*, *Daniel Orred*, *Samuel Parry*, *John Powell*, *Thomas Poole*, *Joſeph Pearſon*, *Philip Preſtbury*, *Charles Potts*, *Thomas Rathbone*, *Thomas Richards* the Younger, *Thomas Royle*, *William Richardſon*, *Bagott Read*, *John Roberts*, *Griffith Rowlands*, *Roger Swettenham*, *Edward Spencer*, *Joſhua Strengfellow*, *William Seller*, *William Thomas*, *Joſeph Turner*, *John Troughton*, *John Tomlinſon*, *Thomas Townſhend*, *Samuel Tonna*, *Maſcie Taylor*, *Samuel Vernon*, *Peploe Ward* Doctor in Divinity, *Edward Ommany Wrench*, *John Wilbraham*, *Charles Williamſon*, *John Walker*, *Edward Williams*, *Samuel Wright*, *Richard Walley*, *James Winſield*, *George Whitley*, *Thomas Whittle*, *Robert Williams*, *Robert Wilkinſon*, and their Succeſſors, to be qualified and elected in Manner hereinafter mentioned, ſhall be and they are hereby appointed Commiſſioners for putting this Act and the ſaid recited Act, ſo far as the ſame is not hereby repealed, into Execution; and all and every the Powers, Authorities, Proviſions, Directions, Matters, and Things, in this or the ſaid recited Act contained, in relation to any Act, Matter, or Thing to be done or executed by or before the Majority of the Commiſſioners

Commiſſioners.

missioners appointed or to be appointed in pursuance of this Act, provided Seven or more Commissioners shall be present in all Cases in which no greater or less Number of Commissioners is specified as sufficient or necessary: Provided always, that no Order made by any Seven or more Commissioners shall be revoked or altered, unless at some Meeting to be holden for that Purpose, of which Ten Days Notice at least shall be given, by affixing a written Notice on the Door of the Town Hall, nor unless a greater Number of Commissioners shall attend at such Meeting to revoke or alter the same than were present to make such Order, any Thing in this or the said recited Act to the contrary notwithstanding. Their Quorum.

II. Provided always, and be it further enacted, That no Person (except the said Mayor, Recorder, and Justices of the Peace, and Dean and Prebendaries respectively for the Time being) shall be qualified to act, or shall act as a Commissioner in the Execution of this or the said recited Act, unless at the Time of his acting he shall be seised or possessed respectively, either in Fee, or for Life, or for a Term of not less than Fourteen Years, and be in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Messuages, Buildings, or Premises, within the said City or the Liberties thereof, rated and assessed under this Act at the Yearly Value of Sixty Pounds or upwards, or unless such Person shall be the actual Occupier of some Messuage or Dwelling House, Shop, Stable, Warehouse, or other Premises, within the said City or Liberties thereof, rated and assessed under this Act at the Yearly Value of Twenty Pounds or upwards; and if any Person not being so qualified as aforesaid, or being under any Disqualification by this Act, shall nevertheless act as a Commissioner in the Execution of this or the said recited Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt, or on the Case, and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on Behalf of the Prosecutor than that such Person has acted as a Commissioner in the Execution of this or the said recited Act. Qualification of Commissioners. Penalty for acting if not qualified.

III. Provided also, and be it further enacted, That no Person shall be capable of acting as a Commissioner in any Case in which he shall be personally interested, or during the Time he shall hold any Place of Profit under this or the said recited Act, or be directly or indirectly engaged in any Contract, or have any Share, Interest, or Benefit in any Contract or Agreement relating to the Execution of any of the Powers of this or the said recited Act; or until he shall take the following Oath; *(videlicet)* Commissioners to take an Oath.

'I, *A. B.* do swear, That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities in the Execution whereof I shall at any Time act as a Commissioner appointed in or by virtue of *An Act*,' &c. [*here set forth the Title of this Act.*] So help me GOD.' Oath.

IV. And be it further enacted, That the said Commissioners shall meet at the Town Hall, within the said City, on the *Thursday* Fortnight next after the passing of this Act, or within Twenty Days after, and proceed to First Meeting.

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put this and the ſaid recited Act into Execution; and ſhall then and from Time to Time afterwards adjourn themſelves to meet at the Place aforeſaid (ſo as ſuch Meeting do not interfere with any other public Buſineſs there), or at ſuch other Place or Places within the ſaid City as they the ſaid Commiſſioners, or the major Part of them preſent at ſuch Meeting, ſhall appoint; and if it ſhall happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Commiſſioners to act, and to adjourn to another Day (Two Commiſſioners being always deemed ſufficient for the Purpoſe of Adjournment), or if they ſhall at any Time neglect or refuſe to adjourn, or upon any urgent Buſineſs an occaſional Meeting ſhall be deemed neceſſary or proper, then and in every ſuch Caſe the Clerk to the ſaid Commiſſioners, or any Three or more of the ſaid Commiſſioners, ſhall and may call a Meeting at the Place where the laſt Meeting was held, or was appointed to be holden, public Notice thereof being giving by affixing the ſame on the Door of the ſaid Town Hall at leaſt Seven Days before ſuch Meeting; and at all Meetings to be held in purſuance of this Act, the Commiſſioners ſhall defray their own Expences, and no Act of the ſaid Commiſſioners, except that of Adjournment or calling a Meeting as aforeſaid, ſhall be valid, unleſs made or done at ſome public Meeting held by virtue of this Act; and the ſaid Commiſſioners ſhall alſo meet at the Town Hall aforeſaid, on the Second Tueſday in *April* in each Year, which ſhall be called the General Annual Meeting of the ſaid Commiſſioners; and at all ſuch General Annual Meetings an Account of all Monies received and paid from Time to Time by virtue and in Execution of this or the ſaid recited Act, by any Perſon or Perſons whomſoever, ſhall be produced, ſtated, examined, ſettled, and verified on the Oath of the Perſon accounting for the ſame, which Oath any One of the ſaid Commiſſioners is hereby authorized and empowered to adminiſter; and at every Meeting of the ſaid Commiſſioners the Mayor of the ſaid City (if preſent) ſhall be Chairman, and in caſe of his Abſence, the Deputy Mayor (if preſent) ſhall be Chairman; and if neither the Mayor or Deputy Mayor be preſent, then the Senior Alderman of the ſaid City preſent at ſuch Meeting ſhall be the Chairman; and in caſe no Alderman ſhall be preſent, then a Chairman may be appointed for the Meeting by the Commiſſioners preſent; and in caſe of an equal Number of Votes on any Occaſion (including the Chairman's Vote) the Chairman at every ſuch Meeting ſhall have the caſting Vote.

General Meetings.

Appointment of Commiſſioners.

V. And be it further enacted, That when any of the Commiſſioners hereinbefore appointed or to be elected as hereinafter mentioned, ſhall die, or be elected to ſerve the Office of Mayor, the Commiſſioners at their next General Annual Meeting ſhall elect and appoint a Commiſſioner or Commiſſioners to ſupply ſuch Vacancy or Vacancies as aforeſaid.

Rates to be according to the Yearly Rent or Value of Houſes, &c.

