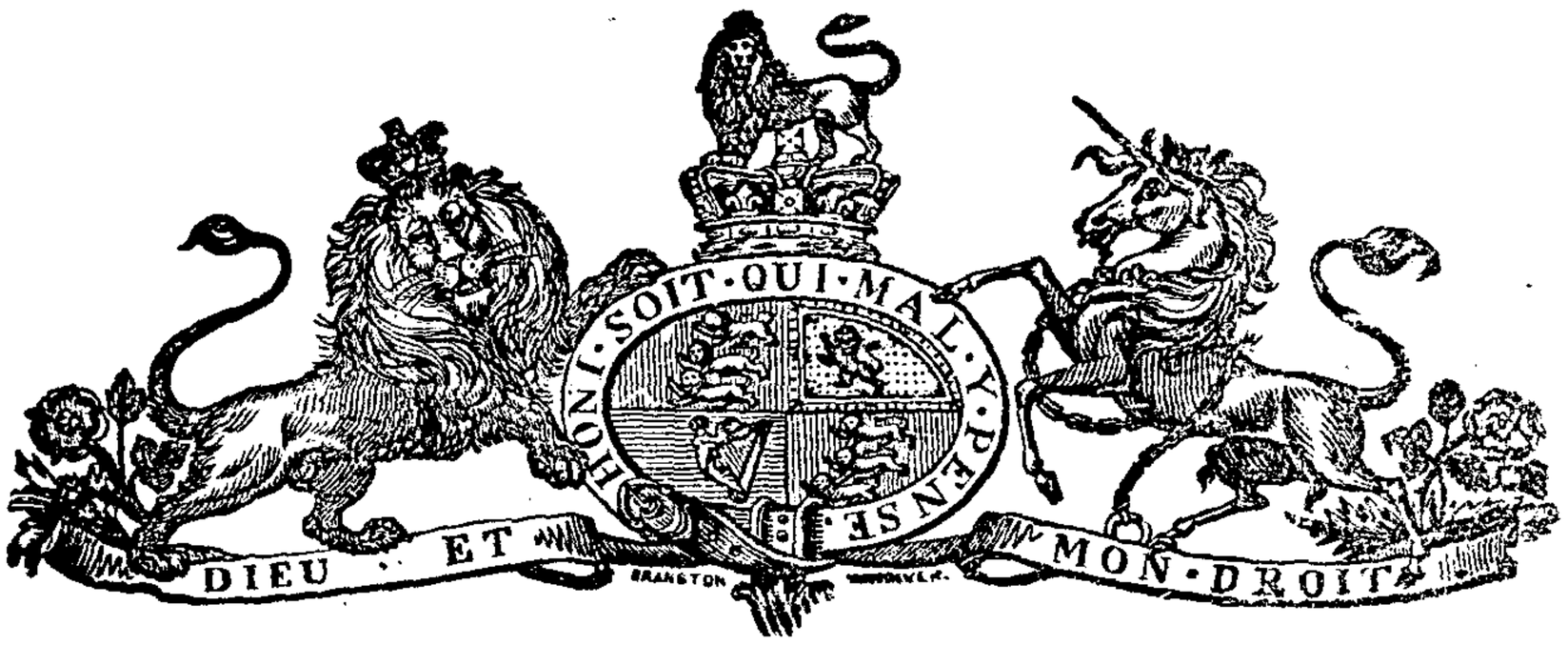


ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

***

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Commencement of Act.

I. That this Act shall commence and have Effect on and from the Twenty-ninth Day of *September* One thousand eight hundred and fifty-two, and on and from that Day the said first-recited Act shall be and the same is hereby repealed.

Short Title.

II. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Macclesfield* Improvement Act, 1852."

Interpretation of Terms.

III. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "*Macclesfield*" shall mean the Municipal Borough of *Macclesfield* as defined by the secondly-recited Act:

The Expression "the Corporation" shall mean the Mayor, Aldermen, and Burgesses of *Macclesfield*.

Limits of Act.

IV. That this Act shall be put in force for all the Purposes thereof in *Macclesfield*.

Act to be carried into execution by Corporation.

V. That this Act shall be carried into execution by the Corporation acting by the Council of the said Borough of *Macclesfield*, under the Acts for the Time being in force for the Regulation of Municipal Corporations in *England* and *Wales*.

Property of Commissioners under recited Act vested in Corporation.

