



**CHAPTER xxxix.**

An Act for improving certain Waste Lands called Flookersbrook, in the Townships of Newton and Hoole and County of Chester; and for other purposes. [1st June 1876.] A.D. 1876.

**W**HEREAS it is expedient that provision should be made for cleansing, covering over, inclosing and fencing, planting, and otherwise improving and re-arranging certain waste or uninclosed lands called or known as Flookersbrook, in the townships of Newton and Hoole and county of Chester, in the neighbourhood of the city of Chester, and for maintaining certain parts thereof as ornamental ground for the use and enjoyment of the inhabitants of those townships and of the said city :

And whereas it is expedient that certain portions of the said lands should be allotted to certain owners of the properties abutting on or adjoining thereto, in lieu of their rights and interests therein, as herein-after provided :

And whereas the Right Honourable Francis Jack Earl of Kilmorey is or claims to be the lord of the manor of Newton, in which part of the said lands in the said township of Newton are situate, and Charles Brown is or claims to be the owner of the manorial rights of and in certain portions of the said lands in the said township of Hoole :

And whereas the said Earl of Kilmorey and Charles Brown, the Hoole Local Board, the ratepayers of the township of Newton, and the Trustees of the Chester and Tarvin, Chester and Frodsham, and Frodsham and Ashton United Turnpike Trust have or claim to have certain rights and interests in the lands to be improved, re-arranged, and inclosed, and it is expedient that they respectively should be authorised to nominate and appoint Trustees for carrying this Act into execution as herein-after provided :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

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- A.D. 1876. — May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)
- Short title. 1. This Act may be cited for all purposes as "The Flookersbrook Improvement Act, 1876."
- Interpretation of terms. 2. In construing this Act the following words and expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)
- The expression "the Trustees" shall mean the Trustees to be appointed under and for the purposes of this Act:
- The words "rateable property" shall mean the property herein-after defined under that designation, the owners whereof are liable to be assessed to the rates by this Act authorised:
- The word "owner" shall mean the person for the time being entitled to the possession or to the receipt of the rents of any such rateable property:
- The word "justice" shall mean a justice of the peace acting for the borough, county, or division of a county where the matter requiring the cognisance of any such justice shall arise and who shall not be interested in the matter; and where any matter shall be authorised or required to be done by two justices, the expression "two justices" shall be understood to mean two justices assembled and acting together in petty sessions.
- Limits of Act. 3. The limits of this Act shall be the lands (herein-after called "the lands within the limits") described in the schedule to this Act annexed, containing by estimation two acres two roods and three perches, and situate in the townships of Newton and Hoole in the county of Chester, and shown upon the plan to be deposited as herein-after provided, upon which plan the said lands are encircled by a yellow line; and the lands within the limits shall vest in the Trustees for the time being under this Act, for the purposes and subject to the provisions of this Act, freed and discharged from all rights and interests whatsoever therein heretofore vested in or claimed by the public, or any person or persons or corporation whatsoever, other than and except rights and interests under or expressly saved by this Act.
- Definition of the rateable property under this Act. 4. The rateable property shall be so much of the land upon the north-west side of and adjoining the lands within the limits from the railway bridge to the entrance of the field called or known as the

“Folly Field” as lies within a depth of one hundred feet from the north-western boundary of the said limits, together with the buildings for the time being thereon, and every rate made or levied under this Act shall be assessed and made on the owners of the rateable property, rateably in the proportion which the number of lineal yards of each owner’s frontage bears to the whole length of frontage of the rateable property.

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5. Seven Trustees shall be appointed for the purposes of this Act, who shall be nominated as follows ; (that is to say,) Appointment of Trustees.

