ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 23.

An Act for lighting, watching, and regulating the Police within the Borough of *Macclesfield*, in the County of *Cheſter*. [4th *May* 1814.]

WHEREAS the Borough of *Macclesfield*, in the County Palatine of *Cheſter*, is very populous, and a Place of very conſiderable Trade, and is alſo a great Thoroughfare for Travellers; and the ſeveral Streets, Ways, Lanes, and other public Paſſages and Places within the ſame, are not properly lighted, watched, and cleanſed, and are ſubject to various Nuiſances, Annoyances, and Encroachments: And whereas the principal Market within the ſaid Borough is now held on the *Monday*, and there is alſo a Market held on the *Saturday* in each Week: And whereas it would greatly tend to the Convenience, Safety, and Benefit of the Inhabitants of the ſaid Borough, and of all Perſons reſorting to or paſſing through the ſame, if ſuch Streets, Ways, Lanes, and other public Paſſages and Places were properly lighted, watched, cleanſed, improved, and regulated, and the Nuiſances, Annoyances, Obſtructions, and Encroachments therein were removed and prevented for the future, and if the Market, which hath heretofore been holden upon the *Monday*, may for the future be holden on the *Tueſday* in each Week: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Mayor, Recorder, Aldermen, and Capital Burgeſſes of the Borough of *Macclesfield*, and their Succeſſors, Mayors, Recorders, Aldermen and Capital Burgeſſes Commiſſioners.

Burgeſſes of the ſaid Borough for the Time being, ſhall be and are hereby appointed Commiſſioners for putting this Act into Execution.

No Perſon to act as a Commiſſioner during the Time he ſhall hold any Place of Profit, &c. under the Act, &c.

II. Provided always, that no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act during ſuch Time as he ſhall hold any Office or Place of Profit under this Act, or be either directly or indirectly engaged or intereſted in any Contract or Agreement relating to the Execution of any of the Powers of this Act, but it ſhall be lawful for ſuch of the ſaid Commiſſioners as are Juſtices of the Peace for the ſaid Borough to act as ſuch, in the Execution of this Act, notwithſtanding their being Commiſſioners.

Firſt Meeting of the Commiſſioners.

III. And be it further enacted, That the ſaid Commiſſioners or any Five of them ſhall meet together at the Houſe of *Joſeph Foſter*, the *Macclesfield Arms Hotel*, in the ſaid Borough of *Macclesfield*, on the Second *Thurſday* next after the paſſing of this Act, at Eleven of the Clock in the Forenoon, and proceed to the Execution thereof, and may then and from Time to Time adjourn, and afterwards meet there or at any other Place within the ſaid Borough, as the ſaid Commiſſioners or any Five or more of them ſhall think moſt convenient, as often as it ſhall be neceſſary for putting this Act into Execution, and that Three Commiſſioners ſhall be ſufficient for the Purpoſe of Adjournment only; and if it ſhall happen that there ſhall not at any Meeting be a ſufficient Number of Commiſſioners to act or to adjourn to another Day, or in caſe the Commiſſioners at any Meeting aſſembled ſhall neglect or omit to adjourn, then and as often as the Caſe ſhall happen, the Clerk or Clerks to the ſaid Commiſſioners, or any Three or more of the ſaid Commiſſioners, ſhall and may by Notice in Writing to be affixed on the Guildhall of the ſaid Borough, and ſome other public Place or Places within the ſaid Borough, Fourteen Days at leaſt before ſuch intended Meeting, appoint the Commiſſioners to meet on the Day fixed in ſuch Notice; and all Matters and Things which ſhall be done and tranſacted at any Meeting which ſhall be held in purſuance of ſuch Notice ſhall be as valid and effectual as if the ſame had been done at any other Meeting held by virtue of this Act: Provided alſo, that no Act of the ſaid Commiſſioners ſhall be valid unleſs done at a Public Meeting or Meetings to be held by virtue of this Act (except in the Caſe before mentioned, where Adjournments ſhall not have been made as aforeſaid); and that at all Meetings to be held in purſuance of this Act, the Commiſſioners preſent at ſuch Meetings ſhall defray and bear their own Expences.

No Act valid of Commiſſioners unleſs at a Meeting.

Quorum of Commiſſioners.

The Number to be preſent.

IV. And be it further enacted, That all the Powers or Authorities by this Act granted to or veſted in the ſaid Commiſſioners ſhall and may from Time to Time be exerciſed by any Five of them preſent at any Public Meeting to be holden in purſuance of this Act, or the major Part of ſuch Commiſſioners as ſhall be preſent at any ſuch Meeting, the Number ſo preſent not being leſs than Five; and all Acts and Proceedings of ſuch Commiſſioners or the major Part of them at ſuch Meetings ſhall be as valid and effectual for the Purpoſes of this Act as if all the Commiſſioners for executing this Act had been preſent at ſuch Meeting and had concurred therein; and a Chairman or Preſident ſhall and may be appointed at every ſuch Meeting; and in caſe of an equal Number of Votes upon any Queſtion at any Meeting to be held by virtue of this Act, (including the Vote of the Chairman

Chairman or Preſident), the Chairman or Preſident ſhall have the Caſting or Deciſive Vote.

No Order made at a Meeting of the Commiſſioners to be revoked, but at a Special Meeting.

V. And be it further enacted, That no Order made by the ſaid Commiſſioners at any of their Meetings ſhall be revoked or altered, unleſs at ſome Meeting to be ſpecially called and holden for that Purpoſe, of which Twenty-one Days Notice in Writing ſhall have been given by affixing the ſame upon the Guildhall and ſome other public Place or Places within the Borough of *Macclesfield* aforeſaid, and alſo unleſs a greater Number of ſuch Commiſſioners ſhall attend at ſuch Meeting to revoke or alter ſuch Order than were preſent when ſuch Order was made, any Thing herein contained to the contrary thereof notwithſtanding.

Proceedings of Commiſſioners to be entered in Books.

VI. And be it further enacted, That all the Acts, Orders, and Proceedings of the ſaid Commiſſioners ſhall from Time to Time be fairly written and entered in a proper Book or Books to be kept for that Purpoſe; and that all ſuch Books ſhall at all Meetings of the ſaid Commiſſioners be open to the Inſpection of any Perſon or Perſons, rated and paying the Rates or Aſſeſſments to be made for the Purpoſes of this Act, without Fee or Reward, and all ſuch Orders and Proceedings ſo entered ſhall be ſigned by the ſaid Commiſſioners or any Five or more of them, and ſhall be deemed Originals, and ſhall be admitted to be read in Evidence in all Courts whatſoever, in all Cauſes, Suits and Actions touching any Thing to be done in purſuance and under the Authority of this Act; which Book or Books ſhall be kept by the Clerk or Clerks for the Time being to the ſaid Commiſſioners, or by ſuch Perſon or Perſons, and at ſuch Place or Places as the ſaid Commiſſioners ſhall direct and appoint.

Appointment of Clerk and Treaſurer and other Officers, who are to account for Monies received.

VII. And be it further enacted, That the ſaid Commiſſioners ſhall and may and they are hereby required at their Firſt Meeting to be holden as aforeſaid, and afterwards from Time to Time to appoint One or more Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors of the Rate or Rates herein-after mentioned, Surveyor or Surveyors, and ſuch other Officer or Officers for the Execution of this Act, as the ſaid Commiſſioners ſhall from Time to Time think proper; and may alſo from Time to Time remove them or any of them, and appoint other or others in the room of ſuch of them as ſhall be ſo removed, or ſhall die, relinquiſh, or diſcontinue ſuch Office, or become incapable of acting therein; and out of the Monies to be raiſed by virtue of this Act the ſaid Commiſſioners ſhall and may make ſuch Allowances to ſuch Officers, and to all other Perſons by them the ſaid Commiſſioners employed in the Execution of this Act, as they ſhall think reaſonable; and ſhall and may take ſuch Security from the Treaſurer or Treaſurers, and other Officers, for the due Execution of their reſpective Offices, as the ſaid Commiſſioners ſhall think proper; and all ſuch Officers ſo to be appointed ſhall, under their Hands, at ſuch Time or Times and in ſuch Manner as the ſaid Commiſſioners ſhall direct, deliver to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all the Monies which ſhall have been by ſuch Officers and Perſons reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with proper Vouchers for ſuch Payments, and ſhall

pay all ſuch Monies as ſhall remain due from them reſpectively to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint; and all the ſaid Officers ſo accounting as aforeſaid ſhall upon Oath, if thereunto required by the ſaid Commiſſioners, or any Five or more of them (which Oath any Two or more of the ſaid Commiſſioners is and are hereby empowered and required to adminiſter) verify their ſaid Accounts; and if any ſuch Officer ſhall neglect or refuſe to make and render, or to verify upon Oath any ſuch Account, or to produce or to deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall neglect or refuſe to deliver to the ſaid Commiſſioners, or to ſuch Perſon as they ſhall appoint, within Seven Days next after being thereunto required by the ſaid Commiſſioners by Notice in Writing given to or left at the laſt or uſual Place of Abode of ſuch Officer, all Books, Papers, and Writings in his Cuſtody or Power relating to this Act, or give Satisfaction to the ſaid Commiſſioners reſpecting the ſame, then and in any of the Caſes aforeſaid, the ſaid Commiſſioners may and are hereby authorized and empowered to cauſe an Action to be brought againſt the Officer ſo neglecting or refuſing as aforeſaid, for the Recovery of the Monies that ſhall remain due from him, with Coſts of Suit; or if Complaint ſhall be made by the ſaid Commiſſioners, or any Five or more of them, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any Neglect or Refuſal as aforeſaid, to any Juſtice of the Peace of the County or Place wherein ſuch Officer ſo neglecting or refuſing ſhall be or reſide, ſuch Juſtice may and is hereby authorized and required to iſſue a Warrant, under his Hand and Seal, for the Officer ſo neglecting or refuſing to be brought before him; and upon his appearing or not being to be found, to hear and determine the Matter in a ſummary Way; and if upon the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter) it ſhall appear to ſuch Juſtice that any of the Monies, which ſhall have been collected or raiſed by virtue of this Act, ſhall remain due from ſuch Officer, ſuch Juſtice may and is hereby authorized and required, upon Non-payment thereof, by Warrant, under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer; and if no Goods and Chattels of ſuch Officer can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of ſuch Diſtreſs and Sale, or if it ſhall in Manner aforeſaid appear to ſuch Juſtice that ſuch Officer ſhall have neglected or refuſed to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act, ſhall be in the Cuſtody or Power of ſuch Officer, and he ſhall have neglected or refuſed to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then and in any of the Caſes aforeſaid ſuch Juſtice ſhall commit ſuch Offender to the Gaol or Houſe of Correction for the County, Borough, City, or Place, where ſuch Offender ſhall be or reſide, there to remain, without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with ſuch Commiſſioners for ſuch Money, and ſhall have paid ſuch Compoſition, in ſuch Manner as they ſhall appoint, (which Compoſition the ſaid Commiſſioners, or any Five or more of them, are hereby empowered to make and receive), and until he ſhall deliver up ſuch Books, Papers and Writings as aforeſaid, or give Satisfaction in reſpect

ſpect thereof to the ſaid Commiſſioners as aforeſaid: Provided always, that no ſuch Perſon committed for want of ſufficient Diſtreſs ſhall remain in Priſon for any longer Space than Six Calendar Months.

Penalty on Officers acting improperly.

VIII. And be it further enacted, That if any Clerk, Surveyor, or Officer or Servant, who ſhall be employed by the ſaid Commiſſioners in the Execution of this Act, ſhall exact, take, or accept, by any Ways or Means, any Fee or Reward whatſoever, other than ſuch Salaries and Allowances as ſhall be appointed by the ſaid Commiſſioners, for or on account of any Thing done or to be done by virtue of this Act, or on any account whatſoever, relative to the putting this Act in Execution, or ſhall be by any Ways or Means concerned or intereſted in any Bargain made or to be made by the ſaid Commiſſioners for any of the Purpoſes intended by this Act, every Perſon ſo offending ſhall thenceforth for ever be incapable of being employed under this Act, and ſhall likewiſe forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered, with full Coſts of Suit, in any of His Majeſty's Courts of Record, by Action of Debt, Bill, Plaint, or Information, to be commenced within Three Calendar Months next after the Offence ſhall be committed, in which Action or Suit no Protection, Eſſoign, or Wager at Law, or more than One Imparlance ſhall be allowed.

Annual Meeting for ſettling Accounts.

IX. And be it further enacted, That the ſaid Commiſſioners ſhall meet ſome Time in the Month of *July* in every Year at the Guildhall within the ſaid Borough, or at ſuch other Place within the ſaid Borough as they may think proper, which ſhall be called a General Meeting of the ſaid Commiſſioners, and at all ſuch General Meetings the Accounts of all Monies from Time to Time received and paid by virtue and in execution of this Act by any Perſon or Perſons whomſoever, ſhall be produced, ſtated, examined, ſettled and verified (if required) on the Oath of the Perſon accounting for the ſame, (which Oath any one of the ſaid Commiſſioners, being a Juſtice of the Peace, is hereby empowered to adminiſter), and a true Copy or Duplicate of ſuch Accounts, ſigned by any Five or more of the ſaid Commiſſioners, ſhall be depoſited with the Clerk to be by them appointed as herein-after mentioned, who ſhall permit any Perſon or Perſons who may be rated by virtue of this Act, or any other Perſon on his or her Behalf, to inſpect the ſame at all ſeaſonable Times, upon Payment of One Shilling; and ſuch Clerk ſhall upon Demand forthwith make or cauſe to be made a Copy of ſuch Account, or any Part thereof, for any ſuch Perſon requiring the ſame, he or ſhe paying for the ſame at and after the Rate of One Shilling for every One hundred Words.