VI. And be it further enacted, That for the Purpoſe of carrying this Act and the ſaid recited Act into Execution (except as to the Regulation of the Poor and paving the ſaid City) it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered and required, Once in every Year, or oftener if required, to aſcertain and ſtate and ſet down the Sum and Sums of Money to be raiſed by a Rate or Aſſeſſment, or Rates or Aſſeſſments, on the ſeveral Inhabitants of ſuch Parts of the ſaid City, and the Liberties thereof, as ſhall be lighted and watched under this Act or the ſaid recited Act, and every ſuch Rate or Aſſeſſment ſhall be made by

by the Aſſeſſors and Surveyors appointed under or in purſuance of this Act, and afterwards allowed and ſigned by the ſaid Commiſſioners, or any Seven or more of them, and ſhall not be good or valid unleſs it ſhall be ſo allowed and ſigned; and every ſuch Rate or Aſſeſſment ſhall be made upon and paid by the Tenants and Occupiers of the Meſſuages, Houſes, Warehouſes, Shops, Cellars, Vaults, Stables, Barns, Cow-houſes, Coach-houſes, Brewhouſes, Malthouſes, Mills, and other Buildings, Yards, Gardens, and Orchards, ſituate, lying, and being within ſuch Parts of the ſaid City of *Cheſter*, and the Liberties thereof, as ſhall be lighted and watched in purſuance of the Proviſion of the ſaid recited Act or this Act, and ſuch Rates or Aſſeſſments ſhall be made according to the Annual Value of the ſame Meſſuages, Houſes, Warehouſes, Shops, Cellars, Vaults, Stables, Barns, Cowhouſes, Coach-houſes, Brewhouſes, Malthouſes, Mills, and other Buildings, Yards, Gardens, and Orchards reſpectively, to be aſcertained as hereinafter mentioned, but ſhall in no Caſe exceed One Shilling in the Pound upon ſuch Annual Value in any One Year; and the firſt Year for which any ſuch Rate or Aſſeſſment ſhall be made, ſhall commence and be computed from the Firſt Day of *Auguſt* next after the paſſing of this Act; and ſuch Rates and Aſſeſſments ſhall from Time to Time be paid into the Hands of ſome Collector or Collectors to be appointed in purſuance of this Act by the ſaid Commiſſioners, whom they are hereby empowered to appoint, and which ſaid Collector or Collectors, when ſo appointed, is and are hereby authorized to collect and receive the ſame at ſuch Time or Times as the ſaid Commiſſioners ſhall direct, and the ſame ſhall be paid over by ſuch Collector or Collectors into the Hands of the Treaſurer or Treaſurers of the ſaid Commiſſioners; and the ſaid Commiſſioners at any Meeting are hereby empowered to amend any ſuch Rate or Aſſeſſment, Rates or Aſſeſſments, after the ſame ſhall have been ſo made and ſigned, by inſerting the Name of any Perſon who ought to have been but has not been rated or aſſeſſed, or by ſtriking out the Name of any Perſon who hath been but ought not to have been ſo rated or aſſeſſed, or by altering the Sum or Sums charged in any ſuch Rate or Aſſeſſment on any Perſon or Perſons, or in any other Manner which the ſaid Commiſſioners ſhall think proper for making the ſame a juſt and equal Rate or Aſſeſſment, without wholly ſetting aſide or quaſhing the ſame: Provided always, that all and every the Sums and Sum of Money charged upon any Perſon in any ſuch Rate or Aſſeſſment, ſhall and may be levied and recovered, notwithſtanding any Appeal or Complaint, or Notice of Appeal or Complaint, made by him either againſt his or her Aſſeſſment under the ſaid recited Act or this Act, in ſuch and the ſame Manner in every Reſpect as if no ſuch Appeal or Complaint had been made; and any Diſtreſs for the ſame ſhall be good and valid as if no ſuch Appeal or Complaint, or Notice thereof, had been made or given reſpectively: Provided alſo, that where any ſuch Perſon ſhall afterwards be releaſed from any ſuch Rate or Aſſeſſment, or any Part thereof, the Sum ſo paid by ſuch Perſon over and above his or her juſt Proportion, ſhall be taken as Payment, or Part Payment, as the Caſe may be, of the next effective Rate or Aſſeſſment, or Rates or Aſſeſſments on him or her, or, if the ſaid Commiſſioners ſhall ſo direct, to be repaid to him or her.

Tenants liable to pay the Rates.

VII. Provided alſo, and be it further enacted, That when any Meſſuages, Buildings, or Premiſſes aforeſaid, in reſpect whereof any Rate or Aſſeſſment ſhall be made by virtue of this Act, ſhall be let in different Dwellings

Where Premiſſes are occupied by ſeveral Occupiers, any

One or more to be deemed liable.

Dwellings or Apartments to more than One Tenant or Occupier, then any One or more of ſuch Tenants or Occupiers ſhall, for the Purpoſes of this Act, be deemed to be the Occupier or Occupiers thereof, and the ſaid Rates or Aſſeſſments ſhall, in caſe of Refuſal to pay the ſame, be levied and recovered in Manner directed by the ſaid recited Act, with reſpect to the Rates thereby authoriſed to be levied and recovered; and in caſe any Difference ſhall afterwards ariſe between ſuch ſeveral Occupiers touching or concerning their reſpective Proportions of any ſuch Rates or Aſſeſſments, or of the Expences attending the Recovery thereof, then and in every ſuch Caſe the ſaid Commiſſioners ſhall and may hear, adjuſt, and determine all ſuch Differences and Diſputes.

Application of Monies ariſing by Rates.

VIII. And be it further enacted, That the Money to ariſe by all ſuch Rates or Aſſeſſments, after deducting all the Coſts and Charges of aſſeſſing and collecting the ſame, ſhall be from Time to Time applied in paying and defraying the Charges and Expences of paſſing this Act, and for the ſeveral Purpoſes of the ſaid recited Act and this Act, except as to the Regulation and Relief of the Poor of the ſaid City.

Houſes to be ſurveyed.

IX. And be it further enacted, That all and every the Meſſuages, Houſes, Shops, Cellars, Stables, Warehouſes, Brewhouſes, Mills, Buildings, Yards, Gardens, and other Premiſſes, liable to be rated and aſſeſſed under this or the ſaid recited Act, ſhall be ſurveyed at ſuch Times as the ſaid Commiſſioners ſhall from Time to Time direct, and the reſpective Tenants and Occupiers thereof rated and aſſeſſed by *John Fletcher* and *John Bedward* of the City of *Cheſter*, Surveyors, who are hereby appointed Surveyors and Aſſeſſors, with ſuch Salaries or Gratuities for their Pains therein as the ſaid Commiſſioners ſhall, at ſome General Annual Meeting, order and direct to be paid out of the Monies to be raiſed by virtue of this Act; and ſuch Surveys, Rates, and Aſſeſſments, ſhall be reduced into Writing, and an equal Value of the Premiſſes ſhall be therein aſcertained and ſet down; and the ſaid Surveys, Rates, and Aſſeſſments, ſhall be laid before the ſaid Commiſſioners as ſoon as conveniently may be after the ſame ſhall be completed, to be by them kept and made uſe of for the Purpoſes of this Act; and in caſe the ſaid Surveyors ſhall differ in Opinion, then and in ſuch Caſe *Thomas Penſon* of *Wrexham* in the County of *Denbigh*, Architect, is hereby appointed Umpire to aſſiſt therein, and ſettle the Difference between the ſaid Surveyors.