One by the Hoole Local Board ; and if that Local Board shall cease to exist, then by the ratepayers of the township of Hoole ;

One by the ratepayers of the township of Newton ;

One by the owners of so much of the rateable property delineated on the plan herein-after referred to as the deposited plan, and thereon included within lines coloured green and brown respectively ;

One by the owners of all the rateable property ;

One by Charles Brown or the owner for the time being of his residence called “The Folly,” which abuts on part of the lands within the limits ;

One by the Earl of Kilmorey or other the lord of the manor of Newton for the time being ; and

One by the Trustees of the Chester and Tarvin, Chester and Frodsham, and Frodsham and Ashton United Turnpike Trust ; or if that Trust shall come to an end, then the waywarden for the time being for the township of Hoole shall, by virtue of his office, be a Trustee under this Act, and if there be two or more waywardens appointed for the said township, then such one of the waywardens as shall be nominated by the Highway Board for that purpose shall be such Trustee.

And the said Trustees shall and they are hereby authorised to carry into effect the objects and purposes of this Act: Provided, that nothing herein contained shall be construed to prevent any owner, including the said Charles Brown or other the owner for the time being of “The Folly,” from nominating himself, or being nominated by the owners, to the said office of Trustee under the power of appointment herein-before contained.

6. The Trustee to be nominated by the Hoole Local Board shall be appointed in writing under the common seal of the Board.

Trustee to be appointed by Hoole Local Board.

7. The Trustees to be nominated by the ratepayers of the townships of Newton and Hoole respectively shall be elected at a meeting of the ratepayers called for that purpose, and the appointment of the Trustees shall be in writing under the hand of the chairman of such meeting.

Trustees to be appointed by ratepayers of the townships of Newton and Hoole.

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Trustee to be appointed by Earl of Kilmorey.

8. The Trustee to be nominated by the said Earl of Kilmorey, or other the lord of the manor of Newton for the time being, shall be from time to time appointed by writing under his hand.

Trustee to be appointed by Charles Brown, Esquire.

9. The Trustee to be nominated by the said Charles Brown, or the owner for the time being of "The Folly," shall be from time to time appointed by writing under his hand.

Trustee to be appointed by owners of certain parts of the rateable property.

10. The Trustee to be nominated by the owners of so much of the rateable property as is included within the lines coloured green and brown respectively on the said deposited plan shall be elected at a meeting of such owners, called for that purpose by the clerk to the Trustees by a circular addressed to each such owner at his last known or usual address, and sent by post or delivered at such address not less than seven days before the holding of such meeting, at which meeting every owner shall have one vote, and in case of an equality of votes the chairman of the meeting shall have a casting vote, and the appointment of such Trustee shall be in writing under the hand of the chairman of such meeting.

Trustee to be appointed by the owners of the rateable property.

11. The Trustee to be nominated by the owners of all the rateable property shall be elected at a meeting of such owners called for that purpose by the clerk to the Trustees, by a circular addressed to each such owner at his last known or usual address, and sent by post or delivered at such address not less than seven days before the holding of such meeting, at which meeting every owner shall have one vote, and in case of an equality of votes the chairman of the meeting shall have a casting vote, and the appointment of such Trustee shall be in writing under the hand of the chairman of such meeting.

Trustee to be appointed by Road Trustees.

12. The Trustee to be nominated by the Trustees of the said Turnpike Trust or Highway Board shall be elected at a meeting of the Trustees or Highway Board called for that purpose, and the appointment shall be made by writing under the hand of the chairman of such meeting.

Appointment of Trustees may be revoked.

13. Notice in writing of every appointment of a Trustee, authenticated in the same manner as is herein-before prescribed in the case of his appointment, shall be forthwith given to the Trustees for the time being, or their clerk; and the appointment of any Trustee may be at any time revoked, and a new Trustee appointed in his stead; but when he has been appointed by a meeting, such revocation and new appointment shall be made and authenticated at a meeting called for that purpose, in like manner as is herein-before provided for the appointment of a Trustee; and notice in writing of every such revocation and new appointment, authenticated as afore-said, shall be forthwith given to the Trustees for the time being, or their clerk.

