



ANNO TERTIO

GULIELMI IV. REGIS.

Cap. lxxviii.

An Act for paving, lighting, watching, cleansing, and otherwise improving the Township or Chapelry of *Birkenhead* in the County Palatine of *Chester*, and for regulating the Police thereof, and for establishing a Market within the said Township. [10th *June* 1833.]

WHEREAS the Township or Chapelry of *Birkenhead* in the County of *Chester*, being situated on the Banks of the River *Mersey* opposite the Town of *Liverpool*, is a Place of great Resort, and hath a considerable Population, which is rapidly increasing: And whereas there is no established Market within the said Township: And whereas *Francis Richard Price* Esquire, Lord of the Manor of *Birkenhead*, claims to be seised of or entitled to, in Fee Simple, a Piece or Parcel of Ground within the said Township well calculated for the Area or Site of a Market, which he is willing to give up to the Inhabitants of the said Township to be used as a Market for the Sale of Provisions and other Articles: And whereas the Roads, Streets, Lanes, and other public Passages and Places within the said Township are not properly paved, lighted, watched, and cleansed, and are subject to various Nuisances, Annoyances, and Obstructions, and it would be of great Benefit and Advantage to the Inhabitants of the said Township, and to all Persons resorting thereto, if the said Road, Streets, Lanes, and other public Passages and Places were properly paved, lighted, watched, and cleansed, and freed from all Nuisances, Annoyances, and Obstructions, and if an effective Police were established in the said Township; but the several

[*Local.*]

17 K

beneficial

Commis-
sioners.

beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: 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 and Bailiffs of the Borough and Town of *Liverpool* for the Time being, and the Four Junior Aldermen of the said Borough and Town for the Time being, together with *Leonard Addison, Thomas Anderton, John Aspinall, James Ball, John Betteley, Joseph Betteley, Thomas Brassey, James Brotherston, John Crow Coxon, William Comer, Thomas Cheqwin, Joseph Clarke, Michael Connor, James M'Donald, Alexander Day, Thomas Forsyth, John Forshaw, Richard Finlow, William Fairhurst, William Green, Joseph Green, Jonathan Grindrod, William Hetherington, William Hetherington junior, Thomas Harrison, Michael Humble, Alexander Kerr, Thomas Kaye, William Laird, John Laird, John Leicester, Jonathan Lockwood, John Lomax, Joseph Mallaby, Randle Newby, Francis Richard Price, William Potter, J S Penny, James Queen, Robert Rigby, William Ravenscroft, Thomas Scott, Joseph Storey, Samuel Staniforth, John Sudlow, Samuel Stansfield, James Stephenson, Edward Segar, Joseph Sharp, John Shanklin, John Blakeway Tipton, Sir John Tobin Knight, Hugh Williams, Thomas Ward, John Watson, Charles Watson, William Walker, John Walker, William Wardle, Robert Woodward,* and their Successors, to be appointed under the Provisions herein-after contained, shall be and they are hereby appointed Commissioners for putting this Act into execution.

Appoint-
ment of Com-
missioners to
supply Va-
cancies.

II. And be it further enacted, That if any Commissioner herein-before named, or hereafter to be appointed in pursuance or under the Authority of this Act, shall neglect to take and subscribe the Oath herein-after mentioned, or to make and subscribe the Affirmation herein-after mentioned, for the Space of Twelve Calendar Months next after the passing of this Act, or for the Space of Twelve Calendar Months next after the Appointment, or shall die, or refuse to act, or become disqualified or incapable of acting as a Commissioner, it shall be lawful for the remaining, surviving, or continuing Commissioners, and they are hereby required, from Time to Time, within Twelve Calendar Months next after such Neglect, Death, Refusal, Disqualification, or Incapacity to act shall be known, to cause Notice in Writing, signed by any Three of the Commissioners or by the Clerk of the said Commissioners, to be affixed on the Door of *Saint Mary's Church in Birkenhead* aforesaid, and also on some conspicuous Part of the outer Gate of the Churchyard of the said Church, stating that a Person, or Two or more Persons as the Case may be, is or are required to be elected to make up the full Number of Commissioners, and that a Meeting of the Inhabitants of the said Township, qualified to vote as herein-after mentioned, will be held on a Day and at a Place to be therein named, (such Day not to be less than Ten clear Days from the Day of giving such Notice,) for the Purpose of electing and appointing new Commissioners or a new Commissioner, as the Case may be, in the Room of such Commissioners or Commissioner so dying, or becoming disqualified, or refusing to act as aforesaid; and at such Meeting it shall be lawful for the major Part of the Inhabitants of the said Township, being so qualified as herein-after mentioned, to elect and appoint a Person or such Number of
Persons

Persons as may be specified in such Notice to act as a Commissioner or Commissioners.

III. And be it further enacted, That no Inhabitant of the said Township shall vote at the Election of a Commissioner or Commissioners, unless at the Time of such Election he shall be rated to "The Improvement Rate" or to "The Lighting and Watching Rate" herein-after mentioned at the yearly Rent or Value of Ten Pounds and upwards, and shall have paid all Arrears of the Improvement Rate and of the Lighting and Watching Rate which shall be then due. Qualification of Voters.

IV. And be it further enacted, That in case of an Equality of Votes in the Election of a Commissioner or Commissioners at any Meeting of the Inhabitants of the said Township, the Chairman of such Meeting shall have the casting Vote. Chairman at Elections to have casting Vote.

V. Provided always, and be it further enacted, That in case the Inhabitants of the said Township qualified to vote as aforesaid shall at any Time or Times neglect or refuse to elect a Commissioner or Commissioners as herein-before mentioned, then and in such Case the other Commissioners shall proceed in the Execution of the Powers hereby granted as fully and effectually as if the Election of a new Commissioner or of new Commissioners had actually taken place. If Inhabitants do not elect, other Commissioners may proceed.

VI. Provided always, and be it further enacted, That no Person (except Persons constituted Commissioners by virtue of their Offices) shall be capable of acting as a Commissioner in the Execution of this Act, unless at the Time of his acting he shall be in the actual Occupation of Premises lying and being within the Township of *Birkenhead* rated in the Rate made for the Relief of the Poor to the yearly Value of Thirty Pounds, or shall be, in his own Right or in the Right of his late or present Wife, possessed of Property within the said Township of the Value of One thousand Pounds above Reprizes. Qualification of Commissioners.

VII. Provided always, and be it further enacted, That no Person hereby constituted a Commissioner by virtue of his Office shall be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath or Affirmation herein-after mentioned) until he shall, at a Meeting to be held by virtue of this Act, have taken and subscribed an Oath, or (being a Quaker) shall have made and subscribed an Affirmation, in the Form or to the Effect following; (that is to say,) Commissioners by virtue of Office to take Oath.

‘ I *A. B.* do swear, [*or, being a Quaker, do solemnly affirm,*] That I will truly and impartially, according to the best of my Judgment, execute the Powers and Authorities reposed in me as a Commissioner by virtue of an Act passed in the Third Year of the Reign of King *William* the Fourth, intituled *An Act [here set forth the Title of this Act]*.

‘ So help me GOD.’

[*Or, being a Quaker, omit the Words ‘ So help me God.’*]

And no Person (except Persons constituted Commissioners by virtue of their Offices) shall, although otherwise qualified, be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath or Affirmation herein-after mentioned) unless he shall, at a Meeting Commissioners by virtue of Property to take an Oath.

to

to be held by virtue of this Act, have taken and subscribed an Oath, or (being a Quaker) shall have made and subscribed an Affirmation, in the Form or to the Effect following; which Oath or Affirmation any One of the said Commissioners is hereby empowered to administer; (that is to say,)

Form of
Oath.