VI. That all the Lands, Estates, Buildings, Hereditaments, Rates, Tolls, Duties, Rents, Monies, Choses in Action, Possibilities, Expectancies, Property, Tools, Utensils, Materials, Lamps, Lamp Posts, Lamp Irons, Pillars, Pilasters, Pipes, Plans, Maps, Deeds, Papers, Effects, Claims, and Demands whatsoever of or belonging to the Commissioners for executing the firstly-recited Act, by virtue of such Act, or any other Act or Acts, or by any other Means whatsoever, or in or to which, before the Commencement of this Act, they were seised, possessed, or in any way entitled, at Law or in Equity, or otherwise howsoever, shall be transferred to, vested in, belong to, and be recovered by the Corporation, as Part of their Corporate Estates, Property, and Effects, for such Estate and Interest as such Commissioners had in such Lands, Estates, Buildings, Hereditaments, Rates, Tolls, Duties, Rents, Monies, Choses in Action, Possibilities, Expectancies, Property, Tools, Utensils, Materials, Lamps, Lamp Posts, Lamp Irons, Pillars, Pilasters, Pipes, Plans, Maps, Deeds, Papers, Effects, Claims, and Demands, and shall, as near as Circumstances will permit, be held, enjoyed, used, and disposed of by the Corporation upon the same Trusts, and for the same Uses, Intents, and Purposes, as the same were or would be held by such Commissioners.

VII. That

Contracts, &c. under repealed Act to remain valid.

VII. That the Repeal of the firstly-recited Act, or such vesting the Corporation, shall not annul or in anywise prejudicially affect any Purchase, Sale, Conveyance, Grant, Lease, Mortgage, Bond, Contract, Covenant, Agreement, Security, Rate, Assessment, or other Act, Matter, or Thing whatsoever made, done, entered into, executed, or instituted under or by virtue or in pursuance of the repealed Act, or with reference to the Purposes of the same, but, notwithstanding this Act, or anything therein contained, all such Acts, Matters, and Things shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, for, against, and with reference to the Corporation, as if the same had been made, done, entered into, executed, or instituted by, to, or with reference to the Corporation, instead of the Commissioners for executing the repealed Act, and may be proceeded on and enforced in the same Manner, to all Intents and Purposes whatsoever, as if the Corporation instead of such Commissioners had been Party or privy thereto, and the Name of the Corporation, instead of such Commissioners, had been used or referred to therein or with reference thereto.

Corporation entitled to Credits and liable to Debts of Commissioners.

VIII. That all Persons who immediately before the Commencement of this Act owed any Money to the Commissioners for executing the repealed Act, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due or to accrue due for the same, to the Corporation; and such Money may be recovered by the said Corporation in the same Manner as Rates are by "The Public Health Act, 1848," incorporated with this Act, directed to be recovered; and all Debts and Monies which immediately before such Commencement were due, owing, or recoverable by or from such Commissioners, or for the Payment of which they respectively are or but for this Act would be liable, shall, according to the Provisions of this Act, be paid, with all Interest (if any) due or to accrue due thereon, by or be recoverable from the Corporation, and shall be paid and satisfied by the Corporation out of such Parts of the said transferred Property, Monies, and Estate of the Commissioners as would or ought to have been charged or chargeable in respect of the same, and shall, as near as Circumstances will permit, have the same Priority, and be paid and satisfied within the same Times, and be recovered from the Corporation, as the same might have been recovered from such Commissioners: Provided always, that if such Property, Monies, and Estate be insufficient for that Purpose, or if there be no such Property, Monies, or Estate, the Deficiency shall be charged upon and paid and satisfied by the Corporation out of the Borough Fund of the said Borough, and shall be levied as Part of the Borough Rate thereof, in such Parts and Places within the said Municipal Borough as would or ought to have been chargeable with such Deficiency in case the said first-recited Act had not been repealed, or this Act had not passed: Provided also, that if such Property, Monies, and Estate

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be more than sufficient for the Purpose aforesaid the Surplus shall be applied to the exclusive Use and Benefit of such Parts and Places, and as nearly as may be to the same Purposes, to which the same would or ought to have been applied in case the said first-recited Act had not been repealed or this Act had not passed.

Actions, &c. not to abate, and Penalties to be recoverable.

IX. That any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Commissioners for executing the repealed Act shall not abate or be discontinued or be prejudicially affected by this Act, but, on the contrary, the same shall continue and take effect both in favour of and against the Corporation, in like Manner in all respects as the same would if this Act had not passed have continued and taken effect in relation to such Commissioners; and all Offences committed against the Provisions of the repealed Act or any of them may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if this Act had not passed, the Corporation being in reference to such Matters in all respects substituted for such Commissioners.

Officers to continue until removed by Corporation.

X. That the Powers, Authorities, and Duties of every Officer and Servant appointed by virtue or acting under the Authority of the repealed Act shall cease and determine from such Time as shall be appointed by the Corporation.

Regulations of Commissioners to remain in force until altered by the Corporation.

XI. That all Regulations, Rules, Byelaws, and Orders made under the Authority and according to the Provisions of the repealed Act, and in force on the Commencement of this Act, shall continue in full Force until the same be repealed, altered, or varied under the Authority of this Act; and such Regulations, Rules, Byelaws, and Orders, and all Penalties and Forfeitures thereby respectively imposed, may and shall be enforced, recovered, and applied in the same Manner in all respects as the same respectively might be enforced, recovered, and applied in case the same had been made and imposed respectively under the Authority of this Act.