**14.** The Trustees respectively shall continue in office until they die, or resign, or become disqualified to act, or until others are respectively appointed in their stead, or until their appointment shall be revoked: Provided always, that the Trustee appointed by the said Hoole Local Board and the Trustee appointed by the said Turnpike Trust or Highway Board, as the case may be, shall be qualified to act so long only as they respectively remain members of such boards or trusts respectively: Provided also, that the Trustees to be nominated by the ratepayers of the townships of Newton and Hoole respectively shall not retain office without re-election for a longer period than three years, and any such Trustee shall become disqualified to act on ceasing to reside within the township by the ratepayers of which he was nominated.

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Duration of office of Trustees.

**15.** The first Trustees shall be appointed within two months after the passing of this Act, and the first meeting of the Trustees shall be held on the first Wednesday of July one thousand eight hundred and seventy-six, at the Ermine Inn in the said township of Newton, at twelve o'clock at noon, and the Trustees shall then proceed to appoint a clerk, and to put this Act into execution.

First meeting of Trustees.

**16.** Subsequent meetings of the Trustees shall be called when necessary by their clerk, by circular sent by post at least seven days prior to the meeting, and shall be held at the times and places specified in such circular; and at any meeting to be so called (not being a special meeting called as next herein-after mentioned) any business whatever relating to the execution of this Act may be transacted, and such meeting may be adjourned from time to time, and the Trustees shall at each meeting elect a chairman for that meeting.

Subsequent meetings of Trustees.

**17.** No act, proceeding, or resolution of the Trustees shall be invalidated by reason of the failure duly to appoint any Trustee under the provisions of this Act, or by reason of any vacancy in their number for the time being.

Acts of Trustees not to be invalidated by vacancies, &c.

**18.** The clerk shall be bound to convene a special meeting of the Trustees on a written request of any three or more of them stating the object of the meeting so desired, and such meeting may be adjourned from time to time.

Special meetings of Trustees.

**19.** The quorum of a meeting of the Trustees shall be three, of whom two shall be Trustees appointed either by owners of rateable property or by the said Charles Brown or other the owner for the time being of "The Folly," or by the said Earl of Kilmorey or other the lord of the manor of Newton for the time being, and any meeting at which such quorum shall be present may execute the duties of the Trustees as effectually as if all of them were

Quorum of Trustees.

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Allotment  
of lands for  
ornamental  
ground.

20. The portion of the lands within the limits delineated on a plan signed by the Right Honourable the Lord Redesdale, the Chairman of the Committee to whom the Bill for this Act was referred, and thereon coloured green and yellow, and described as "ornamental ground," shall be held by the Trustees for the time being under this Act upon trust for the use and enjoyment of the inhabitants of the said townships of Newton and Hoole and of the city of Chester, subject to the provisions of this Act, and such lands are in this Act referred to as the "ornamental ground," and a copy of the deposited plan shall, within one month after the passing of this Act, be deposited and thereafter kept for public inspection in the office of the clerk of the peace for the county of Chester, and another copy of the plan shall, within one month after the passing of this Act, or after his appointment, be deposited and thereafter kept for public inspection in the office of the clerk to the Trustees.

Allotment  
of land to  
Earl of  
Kilmorey.

21. The Trustees shall and they are hereby authorised and required to set out and allot unto and for the said Earl of Kilmorey, or such lord of the manor of Newton as aforesaid, in lieu of all right and interest in the lands within the limits, certain plots or portions of such lands, containing in the whole four perches and twenty-two yards, and delineated on the deposited plan, and thereon coloured blue, and described as "allotments to the Earl of Kilmorey."

Allotment  
of land to  
Charles  
Brown,  
Esquire.