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

X. And be it further enacted, That the ſaid Commiſſioners ſhall and may ſue and be ſued, and otherwiſe proceed or be proceeded againſt at Law in the Name or Names of their Clerk or Clerks, Treaſurer or Treaſurers for the Time being; and that all Actions or Suits which it may be neceſſary to bring for the Recovery of any Penalty or Sum of Money due or payable by virtue of this Act, or for or in reſpect of any Matter or Thing relating to this Act, ſhall be brought and proſecuted in the Name or Names of their ſaid Clerk or Clerks, Treaſurer or Treaſurers for the Time being; and that no Action or Actions which may be brought, commenced, or proſecuted by or againſt the ſaid Commiſſioners or any of them, by virtue or on account of this Act, in the Name or Names of their Clerk or Clerks, Treaſurer or

Treaſurers, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk or Clerks, Treaſurer or Treaſurers, or any or either of them, or by the Act or Default of ſuch Clerk or Clerks, Treaſurer or Treaſurers, any or either of them, done or ſuffered, without the Direction or Conſent of Five or more of the ſaid Commiſſioners for the Time being, but the Clerk or Clerks, Treaſurer or Treaſurers of the ſaid Commiſſioners for the Time being ſhall always be deemed Plaintiff or Plaintiffs, Defendant or Defendants, as the Caſe may be, in ſuch Actions or Suits: Provided always, that every ſuch Clerk or Clerks, Treaſurer or Treaſurers, in whoſe Name or Names any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of this Act, ſhall always be reimburſed and paid out of the Monies to be raiſed by virtue of this Act, all ſuch reaſonable Coſts, Charges, and Expences as he or they ſhall ſuſtain, be put unto or become chargeable with, by Reaſon of his, their, or any or either of their being ſo made Plaintiff or Plaintiffs, Defendant or Defendants therein; and ſuch Clerk or Clerks, Treaſurer or Treaſurers ſhall not be perſonally anſwerable or liable for the Payment of the ſame or of any Part thereof, unleſs ſuch Action or Suit ſhall ariſe in conſequence of his or their own Neglect or Default, and unleſs it ſhould have been brought, commenced, or defended, without the Order or Direction of Five or more of the ſaid Commiſſioners aſſembled at a Meeting under this Act.

For improving the Streets.

XI. And be it further enacted, That if it ſhall appear to the ſaid Commiſſioners that any Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, project into or obſtruct any Paſſage of the Streets, Ways, Lanes, public Paſſages or Places within the Borough of *Macclesfield* aforeſaid, or that by taking down the ſame or any Part thereof, or by the taking in of any Piece or Parcel of Ground the ſaid Streets, Ways, Lanes, and other public Paſſages, or the Entrances thereto, may be widened and improved, it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, in purſuance of an Order made at a public Meeting to be held for that Purpoſe, of which Ten Days Notice at leaſt ſhall be given in Writing, and placed upon or againſt the Guildhall and ſome other public Place or Places within the ſaid Borough of *Macclesfield*, to treat and agree with any Perſon or Perſons, Bodies Politic or Corporate, Corporations Aggregate or Sole, Truſtees, Feoffees, Guardians, Committees, Executors, Adminiſtrators or any other Perſons whomſoever, for the Purchaſe of ſuch Buildings, Lands, Tenements, or Hereditaments, which it ſhall be ſo thought neceſſary to take down or reduce, ſo as to render the Streets, Ways, Lanes, and other public Paſſages more commodious, and to purchaſe the ſame for ſuch Sum or Sums of Money as ſhall be agreed upon by the ſaid Commiſſioners and the Perſons intereſted therein, and to pay ſuch Sum or Sums of Money to ariſe by the Rates and Aſſeſſments hereinafter directed to be levied, and upon Payment or Tender of ſuch Purchaſe Money to the Parties or Perſons entitled thereto, or upon depoſiting the ſame in the Bank of *England* in Manner by this Act directed, it ſhall be lawful for the ſaid Commiſſioners and all Perſons by them employed, to enter upon and take down ſuch Buildings and throw the Sites thereof, and alſo ſuch Pieces or Parcels of Ground ſo to be purchaſed, as they the ſaid Commiſſioners ſhall think proper, into the ſaid Streets, Ways, Lanes or other public Paſſages.

XII. And

Enabling incapacitated Perſons to treat with the Commiſſioners, and to ſell Lands, &c.

XII. And be it further enacted, That it ſhall and may be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors or Adminiſtrators, Huſbands, Guardians, Committees for Lunatics and Idiots, or other Truſtees whomſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of the *Ceſtuique* Truſts, whether Infants or Iſſue unborn, Lunatics, Idiots or Femes Covert, and to and for all Femes Covert who are and ſhall be ſeized in their own Right, and to and for all and every Perſon and Perſons whomſoever who are or ſhall be ſeized in their own Right, or poſſeſſed of or intereſted in ſuch Houſes, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof which ſhall be thought neceſſary to be purchaſed for the Purpoſes aforeſaid, or for any other of the Purpoſes of this Act, to treat, contract or agree with the ſaid Commiſſioners for the Sale thereof or any Part thereof, and to ſell and convey all or any Part thereof, and all his, her, or their Eſtate, Right, Title, and Intereſt whatſoever, of, in, or to the ſame unto the ſaid Commiſſioners, or to ſuch Perſons and their Heirs for ever as the ſaid Commiſſioners ſhall direct, in Truſt for them the ſaid Commiſſioners, for any of the Purpoſes of this Act; and that all Contracts, Agreements, Bargains, Sales and Conveyances, which ſhall be ſo made by virtue and in purſuance of this Act, ſhall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances and Aſſurances in the Law whatſoever, be good, valid, and effectual to all Intents, not only to convey all Right, Eſtate, Intereſt, Uſe, Property, Claim, and Demand whatſoever of their ſaid ſeveral reſpective *Ceſtuique* Truſts, and all claiming or to claim by, from, or under them, any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary thereof in anywiſe notwithſtanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate and Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue and in purſuance of this Act.

For ſummoning Juries, &c.

XIII. Provided always, and be it further enacted, That if any ſuch Perſon or Perſons, Bodies Politic or Corporate, Corporations Aggregate or Sole, Truſtees, Feoffees, Guardians, Committees, Executors, Adminiſtrators, or any other Perſon or Perſons anywiſe intereſted in ſuch Dwelling Houſes or other Buildings and Grounds as aforeſaid, (upon Notice to them given or left in Writing at the Dwelling Houſe or Houſes, or Place or Places of Abode of ſuch Perſon or Perſons, or of the Principal or Head Officer or Officers of ſuch Bodies Politic or Corporate, or Corporations, or at the Houſe of the Tenant in Poſſeſſion of the Dwelling Houſes or other Buildings and Grounds intended to be purchaſed and taken down as aforeſaid) ſhall for the Space of Twenty Days after ſuch Notice given or left as aforeſaid, neglect to treat for Sale of the ſaid Premiſes, or ſhall not agree, or by reaſon of Abſence ſhall be prevented from treating, then and in every ſuch Caſe the ſaid Commiſſioners ſhall cauſe the Value of and Recompence to be made for ſuch Dwelling Houſe or other Buildings and Grounds to be inquired into and aſcertained by a Jury of Twelve indifferent Men of the ſaid County of *Cheſter*, and for the ſummoning and returning ſuch Jury the ſaid Commiſſioners are hereby empowered from Time to Time to iſſue out their Warrant or Warrants to the Sheriff of the ſaid County, thereby commanding and requiring him to impannel, ſummon and return an indifferent Jury of Twelve

Perſons, qualified to ſerve upon Juries at Aſſizes, to appear before the ſaid Commiſſioners at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and the ſaid Sheriff or his Deputy or Deputies is and are hereby required to impannel, ſummon, and return ſuch Number accordingly, to attend at the Time and Place ſo appointed, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Commiſſioners are hereby empowered to ſwear Twelve to be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff or his Deputy or Deputies ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend the Service, to the Number of Twelve, and all Perſons concerned ſhall have their Challenges againſt any of the ſaid Jurymen; and the ſaid Commiſſioners are hereby alſo required and empowered from Time to Time, as Occaſion ſhall be or require, to ſummon and call before the ſaid Jury and examine upon Oath (which Oath any one or more of the ſaid Commiſſioners is and are hereby empowered to adminiſter) all and every Perſon and Perſons whomſoever who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes, touching or concerning the Premiſes; and they ſhall alſo order and cauſe the ſaid Jury to view the Places in Queſtion, if there be Occaſion, and uſe all lawful Ways and Means as well for their own, as for the ſaid Jury's better Information in the Premiſes, as the ſaid Commiſſioners ſhall think fit; and the ſaid Jury ſhall aſſeſs the Damages and Recompence to be given for the ſaid Dwelling Houſes or other Buildings and Grounds to the reſpective Owner or Owners thereof, according to their reſpective Intereſts therein, and ſhall give in their Verdict thereupon, and after the ſaid Jury ſhall have enquired of and aſſeſſed ſuch Damage and given in their Verdict, the ſaid Commiſſioners ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the Perſon or Perſons intereſted in the ſaid Dwelling Houſes or other Buildings and Grounds, according to ſuch Verdict or Inquiſition of the ſaid Jury, which ſaid Verdict or Inquiſition of the ſaid Jury, and the Judgment, Order or Determination thereupon, ſo had and made, ſhall be final, binding, and concluſive to all Intents and Purpoſes againſt all Infants, Iſſue unborn, Idiots, Lunatics, Femes Covert, Bodies Politic or Corporate, Corporations Aggregate or Sole, Truſtees, Feoffees, Guardians, Committees as well abſent as preſent, claiming in Poſſeſſion, Reverſion, Remainder, or Expectancy, or otherwiſe, and againſt their ſeveral and reſpective Heirs, Succeſſors, Executors or Adminiſtrators, and againſt all other Perſon and Perſons whomſoever; and every Verdict and Judgment thereupon ſhall be fairly entered and kept amongſt the Records of the Quarter Seſſions of the Peace for the ſaid County of *Cheſter*, and the ſame, or true Copies thereof, ſhall be admitted, received and taken as Evidence and Proof in all Courts of Law or Equity and all Places whatſoever, and that all Perſons ſhall have recourſe to them *gratis*, and may take Copies thereof, paying Sixpence for every Seventy-two Words, and ſo in Proportion for any leſs Number of Words; and the ſaid Commiſſioners acting in the Premiſes ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff or his Deputy, Bailiffs or Agents, making Default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, without ſome ſufficient Excuſe, or who ſhall refuſe

Verdicts to be entered and kept amongſt the Records of Quarter Seſſions.

refuſe to be ſworn on the ſaid Jury, or being ſo ſworn ſhall refuſe to give or ſhall not join in giving the Verdict, or ſhall in any other Manner wilfully neglect his Duty therein contrary to the true Intent and Meaning of this Act, and on any Perſon or Perſons who being ſummoned to give Evidence before the ſaid Jury touching the Premiſes, ſhall refuſe or neglect to appear, after having been paid or tendered a reaſonable Sum for his, her, or their Coſts, Charges, and Expences, without ſome ſufficient Excuſe, or appearing ſhall refuſe to be ſworn and give Evidence, ſo as ſuch Fine to be impoſed on any Sheriff or his Deputy, Bailiff, or Agent, ſhall not exceed the Sum of Twenty Pounds for One Offence; and ſo as ſuch Fine to be impoſed on any Juryman or Witneſſes ſhall not exceed the Sum of Five Pounds for One Offence.

Payment of the Coſts of ſummoning a Jury.

XIV. And be it further enacted, That in caſe any ſuch Jury ſhall give in or deliver a Verdict for more Money, as a Recompence or Satisfaction for ſuch Damages, than ſhall have been offered or tendered by the ſaid Commiſſioners before the ſummoning or returning ſuch Jury, then the Coſts and Expences of ſummoning and maintaining ſuch Jury and Witneſſes ſhall be borne and paid by the ſaid Commiſſioners, out of the Money ariſing by virtue of this Act; but if any ſuch Jury ſhall give in and deliver a Verdict for no more or for leſs Money, as a Recompence or Satisfaction for ſuch Damages, than ſhall have been offered or tendered by the ſaid Commiſſioners before the ſummoning or returning the ſaid Jury or Juries, then the Coſts and Expences of ſummoning and maintaining ſuch Jury and Witneſſes ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Commiſſioners ſhall have had any Controverſy or Diſpute, and ſhall be recovered in the ſame Manner as the Penalties and Forfeitures are herein-after directed to be recovered; and in Caſes where Parties by reaſon of Abſence ſhall have been prevented from treating, ſuch Coſts and Expences ſhall be paid by the ſaid Commiſſioners.

Leſſees of Premiſes purchaſed to give up Poſſeſſion thereof.