Officers to account.

XII. That all Officers and Persons who have or shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or Effects belonging to the Commissioners for executing the repealed Act, or to which those Commissioners are or but for this Act would be entitled, shall be liable to account for and to deliver up the same to the Corporation, or to such Persons as they appoint to receive the same, in like Manner, and subject to like Process, Pains, and Penalties for Refusal or Neglect, as if such Officers and Persons had been appointed by or become possessed of such Money, Books, Documents, Papers, Writings, or other Effects, for the Corporation.

XIII. That

Books to remain Evidence.

XIII. That all Books and other Documents by the repealed Act authorized or directed to be kept, and which would have been admissible in Evidence if this Act had not passed, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere, as fully and effectually as if this Act had not passed.

Corporation may sell Estates of Commissioners.

XIV. That the Corporation may from Time to Time make sale and absolutely dispose of and convey the Lands, Rents, Estates, Property, and Effects whatsoever of the Commissioners for executing the repealed Act which by this Act are respectively vested in the Corporation.

Incorporation of Lands Clauses Act.

XV. That "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act: Provided always, that nothing in this Act or in the said Lands Clauses Consolidation Act contained shall authorize the Corporation to purchase, take, or use any Lands (except the *Town Fields* or *Lammas Lands* hereinafter mentioned), unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

Certain Provisions of 11 & 12 Vict. c. 63. incorporated with this Act.

XVI. That "The Public Health Act, 1848," shall be incorporated with and form Part of this Act, except the Part of such Public Health Act which in the Copies thereof printed by the Printers to the Queen's most Excellent Majesty precedes the Section thereof therein numbered Two, directing the Places to which the Act may be applied; and except also

The several Sections thereof therein numbered respectively IV. to VII., both inclusive, appointing the General Board of Health:

The several Sections VIII. and IX. in regard to preliminary Inquiry:

The several Sections X. and XI. in regard to the Application of the Act:

The several Sections XII. to XXXIV., both inclusive, for the Constitution of Local Boards of Health:

So much of Sections XXXVII. and XL. as requires the Approval of the General Board of Health to the Appointment or Removal of the Officers in those Sections mentioned, and as provides that the Officer of Health shall perform such Duties as the General Board of Health shall direct:

The Section L., authorizing Churchwardens and Overseers in Parishes of less than Two thousand Inhabitants to provide Sewers, Wells, and Pumps:

The Words in Section LXXII., "unless upon Disapproval by the "said Local Board of Health of the Level or Width specified "in such Notice the General Board of Health shall otherwise "direct;" and the Words in the same Section, "or approved by "the said General Board:"

So much of Section LXXIV. as requires the Approval of the said General Board of Health to effecting the Objects by that Section authorized:

The Section CV., fixing Quota of Rates to be paid by Universities:

The Section CXX., providing an Appeal to the General Board of Health with regard to certain Expenses:

The Section CXXI., authorizing Superintending Inspectors to summon Witnesses, and to call for Plans, Rates, &c.:

The Section CXXXVIII., directing how the Local Board of Non-corporate Districts may sue and be sued:

The several Sections CXLI. and CXLII., with regard to Orders in Council:

The Section CLII., with regard to Amendment of Acts.

Duties of Officer of Health.

XVII. That the Officer of Health shall perform such Duties as the Corporation shall from Time to Time direct.

Limiting the Application of Sections 55. and 56. of Public Health Act.

XVIII. That the several Clauses of "The Public Health Act, 1848," numbered respectively in the Queen's Printers Copies thereof LV. and LVI., shall not extend to any Lands used as Arable, Meadow, or Pasture Ground only, or to Woodlands or Market Gardens, Garden Allotments or Nursery Grounds, or to any Buildings or Deposit on such Lands, or to any Roads or Footways intersecting the same respectively.

Corporation to be Local Board of Health.

XIX. That the Corporation shall by the Council of the Borough of *Macclesfield* be within and for *Macclesfield* the Local Board of Health under "The Public Health Act, 1848," and that as fully and effectually to all Intents and Purposes whatsoever as if the Parts incorporated with this Act of "The Public Health Act, 1848," had by a Provisional Order of the General Board been duly applied to *Macclesfield*, and all proper Proceedings preliminary and consequent thereon had been duly taken in accordance with that Act, and it had been duly enacted by an Act of Parliament passed after the making of such Provisional Order, and taking effect at the Time of the Commencement of this Act, that the whole of such Provisional Order should be confirmed and be absolute.

Council may appoint a Committee for executing Act.