Surveyors appointed.

For appointing new Surveyors in Caſes of Death, &c.

X. And be it further enacted, That when and ſo often as any or either of the Surveyors and Umpire hereby appointed, or any Surveyor or Surveyors, or Umpire, hereafter appointed under this Act, ſhall die or refuſe or neglect to act in the Execution of his ſaid Office for the Space of Twenty-one Days after he ſhall have received Notice in Writing of ſuch Appointment, and ſhall have been requeſted to act in the Execution of the ſaid Office as aforeſaid, then and in every ſuch Caſe the ſaid Commiſſioners ſhall cauſe Ten Days Notice in Writing to be given in the *Cheſter* Newſpaper or Newſpapers, if any then publiſhed, and if not, then on the Door of the Town Hall, or ſome other publick Place or Places in the ſaid City, of a Meeting of the ſaid Commiſſioners to be held at the Town Hall, to elect and appoint One or more Surveyor or Surveyors, Aſſeſſor or Aſſeſſors, or Umpire, in the Room and Stead of the Surveyor or Aſſeſſor, Surveyors

ors or Aſſeſſors, or Umpire, ſo dying or refuſing to act as aforeſaid, and the Majority of the Commiſſioners at ſuch Meeting ſhall and may, and are hereby required to appoint ſuch Surveyor or Aſſeſſor, or Surveyors or Aſſeſſors, or Umpire accordingly; and ſuch laſt-mentioned Surveyor or Aſſeſſor, Surveyors or Aſſeſſors, and Umpire, ſo to be appointed as aforeſaid, ſhall have ſuch and the like Powers and Authorities as the Perſon in whoſe Room or Stead he ſhall be ſo appointed.

Surveyor to take an Oath.

XI. And be it further enacted, That no Perſon ſhall be capable of acting as a Surveyor, Aſſeſſor, or Umpire, in the Execution of this Act, until he ſhall have taken and ſubſcribed the following Oath: (that is to ſay)

Oath.

'I, *A. B.* do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgment, make an equal, impartial, and diſtinct Survey and Valuation of all and every the Meſſuages, Houſes, Shops, Cellars, Stables, Warehouſes, Brewhouſes, Buildings, Gardens, Yards, and other Premiſſes, within the City of *Cheſter*, and the Liberties thereof, or ſuch Part thereof as I ſhall be employed to ſurvey and value, and lay the ſame before the Commiſſioners appointed to put in Execution *An Act*, &c. [*ſet forth the Title of this Act.*] So help me GOD.'

Which Oath, and alſo the Oath herein before-mentioned, it ſhall be lawful for any Two of the ſaid Commiſſioners to adminiſter, and they are hereby authorized and empowered to adminiſter the ſame accordingly.

Houſes under the yearly Value of 3*l.* not to be rated, and no Meſſuage, &c. to be rated higher than 7*o*.

XII. Provided always, and be it further enacted, That no Perſon or Perſons ſhall be rated or chargeable with any ſuch Rate or Aſſeſſment, Rates or Aſſeſſments, by virtue of this Act, in reſpect of the Occupation of any Meſſuage or Dwelling Houſe, or Meſſuages or Dwelling Houſes, the Whole of which, with the Appurtenances together, ſhall be under the yearly Value of Three Pounds, not being the Property of ſuch Occupier; nor ſhall any One Meſſuage or Building, with the Out-offices, Coach-houſes, Stables, Yards, Gardens, and Appurtenances held, occupied, and enjoyed therewith, be rated or aſſeſſed at any greater Annual Value than Seventy Pounds, except the *Dee* Mills, which ſhall not be rated or aſſeſſed at any greater Annual Value than One hundred Pounds.

Exemption of empty Houſes.

XIII. Provided nevertheleſs, and be it further enacted, That no Meſſuage, Houſe, Shop, Vault, Warehouſe, Malthouſe, Workhouſe, Brew-houſe, or other Building or Yard whatſoever, with its Appurtenances, ſhall be inſerted in any Rate or Aſſeſſment as aforeſaid, for the Purpoſe of charging any Perſon in reſpect of any Period during which the ſame ſhall be empty or unoccupied, or have remained empty and unoccupied, but only in Proportion to the Time the ſame ſhall have been tenanted and occupied.

Perſons quitting Houſes or Premiſſes before Payment of Rates, and

XIV. And be it further enacted, That in caſe any Perſon ſhall remove out of or from, or quit the Poſſeſſion of any ſuch Meſſuage, Houſe, Shop, Vault, Warehouſe, Malthouſe, Workhouſe, Brewhouſe, or other Building, Yard, Garden, or Orchard, before the Rate or Aſſeſſment, Rates or

Persons entering in such Houses or Premisses, to be subject to the Payment thereof for the Times of their occupying the same.

or Assessments, charged thereon by virtue of this Act, shall be paid; or if any Person shall enter into the Occupation of any such Messuage, House, Shop, Vault, Warehouse, Malthouse, Workhouse, Brewhouse, or other Building, Yard, Garden, or Orchard, out of or from which any other Person shall have so removed before Payment of the said Rates or Assessments, or which at the Time of rating or assessing the same shall be empty or unoccupied, then the Person so removing out of or from, or quitting the Possession, and the Person so entering into the Occupation of any such Messuage, House, Shop, Vault, Warehouse, Malthouse, Workhouse, Brewhouse, or other Building, Yard, Garden, or Orchard, shall be respectively liable to the Payment of the Rate or Assessment, Rates or Assessments, in proportion to the Times such Persons possessed or occupied the same respectively, in like Manner as if the Person so removing or quitting as aforesaid had remained in the Possession or Occupation of such Messuage, House, Shop, Vault, Warehouse, Malthouse, Workhouse, Brewhouse, or other Building, Yard, Garden, or Orchard, or the Person so entering into the Occupation thereof had been originally rated or assessed, which Proportion (in case of Dispute concerning the same) shall be ascertained and settled by the said Commissioners.

Agreements between Landlords and Tenants not to be affected.

XV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to affect or make void any Contract, Covenant, or Agreement, made or to be made between any Landlord and Tenant, touching or concerning the Payment of the Rates or Assessments which may be charged upon any Dwelling House, Shop, Warehouse, or Building, by virtue of this or of the said recited Act.

Power to paint Names of the Streets, &c.

XVI. 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, as they shall think necessary or expedient, to cause to be painted in large legible Characters on the most conspicuous Buildings or Places in the Squares, Streets, Lanes, Rows, publick Roads and Places, within the said City or Liberties thereof, the Name or Names by which the said Squares, Streets, Lanes, Rows, publick Roads and Places, are or may be known or distinguished; and if any Person shall wilfully or wantonly obliterate or deface any such Name or Names, after the same shall have been painted as aforesaid under the Authority of this Act, every such Person shall, on Conviction before One Justice, or the said Commissioners, upon View, or Confession, or by the Oath of One Witness, forfeit and pay any Sum not exceeding Forty Shillings, nor less than Ten Shillings.