XV. And be it further enacted, That every Leſſee or Tenant for Years or at Will, and every other Perſon in Poſſeſſion of any Lands, Buildings, Houſes, Tenements, or other Hereditaments, which ſhall be purchaſed by virtue and for the Purpoſes of this Act, ſhall deliver up the Poſſeſſion of ſuch Premiſes to the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to take Poſſeſſion of the ſame, upon having Fourteen Days Notice from the ſaid Commiſſioners, or the Perſon or Perſons ſo appointed by them, to quit the ſame at ſuch Time or Times as ſhall be required by ſuch Notice, they the ſaid Commiſſioners, or ſuch Perſon or Perſons making ſuch Satisfaction and Compenſation to every ſuch Tenant or Leſſee as aforeſaid, in caſe he or ſhe ſhall be required to quit before the Expiration of his, her, or their Term in the Premiſes, as the ſaid Commiſſioners ſhall deem juſt and reaſonable; and in caſe any Diſpute or Difference ſhall ariſe touching or concerning the ſame, ſuch Satisfaction and Compenſation ſhall be ſettled and aſcertained by a Jury, in ſuch and the like Manner as the Satisfaction and Compenſation to be made by the ſaid Commiſſioners for the Purchaſe of any Lands, Tenements, or Hereditaments is and are herein directed to be ſettled and aſcertained, in caſe of any Difference or Diſpute about the ſame; and ſuch Perſon or Perſons in Poſſeſſion ſhall at ſuch Time or Times as he, ſhe, or they may be required by the ſaid Commiſſioners,

peaceably and quietly deliver up the Poſſeſſion of the ſaid Premiſes to the ſaid Commiſſioners, or to the Perſon or Perſons authorized by them to take Poſſeſſion thereof; and if any ſuch Perſon or Perſons ſo in Poſſeſſion as aforeſaid ſhall refuſe to deliver up ſuch Poſſeſſion, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners to iſſue their Precept or Precepts to the Sheriff of the ſaid County of *Cheſter* to deliver Poſſeſſion of the Premiſes to ſuch Perſon or Perſons as ſhall in ſuch Precept or Precepts be nominated to receive the ſame; and the ſaid Sheriff is hereby required to deliver Poſſeſſion of the ſaid Premiſes accordingly; and to levy ſuch Coſts as ſhall accrue from the iſſuing or Execution of ſuch Precept or Precepts, on the Perſon or Perſons ſo refuſing to deliver up Poſſeſſion as aforeſaid, by Diſtreſs and Sale of his, her, or their Goods and Chattels.

Surrender of Eſtates of incapacitated Perſons deemed ſufficient to convey the ſame.

XVI. And be it further enacted, That the Surrender or Conveyance of any Eſtate or Intereſt of any Feme Covert to the ſaid Commiſſioners, or any Perſon or Perſons in Truſt for them, for the Purpoſes of this Act, by Indenture or Indentures of Bargain and Sale ſealed and delivered by ſuch Feme Covert in the Preſence of and atteſted by Two credible Witneſſes, and to be duly inrolled in His Majeſty's High Court of Chancery, within Six Calendar Months next after the making thereof, ſhall as effectually and abſolutely convey the Eſtate and Intereſt of ſuch Feme Covert in ſuch Premiſes, as any Fine or Fines, Recovery or Recoveries would or could do, if levied or ſuffered thereof in due Form of Law; and further, that all Bargains and Sales whatſoever to be made of any ſuch Lands, Tenements, Buildings and Hereditaments as ſhall be purchaſed by the ſaid Commiſſioners by virtue and for the Purpoſes of this Act, and inrolled as aforeſaid, ſhall have the like Force, Effect, and Operation in Law to all Intents and Purpoſes as any Fine or Fines, Recovery or Recoveries whatſoever, would have had if levied or ſuffered by the Bargainor or Bargainors, or any Perſon or Perſons ſeiſed of any Eſtate in the Premiſes in Truſt for ſuch Bargainor or Bargainors in any Manner or Form whatſoever.

Satisfaction for Damage done in the Execution of this Act.

XVII. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall ſuſtain any Damage in his, her, or their Lands, Tenements, or other Hereditaments, by reaſon of the Execution of any of the Powers given by this Act, then and in every ſuch Caſe, Satisfaction and Compenſation ſhall be made by the ſaid Commiſſioners to ſuch Perſons reſpectively, out of the Monies to be raiſed by virtue of this Act; and in caſe of any Difference or Diſpute between ſuch reſpective Perſons, and the ſaid Commiſſioners, reſpecting the Amount of ſuch Damages, ſuch Damages ſhall be ſettled and aſcertained by a Jury, in ſuch and the like Manner as any Sum or Sums of Money to be paid by the ſaid Commiſſioners for the Purchaſe of any Lands, Tenements, or Hereditaments, is and are herein directed to be ſettled and aſcertained, in caſe of any Difference or Diſputes about the ſame; and the ſame ſhall be recovered, levied, and applied in ſuch and the like Manner.

Sites of Premiſes purchaſed to be laid open, as Parts of the Highways.

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to cauſe all and every the Houſes and other Buildings, Erections, Projections and Encroachments, which ſhall at any Time be purchaſed under the Powers and for the Purpoſes of this Act, or of any of them, or any Part of them, to be appropriated for the Purpoſes of this Act,

Act, or otherwiſe to be taken down, and to cauſe ſo much of the Sites thereof, and of any other Lands to be purchaſed under the Powers and for the Purpoſes of this Act, to be added to or laid into the Streets, Ways, Lanes, or other public Paſſages or Places, for the Purpoſes of making Communications between any of the preſent Streets, Ways, Lanes, or other public Paſſages or Places, in ſuch Manner as the ſaid Commiſſioners ſhall judge proper; and the Land ſo added to or laid into the reſpective Streets, Ways, Lanes, or other public Paſſages or Places reſpectively, ſhall for ever afterwards be deemed Part thereof, and the ſame and alſo ſuch as ſhall be formed into any new Street, Way, Lane, or other public Paſſage or Place as aforeſaid, ſhall be uſed as Common Public Highways.

For Sale of Parts of purchaſed Premiſes not wanted by the Commiſſioners.

XIX. And whereas ſome Part or Parts of the ſaid Houſes, Buildings, Lands, Tenements, or Hereditaments to be ſo purchaſed, taken, or uſed, for the Purpoſes of this Act, may happen to be more than ſhall be neceſſary or wanted for the Purpoſes of this Act; be it therefore further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to ſell or diſpoſe of and to convey, or cauſe to be ſold or diſpoſed of and conveyed, ſuch Part or Parts of the ſaid Houſes, Lands, Tenements or Hereditaments to any Perſon or Perſons, willing to contract, agree for, or purchaſe the ſame, and the Money ariſing therefrom ſhall be paid and applied for the Purpoſes of this Act.

First Offer to whom to be made.

XX. Provided always, and be it further enacted, That in caſe the ſaid Commiſſioners ſhall think proper to ſell or diſpoſe of any of the ſame Houſes, Buildings, Lands, Tenements, or Hereditaments, as may not be neceſſary to be made uſe of for the Purpoſes of this Act, they ſhall firſt offer the ſame for Sale to the Perſon or Perſons from whom the ſame ſhall have been purchaſed or (in caſe the ſame ſhall be a Part of an old Street) to the Perſon or Perſons whoſe Property ſhall adjoin thereto; and if ſuch Perſon or Perſons ſhall then or thereupon refuſe or ſhall not agree (except with reſpect to or on account of the Price thereof) to purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter or Maſters Extraordinary in the High Court of Chancery, or before Two of His Majeſty's Juſtices of the Peace for the ſaid Borough or for the ſaid County of *Cheſter* (who are hereby reſpectively empowered to take ſuch Affidavit) by ſome Perſon or Perſons no way intereſted in the ſaid Houſes, Buildings, Lands, Tenements, or Hereditaments, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Commiſſioners, and that ſuch Offer was then and there refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was refuſed, or not agreed to by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing ſuch Houſes, Buildings, Lands, Tenements, or Hereditaments, and he, ſhe, or they and the ſaid Commiſſioners ſhall differ and not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be ſettled and aſcertained by a Jury in ſuch and the like Manner as any Sum or Sums of Money to be paid by the ſaid Commiſſioners for the Purchaſe of any Lands, Tenements, or Hereditaments is and are herein directed to be ſettled and aſcertained, in caſe of any Difference or Diſpute about the ſame, and the ſame ſhall be recovered, levied, and applied in ſuch and the like Manner.

Application of Purchaſe Monies paid to incapacitated Perſons if above 200l.

XXI. And be it further enacted, That if any Money ſhall be agreed or aſſeſſed to be paid for any Lands, Tenements, Buildings, or other Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Commiſſioners for executing this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order to be made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, Buildings, or other Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or other Hereditaments, or affecting other Lands, Tenements, Buildings, or other Hereditaments, ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court in the Purchaſe of other Lands, Tenements, Buildings, or other Hereditaments, which ſhall be conveyed and ſettled to, for and upon ſuch and the like Uſes, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, Buildings, or other Hereditaments, which ſhall be ſo purchaſed, taken or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement, ſhall be exiſting, undetermined, and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the High Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, Buildings, or other Hereditaments, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application of Purchaſe Monies, paid to incapacitated Perſons if under 200l. and not leſs than 20l.

XXII. Provided always, and be it further enacted, That if any Money ſo agreed or aſſeſſed to be paid for any Lands, Tenements or other Hereditaments, purchaſed, taken or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, Buildings, or other Hereditaments, ſo purchaſed, taken or uſed, or of his, her, their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective

reſpective Hands, be paid into the Bank in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, to be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid at the like Option of Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Three or more of the ſaid Commiſſioners (ſuch Nomination and Appointment to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money and the Dividends ariſing therefrom may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid High Court of Chancery.

Application of Purchaſe Money paid to incapacitated Perſons, if under 20*l.*

XXIII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or aſſeſſed to be paid as next before mentioned ſhall be leſs than the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſes of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, Buildings, or other Hereditaments, ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Commiſſioners ſhall think fit, or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſes and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

Purchaſe Monies to be paid to Perſons not able to evince their Titles, to be paid into the Court of Chancery.

XXIV. And be it further enacted, That in caſe any Perſon or Perſons to whom any Sum or Sums of Money ſhall be agreed or awarded to be paid for the Purchaſe of any Lands, Tenements, Buildings, or Hereditaments, to be purchaſed by virtue of this Act, ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Commiſſioners, it ſhall and may be lawful for the ſaid Commiſſioners to order the ſaid Sums of Money to be paid into the Bank of *England*, in the Name and with the Privity of the High Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, Buildings, or Hereditaments, (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court of Chancery, on Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the public Funds, and to order Diſtribution thereof or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt in the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes, as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Perſons in Poſſeſſion of Premiſes purchaſed to be

XXV. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon, to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant

deemed the Owners thereof.

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

For paying Expences when Purchaſes ſhall be made from incapacitated Perſons.

XXVI. Provided alſo, and be it further enacted, That where, by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements, Buildings, or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, Buildings, or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall and may be lawful to and for the ſaid High Court of Chancery, to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, to be paid by the ſaid Commiſſioners out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Lamps, &c. veſted in the Commiſſioners.

XXVII. And be it further enacted, That the Right and Property, of, in, and to all Lamps, Lamp Irons, Watchboxes, Poſts and other Things thereto belonging, which now are or ſhall or may hereafter be erected and fixed by virtue of this Act, and of, in, and to all other Things, Materials, and Utenſils whatſoever, which ſhall be purchaſed for the Purpoſes of this Act, ſhall be and are hereby veſted in the ſaid Commiſſioners, and they are hereby authorized and empowered to bring, or cauſe to be brought, any Action or Actions, or to prefer any Bill or Bills of Indictment, as the Caſe may require, againſt any Perſon or Perſons who ſhall ſteal, take, and carry away, ſpoil, or injure, or deſtroy any Part or Parts thereof, or any other Matter or Thing veſted in the ſaid Commiſſioners as aforeſaid, or diſturb them in the Poſſeſſion thereof; and in all ſuch Actions and Bills of Indictment, it ſhall be and be deemed and taken to be ſufficient, to ſtate generally that the ſaid Articles, Matters, and Things, for or on account of which ſuch Action or Actions ſhall be brought, or Bill or Bills of Indictment preferred, are the Property of the Commiſſioners for lighting, watching and improving the Borough of *Macclesfield* in the County of *Cheſter*, without particularly ſtating or ſpecifying the Name or Names of all or any of the ſaid Commiſſioners; and the ſaid Commiſſioners ſhall have full Power and Authority from Time to Time to ſell by public Auction or otherwiſe all or any Part of the ſaid Materials and Things which ſhall not

be wanted for the Purpoſes of this Act, and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act.

Appointment of Scavengers.

XXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, at any of their Meetings, from Time to Time to nominate and appoint ſuch Perſon or Perſons as they ſhall think fit, to be and act as Scavenger or Scavengers for ſweeping, cleanſing, and carrying away from off the Streets, Ways, Lanes, and other public Paſſages and Places within the ſaid Borough, the Dirt, Duſt, Dung, Filth, and Soil thereof, at ſuch Times and in ſuch Manner as is herein-after mentioned, and to contract with ſuch Scavenger or Scavengers for the ſame, and for providing ſuch a Number of Servants or Men, Carts and Carriages, as ſhall be deemed requiſite and neceſſary for thoſe Purpoſes, and to order and direct on what Day or Days or Times in each and every Week, the particular Streets, Ways, Lanes, and other public Paſſages and Places within the ſaid Borough of *Macclesfield* ſhall be ſwept and cleanſed, and the Dirt, Duſt, Dung, Filth, and Soil carried off from the ſame reſpectively.

No Aſhes, &c. to be taken away by any Perſon but the Scavengers to be regularly appointed.

XXIX. And be it further enacted, That no Perſon or Perſons ſhall take away or cauſe to be taken and carried away any Aſhes, Duſt, Dirt, Muck, Dung, or Manure, which ſhall be made in any of the ſaid Streets, Ways, Lanes, and other public Paſſages and Places out of the ſame, other than and except the Perſon ſo to be contracted with or appointed as aforeſaid for ſuch Purpoſe by the ſaid Commiſſioners, upon Pain of forfeiting and paying any Sum not exceeding Five Pounds for every ſuch Offence.

Not to extend to Aſhes, &c. reſerved by the Inhabitants for their own uſe.