XX. That the Council for the Borough of *Macclesfield* may appoint out of their own Body from Time to Time such and so many Committees, and consisting of such Number of Persons, as they shall think fit, for all or any of the Purposes of this Act which in the Discretion of such Council would be better regulated and managed by means of such Committees: Provided always, that the Acts of every such Committee shall, in case the Council shall so order, but not otherwise, be submitted to the Council for their Approval; but that no Expenditure or Payment, or Contract to expend or pay any Sum

Sum of Money, made by such Committee, shall be lawful or valid when such Sum shall exceed the Sum of One hundred Pounds, unless such Committee shall have been authorized by the Council to make such Expenditure, Payment, or Contract, or unless, if not so authorized, such Expenditure, Payment, or Contract shall after the same has been made be approved of by the Council.

Meetings and Quorum of Committee.

XXI. That every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment, but no Business shall be transacted at any Meeting of the Committee unless the Quorum of Members, if any fixed by the Council, and if no Quorum be fixed, Three Members be present; and at all Meetings of the Committee One of the Members present shall be chosen Chairman, and all Questions shall be determined by a Majority of the Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Casting Vote, in addition to his Vote as a Member of the Committee.

Certain Provisions of 10 & 11 Vict. c. 34. incorporated with this Act.

XXII. That the several Clauses of "The Towns Improvement Clauses Act, 1847," "with respect to naming the Streets and numbering the Houses;" "with respect to improving the Line of the Streets and removing Obstructions;" "with respect to ruinous or dangerous Buildings;" "with respect to Precautions during the Construction and Repair of the Sewers, Streets, and Houses;" "with respect to the Prevention of Smoke;" "with respect to the Construction of Houses for Prevention of Fire;" "with respect to lighting the Town or District;" and "with respect to Clocks;" and also the several Clauses of that Act therein numbered respectively III., XLIX., LVI., LXXXVIII., LXXXIX., XCIV., XCV., XCVI., XCVII., XCVIII., CXXIV., CLXXVI., CLXXVII., CCIX., and CCXIII., shall be incorporated with and form Part of this Act; and in construing the said incorporated Clauses the Word "Commissioners" shall mean the Corporation acting by the Council of the said Borough.

Trustees executing Provisions of 5 G. 4. c. 24., 7 G. 4. c. 20., and 1 W. 4. c. 15. not to collect Tolls in Macclesfield

XXIII. That it shall not be lawful for the Trustees for executing the several Acts following, that is to say, an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act for amending, repairing, and maintaining the Road from* Sandon *in the County of* Stafford *to* Bullock Smithy *in the County of* Chester, *and from* Hilderstone *to* Draycott in the Moors, *and from* Whitley Rocks *to* Tean, *in the County of* Stafford; an Act passed in the Seventh Year of the Reign of King *George* the Fourth, for amending the said last-mentioned Act, so far as relates to the *Macclesfield* District of Road, and for making a Diversion of Road in the said District; also an Act passed in the First Year of the Reign of King *William* the Fourth, intituled *An Act for repairing the Road from the*

the Broken Cross *in* Macclesfield *to* Nether Tabley *in the County of* Chester, or any or either of them, to collect any Toll on or in respect of any Road situate within the Borough of *Macclesfield*, or to lay out any Money thereon, anything in the said Acts or any of them to the contrary notwithstanding.

Regulations as to Funnels.

XXIV. That no Iron, Tin, Copper, or other Pipe or Funnel for conveying Smoke shall at any Time be fixed, nor shall any such Pipe or Funnel already fixed be suffered to remain, next or open into any Street or other public Place on the Front or Side of any House or Building whatsoever in *Macclesfield*, nor shall any such Pipe or Funnel be fixed, nor shall any such already fixed be suffered to remain, on the Inside of any such House or other Building nearer than Nine Inches to any Timber or other combustible Material whatsoever; and the Occupier of any House or other Building upon or against which any Pipe or Funnel shall be erected or continued contrary to the Provisions of this Act shall, within Fourteen Days after Service of Notice upon him so to do, remove such Pipe or Funnel, and in default thereof shall be liable to a Penalty not exceeding Forty Shillings; and the Corporation in such Case may remove such Pipe or Funnel, and the Expense of such Removal shall be paid by the Occupier so making Default, and shall be recoverable as Damages: Provided always, that, except in Cases where such Obstructions or Projections were made or put up by the Occupier, such Occupier shall be entitled to deduct the Expense of removing the same from the Rent payable by him to the Owner of such House or Building.

Providing Lamps, &c., for lighting Streets, &c.

XXV. That the Corporation from Time to Time may purchase Lands by Agreement, and erect and make thereon all necessary Works for lighting the Streets, Market Houses, and other public Buildings and Places in *Macclesfield* with Gas or other Light, and may break up the Soil and Pavement of the Streets in *Macclesfield*, and may open and break up any Sewers in or under such Streets, and may lay down in *Macclesfield* Pipes, Conduits, Service Pipes, and other Works and Conveniences for such lighting, and may repair, alter, and remove the same, and may for such Purposes remove and use all Materials in and under such Streets, and may in such Streets erect any Pillars, Lamp Posts, Lamps, and other Apparatus, and do all other Works which the Corporation think expedient for lighting such Streets, Market Houses, and public Buildings and Places in *Macclesfield*, doing as little Damage as may be, and making Compensation for any Damage done in executing such Works.