Penalty for obliterating or defacing the Names.

To prevent Encroachments.

XVII. And be it further enacted, That the respective Owners and Occupiers of Houses and other Buildings within the said City, and the Liberties thereof, shall at their own Costs and Charges, within such Time, and in such Manner as the said Commissioners at their General Annual Meeting shall from Time to Time, by Notice in Writing, signed by their Clerk, to be delivered to such Owner or Occupiers, or left at their respective Dwelling Houses, direct and appoint, cause all Steps, Stairs, Posts, Pillars and Pilasters, Palisadoes, Pales and Rails, Poles, projecting Windows, Porches, Spouts, Shew Boards, Stalls, Cellar Windows, Doors and Gates, Steps into Cellars and Vaults, and all other Encroachments

and

and Annoyances whatsoever, belonging to their respective Houses, Buildings, or Premisses, and extending over or upon the Streets, Squares, Lanes, Alleys, Passages, and publick Places, or any Part thereof, to be removed, altered, or reformed, and also to cause the Water to be conveyed from the Roofs, Cornices, and Penthouses of their respective Houses, and other Buildings, by proper and sufficient Pipes or Trunks to be affixed to the Sides of their respective Houses or other Buildings; and in case any such Owner or Occupier shall neglect or refuse so to do, it shall be lawful for the said Commissioners to cause the same to be done at the Costs and Charges of any such Owner or Occupier; and the Costs and Charges attending the Removal, Alteration, or Reformation of the same, to be ascertained and settled by the said Commissioners, shall, in case the same be not paid on Demand made by any Person authorized by the said Commissioners in that Behalf, be levied by Distress and Sale of the Goods and Chattels of such Owner or Occupier, by Warrant under the Hands and Seals of the said Commissioners, or any Two or more Justices of the Peace of the said City of *Chester* (which Warrant such Commissioners or Justices are hereby authorized to grant), rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold; and if the Tenant or Occupier of any such House or other Building shall remove, alter, or reform any such Encroachment, Obstruction, or Annoyance as aforesaid, to the Satisfaction of the said Commissioners, it shall be lawful for him or her to deduct and retain the reasonable Charge and Expence thereof, and also any Money which shall or may have been levied upon his or her Goods or Chattels as aforesaid, out of his or her next Payment of Rent; and the Owner, Proprietor, or Landlord of every such House or other Building is hereby required to allow the same accordingly as a Payment, or Part Payment of Rent, as the Case may be, and the same shall be good as such Payment to all Purposes whatever.

Owners, &c. of Houses to be reimbursed their Expences incurred in removing Encroachments.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners, out of the Money to be raised by virtue of this Act, to allow and order to be paid to such Owner and Occupier as aforesaid, all or any Part of the Expence they shall have been at, or be put unto, in removing, altering, or reforming any such Encroachment, Obstruction, Projection, or Annoyance, as to the said Commissioners shall seem fit.

Commissioners to raise Money on Mortgage of the Rates.

XIX. And, in order to enable the said Commissioners to make Drains, Soughs, Sewers, Reservoirs, and other Works, for the better cleansing the said City, and otherwise putting this Act in Execution, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, from Time to Time to borrow and take up at Interest of and from any Person or Persons whomsoever who shall be willing to lend and advance the same, any Sum or Sums of Money for the Purposes aforesaid, on the Credit of the said Rates or Assessments, not exceeding in the Whole the Sum of One thousand Pounds, and by Writing under their Hands and Seals, at any Meeting to be held as aforesaid, to mortgage or assign over the said Rates or Assessments, or any Part thereof, to the Person or Persons who shall advance or lend any such Money, or his, her, or their Trustee or Trustees, as a Security for the Payment of the Principal Money so to be borrowed, with Interest at and after the Rate of

Five Pounds *per Centum per Annum*, or leſs, for the ſame; and every ſuch Mortgage or Aſſignment ſhall or may be in the Words, or to the Effect following: (*videlicet*)

Form of Mortgage.

'BY virtue of an Act, paſſed in the Forty-third Year of the Reign of 'His Majeſty King *George* the Third, intituled, [*here ſet forth the* '*Title of this Act*] We, of the Commiſſioners ap- 'pointed by the ſaid Act, at a Meeting held purſuant thereto, in Conſi- 'deration of the Sum of advanced and lent by *A. B.* 'of upon the Credit and for the Purpoſes of the ſaid 'Act, do grant, bargain, aſſign, and ſell unto the ſaid *A. B.* his Execu- 'tors, Adminiſtrators, and Aſſigns, ſuch Parts or Proportions of the Rates 'or Aſſeſſments to be made by the ſaid Commiſſioners, by virtue of the 'ſaid Act, as the ſaid Sum of doth or ſhall bear to 'the whole Sum which now is or at any Time hereafter may be lawfully 'borrowed by the ſaid Commiſſioners, and charged upon the ſaid Rates 'or Aſſeſſments, to be had and holden by him the ſaid *A. B.* his Exe- 'cutors, Adminiſtrators, and Aſſigns, from this Day of 'with Intereſt for the ſame, at *per Centum per* '*Annum*, until the ſame ſhall be fully paid and ſatisfied. In Witneſs 'whereof we have hereunto ſet our Hands and Seals, this 'Day of

And every ſuch Mortgage, and the Aſſignment of the ſame, ſhall be good, valid, and effectual in the Law.

Securities may be transferred.

XX. And be it further enacted, That it ſhall be lawful for the Perſon or Perſons entitled to any of the Securities for the Money to be borrowed as aforeſaid, and their reſpective Executors, Adminiſtrators, and Aſſigns, by Writing under his, her, or their Hand or Hands, to aſſign over and transfer ſuch Securities to any Perſon or Perſons; which Aſſignment or Transfer ſhall or may be in the Words, or to the Effect following: (*videlicet*)

Form of Transfer.

'I, *A. B.* do hereby aſſign or transfer the within Mortgage, and all my 'Right and Title in and to the Principal Money, and Intereſt, thereby 'ſecured unto *C. D.* his Executors, Adminiſtrators, and Aſſigns. Dated 'this Day of *A. B.*"

Which Transfer ſhall be produced and notified to the Clerk to the ſaid Commiſſioners within Three Calendar Months next after the Day of the Date thereof, who ſhall enter the ſame in a Book or Books to be kept for that Purpoſe, for which Entry the ſaid Clerk ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and after ſuch Entry made, ſuch Aſſignment or Transfer ſhall entitle ſuch Aſſignee, his Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon; and every ſuch Aſſignee may in like Manner aſſign and transfer the ſame again, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon making ſuch Aſſignment or Transfer, to make void, releaſe, or diſcharge the ſame, or any Money due thereon; and the Expence of ſuch Securities ſhall be paid and defrayed by and out of the Monies to ariſe by the Rates and Aſſeſſments by this Act authorized to be collected and raiſed.

For providing a Fund for paying off Securities.