XXX. Provided always, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend to any Aſhes, Duſt, Dirt, Filth, Dung, or Rubbiſh which any of the Inhabitants of the ſaid Borough of *Macclesfield* ſhall lay or keep within their reſpective Houſes, Buildings, Gardens, or Grounds, ſo as the ſame do not become a Nuiſance or Annoyance to any other of the Inhabitants, and ſo as ſuch Aſhes, Duſt, Dirt, Filth, Soil, Dung, or Rubbiſh, be not laid down or placed in any or either of the ſaid Streets, Ways, Lanes, or Paſſages, for any longer Time than ſhall be neceſſary for the loading and carrying away the ſame; but in caſe the Perſon or Perſons ſo reſerving ſuch Aſhes, Dirt, Duſt, Filth, Soil, Dung, or Rubbiſh, ſhall continue to keep the ſame for the Space of Three Days after Complaint ſhall have been made and proved to the ſaid Commiſſioners of the ſame being ſuch Nuiſance or Annoyance, and after Notice in Writing given him, her, or them, or left at his, her, or their uſual Place of Abode, to remove the ſame, ſuch Perſon or Perſons ſhall forfeit and pay any Sum not exceeding Five Pounds for every Day ſuch Nuiſance or Annoyance ſhall be permitted to remain after ſuch Notice given as aforeſaid: Provided alſo, that no Perſon ſhall be ſubject to the laſt mentioned Penalty for any Rubbiſh or Dirt in the ſaid Streets, Ways, Lanes, and other public Paſſages and Places or any of them before the Houſe or Tenement of ſuch Perſon, occaſioned by the building or taking down of any Building, rebuilding, repairing any Houſe or Tenement, ſo as there be convenient Space left in the ſame Street, Ways, Lanes, and other public Paſſages and Places where ſuch Rubbiſh or Dirt ſhall lie, for Carriages to paſs and repaſs, and a ſufficient Way kept clean for Foot Paſſengers by the Perſons laying or occaſioning ſuch Dirt or Rubbiſh to be laid,

Inhabitants not to lay Filth in the Streets;

laid, nor for the making up any Lime into Mortar in any of the ſaid Streets, Ways, Lanes, and other public Paſſages, ſo as ſufficient Space be left for Foot Paſſengers and Carriages, and ſo as ſuch Lime be incloſed before ſuch Houſe or Building about which the ſame is to be uſed, and ſo as the Owner or Owners of ſuch Houſe or Tenement, before which ſuch Lime or Rubbiſh ſhall lie, ſhall cauſe the ſame to be removed out of the ſame Street, Way, or Lane, and other public Paſſages, at his, her, or their own Coſts and Charges, within a reaſonable Time, or upon Notice to be given to him, her, or them, or left at his, her, or their ſaid Houſe or Tenement, where ſuch Rubbiſh or Lime ſhall lie, for that Purpoſe in Writing, ſigned by the ſaid Commiſſioners, or any Five or more of them, and ſo as that whilſt the ſame ſhall be lying in the ſaid Street, Way, Lane, or other public Paſſage, ſuch Owner or Owners ſhall ſet up and maintain a ſufficient Light upon or againſt the ſame every Night, from the Time it becomes dark, to prevent any Miſchief happening to Paſſengers.

but the Contractors may.

XXXI. Provided always, and be it further enacted, That the Perſon or Perſons who ſhall from Time to Time be contracted with for cleanſing the ſaid Streets, Ways, Lanes, and other public Paſſages, or any Part or Parts thereof, ſhall have Liberty, by the Approbation and Order in Writing of the Commiſſioners, to lodge Dirt, Duſt, Aſhes, and other Filth, on ſuch vacant and public Places, or near the ſame Streets, Ways, Lanes, and other public Paſſages and Places as ſhall be thought convenient by the ſaid Commiſſioners, they the ſaid Perſons ſo contracted with giving ſuch Satisfaction to the Owners and Occupiers of ſuch vacant Places as the ſaid Commiſſioners ſhall direct.

Penalty on Contractors not fulfilling their Agreements.

XXXII. And be it further enacted, That if any Perſon or Perſons entering into or engaging any Contract for well and ſufficiently cleanſing any of the Streets, Ways, Lanes, and other public Paſſages within the ſaid Borough of *Macclesfield*, ſhall omit or neglect to ſweep or cleanſe, or to remove or take away the Dirt or Aſhes belonging to the ſeveral Inhabitants from and out of the ſame, according to his or their Contract, or ſhall in any other Manner omit or neglect to perform, execute, and fulfil the Conditions of his or their ſaid Contract, according to the true Intent and Meaning thereof, ſuch Perſon or Perſons ſhall, for every ſuch Neglect or Omiſſion as aforeſaid, forfeit and pay any Sum not exceeding Ten Pounds; and it ſhall be lawful for the Juſtice before whom ſuch Penalty ſhall be recovered, to order and direct any Sum, not exceeding Half of the ſaid Penalty, to be paid and applied to the Uſe of ſuch Perſon as ſhall inform or proſecute in that Behalf, provided that nothing herein contained ſhall extend or be conſtrued to extend, to hinder or prevent the ſaid Commiſſioners from commencing and proſecuting any Action or Actions at Law, againſt any Contractor or Contractors for cleanſing any of the ſaid Streets, Ways, Lanes, and other public Paſſages, for or in reſpect of any Breach of Contract or Covenant, ſo as ſuch Action or Actions be not brought or commenced for or in reſpect of any particular Breach of Contract or Covenant for which ſuch Contractor or Contractors ſhall have been proceeded againſt before any ſuch Juſtice as aforeſaid.

Lamps to be ſet up, &c.

XXXIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered and authorized from Time to Time, to cauſe Lamp Irons and Lamp Poſts to be put up, fixed into,

into, upon, or againſt the Grounds adjoining to the Walls or Paliſadoes of any of the Houſes, Tenements, or Buildings already built or hereafter to be built within the ſaid Borough, as they the ſaid Commiſſioners ſhall from Time to Time think proper and convenient; and alſo to cauſe ſuch Number of Lamps of all Sizes and Sorts to be provided and fixed, or put upon ſuch Lamp Irons or Lamp Poſts, and to cauſe the ſame when ſo provided and fixed to be altered, taken down, or removed as they ſhall from Time to Time think proper for well and effectually lighting the ſaid Borough of *Macclesfield*, and to cauſe ſuch Lamps to be lighted at ſuch Time or Times, and to be kept lighted during the Whole or ſuch Part of the Night as they the ſaid Commiſſioners ſhall think proper; and if any Perſon or Perſons ſhall take away, or wilfully break, throw down, or otherwiſe damage any of the Lamps which now are or ſhall be erected by or by Order of the ſaid Commiſſioners, or any of the Poſts, Irons, or Furniture thereof, or ſhall wilfully extinguiſh the Light or Lights of any of the ſaid Lamps, it ſhall be lawful for any Juſtice of the Peace acting in and for the ſaid Borough, and he is hereby required, upon Complaint of the ſaid Commiſſioners, or any Two or more of them, or of their Clerk or Clerks, Treaſurer or Treaſurers, and on the Oath of any credible Witneſs or Witneſſes, of any ſuch Offence, to iſſue a Warrant for apprehending the Party accuſed; or it ſhall be lawful for any Perſon or Perſons who ſhall ſee ſuch Offence committed to apprehend, and alſo for any Perſon or Perſons to aſſiſt in apprehending the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him, her, or them into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſuch Juſtice of the Peace acting for the ſaid Borough; and on the Party accuſed being brought before any ſuch Juſtice, or on Oath being made that the Party cannot be found, ſuch Juſtice ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear to be produced to give Information touching ſuch Offence; and if the Party accuſed ſhall be convicted of ſuch Offence, either by his, her, or their Confeſſion, or upon Information and Oath as aforeſaid, he, ſhe, or they ſo convicted ſhall for every ſuch Offence reſpectively forfeit and pay any Sum not exceeding Five Pounds, and full Satisfaction (to be aſcertained by ſuch Juſtice) ſhall be made to the ſaid Commiſſioners, or to their ſaid Treaſurer or Treaſurers, Clerk or Clerks, by ſuch Offender or Offenders for the Damages ſo by him, her, or them done; and in caſe ſuch Offender or Offenders ſhall not upon Conviction pay the Forfeiture by him, her, or them incurred, and make ſuch Satisfaction as aforeſaid, the Juſtice before whom ſuch Offender or Offenders ſhall be ſo convicted, is hereby required to commit him, her, or them to the Common Gaol or Houſe of Correction for the ſaid Borough or of the County of *Cheſter*, there to be kept to hard Labour for any Time not exceeding Three Calendar Months, and ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they ſhall be committed, unleſs ſuch Forfeiture and Satisfaction ſhall be ſooner paid and given, and One Half of the ſaid reſpective Forfeitures, when recovered, ſhall be paid to the Informer or Informers, and the other Half ſhall be applied for the Purpoſes of this Act; and if any Perſon or Perſons ſhall negligently or accidentally break, throw down, or otherwiſe damage any of the ſaid Lamps, or any of the Poſts, Irons, or other Furniture thereof, and ſhall not upon Demand made by the ſaid Commiſſioners, or any Five or more of them, or by their Treaſurer or Treaſurers, Clerk or Clerks,

Penalty for wilfully breaking Lamps.

Satisfaction to be made for negligently breaking Lamps.

make Satisfaction to them or to ſome or one of them, for the Damages by ſuch Perſon done, it ſhall be lawful for any Juſtice of the Peace acting for the ſaid Borough, and he is hereby required, upon Complaint thereof made by any Two of the ſaid Commiſſioners, or by their Clerk or Clerks, Treaſurer or Treaſurers, to ſummon the Party complained of, and upon his, her, or their appearing, or making Default to appear, (Oath being made that the Party complained of was ſerved with ſuch Summons, or that the ſame was left at his, her, or their Dwelling Houſe or Place of Abode, if known, or that he, ſhe, or they, could not be found), ſuch Juſtice ſhall proceed to examine the Cauſe of ſuch Complaint, and upon Proof thereof, either by the Confeſſion of the Party complained of, or by the Oath of any credible Witneſs or Witneſſes, ſhall award and order ſuch Satisfaction to be made by the Party complained of, for the Damage ſo by him, her, or them done, as to ſuch Juſtice ſhall appear juſt and reaſonable, and ſhall cauſe the Sum ſo awarded, in caſe the ſame be not paid forthwith upon the making of ſuch Award or Order, to be recovered by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons complained of, rendering to him, her, or them, upon Demand, the Overplus (if any be) after the Charges of proſecuting ſuch Complaint, and of ſuch Diſtreſs and Sale, ſhall be deducted.

Contracts. XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners from Time to Time at any of their Meetings, to contract and agree with any Perſon or Perſons for cleanſing and improving all or any of the ſaid Streets, Ways, Lanes, and other public Places and Paſſages within the Borough of *Macclesfield* aforeſaid, or any Part or Parts thereof, and alſo for providing a ſufficient Number of Lamps, neceſſary to be fixed up in the ſaid Borough, and Lamp Irons, Poſts, and other Materials neceſſary or convenient for fixing the ſame from Time to Time, and for providing and furniſhing the ſame Lamps with all Requiſites, and for lighting, ſupporting, amending, and repairing the ſame, and for other the Purpoſes of this Act, as the ſaid Commiſſioners ſhall think proper.

Watchmen and Beadles. XXXV. And be it further enacted, That the ſaid Commiſſioners ſhall and may, and they are hereby authorized and empowered at a Special Meeting to be called for that Purpoſe, of which public Notice ſhall be given from Time to Time as they ſhall think proper, to order, eſtabliſh, and appoint ſuch Number of Watchmen and Beadles, as they ſhall judge neceſſary, to be kept and employed in or about the ſaid Borough of *Macclesfield*, and likewiſe direct and appoint how and where the ſeveral Watchmen and Beadles ſhall be ſtationed, and in what Manner they ſhall be armed, how often they ſhall go their Rounds, how long they ſhall continue upon Duty, and what Wages ſhall be allowed to ſuch Watchmen and Beadles reſpectively for their Service; and ſhall and may alſo erect and provide proper Places, Boxes, or Watchhouſes for the Reception of ſuch Watchmen and Beadles as aforeſaid; and ſhall make Orders and Regulations, from Time to Time, for the better Direction and Government of ſuch Watchmen and Beadles reſpectively, and for other Purpoſes laſt mentioned, ſuch Orders and Regulations to be printed, and Copies thereof ſigned by the ſaid Commiſſioners, or any Five or more of them, or their Clerk or Clerks for the Time being; and it ſhall be lawful for ſuch Watchmen and Beadles, and they are hereby authorized and required to keep Watch and Ward within the ſaid Borough of *Macclesfield*, to arreſt, apprehend and detain in ſome Watchhouſe or other convenient

convenient Place of Security within the ſaid Borough, to be provided and appointed by the ſaid Commiſſioners, all Diſturbers of the public Peace, diſorderly Perſons, Vagrants, Beggars, and all ſuch other Perſons as ſhall be found miſbehaving themſelves, and ſhall take them within Six Hours (or as ſoon as conveniently may be) before any One or more of His Majeſty's Juſtices of the Peace acting in and for the ſaid Borough, to be examined and dealt with according to Law; and the ſaid Beadles ſhall, as often in every Night, as ſhall be ordered by the ſaid Commiſſioners, go about their reſpective Diſtricts and Rounds, to take Notice whether all the Watchmen perform their Duty in their ſeveral Stations, according to ſuch Orders and Regulations, as ſhall be made and provided by the ſaid Commiſſioners; and in caſe any Watchman ſhall miſbehave himſelf, or neglect his Duty, the ſaid Beadles ſhall as ſoon as conveniently may be give Notice thereof to the Clerk or Clerks for the Time being to the ſaid Commiſſioners, who is and are hereby authorized to ſuſpend ſuch Watchman from the Execution of his Office, and appoint another Perſon to officiate therein until the next Meeting of the Commiſſioners, when the ſaid Clerk or Clerks ſhall acquaint the Commiſſioners aſſembled at ſuch Meeting with the Complaint againſt ſuch Watchman, in order that they may proceed to the Examination of the Offence or Charge; and ſuch Watchmen moreover ſhall be ſubject and liable to ſuch Penalty for every ſuch Neglect or Miſbehaviour as is next herein-after expreſſed.