Private Lands not to be entered without Consent.

XXVI. That the Corporation shall not lay down or place any Pipe or other Apparatus for lighting into, through, or against any Premises not dedicated to public Use, without the Consent of the Owner

Owner and Occupier of such Premises, except that the Corporation may at any Time enter and lay or place any new Pipe or other Apparatus for lighting any of the Streets, Market Houses, Market Places, and public Buildings and Places in *Macclesfield*, instead of an existing Pipe or Apparatus, upon and into, through, or against any Premises into, through, or against which any such Pipe or Apparatus was theretofore by the said Commissioners lawfully laid down for such Purpose, and which the Corporation may have a Right to continue, and may from Time to Time repair, alter, and remove any such Pipe or Apparatus.

Service Pipes to be fully charged with Gas.

XXVII. That every Branch Pipe and every Service Pipe in *Macclesfield* used for such lighting shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede such Pipe being filled with Gas during the Time the same is or ought to be lighted.

Penalty for damaging Lamps, &c.

XXVIII. That if any Person wilfully or maliciously take away, destroy, or injure any or any Part of any Pillar, Lamp, Lamp Post, Lamp Pipe, or other Work or Apparatus for lighting, or any Fire Engine, Bucket, Pipe, or Fireplug belonging to or provided by the Corporation, every Person so offending shall be liable for every such Offence to a Penalty not exceeding Five Pounds, and shall also, on Demand, pay to the Corporation the Amount of the Damage occasioned by such Misfeasance, and such Amount shall be recoverable as Damages.

Accidental Damage to be made good.

XXIX. That if any Person carelessly, negligently, or accidentally take away, destroy, or injure any or any Part of any such Pillar, Lamp Post, Lamp Pipe, or other Work or Apparatus, Fire Engine, Bucket, Pipe, or Fireplug, every Person so acting shall, on Demand, pay to the Corporation the Amount of the Damage done thereby, such Amount not to exceed the Value of the Apparatus, Matter, or Thing taken away, destroyed, or injured, and the Expense of restoring the same; and such Amount shall be recoverable as Damages.

As to existing Agreements for Building.

XXX. That this Act or anything therein contained shall not avoid any Agreement in Writing already entered into for executing or altering any Building, but the same shall be performed, with such Alterations as may be necessary by this Act, and as if such Alterations had been stipulated for in such Agreement, and the Difference between the Cost of the Work according to the Agreement and the Cost of the Work as executed according to the Provisions of this Act shall be ascertained by the Parties to the respective Agreement, and paid for or deducted, as the Case may require; and if the Parties do not agree upon the Amount of such Difference, the same shall, on the Request of either Party, (Notice being given to the other,) be decided

by the Surveyor to the Corporation, and for his Trouble in making such Decision each of the Parties shall pay to him such Sum, not exceeding Twenty Shillings, and to be disposed of for such Purposes of this Act, as the Corporation direct.

As to existing Leases and Agreements for Leases.

XXXI. That this Act or anything therein contained shall not invalidate any Lease or Agreement for a Lease whereby any Person is bound to erect any Building upon any Building Ground in *Macclesfield*, but the Building mentioned in such Lease or Agreement shall be built according to the Provisions rendered necessary by this Act, in the same Manner as if this Act had commenced and been in operation at the Time of making such Lease or Agreement, and the same had been made subject thereto, and that without either Party being entitled to any Compensation.

Power to purchase Lands for Pleasure Grounds.

XXXII. That it shall be lawful for the Corporation, for the Purposes mentioned in the Section of "The Public Health Act, 1848," numbered LXXIV., to purchase, enter upon, take, and use a certain Field in *Macclesfield* known as the *Town Field* or *Lammas Land*, and upon the Completion of such Purchase all commonable and other Rights and Privileges in, upon, and over the same Field or Land shall cease.

Limit of Period for compulsory Purchase of Lands.

XXXIII. That the Powers of the Corporation for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Power to borrow Money on Mortgage.

XXXIV. That it shall be lawful for the Corporation, with the Consent of the Commissioners of Her Majesty's Treasury, to borrow on Mortgage or Bond, for the Purposes of this Act, any Sum not exceeding the Sum of Twenty thousand Pounds, in addition to the Monies raised by the said Commissioners by virtue of the said first-recited Act.

Former Mortgages to have Priority.

XXXV. That all Mortgages granted by the Corporation before the passing of this Act, or by the Commissioners acting in the Execution of the firstly-recited Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgage to be created by virtue of this Act.

Sinking Fund to be provided for Payment of Money borrowed.