XXI. Provided always, That in caſe any Sum or Sums of Money ſhall be borrowed and taken up at Intereſt on the Credit of the Rates or Aſſeſſments

ments hereby authorized to be made, that then and in every ſuch Caſe a further Sum or Sums of Money, equal to One-tenth Part of the Money which may be borrowed for the Purpoſes of this Act, ſhall be alſo borrowed and taken up at Intereſt in like Manner, and at the ſame Time; and the ſame, together with ſuch Saving from the ſaid Rates or Aſſeſſments as at each ſuch General annual Meeting of the ſaid Commiſſioners as aforeſaid ſhall appear to have ariſen and remain unapplied, after all the Purpoſes of this Act to that Time ſhall have been anſwered and ſatisfied, ſhall from Time to Time, when the ſame ſhall amount to Fifty Pounds or upwards, be veſted in the Purchaſe of Stocks or Annuities in the Public Funds, in the Name or Names of the Mayor of the ſaid City, or any Three of the ſaid Commiſſioners for the Time being reſpectively, and that the Intereſt, Dividends, Proceed, and Produce thereof, when and as the ſame ſhall ariſe or become due and be received, ſhall from Time to Time be alſo laid out and inveſted in like Manner, as ſoon as may be, in the Purchaſe of the like Stocks or Annuities, ſo that a Fund may be thereby provided for the Satisfaction and Diſcharge of the Principal Money to be borrowed under or by virtue of the Powers of this Act; and when ſuch accumulated Fund ſhall amount to a ſufficient Sum for that Purpoſe, the Stocks or Annuities whereon the ſame ſhall or may be then inveſted ſhall be ſold and diſpoſed of, and by and out of the Money ariſing from the Sale thereof, all and every the Sum and Sums of Money which may have been borrowed under or by virtue of the Powers of this Act, ſhall be wholly paid off and diſcharged: Provided always, that in caſe the ſaid Commiſſioners aſſembled at any ſuch General Annual Meeting as aforeſaid, ſhall determine or ſee Occaſion for the raiſing of any further Sum or Sums of Money for the Purpoſes of lighting, cleanſing, and watching the ſaid City, and ſuch accumulating Fund as aforeſaid ſhall then amount to and be capable of raiſing, on ſuch Sale thereof, the Sum of Five Hundred Pounds or upwards, that then the ſaid Commiſſioners ſhall be at Liberty to direct the Stocks or Annuities whereon the ſame may be inveſted to be ſold and diſpoſed of, and to apply the Money ariſing from the Sale thereof, for all or any of ſuch laſt-mentioned Purpoſes: Provided alſo, that from and after the Whole of the Money which may be ſo borrowed and taken up at Intereſt, under and by virtue of the Powers of this Act as aforeſaid, ſhall have been fully paid off and diſcharged by the Ways and Means herein-before appointed for that Purpoſe, then and in ſuch Caſe it ſhall and may be lawful for the ſaid Commiſſioners aſſembled at any ſuch General Meeting as aforeſaid, if they ſhall ſee Occaſion, to raiſe any further Sum or Sums of Money in Manner aforeſaid, on the Credits of the Rates or Aſſeſſments hereby authorized to be made for the like Purpoſes as the Money which may have been originally borrowed and taken up at Intereſt thereon ſhall or may be applied, under and by virtue of the Powers of this Act, and with the like Proviſion for an accumulating Fund for the Diſcharge thereof, but ſo neverthleſs that there ſhall not at any One Time be more than the Sum of One thouſand Pounds charged upon the ſaid Rates or Aſſeſſments, excluſive of the Money to be borrowed for the Purpoſe of ſuch accumulating Fund as aforeſaid.

To make Drains and Common Sewers.

XXII. And be it further enacted, That, for the more effectual cleanſing the Squares, Streets, and Paſſages within the ſaid City, it ſhall be lawful for the ſaid Commiſſioners (by and with the Conſent and Approbation of the Mayor and Citizens of the ſaid City, ſignified by ſome Writing or Inſtrument

Inſtrument under their Corporate Seal) to open, make, and repair, or cauſe to be opened, made, and repaired, in all or any of the Streets or Public Places of the ſaid City, ſuch Drains, Soughs, Common Sewers, and Reſervoirs, as they ſhall think proper, and for that Purpoſe to contract and agree with any Perſon or Perſons for the making and repairing thereof, and to pay and defray the Expences attending the ſame out of the Money to be raiſed and received under the Authority of this Act.

For preventing Annoyances.

XXIII. And be it further enacted, That if, after the paſſing of this Act, any Perſon or Perſons ſhall trail or draw, or cauſe to be trailed or drawn upon or along any of the ſaid Squares, Streets, Lanes, or public Roads, within the ſaid City, or the Liberties thereof, any Tree or Piece of Timber, or any Stone, otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Tree or Piece of Timber or Stone which ſhall be conveyed upon ſuch Wheel Carriages to drag upon any Part of the ſaid Squares, Streets, Lanes, or Public Roads, within the ſaid City; or ſhall bring any ſtoned Horſe or Stallion into any of the Squares, Streets, Lanes, Roads, or Public Paſſages aforeſaid, or in the Market Place or Places of the ſame City, otherwiſe than for the Purpoſe of paſſing through or along the ſame, or ſhall exhibit the ſame in any of the Places aforeſaid; or ſhall ſuffer any Butcher's Blocks, Huckſter's Standings, Coach, Chaiſe, Waggon, Cart or other Carriage, Wheelbarrow, Trucks, Timber, Bricks, Lime, Stones, Slates, Hay, Straw, Wood, Faggots, Coal Tubs, Caſks, Crates, Hampers, Goods, Wares, or Merchandiſe, or any other Materials or Things whatſoever, to be laid or placed, and left to remain in any of the ſaid Squares, Streets, Lanes, Roads, Rows, public Paſſages or Places, for any longer Time than ſhall be neceſſary for removing or houſing the ſame, or for the taking up or ſetting down Paſſengers or Perſons going into or coming out of any Stage Coach, or for the loading or unloading of any Waggon, Cart, or other Carriage; or ſhall caſt or throw, or cauſe to be caſt or thrown, any Broken Glaſs or Earthen Ware, Aſhes, Rubbiſh, Duſt, Dirt, Dung, Filth, Soaplees, or any other Nuiſance, Annoyance, or Obſtruction whatſoever, into, or laid in any of the ſaid Squares, Streets, Rows, Lanes, Roads, public Paſſages or Places, or ſhall leave any Cellar Doors open therein, or ſhall drive, draw, carry, or place in any of the Rows, or on any of the Footways of any of the ſaid Squares, Streets, City Walls, Lanes, Ways, public Paſſages or Places, any Cart, Wheelborrow, Handbarrow, Wheel, Sledge, Truck, or Carriage, or wilfully ride, lead, or drive any Horſe or other Beaſt or Cattle therein or thereon; or ſhall cauſe any Bull, Bear, Badger, or other Beaſt, to be baited or worried in any of the Streets, Rows, or Squares within the ſaid City, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Five Shillings, to be recovered as after mentioned; and it ſhall alſo be lawful for any Perſon or Perſons to ſeize and detain any ſuch Cart, Carriage, Wheelbarrow, or other Matters, and alſo to impound any ſuch Horſe, Mare, Mule, Aſs, Swine, Beaſt, or other Cattle, in the Common Pound of the ſaid City, or in ſuch other Place as ſhall be appointed by the ſaid Commiſſioners, and the ſame to detain in the ſaid Pound or Places, until the Penalty and the Expences of impounding, ſeizing, and detaining the ſame ſhall be fully paid and ſatisfied; and in caſe ſuch Penalty, and all Expences attending the levying thereof, ſhall not be paid within Four Days next after ſuch Seizure, or after ſuch Horſe, Mare, Mule, Aſs, Swine, Beaſt, or other Cattle, ſhall be ſo impounded, it ſhall be lawful for the

the Perſon or Perſons who ſhall be appointed by the ſaid Commiſſioners for that Purpoſe, to ſell, or cauſe to be ſold, ſuch Horſe, Mare, Mule, Aſs, Swine, Beaſt, Cattle, or other Things ſo diſtrained or ſeized, returning the Overplus (if any be) to the Owner thereof, after ſuch Penalty, and the reaſonable Charges occaſioned by ſuch impounding, Seizure, and Diſtreſs, ſhall be deducted and paid.