‘ I *A.B.* do swear, [*or, being a Quaker, do solemnly affirm,*] That I am
‘ *bonâ fide* in the actual Occupation of Premises situate within the Limits
‘ of an Act passed in the Third Year of the Reign of King *William* the
‘ Fourth, intituled *An Act* [*here set forth the Title of this Act*], rated in the
‘ Rate made for the Relief of the Poor of the said Township at the yearly
‘ Value of Thirty Pounds, [*or that I am bonâ fide, in my own Right, or*
‘ in the Right of my late *or* present Wife, possessed of Property within the
‘ Limits of the said Act of the Value of One thousand Pounds,] and that
‘ I will truly and impartially, according to the best of my Judgment,
‘ execute the Powers and Authorities reposed in me as a Commissioner by
‘ virtue of the said Act. So help me GOD.’

[*Or, being a Quaker, omit the Words ‘ So help me God.’*]

And an Entry or Minute of the taking and subscribing such Oath, or of making and subscribing such Affirmation, and of the Date of administering the same, shall be made in the Book of Proceedings of the Commissioners herein-after mentioned.

Commission-
ers after first
Six Months
not to act un-
til One
Month after
qualifying.

VIII. Provided also, and be it further enacted, That no Person shall, after the Expiration of Six Calendar Months from and after the Time of holding the First Meeting of the said Commissioners by virtue of this Act, act as a Commissioner in the Execution of this Act until after the Expiration of One Calendar Month from the Time of his taking the Oath or making the Affirmation of Qualification herein-before mentioned.

Commission-
ers not to act
if interested.

IX. Provided always, and be it further enacted, That no Person, although otherwise qualified, shall be capable of acting as a Commissioner in the Execution of this Act during the Time he shall hold or enjoy any Office or Place of Trust or Profit under this Act, or be concerned or interested in any Contract made or entered into under or by virtue of this Act, or in any Case where he shall be personally or beneficially interested in the Matter in question, save and except as a Creditor on the Rates or Assessments, or as a Shareholder only (and not as a Director or Officer), in any Company of Proprietors for the Manufacture of Gas, or for the Supply of Water, or for the making of a Canal or Railroad, nor shall any such Commissioner be capable of taking any Contract whilst he shall be such Commissioner.

Penalty on
unqualified
Persons act-
ing as Com-
missioners.

X. And be it further enacted, That if any Person shall act as a Commissioner without being duly qualified as aforesaid, or being disqualified by any of the Causes aforesaid, or not having taken and subscribed the Oath, or, being a Quaker, not having made and subscribed the Affirmation herein-before mentioned, or shall take any Contract whilst he is a Commissioner under this Act, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, in any of His Majesty’s Courts of Record at *Westminster*, by any Person who shall sue for the same, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so

sued or prosecuted shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor than that such Person had acted as a Commissioner in the Execution of this Act.

XI. Provided always nevertheless, and be it further enacted, That no Acts or Proceedings touching the Execution of this Act which shall be done or performed by any such unqualified or disqualified Person previously to his being convicted of the Offence before mentioned shall be thereby impeached or rendered nugatory, but all such Acts and Proceedings shall be as valid and effectual as if such Person had been duly qualified.

Proceedings of Commissioner valid, although not qualified.

XII. Provided also nevertheless, and be it further enacted, That it shall be lawful for any of the said Commissioners who are or shall be in the Commission of the Peace for the said County of *Chester* to act as Justices of the Peace in or relating to the Execution of this Act, notwithstanding their being Commissioners under this Act.

Justices may act as such notwithstanding their being Commissioners.

XIII. And be it further enacted, That the First Meeting of the Commissioners for carrying this Act into execution shall be held on the Third *Tuesday* next after the passing of this Act, at the Magistrate's Room in the Township aforesaid, between the Hours of Ten and Eleven of the Clock in the Forenoon; and in case Five or more of the said Persons herein-before authorized to act as Commissioners shall not be then and there assembled at the Hour of Eleven of the Clock, then such First Meeting shall be deemed to be adjourned to the same Day in the following Week at the same Place and at the same Hour, and so *toties quoties* until Five or more of such Persons shall be there assembled at the Hour of Eleven of the Clock in the Forenoon, when such Meeting shall proceed to Business, and not before.

First Meeting of Commissioners.

XIV. And be it further enacted, That the Commissioners for carrying this Act into execution shall meet on the First *Tuesday* in every Month afterwards at the same Place, or at some other Place within the Limits of this Act to be appointed by the said Commissioners for their Monthly Meeting, and at such other Times as they shall be duly convened in the Manner herein-after mentioned.

Other Meetings of the Commissioners.

XV. And be it further enacted, That the first Business to be transacted at any Meeting of the said Commissioners held under the Authority of this Act shall be the Election of a Chairman to preside at such Meeting; and all Questions shall be decided by a Majority of the Votes of the Commissioners there present; and if upon any Question there shall be an equal Number of Votes, including the Chairman's Vote, then the Chairman shall have and give a Second or casting Vote; and if at any Time there shall not appear at such Meeting Five Commissioners within the Space of One Hour from the Time appointed for the holding of such Meeting, any One of the Commissioners present, or if there shall not be any Commissioner present, then the Clerk of the Commissioners, may adjourn the Meeting to another Day; and all Acts, Orders, Rules, Resolutions, and Proceedings had, made, or done by the

Proceedings at Meetings.

Commissioners to pay their own Expences.

Commissioners or by the Majority of the Commissioners assembled at any Meeting to be held in pursuance of this Act at which there shall be Five or more Commissioners present shall be as good, valid, and effectual as if all the Commissioners for executing this Act who were then qualified had been present at such Meeting, and had concurred therein (except the Revocation, Suspension, or Alteration of any Order, Rule, Resolution, or Proceeding made or done by or at any preceding Meeting, as herein-after mentioned); and the Commissioners present at any such Meeting shall and may adjourn themselves, and appoint the next Meeting to be held at such Time antecedent to the next Monthly Meeting and at such Place within the Limits of this Act, as they shall from Time to Time think proper; and at every Meeting to be held under or by virtue of this Act the Commissioners present shall defray their own Expences, except any Sum not exceeding Ten Shillings a Day for the Use of the Room wherein they shall meet for the Purposes of this Act.

As to revoking Orders of Commissioners.

XVI. And be it further enacted, That no Order, Rule, Resolution, or Proceeding had, made, or done at any Meeting held in pursuance of this Act shall be revoked, suspended, or altered at any subsequent Meeting, unless Notice, signed by any Three or more of the Commissioners, specifying the Intention of proposing the Revocation, Suspension, or Alteration of such Order, Rule, Resolution, or Proceeding, shall have been affixed on the Door of *Saint Mary's Church in Birkenhead* aforesaid, before and during Divine Service on a *Sunday*, Seven Days at least before such Meeting, and unless there shall then be present a greater Number of Commissioners than were present at the Meeting at which such Order, Rule, Resolution, or Proceeding proposed or intended to be revoked, suspended, or altered, was made.

Meetings on Emergencies.

XVII. Provided also, and be it further enacted, That if after any Adjournment of any Meeting of the said Commissioners it shall, on any Emergency, be considered necessary or advisable that a Meeting should be held on an earlier Day than the Day appointed by such Adjournment, or if at any Time a Meeting shall have adjourned *sine Die*, and it shall be considered necessary or advisable that a Meeting should be held before the Day of the next Monthly Meeting, it shall be lawful for any Three of the said Commissioners or for the Clerk to the said Commissioners, upon receiving an Order for that Purpose, signed by Three or more of the said Commissioners (although not assembled at a Meeting), to call a Meeting of the said Commissioners, and appoint a Time and Place for holding the same within the said Township; and to give Notice thereof in the Manner herein-after directed respecting the Meetings of the Commissioners, and every such Meeting shall and may be held accordingly; and all Proceedings of the said Commissioners at any such Meeting shall be as valid as they would have been in case the Commissioners had met in pursuance of an Adjournment, or at a regular Monthly Meeting.