XXXVI. That for the Purpose of providing a Fund for paying off the Principal Sum of Twenty thousand Pounds by this Act authorized to be borrowed, or such Part thereof as shall be borrowed and shall for the Time being remain due, and also such Principal Monies borrowed by the Commissioners under the repealed Act as shall for the Time being remain due and payable by the Corporation, the Corporation shall yearly and every Year, out of the Borough Fund

and

and other their Revenue and Income, or some Part thereof, set aside such Sum of Money as they shall think proper, such Sum not being less than Three and a Quarter Pounds *per Centum* on the Amount of such Principal Monies, and the Sum so from Time to Time to be set aside, and also all other Monies which shall be applied by the Corporation in augmentation of the said Fund, shall be applied in Payment, so far as the same will extend, of such Principal Monies; or the same may be invested in the Public Funds, or in Government or Real Securities, in the Name of the Corporation; and the Dividends and Interest of the Monies so invested, when and as the same shall become due, shall be received and invested in like Manner, in order that the Monies so set aside and invested may accumulate at Compound Interest, and when the accumulated Fund shall amount to a Sum which in the Opinion of the Corporation can be conveniently applied for that Purpose, the Stocks, Funds, or Securities whereon the same shall be invested shall be sold and converted into Money, and the Monies arising from any such Sale and Conversion shall be applied in Payment, so far as the same will extend, of the said Principal Monies, and so from Time to Time until the whole of the said Principal Monies shall have been discharged: Provided always, that the Corporation shall not reborrow any Sum which shall have been paid off by means of the Sinking Fund herein-before mentioned.

Nothing to affect Securities of Public Works Loan Commissioners.

XXXVII. Provided also, That nothing herein contained shall in anywise affect the Priorities, Powers, Rights, and Remedies of the Public Works Loan Commissioners, under or by virtue of any Securities made to them by the Commissioners for executing the repealed Act, in respect of any Monies now due or owing or to become due or owing, or prevent the said Public Works Loan Commissioners from requiring and enforcing the Payment thereof by the Corporation.

No future Application to be made to Parliament without Consent of a Meeting of Ratepayers.

XXXVIII. That no Application shall be made to Parliament by the Corporation for further Powers, or for Power to raise further Sums of Money for the Purposes of this Act, or for the Purposes of any further or other Act, until such Local Board shall by Notice (given for Two consecutive Weeks in a Newspaper published in *Macclesfield*, or if none, then in the Newspaper published nearest to *Macclesfield*,) have called a Public Meeting of the Ratepayers of the said Borough, at which Meeting the Corporation shall cause to be stated the Object of the intended Application to Parliament, nor unless at such Meeting the Corporation shall be authorized by a Majority of the Ratepayers present at such Meeting to make such Application: Provided always, that the Mayor of *Macclesfield* shall be the Chairman of such Meeting, and the voting at such Meeting shall be according to the Provisions in that respect prescribed by the Acts 58 *George* III. Chapter 69., and 59 *George* III. Chapter 85., for the Regulation of Vestries: Provided also, that if a Poll shall be demanded at the said

Meeting

Meeting in respect of any Question, it shall be open to all the Rate-payers within the Borough, during a Period of One Day next following the holding of such Meeting, to signify their Votes in Writing in respect of such Question, and the same shall be decided by the Majority of Votes so signified, and the voting shall be in accordance with the Provisions in that respect prescribed by the said last-mentioned Acts.

10 & 11 Vict. c. 89. incorporated with this Act.

XXXIX. That "The Town Police Clauses Act, 1847," shall be incorporated with and form Part of this Act, and shall extend and apply to all Constables of *Macclesfield*, although they may not have received their Appointments under the Authority of this Act.

Penalty for keeping Brothels, &c.

XL. That if any Person keeps or acts in the Management of any Brothel or other disorderly House, Room, or Place in *Macclesfield*, or appears, acts, or behaves as Master or Mistress, or as the Person having the Care, Government, or Management thereof, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, or, in the Discretion of the Justice before whom he is convicted, to Imprisonment, with or without Hard Labour, for a Period not exceeding One Month: Provided always, that any Conviction under this Provision shall not exempt any Owner, Occupier, Keeper, or Manager of such Brothel, House, Room, or Place, or any Person so appearing, acting, or behaving, or any Person resorting thereto, from any other penal Consequence to which he is liable with reference thereto.

Constables may apprehend without Warrant in certain Cases.

XLI. That it shall be lawful for any Constable to take into Custody, without a Warrant, all loose, idle, and disorderly Persons whom he shall find disturbing the public Peace, or whom he shall have good Cause to suspect of having committed or being about to commit any Felony, Misdemeanor, or Breach of the Peace, and every Person whom he shall find between Sunset and the Hour of Eight in the Morning lying or loitering in any Highway, Yard, or other Place, and not giving a satisfactory Account of himself.

Persons charged with aggravated Assaults in certain Cases may be apprehended without Warrant.