Penalty on Watchmen and Beadles not doing their Duty.

XXXVI. And be it further enacted, That if ſuch Watchmen and Beadles or any of them ſhall not obſerve, perform, and keep the Orders, Rules, and Regulations which ſhall be made for the Purpoſes aforeſaid by the ſaid Commiſſioners, or ſhall in any Manner neglect their Duty or miſbehave themſelves, every Perſon ſo offending ſhall forfeit and pay for every ſuch Neglect or Offence, any Sum not exceeding Forty Shillings; and alſo, if the ſaid Commiſſioners ſhall think proper, ſhall be immediately diſcharged from his or their reſpective Office or Employment.

Penalty on Publicans harbouring Watchmen, &c.

XXXVII. And be it further enacted, That if any Victualler or Publican, or other Perſon ſelling or dealing in Spirituous or other Liquors, ſhall knowingly or wilfully entertain or harbour in his, her, or their Houſe or Habitation, or Shop, any Watchman to be appointed under this Act, during any of the Hours or Times appointed for ſuch Watchman to be on Duty by virtue of or in purſuance of this Act, every ſuch Victualler, Publican, or other Perſon, ſhall forfeit and pay any Sum not exceeding Twenty Shillings.

Power to reward diſabled Watchmen.

XXXVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to give ſuch Rewards in Money to the Watchmen reſpectively to be appointed as aforeſaid, who may be diſabled or wounded in the Execution of their Office, as they the ſaid Commiſſioners ſhall think reaſonable; ſuch Money to be paid out of the Monies to be raiſed by virtue of this Act.

Penalty on Perſons obſtructing Officers appointed by the Commiſſioners.

XXXIX. And be it further enacted, That if any Perſon or Perſons ſhall at any Time or Times obſtruct, hinder, or moleſt any of the Commiſſioners, or any Collector or Collectors, Watchmen or Beadles, or other Officers or Officer, or Workmen, or Perſon or Perſons whomſoever, who is, are, or ſhall be employed by virtue of this Act in the Performance or Execution

Execution of their Duty, or any of the Matters and Things to be done by virtue and in purſuance thereof, every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Altering the Market Days.

XL. And for the better regulating the Markets within the Borough of *Macclesfield*, and obviating the Inconveniences to which the ſame are now ſubject, be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required as ſoon as conveniently may be after the paſſing of this Act at a Meeting of the ſaid Commiſſioners to be convened for that Purpoſe, of which Meeting Fourteen Days Notice at leaſt in Writing, ſigned by the Clerk of the ſaid Commiſſioners, ſhall be given, by affixing the ſame on the Doors of the Guildhall, and the Parochial Chapel within the Borough of *Macclesfield* aforeſaid, to alter and appoint that the Market which hath heretofore been holden upon the *Monday*, may for the future be holden on the *Tueſday* in each Week.

Markets and Fairs.

XLI. And for obviating the Obſtructions and Inconveniences to which the Markets and Fairs within the ſaid Borough of *Macclesfield* are now ſubject, and preventing Accidents and Injuries to the Perſons reſorting to the ſame, be it further enacted, That it ſhall and may be lawful to and for the Mayor of the ſaid Borough for the Time being, and he is hereby authorized from Time to Time to make and eſtabliſh ſuch Bye Laws, Rules and Orders for the better Order and Regulation of the Markets and Fairs within the ſaid Borough, and of the ſeveral Perſons reſorting thereto, as to the ſaid Mayor for the Time being ſhall ſeem meet, and as it hath been antiently the Uſage and Cuſtom within the ſaid Borough for the Mayor for the Time being ſo to do, and alſo in regard to the fixing and appointing proper Places for the loading and unloading of Waggons, Carts, and Carriages, and for the ſtanding of ſuch Waggons, Carts, and Carriages after the ſame ſhall be unloaden at any of the ſaid Markets or Fairs, and for regulating by what Streets, Avenues, Roads and Ways, ſuch loaded and unloaded Waggons, Carts, or Carriages, ſhall come into and go out of the Streets of the ſaid Borough during the Time of ſuch Markets or Fairs reſpectively, and all ſuch other Rules, Orders, and Regulations for the well-being and good Order of the ſaid Markets and Fairs, as to the ſaid Mayor for the Time being in his Judgment and Diſcretion ſhall ſeem meet, and for the Benefit of the ſaid Borough of *Macclesfield*, and the Perſons reſorting to the Fairs and Markets thereof; and it ſhall and may be lawful to and for the ſaid Mayor for the Time being to alter or amend ſuch Rules, Orders, and Regulations, or any of them, as to him ſhall ſeem right and proper, and to fix, impoſe, and lay ſuch reaſonable Fines and Penalties not exceeding Forty Shillings for each Non-obſervance or other Breach of any ſuch Rules, Orders, and Regulations, or of any Part or Parts thereof, as he ſhall find requiſite and neceſſary, and all ſuch Rules, Orders, and Regulations, being printed and publiſhed as herein-after mentioned, ſhall be good and binding upon and obſerved by all Perſons, and ſhall be ſufficient in any Court of Law or Equity to juſtify any Perſon who ſhall act under the ſame; provided that ſuch Rules, Orders, and Regulations be not inconſiſtent with, or repugnant to the Laws of that Part of the United Kingdom called *England*, or this Act; and provided alſo, that no Rule, Order, or Regulation reſpecting the ſaid Markets and Fairs, or any Alteration or Amend-

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ment thereof, ſhall have any Force or Effect, until ſuch Rule, Order, or Regulation ſhall have been ſigned by the ſaid Mayor, and printed Copies of ſuch Rule, Order, or Regulation, or any Alteration or Amendment thereof, ſhall have been affixed in ſome public Place or Places within the ſaid Borough of *Macclesfield*, for the Space of Ten Days at the leaſt, and all ſuch Bye Laws, Rules, Orders, or Regulations, ſhall be valid, and in force until the ſame ſhall be repealed or altered by the Mayor of the ſaid Borough for the Time being; and all ſuch Rules, Orders, and Regulations, ſhall be ſubject to Appeal in Manner next herein-after directed.

Appeal reſpecting the Orders of the Mayor as to the Markets, &c.

XLII. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Rule or Order to be made by the Mayor of the ſaid Borough for the Time being reſpecting the Markets and Fairs within the ſaid Borough, and the ſeveral Perſons reſorting thereto, ſuch Perſon or Perſons ſhall or may appeal to the General Seſſions of the Peace to be holden for the ſaid Borough of *Macclesfield*, or for the ſaid County, within Six Calendar Months next after ſuch alledged or ſuppoſed Grievance ſhall ariſe, ſuch Appellant giving or cauſing to be given Fourteen Days Notice at leaſt in Writing of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Mayor of the ſaid Borough for the Time being, and within Four Days next after ſuch Notice entering or cauſing a Recognizance to be entered into before ſome Juſtice of the Peace acting in and for the ſaid Borough, with Two ſufficient Perſons or Sureties, conditioned to try ſuch Appeal and abide the Order thereon, and to pay ſuch Coſts as ſhall be awarded by ſuch Juſtices at ſuch General Seſſions; and ſuch Juſtices, upon due Proof of Notice being given as aforeſaid, and of entering into ſuch Recognizance, ſhall hear and determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and ſhall or may mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned, which ſhall have been levied in purſuance of any ſuch Rule, Order, Regulation, or Determination of the Mayor of the ſaid Borough for the Time being; and may alſo order ſuch further Satisfaction to be made to the Party injured as the ſaid Juſtices ſhall think proper; and the Determination of ſuch Juſtices at their ſaid General Seſſions ſhall be binding and concluſive.

For preventing Nuiſances.

XLIII. And for the better Accommodation and Safety of Paſſengers and the Preſervation of good Order, and the preventing of Obſtructions and Annoyances within the Borough of *Macclesfield* aforeſaid, be it further enacted, That if any Perſon or Perſons ſhall, upon any of the Footways which are now or at any Time hereafter ſhall be raiſed above the Carriage Way, and uſed as ſuch Footways, in any of the Streets, Ways, Lanes, or public Paſſages, already or hereafter to be laid out within the Borough of *Macclesfield* aforeſaid, run, draw, drive, or carry on any of the ſaid Footways, any Truck, Wheel, Sledge, Wheelbarrow, Handbarrow, or Carriage whatſoever, or ſhall roll any Caſk, other than for the neceſſary loading or unloading thereof, in, upon, from, or out of any Carriage; or ſhall wilfully ride, lead or drive any Horſe, Mare, Gelding, Mule or Aſs, or Bull, Cow, Sheep, Swine or other Cattle, upon any of the ſaid Footways; or ſhall in any Part of the ſaid Streets, Ways, Lanes, public Paſſages or Places within the Borough of *Macclesfield* aforeſaid, burn, dreſs, ſweep, or cleanſe any Piece or Pieces of Cork; or hoop, fire, cleanſe, waſh or ſcald any Caſk or Caſks; or empty any of the Contents

of any Cask or Casks in any of the said Streets, Ways, Lanes, public Passages, or Places; or shall hew, saw, or cut, or cause to be hewn, sawn, or cut, any Stone, Wood, or Timber, or bore any Piece or Pieces of Timber; or make or repair any Coach, Waggon, Trolly, Dray, Sledge, or other Carriage, or any Part thereof, in any of the said Streets, Ways, Lanes, or Public Passages or Places, (save and except such Carriage or Carriages as may want repairing from any sudden Accident happening thereto, in any of the said Streets, Ways, Lanes, public Passages or Places); or shall shoe or bleed any Horse, Mare, Gelding, Ass or Mule, (except in Cases of Accident) in any of the said Streets, Ways, Lanes, public Passages or Places; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for carrying Goods or Merchandize, shall ride on the Shafts or any Part of such Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horses or Cattle drawing the same, in any of the said Streets, Ways, Lanes, public Passages, or Places; or if any Person or Persons having the Care thereof, or driving the same, shall suffer any Horse or Cattle, drawing any such Cart, Waggon, Dray, Sledge or other Carriage to go any Pace faster than a Walk; or if any Person shall drive any Cattle, or ride or drive any Horse, Mare or Gelding along any such Street, Way, Lane, public Passage, or Place, so furiously as thereby to cause personal Danger to any Person or Persons in any of the said Streets, Ways, Lanes, public Passages or Places; or shall expose to Sale any Horse, Mare or Gelding therein (except such Places wherein Fairs or Markets are or may be held for the Sale of Horses, and during the Times of such Fairs and Markets only); or shall fodder any Cattle in any of such Streets, Lanes, Alleys, Passages, or public Places (except in the Fairs or Markets where Cattle usually stand); or if any Person shall sift, throw, cast, or lay any Ashes (except in the Times of Frost, and to prevent Accidents), or any Dirt, Muck, Dung, Soil, Filth, Rubbish, Refuse of Garden Stuff, Blood, Offal, Carrion, or any other offensive Matter or Thing in any Part of such Street, Way, Lane, public Passage or Place within the said Borough; or shall at any Time or Times hang up, place, or expose, any Goods, Wares, or Merchandize, or any other Matter or Thing, at or near the Door or Doors of any House or Houses, Shop or Shops, or other Places in the said Borough, so as to incommode or obstruct the Passage of any Person on any of the said Foot Ways; then every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; or if any Person or Persons shall make or assist in making of any Fire or Fires commonly called Bonfires, or shall set fire to, or let off or throw any Squib, Serpent, Rocket, or Firework whatsoever, and shall be convicted thereof before any Justice of the Peace for the said Borough, by the Oath (or, being a Quaker, Affirmation) of One credible Witness, every Person so offending in any of the Cases last aforesaid shall for every such Offence forfeit and pay to the said Commissioners, or to their Treasurer, any Sum not exceeding Forty Shillings.

Regulations as to Night Soil.

XLIV. And be it further enacted, That if any Person or Persons shall begin to empty any Privy or take or carry away any Night Soil, or bring or place any Carts for removing the same, from any House, Building, or Place within the said Borough, before the Hour of Ten in the Night, or shall continue to remove the same after the Hour of Eight in the Morning, or shall at any Time negligently spill, or put or cast

any Night Soil out of any Cart, Tub, or otherwiſe, in or over any of the ſaid Streets, Ways, Lanes, Public Paſſages or Places, or in any reſpect improperly, careleſsly, or negligently remove the ſame, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Directions for ſweeping Footways.

XLV. And be it further enacted, That the reſpective Occupiers of Houſes and other Buildings in the ſaid Streets, Ways, Lanes, Public Paſſages or Places, ſhall and they are hereby required to cauſe to be well and ſufficiently ſwept and cleanſed the Foot Ways or Foot Pavements before, behind and at the Sides of their reſpective Houſes, Buildings, Walls and Premiſes as the Situation thereof ſhall require, every Morning in the Year before the Hour of Eight of the Clock, and in Default thereof ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Shillings; and alſo in Times of Froſt or Snow at any of the Time of the Day thereafter, ſhall cauſe to be cleanſed away all Ice and Snow from ſuch Foot Way or Foot Pavement, being thereunto required by the ſaid Commiſſioners, or their Surveyor or Surveyors, or other Perſon or Perſons for the Time being, appointed by them, within Two Hours after having been ſo required, and in Default thereof ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Twenty Shillings.

Penalty on ſlaughtering Cattle in the Streets.