Notice of Meetings.

XVIII. And be it further enacted, That previously to any Meeting of the said Commissioners (except the First Meeting and the usual Monthly Meetings) Notice thereof in Writing, signed by any Three of the Commissioners or by the Clerk of the said Commissioners, specifying

specifying the Purpose of such Meeting, shall be affixed on the Door of *Saint Mary's Church* in *Birkenhead* aforesaid before and during Divine Service on a *Sunday*, and also inserted in One Newspaper at the least published in the Town of *Liverpool* in the County of *Lancaster*, or in some One Newspaper published in the Township of *Birkenhead* or in the City of *Chester*, Three Days at least before the Day of holding such Meeting, or such other Notice thereof shall be given and published in such Manner as the said Commissioners at their First Meeting or at any Monthly Meeting shall order and direct.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered, at any of their Meetings to be held by virtue of this Act, to appoint a Treasurer and Clerk, and also such Assessors, Inspectors of Markets, Collectors of Rates, Rents, and Tolls, Firemen, Engine Keepers, and other Officers, and to employ such Persons for the Execution of the several Purposes of this Act as they shall from Time to Time think proper, and from Time to Time to remove, suspend, or displace such Treasurer and Clerk, and all such Officers or Persons, or any of them, as they shall see Occasion, and to appoint others in the Room or Place of those removed, suspended, or displaced, or who may die, or resign or relinquish their Offices, and also from Time to Time, by and out of the Monies to be raised or received by virtue of this Act, to pay such Salaries and Wages and make such Allowances to such Officers and to all other Persons employed in the Execution of this Act as the said Commissioners shall think reasonable and proper.

For appoint-
ing Officers.

XX. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required to take sufficient Security from the Treasurer, and also from all and every Receiver, Collector, and other Officer to be appointed by virtue of this Act who may have the Custody or Collection of any Money to be raised by the Authority of this Act, for the due Execution of their respective Offices, which Security shall be given to the said Commissioners by the Style and Title of "The Commissioners for improving the Township of *Birkenhead* in the County of *Chester*," and shall remain a valid and subsisting Security, notwithstanding any Change of Commissioners or Re-appointment of the said Officer or Officers, and may be sued upon by the Commissioners for the Time being when required by Style and Title aforesaid.

Treasurer to
give Security.

XXI. Provided always, and be it further enacted, That as often as the Treasurer, or any Collector or Receiver of the Monies to be raised by virtue of this Act, shall die, or become incapable of acting in the Execution of this Act, or shall fail or abscond, or become bankrupt or insolvent, or omit or neglect to perform his Duty therein, it shall be lawful for the said Commissioners, or any Five or more of them, although not assembled at a Meeting to be held pursuant to this Act, by any Writing under their Hands to appoint some other fit and proper Person to be Treasurer, Collector, or Receiver in the Room or Place of such former Treasurer, Collector, or Receiver, and until a Treasurer, Collector, or Receiver shall be appointed by the said Commissioners at a Meeting to be holden in pursuance of this Act, any thing herein contained to the contrary

For appoint-
ing tempo-
rary Officers
in case of
Necessity.

contrary notwithstanding ; and such temporary Treasurer, Collector, or Receiver shall give Security, and be subject to all the Provisions of this Act, in the same Manner as if he had been appointed by the Commissioners at a Meeting in pursuance of this Act.

Penalty on Officers taking Fees or being concerned in Contracts.

XXII. Provided always, and be it further enacted, That if any Treasurer, Clerk, Assessor, Collector, Receiver, Surveyor, or other Officer or Servant employed by the said Commissioners for the Purposes of this Act, shall exact, demand, take, accept, or receive from any Person or Persons whomsoever any Fee, Emolument, Reward, or Perquisite whatever, in the Execution of the Duties of his Office, (other than such as shall be allowed and approved of by the said Commissioners,) for or on account of any thing done by virtue of this Act, or for forbearing to do any thing ordered or directed by the said Commissioners, or on any other Account whatsoever relative to his Employment or Duty, or shall be directly or indirectly in any Manner concerned or interested in any Sale, Purchase, Bargain, or Contract made by or by Order of the said Commissioners for the Purposes of this Act, (unless with the Consent and Approbation of the said Commissioners,) every such Person so offending shall be incapable of ever serving or being employed under the said Commissioners for any of the Purposes of this Act, and shall likewise forfeit and pay any Sum not exceeding Twenty Pounds nor less than Five Pounds, to be levied and recovered in such and the same Manner as any Penalty imposed by this Act.

Clerk and Treasurer not to be the same Person.

XXIII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or any Clerk or Person in the Service or Employment of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or any Clerk or Person in the Service or Employment of any such Treasurer or his Partner, to be the Clerk to the said Commissioners ; and if any Person shall accept both the Offices or shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or being a Clerk or otherwise in the Service or Employment of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of such Treasurer, or being a Clerk or otherwise in the Service or Employment of such Treasurer or his Partner, shall accept the Office of Clerk, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if such Treasurer shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance, shall be allowed.

XXIV. And

XXIV. And be it further enacted, That every such Treasurer, Clerk, Collector, Receiver, and other Person who shall be appointed to any of the Offices aforesaid shall, at such Time and 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 his Charge, and of all Monies which shall have been received by such Officer or Person by virtue or for the Purposes of this Act, and of how much thereof shall have been expended and disbursed, and to whom and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Money as shall remain due from him to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same; and if any such Treasurer, Clerk, Collector, Receiver, Officer, or Person shall refuse or neglect to make and render any such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same; within Three Days after being thereunto required by the said Commissioners or any Three of them, by Notice in Writing to be given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Information and Satisfaction to the said Commissioners respecting the same, then and in every such Case the said Commissioners may and they are hereby authorized and empowered to cause an Action to be brought against the Officer or Person so neglecting or refusing as aforesaid for 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 One or more of them, or by any Person or Persons whom they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace for the County or Place wherein such Officer or Person so neglecting or refusing shall reside or be, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Officer or Person so refusing or neglecting to be brought before him, and upon his appearing, or having been summoned and not 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 or Affirmation (which Oath or Affirmation such Justice is hereby authorized to administer), it shall appear to such Justice that any Monies remain due from such Officer or Person, such Justice may and he is hereby authorized and required, upon Nonpayment 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 or Person; and if no Goods and Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money and the Charges for distraining and selling the same, or if it shall appear to such Justice that such Officer or Person has refused or wilfully neglected to render or give such Account, 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 or Person, and he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice shall commit such Offender to some Gaol, Prison, or House

Officers to
account.

Justice may
grant a
Search War-
rant for
Books.

of Correction, there to remain without Bail or Mainprize until he shall have given a true and perfect Account as aforesaid, or until he shall have paid such Monies as aforesaid, or compounded with the Commissioners for such Monies, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the Commissioners are hereby empowered to make and receive,) and until he shall have given up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, that it shall and may be lawful for such Justice to grant and issue a Warrant or Warrants under his Hand and Seal to any Constable or other Peace Officer to search for such Books, Papers, or Writings as aforesaid in any Place or Places where the same shall be suspected to be, and for the seizing thereof, and delivering them to the said Commissioners: Provided always, that no Person who shall be committed on account of not having sufficient Goods and Chattels shall be committed by virtue of this Act for any longer Term than Six Calendar Months: Provided also, that if any Money shall remain due from such Officer or Person, his Commitment to Prison shall not be deemed a Discharge for the same, nor exonerate his Surety or Sureties, but such Officer or Person and his Surety or Sureties shall remain liable to the Payment thereof in the same Manner as if such Officer or Person had not been committed to Prison.