22. And whereas the said Charles Brown has agreed to pay all the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto; and he has also agreed to pay the whole expenses of fencing, inclosing, and planting with ornamental shrubs, in such manner and at such time as the Trustees may determine, the portion of the ornamental ground coloured green on the deposited plan, and of putting in order the portion of the ornamental ground coloured yellow on the said plan; and he has also agreed to give up to and vest in the Trustees a portion of land now belonging to him, and delineated on the deposited plan, and thereon coloured brown, and described as "lands belonging to Charles Brown, Esquire, " to be vested in the Trustees," and containing in the whole two perches and six yards or thereabouts: Therefore, in consideration of the above arrangements, and also in lieu of all the said Charles Brown's manorial right and interest in the lands within the limits,

the Trustees shall and they are hereby authorised and required to set out and allot unto and for the said Charles Brown a plot or portion of the lands within the limits, containing in the whole twenty-seven perches and fifteen yards or thereabouts, and delineated on the deposited plan, and thereon coloured red, and described as "allotment to Charles Brown, Esquire."

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**23.** The Trustees shall and they are hereby authorised and required to set out and allot unto and for the respective owners of the lands abutting thereon the plots or portions of the lands within the limits, containing in the whole eighteen perches and twenty-four yards or thereabouts, delineated on the deposited plan, and thereon coloured pink, and described as "allotments to owners of adjoining lands;" but the lands so to be allotted shall be subject in perpetuity to the provisions following; (that is to say,) the same shall not be built upon, but shall be used only for widening the roadway as herein-after provided, or for gardens or ornamental pleasure-grounds, and each such allotment shall be fenced and kept fenced within such time and in such manner as the Trustees shall direct, at the expense of the owner or owners for the time being of the lands in respect of which such allotment shall be made, and no wall shall be erected by way of fence upon the lands so to be allotted of a height exceeding three feet: Provided always, that nothing herein contained shall extend or be deemed or construed to extend to prevent the owner of any such allotment for the time being from making such bay or bow windows, porticoes, porches, or other like projections, not projecting more than four feet on, to, or over such allotment, which such owner shall at any time or from time to time deem necessary; or from making on or over any such allotment a covered road or approach to his house of any ornamental character, according to a plan submitted to and approved by the Trustees.

Allotments to owners of adjoining property.

**24.** The Trustees shall and they are hereby authorised and required to set out and appropriate for the use of the Trustees of the said Turnpike Trust or the Highway Board, so long as the said Trustees or Highway Board shall require the same, a suitable and convenient plot or portion of the lands within the limits for the storing of materials and other things required for the repairing of the turnpike road from Frodsham to Chester.

Provision to be made for storing materials for repairing turnpike road from Frodsham to Chester.

**25.** The several allotments herein-before authorised and required to be made by the Trustees shall be made by deed under the hands and seals of the Trustees for the time being, or any three of them, on the request and at the expenses of the person or persons entitled to such allotments respectively.

Allotments to be made by deed.

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Allotments to be subject to same uses as lands in respect of which allotments are made.

**26.** Every such allotment shall immediately upon the execution of such deed vest in the person or persons to whom the same is made, to the same uses, upon the same trusts, and in the same manner as the lands belonging to such person or persons immediately adjoining such allotment are respectively held.

Provision for cost of laying out, fencing, and planting ornamental ground.

**27.** Such parts of the ornamental ground as are on the deposited plan coloured green shall in the first instance be laid out, fenced, covered over, drained, and planted, and such parts thereof as are coloured yellow shall be put in order by the Trustees, and the whole expenses thereby incurred shall be paid by the said Charles Brown.

Management and maintenance of ornamental ground vested in the Trustees.