Power to lay Building Materials.

XXIV. Provided always nevertheleſs, and be it further enacted, That no Perſon ſhall be ſubject to any Penalty by virtue of this Act, on account of any Building Materials, Rubbiſh, or Dirt, being in any of the ſaid Squares, Streets, Lanes, Roads, Rows, publick Paſſages or Places, before the Houſe or Tenement of ſuch Perſons, occaſioned by the building, pulling down, rebuilding, or repairing ſuch Houſe or Tenement, ſo that there be convenient Room (to be ſet out and aſcertained by One or more of the Surveyors appointed in or to be appointed by virtue of this Act) left for Carriages to paſs and repaſs, and a ſufficient Way kept clear for the paſſing and repaſſing of Foot Paſſengers, by the Perſon or Perſons laying or occaſioning ſuch Building Materials, Rubbiſh, or Dirt, to be laid, and ſo that, during the Time the ſame ſhall be laying as aforeſaid, ſuch Owner or Occupier ſhall effectually incloſe the ſame with Poſts and Rails, and ſet up and maintain a Light during the Night Time, to prevent Accidents or Miſchief happening to Paſſengers or Cattle, and ſo that the Owner or Occupier of ſuch Houſe or Tenement do cauſe ſuch Materials, Rubbiſh, and Dirt, to be removed out of ſuch Square, Street, Lane, Road, Row, or Place, after ſuch building, pulling down, rebuilding, or repairing of ſuch Houſes or Tenements, ſhall be reſpectively finiſhed within the Time to be fixed by a Notice in Writing, ſigned by any Two of the ſaid Commiſſioners, or their Clerk, and given to or left at the Dwelling Houſe or laſt Place of Abode of the Owner or Occupier of ſuch Houſes, Tenements, or Buildings.

Commiſſioners to appoint a Time for the Removal of Night Soil, &c.

XXV. And be it further enacted, That from and immediately after the paſſing of this Act, it ſhall be lawful for the ſaid Commiſſioners to fix and appoint ſeaſonable, proper, and convenient Time or Times for emptying any Boghouſe, or for taking away any Night Soil from any Houſe or other Building or Place, within or near to any of the Squares, Streets, Rows, Lanes, Ways, or other Places in the ſaid City, or the Liberties thereof, as they in their Diſcretion ſhall think fit, and to direct and order the Mode of doing thereof; and if any Perſon or Perſons ſhall empty any Boghouſe, or take away any ſuch Night Soil as aforeſaid, from any Houſe or other Building or Place within, in, or near to any of the ſaid Squares, Streets, Rows, Lanes, Ways, or other Places in the ſaid City, or the Liberties thereof, at any Time or Times other than ſuch as ſhall be ſo fixed and appointed as aforeſaid, or ſhall do the ſame in any other Mode, or in any other Sort of Conveyance or Conveyances than ſhall be directed and ordered by the ſaid Commiſſioners; or if any Perſon ſhall put or caſt, or cauſe to be put or caſt any ſuch noiſome or offenſive Matter out of any Cart, Tub, or any other Carriage or Thing, in or near any of the ſaid Squares, Streets, Lanes, Ways or Places, or ſhall convey or cauſe to be conveyed any ſuch noiſome or offenſive Matter in any Tub, Cart, or other Carriage or Thing, along or through any of the ſaid Squares, Streets, Rows, Lanes, Ways, Paſſages or Places, at any other Time than within the Time or Times to be ſo fixed and appointed by the ſaid Commiſſioners, every Perſon ſo offending ſhall for

each Offence forfeit and pay any Sum not exceeding Twenty Shillings, nor leſs than Five Shillings.

For compelling the Attendance of Witneſſes.

XXVI. And be it further enacted, That if any Perſon or Perſons ſhall be ſummoned as a Witneſs or Witneſſes to give Evidence before the ſaid Commiſſioners, or any Juſtice or Juſtices of the Peace acting in and for the ſaid City of *Cheſter*, touching any Matter or Thing contained in any Information or Complaint for any Offence againſt this or the ſaid recited Act, or againſt any Rule, Order, or Bye Law made in purſuance thereof, whether on the Part of the Proſecutor or Proſecutors, or of the Perſon or Perſons complained of (and which Summonſes the ſaid Commiſſioners, and Juſtice or Juſtices, are hereby authorized to iſſue), where, and in ſuch Caſes only as ſuch Commiſſioners, or ſuch Juſtice or Juſtices are made competent by this or the ſaid recited Act to hear and determine the ſame, or if appearing ſhall refuſe to be examined on Oath, and to give Evidence before the ſaid Commiſſioners, or before ſuch Juſtice or Juſtices as aforeſaid, then and in either of the ſaid Caſes every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds, nor leſs than Twenty Shillings.

Declaring Inhabitants to be competent Witneſſes in all Actions concerning the Execution of the Act.

XXVII. And be it further enacted, That in all Actions, Proſecutions, Informations, Cauſes, Enquiries, and Proceedings whatſoever, relating to or concerning the Execution of the ſaid recited Act or this Act, or of any Rule, Order, or Bye Law, made in purſuance thereof, any Inhabitant of the ſaid City and Liberties ſhall, and is hereby declared to be a competent Witneſs, and be admitted to give Evidence, and to act as a Juryman, notwithſtanding his or her being ſuch Inhabitant, and notwithſtanding the Rates or Aſſeſſments made and charged, or to be made and charged as aforeſaid upon any ſuch Inhabitant, any Thing in this Act to the contrary notwithſtanding.

Manner how pecuniary Offences are to be determined.