XLVI. And be it further enacted, That if any Perſon or Perſons ſhall kill, ſlaughter, ſinge, ſcald, dreſs, or cut up, or cauſe to be killed, ſlaughtered, ſinged, ſcalded, dreſſed, or cut up, any Ox, Cow, Bull, Calf, Sheep, Lamb, Kid, Pig, Swine, or other Cattle, in any of the Streets, Ways, Lanes, public Paſſages or Places within the Borough of *Macclesfield* aforeſaid; or cauſe or permit any Blood to run from any Slaughter Houſe, Butcher's Shop, or Shambles, into any of ſuch Streets, Ways, Lanes, public Paſſages or Places; every Perſon ſo offending in any of the Matters aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on the leaving open Cellar Doors, &c.

XLVII. And be it further enacted, That if any Cellar Door, Flap Window, or Cover within the ſaid Borough, ſhall be left open in the Evening or in the Night without the ſame being ſufficiently lighted or ſecured, ſo as to prevent Accidents happening therefrom; or if any Grating, Covering, Hole, or Place on the Pavement for putting Coals or other Things into any Cellar or other Place, ſhall be left open, or not well and ſufficiently faſtened down and ſecured from Accidents; then and in each and every of the ſaid Caſes, the Occupier or Occupiers of ſuch Cellar or other Place ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Perſons altering the Pavements, &c. in the Streets.

XLVIII. And be it further enacted, That if any Perſon or Perſons who ſhall at any Time take up the Pavement and Flagging in the Streets, Ways, Lanes, and other Public Paſſages and Places within the ſaid Borough, or any Part of the ſame reſpectively, or make or cauſe to be made any Alteration in any Tunnel, Gutter, Sink, Drain, Sewer, or Watercourſe in any Street, Way, Lane, Public Paſſage or Place within the ſaid Borough, without the previous Conſent in Writing of the ſaid Commiſſioners, or any Five of them, ſhall not, within Seven Days after Notice in Writing by the Clerk to the ſaid Commiſſioners given to or left at the laſt or uſual Place

Place or Places of Abode of ſuch Perſon or Perſons, cauſe the ſame Pavement and Flagging reſpectively which ſhall have been ſo taken up to be re-inſtated, and the Tunnel, Gutter, Sink, Drain, Sewer, or Watercourſe ſo altered to be put into its former State, then and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners to cauſe the ſame reſpectively to be done, the Coſts and Charges whereof ſhall be borne and paid by the Perſon or Perſons who ſhall have taken up or altered ſuch Pavement and Flagging, Tunnel, Gutter, Sink, Drain, Sewer, or Watercourſe, or any Part thereof reſpectively; and in caſe of Non-payment thereof on Demand, ſuch Coſts and Charges ſhall and may be levied and recovered in ſuch and the like Manner as any Penalty is by this Act directed to be levied.

Channels and Sewers to be made.

XLIX. And be it further enacted, That the ſaid Commiſſioners ſhall and may cauſe ſuch and ſo many new Channels, Sewers, Drains, Vaults, Floodgates, Watergates, Culverts, and Watercourſes, as they may think ſufficient and neceſſary, to be dug and made in, along, and acroſs any of the ſaid Streets, Ways, Lanes, and other Public Paſſages and Places, or in any Part of the Lands and Grounds within the ſaid Borough, and alſo any of the Channels, Sewers, Drains and Vaults, which now are or hereafter ſhall be made within the ſaid Streets, Ways, Lanes, and other Public Paſſages and Places, to be enlarged, widened, raiſed, altered, removed, repaired, cleanſed or ſcoured, when and as often as to the ſaid Commiſſioners ſhall ſeem meet; and for any of the ſaid Purpoſes ſhall and may from Time to Time cauſe to be dug, carted and carried out of or brought into the ſaid Streets, Roads, Ways, Lanes, Public Paſſages and Places, or any of them, ſuch Gravel, Stones, Bricks and other Materials as they ſhall think neceſſary; and alſo ſhall and may cauſe ſuch and ſo many Gutters or Openings to be made therein for the conveying and carrying off the Filth, foul and other Waters, from the Houſes built or to be built in or adjoining to ſuch Streets, Ways, Lanes, and other Public Paſſages and Places, into the ſaid Sewers, Drains, and Vaults, as the ſaid Commiſſioners ſhall and may think neceſſary and expedient for that Purpoſe; and the ſaid Commiſſioners ſhall have alſo full Power, Liberty, and Authority to contract and agree to purchaſe ſuch Ground as ſhall be neceſſary for making and enlarging ſuch Sewers, Drains and Vaults, Floodgates, Watergates, Culverts and Watercourſes, they the ſaid Commiſſioners paying to the ſeveral Perſons intereſted in ſuch Grounds ſo to be purchaſed, ſuch Monies as ſhall be agreed upon, which Agreement ſhall be good and valid, notwithſtanding any Diſability in any Perſon or Perſons intereſted therein; and all Coſts, Charges, and Expences, in or about the making, enlarging, widening, raiſing, altering, removing, repairing, cleanſing or ſcouring ſuch Sewers or Drains, Vaults, Floodgates, Watergates, Culverts and Watercourſes, ſhall be borne and defrayed out of the Monies to be raiſed by the Rates or Aſſeſſments to be made by virtue of this Act.

For repairing Private Drains.

L. And be it further enacted, That all Private Drains which are or which ſhall hereafter be made within any of the Streets, Ways, Lanes, and other Public Paſſages or Places within the Borough of *Macclesfield* aforeſaid, and which do or ſhall iſſue or empty themſelves into any of the Streets, Ways, Lanes, Paſſages or Places, or into any other Public Sewer, Drain or Vault, ſhall from Time to Time be repaired and cleanſed, to the Satisfaction of the Surveyor or other proper Officer of the ſaid Commiſſioners, (as the

Caſe

Caſe may happen), at the Coſts and Charges of the Owner or Owners, Occupier or Occupiers of the Houſes, Lands, Tenements, or Hereditaments, to which the ſaid Private Drains do or ſhall reſpectively belong; and the ſaid Commiſſioners, at any Meeting to be held in purſuance of this Act, are hereby empowered to order and direct the Owner or Occupier of any ſuch Houſe, Tenement or Premiſes to make, at the Coſts and Charges of ſuch Owner or Occupier, or of both of them, in ſuch Proportions as ſuch Commiſſioners ſhall think proper, ſuch Drain or Channel as to them ſhall ſeem neceſſary, for the emptying and conveying ſuch Filth, foul and other Waters ariſing or flowing from ſuch Houſes or Tenements into any Common Sewer or Ditch.

For removing Annoyances.

LI. And be it further enacted, That all and every the Bow Windows, Porticoes, Porches, and Pent-houſes, or other Projections which now are or ſhall or may at any Time after the paſſing of this Act be erected or ſet up, and all Poſts, Shutters, Signs, Sign Poſts, Shew-boards, or other Emblems to denote the Trade, Occupation, or Calling of any Perſon or Perſons, and all Spouts, Sewers, Gutters, Drains, Channels, Pales, Rails, Grates, Hatchways, Stalls, Blocks, Bulks, Sheds, Hogſtyes, or any other Matters or Things whatſoever, which at the Time of paſſing this Act is or are or hereafter ſhall be erected, ſet, or placed, and which in the Judgment of the ſaid Commiſſioners ſhall be deemed an Obſtruction or Annoyance to any of the Inhabitants or Paſſengers, by projecting into or being placed upon any of the preſent or future Foot Ways or Carriage Ways of ſuch Streets, Ways, Lanes, and other Public Paſſages, or incumber or fill up the ſame, ſhall within Ten Days after a Day to be expreſſed in a Notice to be for that Purpoſe given or left with the Owner or Occupier of the Houſe or other Buildings or Lands, to whom ſuch Matters and Things aforeſaid or any of them ſhall reſpectively belong, be taken down, carried away, filled up, removed, or altered by or at the Expence of the Owner or Owners thereof under the Inſpection and Direction of the Surveyor or Surveyors, or other proper Officer of the ſaid Commiſſioners; and in caſe the reſpective Owner or Occupier ſhall neglect or refuſe to obey ſuch Notice, and to obſerve and perform the ſeveral Matters and Things hereby reſpectively required to be done within the Time aforeſaid, then ſuch Occupier ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings for every Day the ſame ſhall ſo remain undone; and it ſhall be lawful for the ſaid Commiſſioners to cauſe the ſame to be taken down, carried away, filled up, removed, altered, and fixed in the Manner and for the Purpoſes aforeſaid, and ſhall return or cauſe to be returned to the reſpective Occupiers thereof, or to be left on the Spot from whence the ſame ſhall be ſo reſpectively removed, or as near thereto as conveniently may be for ſuch Occupiers, ſo much of ſuch Matters and Things as aforeſaid as ſhall not be affixed or ſet up, or otherwiſe made uſe of in the Alterations directed or authorized by this Act, and the Charges and Expences attending the ſame ſhall be recovered of ſuch Occupiers reſpectively in the ſame Manner as the Penalties and Forfeitures by this Act impoſed are hereby directed to be recovered on Non-payment; and if ſuch Occupiers ſhall cauſe ſuch Matters and Things to be re-placed, erected, built, or made contrary to the Directions of this Act, every ſuch Occupier or Occupiers for every Day he, ſhe, or they ſhall ſo offend, ſhall forfeit and pay any Sum not exceeding Twenty Shillings, or otherwiſe it ſhall be lawful for the ſaid Commiſſioners to order the ſame

to be taken down, filled up, removed, or altered, in such Manner as they shall think proper, without giving any Notice to the Occupier or other Person offending therein, and the Charges and Expences attending the same shall and may be recovered of the Person or Persons so offending, in the same Manner as Penalties and Forfeitures are by this Act directed to be recovered.

Penalty on bringing forward the old Foundations of Buildings.

LII. And be it further enacted, That no Surveyor, Builder, Carpenter, Mason, or other Workman in rebuilding, new fronting, or altering any House or Building situate in any Street, Way, Lane, or other public Passage or Place within the said Borough, shall on any Pretence whatsoever bring the Foundation of any Part of the Front of such House or Building forward beyond the old Foundation or beyond the Line of the Street, Way, Lane, or public Place or Passage, nor any Rails or Fences except upon the Foundation or Line on which such are now erected; and the Owner or Occupier of such House or Building shall forfeit and pay any Sum not exceeding Ten Pounds for every Month such Obstruction or Encroachment shall be made or remain by reason of the Foundation or any Part of the Front of such House or Building, Rails or Fences, being brought forward as aforesaid; and it shall be lawful for the said Commissioners, or any Five or more of them, by Writing under their Hands, to order and cause the same to be taken down, the Costs and Charges whereof shall be paid and reimbursed to the said Commissioners, or to any Person by their Order, by the Owner or Occupier of such Houses or Buildings, or other Person or Persons ordering and directing the same, and shall be recovered in such Manner and by such Ways and Means as Penalties and Forfeitures are herein directed to be levied and recovered.

Penalty on leaving Carriages, &c. in the Street.

LIII. And be it further enacted, That if at any Time any Waggon, Cart, Dray, or other such Carriage, used for the Purpose of conveying or carrying Goods, Wares, and Merchandize, or any Materials whatsoever, shall be left or suffered to stand or continue in any of the Public Streets, Ways, Lanes, or other public Passages within the Borough of *Macclesfield* aforesaid, except for the sole and express Purpose of loading and unloading, and in that Case only during the Time necessarily consumed in loading and unloading thereof, and the same standing as near the Side of the Street, Way, Lane, Public Passage or Place as conveniently may be; or if any Stage Coach, Post Chaise, or other Carriage let for Hire, shall be left or permitted to stand or continue in any of the said Streets, Ways, Lanes, or other Public Passages or Places, or any Part thereof, for a longer Time than shall be necessary for the taking up or setting down Passengers, or for loading or unloading their Baggage, or shall not stand as near to the Side of such Street, Way, Lane or other Public Passage as conveniently may be; or if any Carriage whatsoever shall be set, placed, or left upon any Part of the Foot Crossings of any such Street, Way, Lane, or other Public Passage as aforesaid, for any Purpose whatsoever; or if any Timber, Bricks, Stones, Slates, Tiles, Lime, Mortar, Hay, Straw, Wood, Faggots, Billets, Coals, Tubs, Goods, Wares, Merchandize, Materials, or other Things whatsoever, shall be laid, placed, or left in any such Street, Way, Lane, or other Public Passage longer than shall be necessary for the housing or removing the same therefrom; then and in every such Case the Owner or Owners of every such Waggon, Cart, Dray, Stage Coach, Post Chaise, or other Carriage, or of any such Timber, Bricks, Stones, Slates, Tiles, Lime, Mortar, Hay, Straw, Wood,

Wood, Faggots, Billets, Coals, Tubs, Goods, Wares, Merchandize, Materials, or other Things, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; and any Three or more of the ſaid Commiſſioners or any one of their Officers, or any other Perſon without any Peace Officer or other Perſon preſent, or without any other Authority than this Act, ſhall and may ſeize or cauſe to be ſeized any ſuch Waggon, Cart, Dray, Stage Coach, Poſt Chaiſe, or other Carriage, ſo placed or ſuffered to ſtand or continue contrary to the true Meaning of this Act, together with the Horſe or Horſes thereunto belonging or affixed (if any), or the Timber, Bricks, Stones, Slates, Tiles, Lime, Mortar, Hay, Straw, Wood, Faggots, Billets, Coals, Boards, Tubs, Goods, Wares, Merchandize, Materials or Things, ſo laid and placed as aforeſaid, and remove the ſame, or cauſe the ſame to be removed to any Pound within the Borough of *Macclesfield* aforeſaid, or to ſuch other Place as ſhall be appointed for that Purpoſe by the ſaid Commiſſioners within the Borough of *Macclesfield* aforeſaid, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants ſhall claim the ſame and pay to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall then be, any Sum not exceeding Five Pounds, together with the Charges of keeping and removing the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Penalty and Charges paid within the Space of Four Days next after ſuch Seizure, it ſhall and may be lawful for the ſaid Commiſſioners to cauſe the ſame to be ſold, and the Money ariſing therefrom ſhall be applied to the Uſes and Purpoſes of this Act; and the Overplus (if any) after deducting the Coſts, Charges, and Expences of ſuch Diſtreſs and Sale, and the ſaid Penalty, ſhall be returned upon Demand to ſuch Perſon or Perſons.