In case an
Officer dies,
Executors to
account.

XXV. And be it further enacted, That in case of the Death of any Officer or other Person to be appointed as aforesaid before he shall have paid and fully satisfied all the Monies which he shall have received by virtue of this Act, or made such Composition for the same as aforesaid, then and in every such Case the Executors or Administrators of such Officer so dying shall pay and satisfy, in the due Course of the Administration of the Estate and Effects of the Deceased, the same out of the Estate and Effects of such Officer unto the said Commissioners or any Person appointed by them in that Behalf; and in case of the Death of any such Officer or Person, or of his becoming bankrupt, or taking the Benefit of any Act for the Relief of Insolvent Debtors, before he shall have delivered up all Books, Papers, Writings, and other Things concerning his Office or relating to the Execution of this Act, the Executors or Administrators of such Officer or Person, or the Assignees of his Estate and Effects, or other Persons possessing the same or in whom the same has or shall be vested, shall, upon Demand, deliver up to the said Commissioners, or to any Person appointed by them, all such Books, Papers, and other Things as shall have come to the Hands of such Executors or Administrators or Assignees; and such Executors or Administrators shall and may plead such Payment in any Action or Suit which may be brought against them on account of the said Estate and Effects, and give the same in Evidence; and in case of the Nonpayment of such Monies by such Executors or Administrators, or the Nondelivery of such Books, Papers, Writings, and Things by such Executors or Administrators or Assignees, for the Space of Fourteen Days after Demand made thereof by or on the Behalf of the said Commissioners, it shall be lawful for the said Commissioners to commence and prosecute an Action or Actions in any of His Majesty's Courts of Record at *Westminster* against such Executors or Administrators for the Recovery of the said Monies, or against such Executors, Administrators, or Assignees for the Recovery of Damages for the Detention of such Books, Papers, Writings, and

and Things; and in case the said Commissioners shall succeed in such Action or Suit they shall be entitled to Treble Costs.

XXVI. And be it further enacted, That fair and regular Entries shall be made in a proper Book or Books to be provided and kept for that Purpose of the Names of the Commissioners who shall attend the respective Meetings hereby authorized to be held under this Act, and of all their Acts, Resolutions, Orders, and Proceedings relative to the Execution of this Act; and the Chairman of each Meeting of the said Commissioners shall always subscribe his Name at the End of the Proceedings of the said Commissioners at every such Meeting; and all such Orders and Proceedings, when so entered and signed, shall be deemed and taken to be original Orders and Proceedings, and the same or true Copies thereof shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others, and shall be conclusive that the Order was made or Proceeding took place at a Meeting duly assembled under the Authority of this Act, and that the Person who subscribed the said Book or Books was Chairman of the Meeting at which such Order was made or Proceeding took place, and that he signed the said Book.

Proceedings
to be entered
in a Book.

XXVII. And be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time and at all Times to cause a Book or Books to be provided and kept, and true and regular Accounts to be entered therein of all Sums of Money received, paid, laid out, and expended for and on account of the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all reasonable Times be open to the Inspection of the said Commissioners or any of them, and of every Person paying the Rates or Assessments hereby authorized to be made or otherwise affected thereby, and every Creditor and Creditors in the same, without Fee or Reward; and the said Commissioners, Persons, and Creditors aforesaid, and any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the Officer or Person with whom or in whose Custody the said Books, Accounts, and Papers shall have been or may be deposited, or who may be appointed to keep the same, shall refuse to permit or shall not permit the said Commissioners or any of them, or such Creditors or other Persons aforesaid or any of them, to inspect the same at all seasonable Times, or take such Copies or Extracts as aforesaid, such Officer or Person so refusing or offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied, recovered, and applied in manner herein-after provided.

Account to
be kept of
Receipts and
Disburse-
ments.

XXVIII. And be it further enacted, That the Accounts of all Monies received or disbursed in pursuance of this Act from the Commencement thereof, or, as the Case may be, from the last annual Settlement thereof, shall be produced and stated at the regular Monthly Meeting of the said Commissioners which shall take place in *May* in every Year, or at some Adjournment thereof, and shall be examined, audited, and settled by them, and in case the same shall be found just and true shall and may be allowed by them, and certified accordingly under the

Accounts to
be annually
audited at the
Meeting held
in the Month
of *May* in
every Year.

the Hand of the Chairman of such Meetings, and at which Meeting and Meetings all Persons rated and assessed for the Purposes of this Act, or otherwise affected by such Rates or Assessments, or interested in such Accounts, and all Creditors on the said Rates, shall be at liberty to attend; and after such Accounts shall have been signed the same shall be final and conclusive on all Persons whomsoever, unless an Appeal be prosecuted against such Accounts at the then next General Quarter Sessions of the Peace in and for the County of *Chester*, Notice in Writing of such Appeal having been given to the Clerk of the said Commissioners within Seven Days next after such Accounts shall have been signed.

Accounts to be made out annually, and public Notice thereof given.

XXIX. Provided always, and be it further enacted, That previously to the Examination, Audit, and Settlement by the said Commissioners in the Month of *May* in each Year of all Monies received or disbursed by them during the preceding Year, the said Commissioners shall and they are hereby required to cause a true Account to be made and written of all such Monies, and of the Amount of the Debts and Liabilities due from the said Commissioners; and a Copy or Duplicate of such Account shall be deposited with the Clerk to the said Commissioners, who shall permit any Person or Persons who shall pay any Rate or Assessment to be levied and collected by virtue of this Act, or any Person on his, her, or their Behalf, to inspect the same at seasonable Times, paying the Sum of One Shilling, and no more, for every such Inspection; and the said Clerk shall, upon Demand, forthwith give Copies of the same or any Part thereof upon being paid at the Rate of Sixpence for every One hundred Words, and so in proportion for a less Number of Words; and the said Commissioners shall, Ten Days at least previously to their Annual Meeting in the Month of *May*, give public Notice of such Meeting by causing Notice in Writing, signed by any Three of the said Commissioners or by the Clerk of the said Commissioners, to be affixed on the Door of *Saint Mary's Church in Birkenhead*, stating the Purpose of such Meeting, and the Day, Hour, and Place at which it shall be held, and that a Duplicate of the said Accounts has been deposited with the Clerk of the said Commissioners, to which all Rate-payers may have Access upon Payment of the Sum of One Shilling.

Accounts when signed to be printed.

XXX. And be it further enacted, That when and as soon as the said Accounts shall have been examined, audited, and settled in the Manner herein-before directed the said Commissioners shall cause the same to be forthwith printed; and every Person who shall pay any Rate or Assessment to be levied and collected by virtue of this Act shall be entitled to a printed Copy of such Accounts upon paying the Sum of Sixpence, and no more, for every such Copy.

Commissioners may sue and be sued in the Name of the Clerk, or One or more of the Commissioners.