XXVIII. And be it further enacted, That it ſhall be lawful for any One or more Juſtice or Juſtices of the Peace in and for the ſaid City, or the Commiſſioners appointed in or by virtue of this Act, to hear and determine any of the Offences (not herein or by the ſaid recited Act directed to be otherwiſe heard) which are made ſubject to and puniſhable by any pecuniary Penalties, directed by this or the ſaid recited Act, and upon any Information or Complaint (which ſhall in all Caſes be made within Three Calendar Months after the Offence committed) exhibited before any ſuch Juſtice or Juſtices or Commiſſioners, to ſummon the Party or Parties accuſed, and the Witneſſes on either Side, to be and appear before him or them, or any other Juſtice or Juſtices, or Commiſſioners, at ſuch Time and Place in the ſaid City, not exceeding Three Days excluſive from the Date of ſuch Summons, as ſhall be therein appointed, and upon the Appearance or Contempt of the Party accuſed in not appearing according to ſuch Summons, it ſhall and may be lawful for any One ſuch Juſtice or Juſtices, or Commiſſioners, upon ſuch Summons being firſt proved, to proceed to the Examination of any Witneſs or Witneſſes on Oath, which he and they is and are hereby empowered to adminiſter, and to hear the Circumſtances of the Caſe, and thereupon, or upon Confeſſion of the Party, to give and ſign ſuch Conviction and Judgment for the Forfeiture and Payment of ſuch Penalty, or to acquit the Party accuſed for want of due Proof of the Offence, as ſhall be juſt and conformable to the Tenor and true Meaning

ing of this and the ſaid recited Act; and which Conviction and Judgment any ſuch Juſtice or Juſtices, or Commiſſioners, is and are hereby empowered to draw up and record according to the Form, or to the Effect following: (that is to ſay)

Form of Conviction.

'City of *Cheſter*, and County of the ſame City.} BE it remembered, That on this Day of in the Year of the Reign of His preſent Majeſty, *A. B.* is convicted before me *S. T.* One of His [*or*, before us, *S. T.* and *W. S.* Two of His] Majeſty's Juſtices of the Peace in and for the ſaid City of *Cheſter*, and County of the ſame City [*or*, before us, being Seven of the Commiſſioners acting in the Execution of an Act, intituled] [*ſet forth the Title of this Act*] [*ſpecifying the Offence, and Time and Place when and where the ſame was committed, as the Caſe may be*] and I, the ſaid Juſtice [*or*, we, the ſaid Juſtices, or Commiſſioners] do adjudge him to forfeit and pay the Sum of and alſo the Sum of for Coſts, the ſaid Coſts to be paid to Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year above written.'

Not to be quaſhed for want of Form.

Which Conviction ſhall not be vacated or quaſhed, or any Advantage taken thereof for want of Form therein, or by reaſon of any Irregularity in the Proceedings previous to or on the making of any ſuch Judgment or Conviction; and where the Party or Parties ſo accuſed ſhall be convicted upon or by reaſon of any ſuch Information and Complaint, then the Penalty or Forfeiture wherein he, ſhe, or they ſhall be ſo ſeverally convicted, and all and every other Penalties and Forfeitures by this or the ſaid recited Act incurred and impoſed (the Manner of recovering and levying whereof is not otherwiſe thereby or hereby particularly directed), ſhall and may be recovered and levied, with the Coſts of the Conviction, and levying thereof by Diſtreſs and Sale of the Offender's Goods and Chattels, by virtue of a Warrant or Warrants under the Hand and Seal or Hands and Seals of any One or more Juſtice or Juſtices of the Peace in and for the ſaid City, or the ſaid Commiſſioners, which he or they are hereby empowered and required to make; and in caſe ſufficient Diſtreſs ſhall not be immediately found within the ſaid City, then it ſhall be lawful for any One or more ſuch Juſtice or Juſtices, or ſuch Commiſſioners, and he or they are hereby required and empowered, by Warrant under his or their Hand or Hands, to apprehend and cauſe to be apprehended any ſuch Offender or Offenders ſo convicted in or liable to pay any ſuch Penalty or Penalties hereby appointed and directed, either within the ſaid City of *Cheſter*, or in any other City, County, or Place; and by force of ſuch Warrant to convey or commit him, her, or them to the Common Gaol or Houſe of Correction of any ſuch City, County, or Place wherein any ſuch Offender or Offenders ſhall or may be apprehended, as fully and effectually to all Intents and Purpoſes, as if he, ſhe, or they had been originally apprehended and committed within the ſaid City of *Cheſter*, there to be and remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, or until he, ſhe, or they ſhall have fully paid any ſuch Penalty or Forfeiture, together with the Coſts and Charges incurred by ſuch Means as aforeſaid, touching the Recovery thereof, to be aſcertained by One Juſtice of the ſaid City of *Cheſter*, or the ſaid Commiſſioners; and all and every the ſeveral Penalties and Forfeitures which ſhall be incurred and recovered by virtue of this or the ſaid recited Act, and which are not herein or thereby directed to be otherwiſe wholly applied,

Penalties and Forfeitures, how to be recovered and applied.

plied, ſhall be paid and applied immediately from and after the Recovery and Payment thereof, as follows: (that is to ſay) One Moiety thereof to any ſuch Informer or Informers againſt the Offender or Offenders, in ſuch Shares or Parts as the Juſtice or Juſtices, or Commiſſioners, before and by whom any ſuch Conviction ſhall be made, ſhall order and direct, and the other Moiety thereof to be paid to the Treaſurer or Treaſurers of the ſaid Commiſſioners for the Time being, or to any other Perſon or Perſons as the ſaid Commiſſioners ſhall appoint, for the Uſes and Purpoſes in this and the ſaid recited Act mentioned.

Charges of Proſecutions to be reimburſed.

XXIX. And be it further enacted, That the neceſſary Charges which ſhall be incurred in and about the Proſecution of all and every Offender and Offenders againſt this or the ſaid recited Act (over and above what ſhall be recovered from ſuch Offender and Offenders, or by Diſtreſs as aforeſaid) ſhall be paid out of the Monies to be raiſed or received by virtue hereof, under the Directions of the Commiſſioners ordering ſuch Proſecutions, provided that ſuch Proſecution was commenced and authorized by Order of the ſaid Commiſſioners.

Appeal.

XXX. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act (and for which no particular Method of Relief hath been either by this or the ſaid recited Act already appointed) ſuch Perſon or Perſons may appeal to the Juſtices of the Peace for the ſaid City of *Cheſter*, at their General or Quarter Seſſion to be held for the ſaid City, within the Space of Seven Calendar Months next after the Cauſe of Appeal ſhall have ariſen, ſuch Appellant or Appellants firſt giving or cauſing to be given Twenty Days Notice at leaſt of his, her, or their Intention to bring ſuch Appeal, and of the Cauſe thereof, to the Treaſurer or Clerk to the ſaid Commiſſioners, and within Ten Days next after ſuch Notice given, enter into a Recognizance before One of His Majeſty's Juſtices of the Peace for the ſaid City of *Cheſter*, with Two ſufficient Sureties conditioned to try ſuch Appeal at ſuch General or Quarter Seſſion, and to abide the Order of and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Seſſion; and the ſaid Juſtices at ſuch Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and ſhall award ſuch Coſts to either Party as they ſhall think proper; and the Determination of the Juſtices at ſuch Seſſion ſhall be final and binding upon all Parties.

Proceedings not to be removeable, or quaſhed for want of Form.

XXXI. And be it further enacted, That no Order touching or concerning the Matters aforeſaid, or any of the Proceedings to be had touching the Conviction of any Offender againſt this or the ſaid recited Act, ſhall be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere; and that where any Diſtreſs ſhall be made for any Sum of Money to be levied by virtue of this or the ſaid recited Act, the Diſtreſs itſelf ſhall not be deemed to be 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 Summons, Conviction, Warrant of Diſtreſs, Appointment of Commiſſioners, or other Proceeding relating thereunto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer

or

or Treſpaſſers *ab initio*, on account of any ſubſequent Irregularity in the Proceedings of the Perſon or Perſons making ſuch Diſtreſs, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover ſuch Satisfaction for the Special Damages in an Action on the Caſe.