**28.** Subject to the provisions of this Act, the management and maintenance of the ornamental ground shall be vested in the Trustees, and they shall have full power to ornament, plant, and otherwise deal with the same from time to time as they may deem proper, and also to regulate and control the supply of water to the pits comprised within the limits (except the pit included in the allotment to the said Charles Brown), and the use and management of the water contained therein or supplied thereto, and for that purpose to cover over and fill up the said pits or any of them, or any part thereof, and to divert or otherwise deal with the streams and waters running into and supplying the same, and any land recovered by the covering over or filling up of the said pits or any of them, or any part thereof (except the pit included in the allotment to the said Charles Brown), and any land within the limits now or hereafter becoming unnecessary for any of the other purposes of this Act, shall be added to and form part of the ornamental ground, and be dealt with accordingly: Provided always, that the power hereby granted shall not be exercised so as to subject any owner of rateable property to any further or other deprivation of rights of frontage or road than the alteration of road shown on the deposited plan necessarily involves, and such power shall be exercised subject to the condition that ample provision shall always be provided and maintained by the Trustees for watering horses and cattle at the large pit next the Ermine Inn by means of the streams and waters running into and supplying the said pit.

Provision for expense of laying out roads, &c.

**29.** The Trustees shall have power to lay out and construct the new roads and to make the alterations in the existing roads within the limits of this Act shown on the deposited plan, and to fence and inclose the same in such manner as they think necessary, and also to inclose the pits comprised within the said limits, so far as the same are covered with water, with such retaining or boundary walls as they may think fit, and to repair and extend any existing retaining



or boundary walls, and the costs thereby incurred shall be defrayed by a rate or assessment to be levied rateably upon the owners of rateable property.

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**30.** The Trustees may cause an estimate to be made of the probable cost of carrying out the works by this Act authorised to be executed by them, and they may make an interim assessment upon the persons liable to pay for the same, and collect such interim assessment in advance, in like manner as is herein-after provided with reference to the assessment to be made after the completion of the said works, and the sums received by the Trustees in respect of such interim assessment shall be carried to the credit of the persons by whom the same shall have been paid: Provided always, that the moneys, if any, received in respect of such interim assessment which may remain in the hands of the Trustees unexpended after the completion of the said works shall be repaid to the several persons from whom they were originally received in proportion to their respective interests therein.

Power to Trustees to levy interim assessment.

**31.** The Trustees shall have power from time to time to alter, widen, and divert the existing or any intended or future roads, footpaths, and ways within the limits, and for that purpose to make arrangements with the owners of property adjoining or abutting upon such roads, footpaths, and ways for the purchase, sale, or exchange of any land which may be necessary or desirable for effecting any such alteration or diversion, and for that purpose to expend any money coming into their hands under the provisions of this Act in payment of such purchase money, or of any money required to be paid for equality of exchange; and all moneys which may be received by them on such sale, or for equality of exchange, shall be expended by them in carrying out the purposes of this Act.

Provisions in respect to existing and new roads.

**32.** Upon the request in writing of the owners of the rateable property, or any of them, the Trustees shall be bound, but always at the expense of the owners or owner making such request, to widen, or, subject to the supervision and control of the Trustees, to permit such owners or owner to widen, the road in front of the allotments or allotment of the owners or owner making such request, to any width not exceeding twenty-two feet; and if such owners or owner shall desire to apply their or his allotments or allotment, or any part thereof, in further widening the said road, or in making approaches therefrom across the said allotments or allotment to the lands of such owners or owner, they shall be at liberty to do so, but always at their own expense and to the satisfaction of the Trustees, and in such manner as shall have been previously approved of by the Trustees.

Road in front of allotments may be widened on request and at expense of owners.

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Provision  
for payment  
of future  
expenses.

**33.** The Trustees shall maintain, repair, cleanse, sewer, and pave the existing or intended or future roads, footpaths, and ways within the limits, and shall have power to light or contract with any person, company, or corporation for the lighting of the same, or any of them, and all expenses to be incurred by the Trustees from time to time in so doing, and also in planting, maintaining, and improving the ornamental ground and the fences thereof, and in cleaning out from time to time the pit or pits thereon which shall be covered with water, and the streams and culverts connected therewith, and in maintaining and keeping in repair the retaining or boundary walls of the said pits, and in otherwise carrying out the provisions of this Act, shall be paid out of rates or assessments to be levied from time to time upon the owners of the rateable property.