XXXI. And be it further enacted, That the said Commissioners shall and may (except in the Case of Actions brought by them against any Treasurer, Clerk, Receiver, Collector, or other Persons giving Security to the Commissioners under the Directions herein-before contained, or against the Surety or Sureties of any such Treasurer, Clerk, Collector, Receiver, or other Person,) sue and be sued, proceed and be proceeded against, either at Law or otherwise, in the Name of their Clerk or Treasurer for the Time being, or in the Name of any of the said Commissioners;

missioners ; and no Action or Suit which may be so brought or commenced by or against the said Commissioners shall abate or be discontinued by the Death, Removal, or Default of any such Clerk or Treasurer or Commissioner or Commissioners, but shall be continued and carried on in the Name of the Clerk or Treasurer for the Time being, or of the Commissioner or Commissioners in whose Names or Names the same shall have been brought, and the Clerk or Treasurer for the Time being, or such Commissioner or Commissioners, shall always be Plaintiff or Plaintiffs or Defendant or Defendants in such Action or Suit, as the Case may be : Provided always, that all Costs and Expences incurred by the said Commissioners or their Clerk or Treasurer for the Time being in prosecuting or defending any Action or Suit touching the Execution of this Act shall be defrayed out of the Money to be collected and raised under the Provisions of this Act ; and no such Clerk, Treasurer, or Commissioner shall be personally answerable or liable for the Payment of the same unless such Action or Suit shall arise in consequence of his own wilful Neglect or Default, or have been brought or commenced or defended without the Order or Direction of the said Commissioners assembled at a Meeting held under this Act : Provided always, that such Commissioner or Commissioners or Clerk or Treasurer shall not, by reason of his or their being so made Plaintiff or Plaintiffs or Defendant or Defendants, be deemed an inadmissible Witness or Witnesses in any such Action or Suit, unless it be on his or their own personal Account : Provided also, that all Affidavits of Debt or Service which may be necessary to be made in reference to any such Action or Proceeding may be lawfully made by such Clerk or Treasurer or such Commissioner or Commissioners, as the Case may be, notwithstanding he or they shall be nominal Plaintiff or Defendant or Plaintiffs or Defendants on the Record as aforesaid.

XXXII. Provided always, and be it further enacted, That all and every the Commissioners for executing this Act shall from Time to Time and at all Times hereafter be fully indemnified, from and out of the Monies to be raised under and by virtue of this Act, of and from all Costs, Charges, Damages, and Expences which they or any of them, or their Treasurer or Clerk as aforesaid, shall or may pay, sustain, or be put unto for or by reason of any Action, Suit, or Proceedings which may be had, sued, commenced, or prosecuted against them, or any or either of them, for any Matter or Thing which may be by them respectively legally done in or about the Execution of this Act, and the Trusts reposed in them under the same. Indemnity to Commissioners when acting legally.

XXXIII. And be it further enacted, That when and as often as any Action or Proceeding shall be brought or instituted by or against the said Commissioners for any thing done or supposed to be done in pursuance or by virtue of this Act, it shall be lawful as well for the said Commissioners as for all Persons with whom the said Commissioners shall have any such Dispute to compound such Action or Proceeding without bringing the same to Trial. Commissioners may compound Actions.

XXXIV. And be it further enacted, That it shall be lawful for the said *Francis Richard Price*, his Heirs and Assigns, or any of them, Land may be conveyed to
[Local.] 17 N or

Commissioners by
Francis
Richard
Price Esq.

or any Person or Persons who may be Trustee or Trustees for him or them, and other the Person or Persons who may be rightfully entitled to the Inheritance in Fee Simple of a certain Piece or Parcel of Land situate near *Chester Street* within the said Township or Chapelry of *Birkenhead*, bounded on the North Side thereof by a new Street leading from the South Side of *Hamilton Square* to *Grange Lane*, and on the South, East, and West thereof by other Land of the said *Francis Richard Price*, and containing by Estimation One Acre or thereabouts, at any Time after the passing of this Act to make and execute such Grants, Releases, Conveyances, and Assurances as may be necessary or expedient for conveying and assuring the said Piece or Parcel of Land and the Inheritance thereof in Fee Simple in Possession unto the said Commissioners and their Successors for the Purposes of this Act; all which Conveyances and Assurances may be made in the Form or to the Effect herein-after mentioned.

Upon Execution of Conveyances, Land to vest in the Commissioners.

XXXV. And be it further enacted, That when and as soon as such Conveyances and Assurances shall have been executed by the said *Francis Richard Price*, his Heirs or Assigns, or his or their Trustee or Trustees, the said Piece or Parcel of Land, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Commissioners and their Successors to and for the Purposes of this Act, and be used as a Market Place for ever.

Market to be established.

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to open and establish a Market upon the said Piece or Parcel of Ground, and to divide, arrange, and appropriate the same Piece or Parcel of Ground in such Manner as they shall think fit, and upon and under the same to build, erect, construct, and put up such Buildings, Shops, Stalls, Shambles, Standings, Sheds, and other Erections, and such Vaults and Cellars, and such Reservoirs and Cisterns for the Purpose of holding Water for the Supply of the said Market, and to lay down, upon or under the said Piece or Parcel of Ground, and any of the adjoining Streets, Roads, or Places, such Pipes for conducting the Water to supply the said Market, and from Time to Time to make such Alterations in the Division, Arrangement, and Appropriation of the said Piece or Parcel of Ground, and such Repairs, Alterations, and Amendments of or in the Shops, Erections, and Buildings for the Time being thereon, and of and in the Vaults and Cellars for the Time being under the same, and of or in the Reservoirs and Cisterns for the Time being upon or under the same, and of or in the Pipes for the Time being for conducting the Water to supply the said Market, and generally from Time to Time to do and perform all such other Acts, Deeds, and Things as shall appear to the said Commissioners to be necessary, proper, or advisable for the Establishment of the said Market, and for the Preservation, Support, and Continuance thereof; and the Market to be opened and established as herein-before is mentioned shall be a Market for the Sale of Meat, Fish, Poultry, Rabbits, Pigs, Eggs, Meal, Flour, Butter, Cheese, and other Articles of Food, Hay, Straw, Grain, Grass, Vetches, Fruit, Vegetables, Plants, Flowers, Herbs, Roots, Seeds, Glass, Earthenware,

ware, and Crockery, and all such other Goods, Wares, Articles, Commodities, Matters, and Things, Cattle only excepted, as are usually sold or exposed to Sale in public Markets.

XXXVII. And be it further enacted, That it shall and may be lawful for the said Commissioners to appoint and fix, and from Time to Time at their Discretion to alter and vary or add to, the Number of the Days on which such Market shall be holden, and also to appoint any Number of Fairs to be holden in the said Township annually, not exceeding Six, and the Days on which the same shall be holden.

Commissioners to fix the Days on which Markets are to be held.

XXXVIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent or hinder any Person from selling or exposing to Sale any marketable Goods, Articles, or Things in his private Dwelling House or Shop.

Not to prevent Sale in Dwelling House or Shop.

XXXIX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to let the Erections and Buildings, comprising Shops, Rooms, Store-rooms, and Warehouses, for the Time being standing or being upon the said Plot or Parcel of Ground, and also the Vaults and Cellars for the Time being under the said Piece or Parcel of Ground, to such Persons as shall be desirous of taking the same for such Terms or Periods and at such Rents as the said Commissioners shall think fit; and in any Lease to be granted under this Power it shall be lawful for the said Commissioners, notwithstanding any thing herein-before contained to the contrary, to give the Lessee Power to expose for Sale and sell, in any Erection or Building comprised in such Lease, any Articles or Things besides those for the Time being saleable in the said Market under the Provisions of this Act, Cattle only excepted.

Power to lease the Buildings in the Market.