Penalty on turning Horſes, &c. looſe in the Streets.

LIV. And be it further enacted, That if any Perſon ſhall turn looſe or drive, or permit or ſuffer to be turned looſe or driven any Horſe, Mare, Gelding, or Aſs in any of the ſaid Streets, Ways, Lanes, or other Public Paſſages within the Borough of *Macclesfield* aforeſaid, without being haltered, or having ſome Perſon to lead or take care of the ſame, or ſhall draw any Timber, Block or Blocks of Wood or Stone or other heavy Material in, upon, or through any of the ſaid Streets, Ways, Lanes, or other Public Paſſages without any Carriage, or with ſuch Carriage, to the Detriment thereof, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on cauſing Annoyances by Hogſtyes, &c.

LV. And be it further enacted, That in caſe any Hog Stye, Neceſſary Houſe, Fleſh, Dung, Carrion, Blood, Offal, Soil, or Filth, Aſhes, Cinders, or Rubbiſh, or any other noiſome Matter whatſoever, in or near the Front of any of the ſaid Streets, Ways, Lanes, and other Public Paſſages, or in any Yards or Gardens within the ſaid Borough of *Macclesfield*, ſhall be a Nuiſance or Annoyance to any of the Inhabitants or other Perſon or Perſons, it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby required, upon Complaint thereof made to them by any ſuch Inhabitant, or other Perſon or Perſons, by Notice in Writing under the Hands of any Five or more of the ſaid Commiſſioners, or under the Hand of the Clerk or Clerks to the ſaid Commiſſioners for the Time being, to order any ſuch Nuiſance or Annoyance to be removed, and in caſe the ſame ſhall not be removed within Ten Days after ſuch Notice given to the Perſon or Perſons who ought to remove the ſame, ſuch Perſon or

Perſons ſhall forfeit and pay any Sum not exceedi[illegible] Pounds for every Day the ſame ſhall continue unremoved after the [illegible]ration of the ſaid Term.

Names of Streets to be put up, and Houſes to be numbered.

LVI. And be it further enacted, That the ſaid Commiſſioners ſhall and may, and they are hereby authorized and empowered to cauſe to be placed in ſome conſpicuous Part of ſome Houſe or Building at or near each End, Corner, or Entrance of the ſeveral and reſpective Streets, Ways, Lanes, and other public Paſſages already made or built, or which ſhall hereafter be made or built within the ſaid Borough of *Macclesfield*, the Name of or by which every ſuch Street, Way, Lane, or other Public Paſſage is uſually or ſhall be called or known; and alſo ſhall and may cauſe any Houſe, Shop, Warehouſe, or Building in the ſame Streets, Ways, Lanes, and other public Paſſages to be marked and numbered in ſuch Manner as they ſhall think proper for diſtinguiſhing the ſame; and if any Perſon ſhall deſtroy, pull down, injure, or obliterate, or deface ſuch Mark or Number, or the Name or Names of the ſame Streets, Ways, Lanes, and other public Paſſages, or any of them, or any Part thereof, or cauſe or procure the ſame to be done, every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Rates.

LVII. And be it further enacted, That the Charges and Expences of lighting and watching the ſaid Streets, Ways, Lanes, public Paſſages and Places within the ſaid Borough of *Macclesfield*, and otherwiſe putting this Act into Execution, ſhall at all Times be borne and defrayed by the Tenants or Occupiers of Houſes, Shops, Warehouſes, Factories, Coach-houſes, Stables, Yards, Gardens, Cellars, Vaults, and other Buildings, within the ſaid Borough; and the ſaid Commiſſioners ſhall, and they are hereby authorized, empowered and required Twice in every Year after the paſſing of this Act, and oftener if they ſhall think it neceſſary, to make One or more ſeparate Rate or Rates, Aſſeſſment or Aſſeſſments, to be ſigned by the ſaid Commiſſioners, or any Five or more of them, upon the Tenants or Occupiers of all ſuch Houſes, Shops, Warehouſes, Factories, Coach-houſes, Stables, Yards, Gardens, Cellars, Vaults, and other Buildings within the ſaid Borough of *Macclesfield*, for the Purpoſe of defraying the Charges and Expences of lighting and watching the ſame, and otherwiſe carrying this Act into Execution, ſo as the whole Sum to be raiſed, under ſuch Rates or Aſſeſſments, do not exceed in any one Year the Sum of One Shilling and Sixpence in the Pound of the Annual Value of ſuch Houſes, Shops, Warehouſes, Factories, Coach-houſes, Stables, Yards, Gardens, Cellars, Vaults, and other Buildings; ſuch Annual Value to be from Time to Time ſettled and aſcertained by the ſaid Commiſſioners, and the Money or Monies ſo rated or aſſeſſed on the ſaid Tenants or Occupiers ſhall be paid by them reſpectively to the Collector or Collectors, or other Perſon or Perſons appointed by the ſaid Commiſſioners to collect the ſame; and if any Tenant or Occupier of any of the Premiſes aforeſaid ſhall neglect or refuſe to pay his or her Proportion or Proportions of any of the ſaid Rates or Aſſeſſments reſpectively to the ſaid Collector or Collectors, or other Perſon or Perſons, for the Space of Twenty-one Days after Demand made thereof, the ſame ſhall be levied and recovered on all and every ſuch Tenant or Tenants, Occupier or Occupiers, ſo neglecting or refuſing, by Diſtreſs and Sale of his, her, or their Goods

and

and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any One or more Juſtice or Juſtices of the Peace acting in and for the ſaid Borough, and the Overplus (if any) of the Monies to be raiſed by ſuch Diſtreſs and Sale ſhall be returned on Demand to the Owner or Owners of the Goods and Chattels ſo diſtrained and ſold, together with what ſhall remain unſold, after deducting all Charges attending ſuch Diſtreſs and Sale.

Higher Rate of Two Shillings in the Pound may be levied.

LVIII. Provided always, and be it further enacted, That if it ſhall be deemed expedient and neceſſary at a Public General Meeting of the Tenants or Occupiers of Houſes, Shops, Warehouſes, Factories, Coach Houſes, Stables, Yards, Gardens, Cellars, Vaults, and other Buildings within the ſaid Borough of *Macclesfield*, to be convened by Notice in Writing ſigned by the Clerk to the ſaid Commiſſioners affixed on the Door of the Parochial Chapel, and alſo on ſome other public Place or Places within the ſaid Borough at leaſt Twenty-one Days before the Time appointed for ſuch Meeting, that the Rate of One Shilling and Sixpence in the Pound herein-before authorized to be levied ſhould be increaſed, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, and they are hereby authorized, empowered, and required to make one or more additional Rate or Rates, Aſſeſſment or Aſſeſſments, to be ſigned by the ſaid Commiſſioners, or any Five or more of them, upon the Tenants or Occupiers of all and every the Houſes, Shops, Warehouſes, Factories, Coach Houſes, Stables, Yards, Gardens, Cellars, Vaults, and other Buildings for the Purpoſe of defraying the Charges and Expences of carrying this Act into Execution, ſo as the whole Sum to be raiſed by the ſaid Rate of One Shilling and Sixpence in the Pound, and the additional Rate hereby authorized to be made, do not exceed in any one Year the Sum of Two Shillings in the Pound, the Quotas and Proportions of which Aſſeſſment or Sum ſhall be fixed and ſettled by ſuch Commiſſioners; and the ſaid additional Rate or Aſſeſſment ſhall be made, aſſeſſed, collected, recovered, and applied in ſuch and the ſame Manner as is herein-before directed with reſpect to the ſaid Rate of One Shilling and Sixpence in the Pound authorized to be levied as aforeſaid.

Perſons not rated to a certain Amount, or occupying Chapels, not to be rated under this Act.

LIX. And be it further enacted, That no Perſon or Perſons who ſhall or may occupy any Houſe, Shop, Warehouſe, Factory, Coach Houſe, Stable, Yard, Garden, Cellar, Vault, or other Building, at a Sum or Sums amounting in the Whole to leſs than the Sum of Four Pounds, ſhall be liable to be aſſeſſed or to pay any Rate or Rates under and by virtue of this Act; and alſo that no Perſon or Perſons ſhall be liable to be aſſeſſed or to pay any Rate or Rates under and by virtue of this Act for or in reſpect of the ſaid Parochial Chapel, or of any Chapel or Meeting Houſe or other Tenement or Hereditament, within the ſaid Borough, excluſively appropriated to Religious Worſhip, or to Religious Worſhip and the gratuitous Inſtruction of the Poor.

Rates to be apportioned on Perſons removing from their Houſes.

LX. And be it further enacted, That in all Caſes where any Perſon ſhall remove from, or quit any Houſe, Shop, Warehouſe, Factory, Coach-houſe, Stable, Yard, Garden, Cellar, Vault, or Hereditaments, which ſhall be rated or aſſeſſed by virtue of this Act, ſuch Perſons ſhall be liable to pay ſuch Rates or Aſſeſſments in Proportion to the Time he or

ſhe occupied the ſame, in like Manner as if ſuch Perſon or Perſons had not removed from or quitted the ſame; and in all Caſes when any Perſon ſhall come into or occupy any ſuch Houſe, Shop, Warehouſe, Factory, Coach-houſe, Stable, Yard, Garden, Cellar, Vault, or other Building or Hereditament as aforeſaid, out of or from which any other Perſon who ſhall have been rated or aſſeſſed for the ſame ſhall be removed, or which at the Time of making ſuch Rate or Aſſeſſment was or were empty and unoccupied the ſame ſhall, for and in reſpect of his, her, or their Occupation thereof, be liable to any ſuch Rate or Aſſeſſment, in Proportion to the Time he, ſhe or they ſhall occupy the ſame, in the ſame Manner as if he or ſhe had been originally rated or aſſeſſed for ſuch Houſe, Shop, Warehouſe, Factory, Coach-houſe, Stable, Yard, Garden, Cellar, Vault, or other Building or Hereditament; which ſaid reſpective Proportions, in caſe of any Diſpute concerning the ſame, ſhall be ſettled and aſcertained by the ſaid Commiſſioners in ſuch Manner as they ſhall judge reaſonable; and in caſe any Perſons who have been ſo rated and aſſeſſed as aforeſaid, ſhall quit his or her Houſe, Shop, Warehouſe, Factory, Coach-houſe, Stable, Yard, Garden, Cellar, Vault, or other Building or Hereditament, before he or ſhe ſhall have paid ſuch Rate or Rates, or a proportionable Part or Parts thereof, by him or her due and payable, and ſhall afterwards refuſe or neglect to pay the ſame when demanded, it ſhall and may be lawful for the ſaid Collector or Collectors, by Warrant under the Hand and Seal of any Juſtice of the Peace acting for the ſaid Borough, or for the County, Diviſion, Liberty, Town, or Place, where ſuch Perſon ſhall remove to or reſide, or where any of his or her Goods and Chattels ſhall be found (which Warrant ſuch Juſtice is hereby required to grant, upon Proof made of the Sum ſo due before him, upon Oath of a credible Witneſs or Witneſſes), to levy ſuch Rate or Rates, or a proportionable Part or Parts thereof, by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon, rendering the Overplus ariſing from ſuch Goods and Chattels (if any) upon Demand, after the Payment of the Money due in reſpect of ſuch unpaid Rate or Rates, or proportionable Part or Parts, and all Expences relating to the Diſcovery thereof, unto the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold.

Rates on Houſes let in ſeparate Apartments.

LXI. And be it further enacted, That every Perſon being Landlord or Tenant, who ſhall let his or her Houſe in ſeparate Apartments or ready-furniſhed to any Lodger or Lodgers, or for any leſs Term than One Year, ſhall for the ſeveral Purpoſes of this Act be deemed and taken to be the Occupier thereof, and may be rated and aſſeſſed accordingly.

Payments to be made by Collectors.

LXII. And be it further enacted, That all and every Collector and Collectors to be appointed in purſuance of this Act ſhall, and is and are hereby authorized and required to pay all ſuch Monies as he or they ſhall reſpectively collect and receive by virtue of the Rates to be made in purſuance of this Act, into the Hands of the Treaſurer or Treaſurers to be appointed by the ſaid Commiſſioners, who is and are hereby authorized and required, out of the Monies collected and paid into his or their Hands, to pay all Sums of Money which the ſaid Commiſſioners ſhall from Time to Time direct or order him to pay; and the ſaid Treaſurer or Treaſurers for the Time being ſhall and is and are hereby required to keep regular and clear Entries or Accounts in a Book or Books to be for that Purpoſe by him or them provided and kept of all and ſingular the Receipts and Payments on account or in purſuance of this Act, to which Book or Books

and all others kept for the Purpoſes of this Act, every Perſon liable to the Payment of the ſaid Rates ſhall and may have free Acceſs at all convenient Times, with full Liberty to inſpect the ſame without Fee or Reward; and alſo that the Treaſurer or Treaſurers for the Time being ſhall, once in every Year, have the ſaid Account audited and paſſed and allowed by the ſaid Commiſſioners.

For borrowing Money on the Credit of the Rates.