Trustees to  
ascertain  
expenses of  
permanent  
works, &c.

**34.** Subject to the provisions herein-before contained for enabling the Trustees to raise funds to carry into execution the powers of this Act, and as soon as convenient after the Trustees shall have completed the formation of the roads and of the other works by this Act authorised, and of such works incidental thereto as they may deem necessary, other than the works which under the provisions of this Act are to be paid for separately by the said Charles Brown or by other owners of land in consideration of the allotments hereby authorised to be made to them, they shall ascertain the costs, charges, and expenses thereof, and also the expense of the rate or assessment next herein-after directed to be made, and also the salaries of officers, and all other costs, charges, and expenses incurred by them in the execution of this Act up to the date of making the said rate or assessment.

Trustees to  
make a  
rate or  
assessment.

**35.** When and so soon as the Trustees shall have ascertained the amount of such costs and expenses as aforesaid, they shall make a rate or assessment in writing, containing the names of the owners of the rateable property, and the said rate or assessment shall also direct payment of the sums thereby assessed to the clerk to the Trustees on or before a certain day to be therein named; and all moneys arising by such rate or assessment, when finally settled, shall be applied by the Trustees in payment of such costs and expenses respectively.

Trustees to  
make other  
assessments  
when neces-  
sary.

**36.** For the purpose of carrying this Act into execution the Trustees may, and they are hereby further authorised and empowered, in the month of July in any year subsequent to such last-mentioned assessment, to assess, tax, and charge upon the owners of the rateable property such sums of money as they shall find to be necessary, and they shall appoint and fix the time and place at which such

rates or assessments so from time to time to be made shall be paid to their clerk as aforesaid: Provided always, that no such rate or assessment shall exceed the sum of one shilling and sixpence for every lineal yard of frontage. A.D. 1876.

**37.** A copy of the draft of every rate or assessment as aforesaid when so made shall be deposited at the office of the clerk to the Trustees, and notice thereof shall be given to the Trustees by letter addressed to each of them at his last known or usual address, and sent by post or delivered at such address, and by advertisement inserted once in each of two consecutive weeks in some newspaper published in the city of Chester, that the said draft has been so deposited for the inspection of the owners, and calling upon all persons affected thereby to state their objections thereto, if any, within a time to be named in such notice, not exceeding one calendar month from the first publication of such notice. Notice of assessment.

**38.** If any person think himself aggrieved by any rate or assessment, he may at any time within one calendar month after the first publication of the notice of the deposit of the draft assessment give notice in writing to the clerk to the Trustees of his intention to appeal to the Trustees; but no such appeal shall be entertained unless within the time aforesaid notice in writing of such appeal, stating the nature and ground thereof, be given to the Trustees by delivering the same at the office of the clerk to the Trustees; and the Trustees, at their next meeting after the expiration of the said calendar month, or at some adjournment of such meeting, shall hear and determine the appeal; and the decision of the Trustees shall be final, unless the same shall be appealed against in manner herein-after provided. Parties may appeal to Trustees.

**39.** If any person think himself aggrieved by any decision of the Trustees made upon any appeal against any rate or assessment, he may, at any time within one month after such decision is made, give notice of his intention to appeal at the next quarter sessions for the county of Chester, holden not less than fourteen days after such notice; but no such appeal shall be entertained at such quarter sessions unless fourteen days notice in writing of such appeal, stating the nature and grounds thereof, be given by the aggrieved party to the Trustees, by delivering the same at the office of the clerk to the Trustees. Parties may appeal to the quarter sessions against decision of the Trustees.

**40.** The court of quarter sessions shall hear and determine the appeal in a summary way at the quarter sessions for which any such notice of appeal is given, or at any following sessions in case the court should think fit to adjourn the appeal, and the decision of the court shall be final and conclusive on all parties, and the Quarter sessions to hear appeal whose decision shall be final.