XL. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to make, constitute, provide, and ordain Rules, Orders, and Bye Laws (not inconsistent with or repugnant to the Directions or Provisions contained in this Act, or to or with any Law or Statute of that Part of the United Kingdom of *Great Britain and Ireland* called *England*;) for fixing the Times at which any particular Articles or Things shall be brought to or exposed for Sale in the said Market, and for fixing the Hours for commencing and closing the said Market in each Day, and for the Arrangement and Division of the said Market, and for the placing in the said Market the Waggon and Carts bringing or taking away any Articles or Things to or from the said Market, and for the placing in the said Market the Articles and Things brought to the same for Sale, and for the cleansing of the said Market, and for the letting, occupying, holding, and using of the Stands there, and for the regulating, ordering, and governing, so far as relates to the said Market, all Persons having or seeking for any Business or Employment in the said Market, and in such Rules, Orders, and Bye Laws to fix and specify what pecuniary or other Penalties and Forfeitures shall be incurred by any Person breaking the same or any of them, provided that no such pecuniary Penalty or Forfeiture shall exceed the Sum of Five Pounds for One Offence; all which Rules, Orders, and Bye Laws so to be made from Time to Time as aforesaid all Persons whom

Power to make Bye Laws, &c. for the better Regulation of the Market.

whom it may concern are hereby required to observe and keep, under such Penalties and Forfeitures respectively as shall be so ascertained, fixed, and specified as aforesaid; and all such Rules, Orders, and Bye Laws shall be signed by the Clerk to the said Commissioners; and a Copy thereof shall be painted on a Board in legible Characters, and put up and exposed to public View in some conspicuous Part of the said Market, and the same shall from Time to Time be renewed and replaced when and as often as the same shall be added to or amended or altered, or obliterated or defaced: Provided always, that an Appeal against all Convictions for any Penalties or Forfeitures imposed by virtue of such Rules, Orders, and Bye Laws, or any of them, may be made to the Justices at the General or Quarter Sessions in like Manner as is herein-after provided or mentioned with respect to any other Matter of Appeal.

Commis-
sioners may
erect Weigh-
ing Machines.

XLI. And be it further enacted, That it shall be lawful for the said Commissioners to provide, erect, and fix such and so many Machines for the weighing of Carriages in such convenient Place or Places within the said Township as they shall think fit, and also to provide or purchase proper Machine Houses, and to appoint such Persons for the weighing Carriages which shall be brought to any such Machine, and from Time to Time to remove such Persons, as they shall think proper, and to fix and regulate the Tolls and Fees to be paid upon the weighing of all such Carriages, which Tolls and Fees shall be paid, either wholly or in part, to the Persons having the Care of such Weighing Machines, or it shall be lawful for the said Commissioners to take the same themselves, and to pay and allow such Salary to the Persons having the Charge of any such Weighing Machines as they shall think proper; all which said Tolls and Fees shall and may, in case of Nonpayment thereof, be levied and recovered in such and the same Manner as Penalties, Fines, and Forfeitures are herein-after directed to be levied and recovered.

Drivers of
Carts, &c.
to go to
Weighing
Machines at
Request of
Buyers.

XLII. And be it further enacted, That the Driver of every Waggon, Cart, or other Carriage, loaded with any Goods brought into or within the said Township to be sold therein, shall, at the Request of the Buyer or Seller of any such Goods, or the Person on whose Behalf the same shall be so consigned, or their respective Agents, take and carry such Waggon, Cart, or other Carriage, with or without the Loading thereof, to be weighed at one of the Machines so to be erected and affixed as aforesaid, if any such there shall be, for which no additional Charge shall be made, unless such Waggon, Cart, or other Carriage shall for the Purposes aforesaid be required to go a greater Distance from the regular Course of the Road by which it would be otherwise necessary to pass in the conveying of the Goods laden therein to their Place of Destination than Half a Mile, including the going to and returning from such Machine, in which Case the Owners of such Waggons, Carts, or Carriages shall be allowed to make an additional Charge of Two-pence for every Horse used in drawing the same, and a further Charge of the like Amount for every additional Half Mile that any such Waggon, Cart, or Carriage shall be taken out of the direct Road for the Purpose aforesaid; and all such additional Charges for Carriage, together with the Tolls or Fees to be paid for weighing any such Waggon, Cart, or Carriage, shall be paid and borne by the Person requiring the same to

be weighed; and in case the Driver or other Person having the Charge of any such Waggon, Cart, or Carriage shall not, upon being so requested as aforesaid, take the same to such public Weighing Machine, as herein-before is directed, or shall refuse to assist in the weighing of the same in such Manner as the Drivers of Carts are used and accustomed to do, every Person so offending, and being thereof convicted before any One Justice of the Peace for the said County Palatine of *Chester*, shall forfeit and pay to the Person or Persons requiring such Waggon, Cart, or Carriage to be weighed any Sum not exceeding Forty Shillings, and the Party aggrieved and entitled to such Penalty shall be a competent Witness for the Proof of such Offence.

Penalty on Refusal.

XLIII. And be it further enacted, That if any Owner or Driver of any Waggon, Cart, or Carriage conveying any Goods, Wares, or Merchandize to or within the said Township of *Birkenhead*, whose Waggon, Cart, or Carriage shall be weighed at any Weighing Machine or Engine to be erected or provided as aforesaid, or at any other Machine or Engine within the said Township, shall at or before the Time of weighing the same place or knowingly have any Article, Matter, or Thing in or about such Waggon, Cart, or Carriage other than the proper Loading thereof; or shall alter any Ticket denoting the Weight of any such Waggon, Cart, or Carriage, or of the Loading of the same, which shall be delivered at any such Engine, or shall make or use, or be privy to the making or using, of any false or fraudulent Ticket respecting the Weight of any such Waggon, Cart, or Carriage, or the Loading thereof; or after the weighing of any such Waggon, Cart, or Carriage, with the Loading of the same, shall dispose of or remove any Part of such Loading, and afterwards deliver or dispose of, or attempt to deliver or dispose of, the Residue of such Loading as being the full Loading denoted by such Ticket; or shall be guilty of any other fraudulent Contrivance touching the Weight of any such Waggon, Cart, or Carriage, or of the Loading thereof; or shall, after the same and the Loading thereof shall have been so weighed, change the Wheels thereof, and put or place on lighter Wheels, or make any Alteration, or do any other Matter or Thing to the said Waggon, Cart, or Carriage, before the same shall be brought back to the same Engine or Machine, or any other Engine or Machine, to be again weighed without the Loading thereof; or if the Owner or Driver of any such Waggon, Cart, or Carriage which shall have been weighed with the Loading thereof at any Machine as aforesaid shall refuse or neglect to bring back the same without Alteration to be again weighed at the same or any other Machine, being paid such Allowance for the same as herein-before is mentioned, in case of its being necessary to deviate from the proper Road of such Waggon, Cart, or other Carriage for the weighing of the same; or if the Purchaser of any Goods, Wares, or Merchandize conveyed in any Waggon, Cart, or Carriage to or within the said Township, and which shall have been weighed at any Machine within the said Township, shall, after the same Waggon, Cart, or Carriage, with the Loading thereof, shall have been so weighed as aforesaid, change the Wheels thereof or cause the same to be changed, and place or cause to be placed on heavier Wheels, or make any Alteration, or do any Matter or Thing to the said Waggon, Cart, or Carriage, before the same shall be brought back to the same or any other Engine to be again weighed without the Loading thereof; or if the Master or Keeper of any such Weighing

Penalty on Carters or Engine-keepers committing Frauds as to the weighing of Carts, &c.