Allowing the Commiſſioners and their Officers to plead the General Iſſue, and give this Act in Evidence.

XXXII. And be it further enacted, That it ſhall be lawful for any Commiſſioner or Commiſſioners named or appointed in and by virtue of this Act, or any other Perſon or Perſons acting under the Authority of the ſaid Commiſſioners, againſt whom any Action ſhall be brought for any Thing done in purſuance of and by the Authority of this and the ſaid recited Act, to plead the General Iſſue to any ſuch Action, and to give this and the ſaid recited Act, and the ſpecial Matter in Evidence at the Trial of any ſuch Action, and that the Matter or Thing for which ſuch Action is brought was done in purſuance of and by the Authority of this or the ſaid recited Act; and if a Verdict is given for the Defendant or Defendants in ſuch Action, or the Plaintiff or Plaintiffs ſhall become nonſuited, the Defendant or Defendants ſhall recover Treble Coſts, and have the like Remedy for the ſame as any Defendant hath for Coſts of Suit at Law,

And no Proceſs ſhall iſſue againſt them, unleſs previous Notice ſhall have been given to ſuch Commiſſioners, Clerk, &c.

XXXIII. And be it further enacted, That no Writ ſhall be ſued out againſt, nor any Copy of any Proceſs at the Suit of any Perſon ſhall be ſerved on any Commiſſioner or Commiſſioners named or appointed in or by virtue of this Act, or againſt any other Perſon or Perſons, for any Thing done in purſuance of and by the Authority of this or the ſaid recited Act, until Notice in Writing of ſuch intended Writ or Proceſs ſhall have been delivered to ſuch Commiſſioner or Commiſſioners, or other Perſon or Perſons; and alſo to the Treaſurers of the ſaid Commiſſioners, or to One of them, in caſe there ſhall be more Treaſurers than One, or left at his and their uſual Place of Abode by the Attorney or Agent of the Party who intends to ſue or cauſe the ſame to be ſued out, and ſerved at leaſt One Calendar Month before the ſuing out and ſerving the ſame, in which Notice ſhall be clearly and explicitly contained the Names and Places of Abode of the Party or Parties intending to ſue or cauſe the ſame to be ſued, and the Cauſe of Action which ſuch Party or Parties hath or have, or claimeth or claim to have againſt ſuch Commiſſioner or Commiſſioners, Perſon or Perſons, on which ſaid Notice the Name of ſuch Attorney or Agent, together with the Place of his Abode, ſhall be indorſed or underwrote.

Tender of ſufficient Amends may be pleaded in Bar to ſuch Action.

XXXIV. And be it further enacted, That it ſhall and may be lawful to and for ſuch Commiſſioner or Commiſſioners, Perſon or Perſons, at any Time within One Calendar Month after ſuch Notices given as aforeſaid, to tender Amends to the Party or Parties complaining, or to his, her, or their Agent or Attorney, and in caſe the ſame is not accepted, to plead ſuch Tender in bar to any Action to be brought againſt him or them, grounded on ſuch Writ or Proceſs, together with the General Iſſue of *Not Guilty*, and any other Plea with the Leave of the Court; and if upon Iſſue joined thereon the Jury ſhall find the Amends ſo tendered to have been ſufficient, then they ſhall give a Verdict for the Defendant or Defendants; and in ſuch Caſe, or in caſe the Plaintiff or Plaintiffs ſhall become nonſuited, or ſhall diſcontinue his, her, or their Action, or in caſe Judgment ſhall be given for ſuch Defendant or Defendants on Demurrer, ſuch Defendant

or Defendants ſhall be entitled to the like Coſts as he or they would have been entitled to in caſe he or they had pleaded the General Iſſue only; and if upon Iſſue ſo joined the Jury ſhall find that no Amends were tendered, or that the ſame were not ſufficient, and alſo againſt the Defendant or Defendants on ſuch other Plea or Pleas, then they ſhall give a Verdict for the Plaintiff or Plaintiffs, and ſuch Damages as they ſhall think proper, which he, ſhe, or they ſhall recover, together with his, her, or their Coſts of Suit.

Plaintiffs not to recover without Proof of Notice.

XXXV. And be it further enacted, That no ſuch Plaintiff or Plaintiffs ſhall recover any Verdict againſt ſuch Commiſſioner or Commiſſioners, Perſon or Perſons, in any Caſe where the Action ſhall be grounded on any Act of the Defendant or Defendants, in purſuance of this or the ſaid recited Act, and by the Authority thereof, unleſs it is proved on the Trial of ſuch Action that ſuch Notice was given as aforeſaid; but in Default thereof ſuch Defendant or Defendants ſhall recover a Verdict and Coſts as aforeſaid.

Commiſſioners neglecting to give Notice, to be at Liberty to pay Money into Court.

XXXVI. And be it further enacted, That in caſe any Commiſſioner or Commiſſioners, Perſon or Perſons, ſhall neglect to tender any Amends, or ſhall have tendered inſufficient Amends before the Action brought, it ſhall be lawful for him or them, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall think fit; whereupon ſuch Proceedings, Orders, and Judgments ſhall be had, made, and given in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

No Evidence to be given but what is mentioned in the Notice.

XXXVII. And be it further enacted, That no Evidence ſhall be given by the Plaintiff or Plaintiffs on the Trial of any ſuch Action as aforeſaid, of any Cauſe of Action, except ſuch as is contained in the Notice hereby directed to be given.

Nothing in this Act to affect the Powers of the General Turnpike Act, &c.

XXXVIII. And be it further enacted, That nothing in this Act contained ſhall in any Manner take away, alter, leſſen, prejudice, or defeat any Law or Statute now in Force for repairing of Highways or Roads within this Kingdom, or the Rights, Powers, Authorities, or Privileges of or belonging to the Corporation or Juries of the ſaid City of *Cheſter*, or of the Guardians of the Poor appointed or to be appointed by virtue of the ſaid recited Act.

For extending the Powers of the former Act to this.

XXXIX. And be it further enacted, That the ſaid recited Act and this Act ſhall, in the carrying into complete Execution the Purpoſes thereof reſpectively, be conſtrued together, and all and every the Powers, Authorities, Proviſions, Clauſes, Regulations, Matters, and Things in the ſaid recited Act contained (except ſuch as are by this Act varied, altered, or repealed), or when other and different Proviſions, Powers, Authorities, Penalties, Forfeitures, and Regulations are made, given, impoſed, or enacted by this Act, ſhall be and remain in full Force, and ſhall extend and apply to this Act, and all the Purpoſes therein mentioned, as fully and effectually to all Intents and Purpoſes, as if the ſame were herein ſeparately repeated and re-enacted, and made Part of this Act.

XL. And

XL. And be it further enacted, That this Act ſhall be deemed and taken to be a publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice of it as ſuch, though the ſame ſhould not be ſpecially pleaded. Publick Act.

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