LXIII. And, for the more ſpeedily and effectually enabling the Commiſſioners to execute the Purpoſes of this Act, be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered from Time to Time when they ſhall judge neceſſary, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding in the Whole the Sum of Four thouſand Pounds at any one Time, upon the Credit of the Rates and Aſſeſſments herein-before granted or authorized to be laid, collected, or received, and by any Writing or Writings under their Hands and Seals, to mortgage, demiſe, grant, or aſſign over the ſaid Rates or Aſſeſſments, or any Part or Parts thereof, to the Perſon or Perſons who ſhall advance or lend ſuch Money, or their Truſtee or Truſtees, as a Security or Securities for the Money ſo to be borrowed, together with lawful Intereſt for the ſame; and every ſuch Mortgage or Aſſignment ſhall be in the Words or to the Effect following; (that is to ſay),

Form of Mortgage of Rates.

'BY virtue of an Act paſſed in the Fifty-fourth Year of the Reign of His Majeſty King *George* the Third, intituled *An Act* [*here inſert the Title of this Act*] We, of the Commiſſioners appointed by and in purſuance of the ſaid Act, in Conſideration of the Sum of advanced and and lent by upon the Credit and for the Purpoſes of the ſaid Act, do grant, bargain, ſell, and demiſe unto the ſaid , his Executors, Adminiſtaators, and Aſſigns, ſuch Proportion of the Rates or Aſſeſſments ariſing by virtue of the ſaid Act as the ſaid Sum of doth or ſhall bear to the whole Sum which may at any Time become due and owing, or charged upon the Credit of the ſaid Act, to be had and holden from this Day of in the Year until the ſaid Sum of with Intereſt at the Rate of *per Centum per Annum* for the ſame, ſhall be repaid and ſatisfied. In Witneſs whereof we have hereunto ſet our Hands and Seals this Day of in the Year of Our Lord .'

And every ſuch Grant or Mortgage ſhall be good, valid, and effectual in the Law; and Copies of all ſuch Mortgages ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks, Treaſurer or Treaſurers to the ſaid Commiſſioners, and which ſaid Book or Books ſhall and may at all ſeaſonable Times be peruſed and inſpected without Fee or Reward, by any Perſon or Perſons entitled to any ſuch Mortgage, on paying to the ſaid Rates or Aſſeſſments; and all Perſons to whom any Mortgage ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, may from Time to Time transfer his, her, or their Right, Title, or Intereſt, in or to ſuch Mortgage, and the principal Money and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever, by indorſing on the back of ſuch Mortgage Security, and in the Preſence of One or more credible Witneſs or Witneſſes, the following Words, or Words to the Effect following; (that is to ſay),

'THE

Assignment of Mortgage.

'THE within named (or
'Assignee, Executor, or Administrator of the within named
'*as the Case may be*,) do hereby transfer the within Mortgage
'Security, with all my Right and Title to the principal Money thereby
'secured, and to all Interest now due upon the same, unto
'his Executors, Administrators and Assigns. Dated this
'Day of in the Year of our Lord

Which Transfer shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, within Two Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books, for which Entry the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Five Shillings and no more; and such Transfer shall then entitle such Assignee, his Executors, Administrators, and Assigns, to the Benefit of such Mortgage Security and Payment thereon; and every such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except such as the same shall be last transferred to) to release, discharge, or make void the original Mortgage Security, or the Monies due thereon, or on any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made as aforesaid shall, in Proportion to the Sum or Sums of Money thereby secured, be Creditors on the Rates by this Act granted, in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing Monies, or of the Dates of their Securities.

Application of Money raised by Authority of this Act.

LXIV. And be it further enacted, That all the Money to arise by or from the Rate or Rates, Assessment or Assessments, and which may be borrowed on the Credit thereof, and all Penalties and Forfeitures to be recovered or levied by virtue of this Act, and not hereby otherwise disposed of, shall be paid to the said Commissioners, or to such Person or Persons as they shall appoint, to be applied and disposed of, in the first place, towards paying and defraying all Expences and Charges, with lawful Interest on Monies expended, which shall be incurred, or in any Manner incident to and attending the Application for and obtaining and passing this Act; and in the next place, in paying and discharging the principal Monies to be borrowed as herein mentioned, and the Interest thereof, and for and towards defraying the Charges and Expences of cleansing, lighting, watching, improving, and regulating, the Streets, Way, Lanes, and other public Passages, and Places, within the Borough of *Macclesfield* aforesaid; for removing and preventing Nuisances, Annoyances, Obstructions, and Encroachments therein, in Manner hereby directed; and in paying and defraying all Expences which the said Commissioners and their Officers shall of necessity be put to in carrying this Act into Execution, and for such other Uses and Purposes as are herein expressed; and to and for no other Use, Intent, or Purpose whatsoever.

LXV. And, for the more easy Conviction of Offenders against this Act, be it further enacted, That the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, or against any Rule, Order, or Regulation to be made by virtue or in pursuance thereof, shall or may cause the Conviction to be drawn up in the Words or to the Effect following; (that is to say),

BE

'BE it remembered, That on the Day of
'in the Year of Our Lord
'is convicted before me (*or* us)
'of His Majesty's Justices of the Peace, in and for the Borough of
'*Macclesfield* in the County of *Chester*, of having (*as the Offence shall be*),
'and I (*or* we) the said do adjudge him, (*or*
'them) to forfeit and pay for the same, the Sum of
'Given under my Hand and Seal, (*or* our Hands and Seals) the Day and
'Year aforesaid.'

Form of Conviction.

LXVI. Provided always, and be it further enacted, That if any Person or Persons, Bodies Politic or Corporate, shall think himself, herself, or themselves aggrieved by any Rate or Rates, Assessment or Assessments, Rule, Bye Law, or Order, or any other Matter or Thing done or to be done in pursuance of this Act, such Person or Persons, Bodies Politic or Corporate, shall apply for Relief to the said Commissioners at any public Meeting to be held within Two Calendar Months next after Demand made of such Rate or Rates, Assessment or Assessments, or next after any such Matter or Thing done and committed by or by Order of the said Commissioners or any of them, and such Commissioners are hereby authorized and empowered, (if they shall think such Person or Persons aggrieved), to give such Relief in the Premises as to them shall seem necessary; and if such Person or Persons, Bodies Politic or Corporate, shall not be satisfied with the Determination of such Commissioners, he or she shall be obliged to pay such Rate or Rates, Assessment or Assessments, and to comply with such Rule, Bye Law, or Order of the said Commissioners, and then shall or may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the said Borough, or for the said County of *Chester*, within Six Calendar Months next after such Determination of the said Commissioners, such Appellant giving or causing to be given Fourteen Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks to the said Commissioners, and within Four Days next after such Notice entering or causing a Recognizance to be entered into before some Justice of the Peace acting in and for the said Borough, with Two sufficient Persons or Sureties conditioned to try such Appeal, and abide the Order thereon, and to pay such Costs as shall be awarded by such Justices at such General Sessions; and such Justices, upon due Proof of Notice being given as aforesaid, and of entering into such Recognizance, shall hear and determine the Causes and Matters of such Appeal in a summary Way, and shall or may mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned, which shall have been levied in pursuance of any such Bye Law, Rule, Order, Regulation, or Determination, and may also order such further Satisfaction to be made to the Party injured, as the said Justices shall think proper, and the Determination of such Justices at their said General Sessions shall be binding and conclusive.

Appeal.

LXVII. Provided always, and be it further enacted, That on any Appeal from any Rate or Assessment to be made for the Purposes of this Act, the Justices at such General Sessions shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rate or Assessment with respect to the other Persons mentioned in

Rates not to be quashed by Reason of any Appeal against them.

in the ſame; but if upon Appeal from the whole Rate or Aſſeſſment, it ſhall be found neceſſary to ſet aſide the ſame, then and in ſuch Caſe the ſaid Juſtices ſhall and may order a new Rate or Aſſeſſment to be made in the Manner herein directed.

Recovery and Application of Penalties and Forfeitures.

LXVIII. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed, the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed, ſhall be levied by Diſtreſs and Sale of the Offenders Goods and Chattels by Warrant under the Hand and Seal of any Juſtice of the Peace acting in and for the ſaid Borough of *Macclesfield*, (which Warrant ſuch Juſtice is hereby empowered to grant) upon the Confeſſion of the Party or Parties, or upon Information of any credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice is hereby empowered to adminiſter), and the Penalties and Forfeitures when recovered ſhall be paid to the Treaſurer or Treaſurers, or ſuch other Perſon or Perſons as the ſaid Commiſſioners at any Meeting ſhall appoint for that Purpoſe, and be applied for the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties or Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe the Offender or Offenders to be committed to the Common Gaol of the ſaid Borough or the Houſe of Correction for the ſaid County of *Cheſter*, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties and Forfeitures and all reaſonable Charges ſhall be ſooner fully paid and ſatisfied.

Inhabitants not to be incompetent Witneſſes.

LXIX. And be it further enacted, That in all Actions, Proſecutions, Informations, and Cauſes of Proceedings whatſoever, relating to or concerning the Execution of this Act, no Inhabitant within the Borough of *Macclesfield* aforeſaid ſhall be deemed incompetent to give Evidence by reaſon of his or her being ſuch Inhabitant, or by reaſon of his or her being rated or aſſeſſed to or paying any of the Rates or Aſſeſſments to be impoſed by virtue of this Act.

Penalty on Witneſſes not attending.

LXX. 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, in and for the ſaid Borough of *Macclesfield*, touching any Matter of Fact contained in any Information or Complaint for any Offence againſt this Act, or againſt any Rate or Order made in purſuance thereof, whether on the Part of the Proſecutors or the Perſon or Perſons complained of, and which Summonſes the ſaid Commiſſioners, or any Five or more of them, and alſo ſuch Juſtice or Juſtices as aforeſaid, are hereby authorized to iſſue, where and in ſuch Caſes only as ſuch Commiſſioners or ſuch Juſtice or Juſtices acting in and for the ſaid Borough (as the Caſe may be) are made competent by this Act to hear and determine the ſame; and if any ſuch Perſon or Perſons ſo ſummoned as aforeſaid ſhall refuſe or neglect, after having been tendered a reaſonable Sum for his, her, or their Coſts, Charges and Expences, to appear at the Time and Place for that Purpoſe appointed, without a reaſonable Excuſe for ſuch his, her, or their Refuſal or Neglect, to be approved by ſuch Juſtice or Juſtices of the Peace or Commiſſioners as aforeſaid, every ſuch Perſon or Perſons ſhall forfeit for ſuch Offence any Sum not exceeding Five Pounds.

LXXI. And

Diſtreſs not to be unlawful for Want of Form.

LXXI. And be it further enacted, That when any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Defect or Want of Form in the Summons or other Proceedings relating thereto, nor ſhall any Party or Parties be deemed a Treſpaſſer or Treſpaſſers *ab initio* on account of any Irregularity which ſhall afterwards be done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage in an Action on the Caſe; provided that no Plaintiff or Plaintiffs ſhall recover in any Action or Actions for ſuch Irregularity, unleſs Notice in Writing ſhall be given Ten Days before ſuch Action ſhall be commenced, of ſuch intended Action, ſigned by the Attorney for the Plaintiff, ſpecifying the Cauſe of ſuch Action; nor ſhall the Plaintiff recover in ſuch Action if ſufficient Tender of Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on Behalf of the Defendant or Defendants before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful to and for the Defendant or Defendants in any ſuch Action, by leave of the Court, after ſuch Action ſhall have been brought, at any Time before Iſſue joined, to pay into Court any Sum or Sums of Money as he, ſhe, or they ſhall think fit, whereupon ſuch Proceedings, Order, and Judgment ſhall be made and given in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Proceedings not to be quaſhed for Want of Form.

LXXII. And be it further enacted, That no Order, Verdict, Aſſeſſment, Judgment, or other Proceedings made touching or concerning any of the Matters aforeſaid, or touching or concerning the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for want of Form only, or be removed or removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; any Law or Statute to the contrary thereof in anywiſe notwithſtanding.

Limitation of Actions.

LXXIII. Provided always, and be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act by Order of the ſaid Commiſſioners, until Ten Days Notice ſhall be thereof given to the Clerk or Clerks to the ſaid Commiſſioners, or after ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months after the Fact committed; and every ſuch Action or Suit ſhall be laid or brought in the County or Place where the Matter ſhall ariſe, and not elſewhere; and the Defendant or Defendants in every Action or Suit ſhall or may, at his or their Election, plead ſpecially, or plead the General Iſſue, or give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to be ſo done, or if ſuch Action or Suit ſhall be brought before Ten Days Notice ſhall be thereof given, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or

Suit after the Defendant or Defendants ſhall have appeared, or if upon Demurrer, Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for the ſame, as any Defendant or Defendants hath or have in other Caſes at Law.

Coſts.

LXXIV. And be it further enacted, That if any Action or Actions ſhall be brought by the ſaid Commiſſioners againſt any Perſon or Perſons for any Thing relating to this Act, or the Powers herein contained, and a Verdict ſhall be had and given againſt the Perſon or Perſons againſt whom ſuch Action or Actions ſhall be brought, ſuch Perſon or Perſons ſhall pay Treble Coſts, and the Plaintiff or Plaintiffs in ſuch Action or Actions ſhall have ſuch Remedy and Remedies for recovering the ſame as any Plaintiff or Plaintiffs may have for his, her, or their Coſts, in any other Caſes by Law.

Saving Rights of Juſtices of the Peace for the County of Cheſter.

LXXV. And be it further enacted, That nothing in this Act contained ſhall extend to affect the Juriſdiction, Rights, or Privileges of the Juſtices of the Peace, acting in and for the ſaid County of *Cheſter*, or affect any Juriſdiction that ſuch Juſtices have and enjoy, or may have and enjoy within the ſaid Borough.

Public Act.

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

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