XLII. That it shall be lawful for any Constable to take into Custody, without Warrant, any Person who shall be charged by any other Person with committing any aggravated Assault, in every Case in which such Constable shall have good Reason to believe that such Assault has been committed, although not within View of such Constable, and that by reason of the recent Commission of the Offence a Warrant could not have been obtained for the Apprehension of the Offender.

Power to Constables to search

XLIII. That any Constable may stop, search, and detain any Vessel, Boat, Cart, Carriage, or Vehicle in or upon which there shall

shall be Reason to suspect that anything stolen or unlawfully obtained may be found, and also any Person who may be reasonably suspected of having or conveying in any Manner anything stolen or unlawfully obtained.

Boats, &c. for stolen Goods.

XLIV. That every Person who shall be brought before a Justice charged with having in his Possession or conveying in any Manner anything which may be reasonably suspected of being stolen or unlawfully obtained, and who shall not give an Account to the Satisfaction of such Justice how he came by the same, shall be deemed guilty of a Misdemeanor, and shall be liable to a Penalty not exceeding Five Pounds, or, in the Discretion of the Justice, may be imprisoned, with or without Hard Labour, for any Time not exceeding Two Months.

Persons suspected of having or conveying stolen Goods, &c.

XLV. That in case any Person shall lodge any Information before any Justice for any Offence alleged to have been committed by which such Person was not personally aggrieved, and shall afterwards directly or indirectly receive, without the Permission of a Justice, any Sum of Money or other Reward for compounding, delaying, or withdrawing the Information, such Informer shall be liable to a Penalty not exceeding Ten Pounds.

Penalty on common Informers for compounding Informations.

XLVI. That the Corporation shall from Time to Time make and levy a separate Rate to be called "The Lighting Rate," for the Purpose of defraying the Expenses incurred in or connected with the lighting of the Streets and other public Places in *Macclesfield*: Provided always, that the Lighting Rate shall not exceed One Shilling in the Pound in any One Year upon the full net annual Value of the Property assessed thereto, and shall not be assessed upon any Property except Houses and Buildings with their Appurtenances situate either wholly or in part within One hundred and fifty Yards of some public Light maintained by or at the Expense of the Corporation; and the Clauses of the Public Health Act, 1848, numbered respectively LXXXIX., and from XCV. to CIV. (including both the last-mentioned Numbers), and from CVI. to CXIV. (including both the last-mentioned Numbers), shall extend and apply to the Lighting Rate, and to any Mortgages which may be made thereof.

Lighting Rate.

XLVII. That, notwithstanding anything to the contrary in the Public Health Act, 1848, contained, no Person or Property shall be exempt from Assessment to any Rate to be made by virtue or under the Powers of this Act, or of any Act or Parts of Acts incorporated therewith, by reason only of such Person or Property having been before the passing of this Act exempted from any Rates or Assessments by the said repealed Act.

Former Exemptions from rating discontinued.

Rates may be made for less than a Year.

XLVIII. That any Rate made by the Corporation under the Authority and for any of the Purposes of this Act may be made in respect of a Period shorter than One Year.

As to Remedies for Recovery of Rates, &c.

XLIX. That the Powers and Provisions for the Recovery of Rates and other Monies in this Act contained shall be in addition to the Powers and Remedies whatsoever for the Recovery of Rates and other Monies which the Corporation may have independently of this Act.

Contracts between Landlords and Tenants, as to Taxes, &c. not to be affected.

L. That anything in this Act contained shall not alter or affect any Lease, Contract, or Agreement, either written or parole, betwcen Landlord and Tenant, relating to the Payment of any Taxes, Rates, Assessments, or Impositions.

Expenses of Act, &c.

LI. That all the Monies expended for and other the Costs, Charges, and Expenses of and incident to the soliciting, obtaining, and passing and to the executing and carrying into effect of this Act, by the Corporation, (except such Monies, Costs, Charges, and Expenses as are by this Act required to be, and can be otherwise paid or satisfied,) shall be charged upon and paid or satisfied out of the Borough Fund of *Macclesfield*, as if such Monies, Costs, Charges, and Expenses were an Expenditure necessarily incurred in carrying into execution, with reference to *Macclesfield*, the Provisions of the Act for the Regulation of Municipal Corporations in *England* and *Wales;* and all Monies borrowed or otherwise raised by the Corporation under the Authority of this Act, and all the Rates, Tolls, Charges, Damages, Penalties, and other Sums of Money whatsoever received by or for the Benefit of the Corporation, or otherwise under the Authority of this Act, or in carrying it into execution, shall, except as by this Act otherwise provided, be paid to the Credit of the Borough Fund.

Liability to Rates not to disqualify Justices.

LII. That any Justice shall not be disqualified for acting in the Execution of this Act by reason of his being liable to the Payment of any Rate under this Act.