Machine in the said Township, whether erected by virtue of this Act or otherwise, shall weigh any Waggon, Cart, or Carriage, knowing that any thing has been added to the proper Loading thereof so as to increase the Weight of the same, or that the Wheels thereof have been changed or altered between the Time of the same and the Loading thereof being last weighed and the Time of the same coming back to be again weighed, without giving immediate Notice thereof to the Person interested therein; or if the Master or Keeper of any such Weighing Machine shall wilfully neglect to weigh any Waggon, Cart, or Carriage that shall come to his Machine to be weighed, according to the Terms on which Application shall be made for that Purpose, or shall not fairly and truly weigh the same with or without the Loading thereof, as the Case may be, and deliver to the Purchaser of such Loading, or other Persons interested therein, or to the Agents of such Person, on Application for that Purpose, a Ticket or Account containing the true Weight of the said Waggon, Cart, or Carriage, and also the Weight of the Loading thereof, or shall give to the Driver of such Waggon, Cart, or Carriage a false Ticket or Account of the said Waggon, Cart, or Carriage, or the Loading thereof, or shall knowingly assist in or connive at any Fraud to be committed or attempted in or concerning the weighing of any such Waggon, Cart, or Carriage, or the Loading thereof, or any false Report or Representation of the Weight of the same respectively; or if any other Person or Persons whosoever shall knowingly aid or assist in the committing of any Fraud respecting the Weight of any such Waggon, Cart, or Carriage, or the Loading thereof, or in any of the Offences hereinbefore mentioned respecting such Waggon, Cart, or Carriage; every Person so offending and being convicted thereof shall forfeit any Sum not exceeding Five Pounds for every such Offence.

Power to appoint a Weighing Place.

XLIV. And be it further enacted, That it shall be lawful for the said Commissioners to erect and appoint One or more public Weighing and Measuring House or Place or Houses or Places at, in, or near the said Market Place, for weighing or measuring such Meats, Goods, Articles, or Things sold or exposed for Sale in the said Market as shall be bought or sold by Weight or Measure, and also to provide and keep a proper and sufficient Machine or Machines, and proper and sufficient Standards, Weights, Scales, Steelyards, and Measures, according to the Directions of an Act passed in the Fifth Year of the Reign of His late Majesty, intituled 5 G. 4. c. 74. *An Act for ascertaining and establishing Uniformity of Weights and Measures*, and of another Act passed in the Sixth Year of the Reign of His late Majesty, intituled 6 G. 4. c. 12. *An Act to prolong the Time of the Commencement of an Act of the last Session of Parliament, for ascertaining and establishing Uniformity of Weights and Measures*, at such House or Houses, Place or Places, and to appoint some proper Person or Persons to attend the same respectively at such Time or Times as in the Rules, Orders, or Bye Laws to be made by virtue of this Act shall from Time to Time be directed; and every Person selling any Article or Thing by Weight or Measure in the same Market shall weigh or measure the same in or by the said Weights, Measures, Scales, or Steelyards as aforesaid, if required so to do by the Buyer of the same Article or Thing; and in case any Person shall refuse so to weigh and measure as aforesaid he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

XLV. And

XLV. And be it further enacted, That if any Person shall sell or expose for Sale in the said Market, or in any Shop, Stall, or Standing let by the said Commissioners, any Meat, Fish, or other Provisions which shall be of an unwholesome Nature, or in a State improper or unfit for Human Food, it shall be lawful for any Clerk, Inspector, Collector, or other Person appointed under the Authority of this Act, and such Person or Persons as he shall call to his Assistance, without any other Authority than this Act, to seize and destroy, or cause to be seized and destroyed, such Meat, Fish, and other unwholesome Provisions as aforesaid; and every Person selling or exposing for Sale any such Meat, Fish, or other Provisions as aforesaid shall, in addition to the Forfeiture thereof, for every Offence forfeit and pay by way of Penalty any Sum not exceeding Five Pounds.

Unwholesome Meat may be destroyed.

XLVI. And be it further enacted, That the Person or Persons to be appointed by the said Commissioners as Inspector or Inspectors of Weights and Measures in the said Market shall and may and is and are hereby authorized and required to seize all false and deficient Weights and Measures which shall be found or used therein, and carry the same before a Justice of the Peace for the said County, to be dealt with according to Law.

Inspector to seize false Weights, &c.

XLVII. And be it further enacted, That there shall be paid to the said Commissioners, or to the Person or Persons to be by them appointed to receive the same, by all and every Persons and Person holding, using, or occupying any Building, Shop, Shed, Stall, Standing, Bulk, Tressel, Block, or other Convenience, Standing Place, or Station, or selling, offering, or exposing to Sale any Butcher's Meat or other Goods, Articles, Commodities, or Things as aforesaid in the said Market or Markets, the several Tolls, Duties, Rents, and Stallage mentioned, expressed, or contained in the Schedule to this Act annexed.

Power to take Tolls, Rents, &c.

XLVIII. And be it further enacted, That in case any Person holding, using, or in any Manner occupying any of such Buildings, Shops, Sheds, Stalls, Standings, Bulks, Tressels, Blocks, or other Conveniences as aforesaid, or selling or offering or exposing to Sale any Butcher's Meat, or any other Goods, Commodities, Articles, or Things in the said Market, shall refuse to pay the several Sums or Tolls aforesaid, or any or either of them, or any Part thereof, then and in such Case, and as often as it shall so happen, it shall be lawful for the Collector, Farmer, or other Person authorized to receive the same, either by himself or his Assistants, to levy the same by Distress and Sale of all or any of the Goods, Articles, and Things so offered or exposed to Sale, and the Distress or Distresses so taken to sell immediately, rendering the Overplus, if any there be, after deducting the Expence of such Distress and Sale, to the Person or Persons whose Property, or in whose Custody, Possession, or Charge, such Goods, Articles, or other Things were at the Time of every such Distress.

Persons refusing to pay Tolls, &c.

XLIX. And be it further enacted, That if any Dispute shall happen respecting the demanding or taking or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress,

Disputes concerning Tolls to be settled by a Justice.

such

such Dispute shall be heard and determined by some Justice of the Peace for the County of *Chester*, who, upon Application made to him for that Purpose, shall examine the Matter upon Oath or Affirmation of the Parties or other Witness or Witnesses, (which Oath or Affirmation the said Justice is hereby authorized and empowered to administer,) and shall determine the Amount of the Toll due and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue), and the Overplus, if any, after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained: Provided always, that nothing in this Act contained shall prevent or hinder the said Commissioners or the Lessees of the said Tolls from suing for and recovering, in any of His Majesty's Courts of Record at *Westminster*, any Sum or Sums of Money which shall become due or payable in respect of any Toll by this Act authorized to be taken if the same shall amount to Twenty Pounds or upwards.

Tolls may be recovered by Action at Law.

Power to let Tolls, &c.

L. And be it further enacted, That it shall be lawful for the said Commissioners to demise and let to farm the Whole or any Part of the Tolls or Profits to be collected or to arise from or in respect of the said Market to any Person or Persons who shall be willing to take or farm the same, either by public Auction or private Contract, for such Time, not exceeding Three Years, at such Rent and Rents, and upon such Terms and Conditions, and with such Securities for Payment thereof, as shall be agreed upon and contracted for by and between the said Commissioners and the Person and Persons respectively to whom such Letting or Lettings shall be made.

Power to reduce Tolls.

LI. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, if they shall see Occasion or think fit, (with the Consent and Approbation of the Person or Persons for the Time being entitled to Five Sixth Parts of the Money which may be then due and owing upon the several Securities to be granted in pursuance of this Act,) to reduce, lower, and abate the said Tolls or any of them by this Act made payable in such Proportions and Manner as to the said Commissioners shall seem expedient; and after the said Tolls shall have been so reduced and abated it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to augment and raise the said Tolls so reduced and abated to any Sums not exceeding the Amount of the Tolls fixed and made payable in and by this Act; and the said Commissioners shall immediately, upon every such Reduction or Augmentation of the said Tolls, cause Notice thereof, painted on a Board, to be set up and fixed in some public Part within the Limits of the said Market Place, with a Table of the Tolls so reduced or augmented and raised.