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Assessment to be filed when settled. **41.** Every such rate or assessment, when so finally settled after such appeal as aforesaid, or, if there shall be no appeal within the time prescribed by such notice as aforesaid, every such rate or assessment made and published by the Trustees, in manner hereby directed, shall be fairly written or engrossed on parchment, and shall be signed by the Trustees, or any three of them ; and the same shall be deposited with and kept by the clerk to the Trustees, for the inspection of all persons interested therein, and shall be admissible in evidence in all courts, and by all judges, justices, and others.

Application of rates. **42.** All sums of money to be from time to time assessed, taxed, raised, and charged, in the manner lastly before prescribed, or which may come to the hands of the Trustees under the powers of this Act (not including the rate or assessment firstly herein-before authorised for paying the expenses of carrying out the works hereby authorised, the application of which is before expressly provided for), shall be from time to time applied in payment of the salaries of officers, and other expenses attending the execution of this Act, and in maintaining the works hereby authorised, and in doing from time to time whatever the Trustees may think necessary for carrying into effect the purposes of this Act.

Certain lands not to be rated. **43.** The London and North-western and the Great Western Railway Companies shall not, nor shall either of them, or any land, ground, or property belonging to them jointly or either of them solely, be included in or be subject to any rate or assessment to be made under the powers or for the purposes of this Act.

Tenants to pay rates and deduct same from their rents. **44.** Subject always and without prejudice to any existing or future agreement to the contrary between landlord and tenant, the tenant or occupier of any of the rateable property is hereby authorised and required, to the extent of the rent due or accruing due by him, to pay every sum of money which shall at any time be assessed, taxed, or charged upon the owner of any such rateable property in his occupation, and to deduct the same out of his rent then due or accruing due, and every tenant or occupier who shall make such payment shall be acquitted and discharged for so much money as he shall so pay, as if the same had been actually paid unto the person to whom his rent was due and payable.

Persons refusing to pay rates. **45.** In case any tenant or occupier shall refuse or neglect to pay any rate or assessment assessed, taxed, or charged upon such owner, within thirty days next after the day fixed for payment shall have passed, it shall be lawful for the clerk to the Trustees, or any other person or persons, by virtue of any warrant or precept under the

hands of the Trustees, or any three of them (which warrant or precept the Trustees are hereby empowered and required to grant and issue as occasion shall from time to time require), to levy by distress or distresses, and sale of the goods and chattels of the said tenant or occupier making default as aforesaid, the sum or sums so assessed, taxed, or charged, together with the costs of such distresses and sales.

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Money may be levied by distress.

**46.** Before any person, whether treasurer, clerk, collector, or other officer entrusted by the Trustees with the custody or control of moneys by virtue of his office shall enter upon such office, the Trustees shall take sufficient security from him for the faithful execution thereof.

Security to be taken from all officers entrusted with money.

**47.** The Trustees may from time to time appoint and remove such officers, servants, and workmen as they think proper, and may fix the salaries and wages of the persons so employed.

Appointment of officers.

**48.** The Trustees may from time to time make byelaws for the regulation of their officers, servants, and workmen employed in and about the ornamental ground, and for the management and regulation of the various parts of such grounds, and the buildings and conveniences therein, and for the protection and preservation of the same and the property therein respectively, and for the maintenance of order and prohibition or suppression of acts or practices causing nuisance or annoyance to persons residing in the neighbourhood of or frequenting or using the ornamental ground or the water therein, and the Trustees may from time to time alter or repeal any such byelaws and make others.

Powers to make byelaws.

**49.** It shall be lawful for the Trustees under the powers of this Act to impose such reasonable fines or penalties upon all persons offending against such byelaws as they think fit, not exceeding five pounds for any one offence.

Fines for breach of byelaws.