Power for Sale of certain Lands purchased for a Burial Ground.

LIII. Whereas the Piece of Land purchased in or about the Year One thousand eight hundred and forty for a Burial Ground in *Back Wallgate*, and attached to the Parochial Chapel of *Macclesfield*, has been found ill adapted for its proposed Purposes, and is inconveniently situated in the Middle of the Town: Be it therefore enacted, That when and so soon as the Minister and Wardens for the Time being of the said Chapel shall have provided or contracted for other fit Land as a Burial Ground for the Purposes of the said Chapel, the said Minister and Wardens for the Time being, with the Consent of the Bishop of the Diocese, may close the present Burial Ground, and

remove

remove the Bodies deposited therein to some other similar consecrated Place of Interment within *Macclesfield*, and may sell, dispose of, and convey the said Piece of Land for the best Price that in their Judgment can be obtained for the same, to be applied for the Purposes of such new Burial Ground; and the Purchaser of the said Piece of Land, having paid his Purchase Money to the said Minister and Wardens for the Time being, and obtained their Receipt for the same, shall not be obliged to see to the Application thereof.

Recovery of Damages and Penalties.

LIV. That the Clauses of "The Railways Clauses Consolidation Act, 1845," with respect to the Recovery of Damages not specially provided for, and Penalties, and to the Determination of any other Matter referred to Justices, shall be incorporated in this Act for all or any of the Purposes thereof.

Costs of Proceedings may be included in the Warrant of Distress.

LV. That it shall be lawful for any Justice who shall issue any Warrant of Distress for the Recovery of any Sum of Money payable under this Act or any Act or Part of any Act incorporated therewith, to order that the Costs of the Proceedings for the Recovery of such Sum of Money shall be paid by the Person liable to pay such Sum of Money; and such Costs shall be ascertained by such Justice, and shall be included in the Warrant of Distress for the Recovery of such Sum of Money.

As to Works on Land of the London and North-western Railway.

LVI. That all Works to be executed by the Corporation under the Powers of this Act and of the Acts and Parts of Acts herewith incorporated, in, through, over, or under any Lands of or belonging to the *London and North-western* Railway Company, shall be constructed under the Superintendence and to the Satisfaction of the Engineer for the Time being of the *London and North-western* Railway Company, and so as to prevent any Injury or Inconvenience therefrom to the *London and North-western* Railway, or any Impediment to the Traffic upon or along the same, and that such Works shall be constructed and maintained at the Expense of the Corporation; and that, save for the Purpose of executing such Works in manner aforesaid, it shall not be lawful for the said Corporation to take or enter upon any of the Lands or Grounds now belonging to the said Company, or which they are authorized to purchase, or to alter, vary, use, or interfere with their Railway, or any of the Works thereof, without the Consent in Writing of the *London and North-western* Railway Company for that Purpose first had and obtained, under their Common Seal.

Saving the Rights of the Railway Company.

LVII. That nothing in this Act contained shall extend to prejudice, diminish, alter, vary, or take away any of the Rights, Privileges, Powers, or Authorities vested in the *London and North-western* Railway Company.

LVIII. And

Saving the Rights of the Crown.

LVIII. And whereas Her Majesty is seised in right of Her Crown of the Hundred, Manor, Borough, and Forest of *Macclesfield*, and claims to be entitled to Royalties, Customs, Rights, Jurisdictions, Advantages, Emoluments, Hereditaments, and Appurtenances belonging to or within the said Hundred, Manor, Borough, and Forest: Provided therefore, and be it expressly declared and enacted, That nothing contained in this Act shall be held, deemed, or construed to convey, abrogate, lessen, defeat, limit, or in manner prejudice the Estates, Franchises, Royalties, Customs, Rights, Jurisdictions, Advantages, and Emoluments, Hereditaments, and Appurtenances whatsoever, vested in or belonging to Her Majesty, Her Heirs and Successors, and especially that nothing contained in the Sections VI., VII., VIII., and XIV. of this Act, or any of them, shall have the Effect of transferring to or vesting in the said Corporation any Lands, Estates, Buildings, Hereditaments, Rates, Tolls, Duties, Rents, Monies, and Things, Property, Effects, Claims, or Demands, belonging to Her Majesty, Her Heirs or Successors, or which but for the passing of this Act would have belonged to or have been vested in Her Majesty, or to empower or authorize the said Corporation to make sale, dispose of, or convey any such Lands, Estates, Property, or Effects, and that nothing contained in this Act shall extend to authorize the said Corporation to purchase, take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had obtained for that Purpose, and which they and he are and is hereby authorized and empowered to give.

Saving Rights of Corporation.

LIX. That this Act, or anything therein contained, shall not take away, lessen, alter, or prejudice any of the Rights, Privileges, or Authorities of the Corporation, but all such Rights, Privileges, and Authorities respectively may be had, exercised, and enjoyed as if this Act had not passed.

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