**50.** All byelaws made under the provisions of this Act shall be so framed as to allow the justice before whom any fine or penalty imposed thereby may be sought to be recovered to order a part only of such fine or penalty to be paid, if such justice shall think fit.

Fines or penalties may be mitigated.

**51.** No byelaw made under the provisions of this Act shall be of any authority until it has been approved of by the justices for the county of Chester in quarter sessions assembled; and a copy of such byelaws, signed as approved by the chairman or deputy chairman of the said quarter sessions, shall be conclusive evidence of such approval in all courts of law and elsewhere.

Byelaws to be approved of at quarter sessions before being enforced.

**52.** No byelaw made under the provisions of this Act shall be of any force if it be repugnant to the laws of the kingdom or to the

Byelaws not to be contrary to law,

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A.D. 1876. provisions of this Act, and all byelaws made under the provisions of this Act shall be reduced to writing, and shall be signed by the Trustees, or any three of them.

and to be in writing, and signed by Trustees.

Byelaws relating to ornamental ground to be exhibited, and no fine or penalty to be recoverable for breach of byelaw not exhibited.

**53.** Copies of all byelaws made by the Trustees and in force for the time being, with the amount of the fine or penalty to be incurred by the breach of each byelaw, shall be painted on boards or printed on paper, and pasted or otherwise affixed to boards, which shall be put up in such conspicuous parts of the ornamental ground as the Trustees from time to time may appoint, and no fine or penalty shall be recoverable for the breach of any byelaw which shall not be so exhibited in at least two different parts of the ornamental ground; and printed copies of such byelaws shall be sold to any person applying for the same in writing to the clerk of the Trustees at a price not exceeding one shilling per copy.

Evidence of byelaws.

**54.** The production of a written or printed copy of the byelaws of the Trustees, signed as aforesaid, shall be sufficient evidence of such byelaws in all cases of proceedings under the same.

Copies of byelaws to be renewed when necessary, and penalty for defacing boards used for exhibiting same.

**55.** All copies of byelaws by this Act required to be exhibited shall be renewed or replaced as often as the same or any parts thereof are obliterated, lost, or destroyed, and if any person shall pull down or injure any board put up or affixed as required by this Act, for the purpose of publishing any byelaw or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding five pounds, and shall defray the expenses attending the restoration of such board.

For recovery of penalties.

**56.** All penalties incurred by the breach of any of the provisions of this Act, or of any byelaw under the said provisions, shall be recoverable as penalties are directed to be recovered by the Act 11 and 12 Victoria, chapter 43, and as soon as the same shall be paid or levied shall be paid to the clerk to the Trustees, to be applied by the Trustees to the purposes of this Act.

Expenses of Act.

**57.** All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the said Charles Brown.

SCHEDULE referred to in the foregoing Act.

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A.D. 1876.

DESCRIPTION OF THE LANDS WITHIN THE LIMITS OF THIS ACT.

Such of the lands situate in the townships of Newton and Hoole and county of Chester, comprising in the whole two acres two roods and three perches or thereabouts, bounded as follows; (that is to say,)

On the south-east side thereof in part by property belonging or reputed to belong to the Right Honourable Francis Jack Earl of Kilmorey, on other part by property belonging or reputed to belong to Charles Brown, and on the remaining part by the Chester and Frodsham turnpike road; on the south-west by the entrance to the road leading to certain property belonging or reputed to belong to the London and North-western and Great Western Railway Companies; and on the north-west in part by property belonging or reputed to belong to the said Earl of Kilmorey, on other part by property belonging or reputed to belong to the trustees of the will of the late John Lightfoot, in other part by property belonging or reputed to belong to the trustees of the settlement made on the marriage of the late Maria Broadbent, in other part by a certain street or occupation road, and on the remaining parts by property belonging or reputed to belong to the said Charles Brown; and on the north-east side thereof by property belonging or reputed to belong to the said Earl of Kilmorey.

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