LII. Provided always, and be it further enacted, That in every Case of Prosecution for an Offence against any Rule, Order, or Bye Law which may be made by the said Commissioners in pursuance of this Act, the Production of a written or printed Paper, signed by the Clerk of the Commissioners or by any One of the Commissioners, purporting to contain such Rule, Order, or Bye Law, shall be Evidence of the Existence of such Rule, Order, or Bye Law; and Evidence of a Board having been duly put up and exposed to public View in some conspicuous Part of the said Market Place, purporting to contain a Copy of the Rules, Orders, and Bye Laws for the Time being in force relative to the said Market, or any of them, shall be sufficient to prove that such Board contains a true Copy of the Rules, Orders, and Bye Laws purported to be contained therein, and also to prove that the same Board has been continued exposed to public View according to the Provisions of this Act, unless satisfactory Evidence shall be adduced to the contrary by the Defendant in any such Prosecution.

Authenti-
cated Bye
Laws to be
Evidence.

LIII. And be it further enacted, That all the present and future Pavements, Flagstones, Curbstones, Stone, Gravel, and all other Materials of the several present and future public Streets, Roads, Highways, Lanes, Passages, and other public Places within the said Township, and all the present and future public Drains, Ditches, Sewers, Tunnels, Gutters, Grates, and Sinks within the said Township, and all the Land, Ground, and Buildings to be purchased, erected, or held by the said Commissioners, and all Gasometers, Apparatus, Machinery, Mains, Pipes, Lamps, Lamp Irons, Watchboxes, Posts, and other Things thereto belonging, purchased or provided for the Purpose of lighting and watching all and every or any of the Streets, Roads, Ways, Passages, and Places within the said Township, and also all the Posts, Pillars, Pilasters, Lamp Irons, and Lamps which shall from Time to Time be erected, set up, and furnished for the public lighting of the said Township or any Part thereof, or any Road, Street, Way, or Passage within the same, either by Order of the said Commissioners, or by any Gas Light Company, or other Person or Persons, in pursuance of any Contract between the said Commissioners and such Gas Light Company, or other Person or Persons, (subject nevertheless only to such Powers as in or by any such Contract may be reserved to such Gas Light Company, or other Person or Persons as aforesaid, to remove, take, and carry away to their own Use any of the said Posts, Pillars, Pilasters, Lamp Irons, and Lamps which have been previously erected or furnished at their Expence, in the Event of there being a Discontinuance of the Contracts between the said Commissioners and such Gas Light Company, or other Person or Persons,) and all Fire Engines, and Buckets, Materials, Implements, and other Things, belonging to the Use or Practice thereof, and all Horses, Carts, Carriages, Tools, Arms, and Implements, Materials, and other Things whatsoever, to be purchased or provided by or by Order of the said Commissioners for the Watchmen, Scavengers, Firemen, or other Persons employed under the Authority of this Act for any of the Purposes hereof, and also all Dust, Dirt, Dung, Ashes, and other Filth to be swept, gathered, and collected under the Authority of this Act, shall severally and respectively be held and deemed to belong to and be the Property of and the same are hereby vested in the said Commissioners for the Time being; and the said Commissioners shall and may

For vesting
Pavements,
Lamps, &c.
in Commis-
sioners.

[*Local.*]

17 P

cause

cause any Action or Actions to be brought; or direct any Bill of Indictment to be preferred, as the Case may require, against any Person who shall deface, damage, injure, or destroy, detain, steal, take, or carry away, any of such Property so vested in the said Commissioners as aforesaid; and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally that the Articles, Matters, or Things for or in respect of which such Action shall be brought or Indictment preferred is or are the Property of "The Commissioners of the Township of *Birkenhead*," without stating or specifying the Names of all or any of the said Commissioners.

Power to sell Articles vested in Commissioners.

LIV. And be it further enacted, That the said Commissioners shall have full Power and Authority from Time to Time to sell and dispose of all or any Part of the said Articles and Things, and all other Articles and Things which shall at any Time hereafter be purchased or provided by them for the Purposes of this Act, and which shall become useless or which may not be wanted for the Purposes of this Act, to such Person and in such Manner as the said Commissioners shall think proper; and the Monies arising therefrom shall be applied to the Purposes of this Act, and to no other Purpose whatever.

Commissioners to appoint the District to be lighted and watched.

LV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered and required, at some or One of their regular Monthly Meetings to be held within Six Calendar Months after the passing of this Act, or at some Adjournment thereof, or at any future Annual Meeting or Adjournment thereof, to appoint and declare what Part or Portion of the said Township shall be lighted and watched by the said Commissioners under the Authority of this Act, and in like Manner, at their regular Annual Meeting in the Month of *May* in every Year, to appoint and declare whether any and what Part or Portion of the said Township shall be added to the Part already lighted and watched; and the Part or Portion of the said Township to be so appointed to be lighted and watched as aforesaid, and the Part and Parts to be from Time to Time added thereto, shall be considered as the District to be lighted and watched by the said Commissioners under the Authority of this Act during the ensuing Year, and until the same shall be altered by the said Commissioners at any subsequent Annual Meeting as aforesaid; and the Tenants or Occupiers of any Messuages, Houses, Shops, Buildings, or Premises not within the District shall not be subject or liable to the Payment of the Lighting and Watching Rate herein-after mentioned.

For providing Lamps and lighting the Streets.

LVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time and at any Time or Times hereafter, to purchase and provide such and so many Glass Lamps of such Sorts and Sizes, and also such and so many Lamp Irons and Lamp Posts, with all requisite Materials for the same respectively, as they shall judge necessary, and to direct the same to be affixed or set up upon or against the Posts, Rails, Palisadoes, or Walls of all or any of the several Houses or Buildings, or upon or against any other Walls or Posts, Rails or Palisadoes, or such other Places within the District so appointed to be lighted and watched as aforesaid, and to be
 8 altered,

altered, taken down, or renewed in such Manner as they shall think fit, but so as not to injure any Buildings, or to interfere with or prevent any Person from erecting Buildings on any Land or Ground, and also to cause such Lamps or any of them to be lighted, either with Gas, Oil, or otherwise, at such Times and Seasons of the Year, and on such Mornings and Evenings, and during such Hours in the Morning and Evening, and to be kept burning for so many Hours, and to use the same in such Manner as to them shall seem necessary or proper for the well and sufficiently lighting all and every or any of the Streets, Lanes, Highways, Passages, and other public Places within the said District: Provided always, that no Lamp Iron or Lamp Post shall be affixed or set up or continued upon or against the Walls of any House or Building without the Consent of the Occupier thereof.

LVII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to contract with any Gas Light Company now or hereafter to be established within the said Township or in the Neighbourhood thereof, or with any other Person or Persons, Body or Bodies Politic or Corporate, for lighting the said Streets, Lanes, Highways, Passages, and other public Places within the said District so appointed to be lighted and watched as aforesaid with Gas, Oil, or otherwise, for any Number of Years or other Time, and upon such Terms and Conditions, in all respects, as the said Commissioners shall from Time to Time think proper, and to provide and set up all necessary Lamps, Lamp Posts, Lamp Irons, and other Works necessary for such Purposes within such District.

Power to contract for lighting.

LVIII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners (in case they shall deem it expedient to light the said Streets, Roads, Lanes, Highways, Passages, and other public Places within the said District with Gas or Inflammable Air without contracting for the same,) to set up and establish a Manufactory of Gas for the Use of the said Township, with all necessary Boilers, Gasometers, Works, and Apparatus requisite for the same, and to purchase or rent from any Person or Persons, Body or Bodies Politic or Corporate, who shall be willing to sell or let the same, any Buildings, Lands, Tenements, Hereditaments, or Premises whatsoever within the said Township, or within any other Township near or contiguous thereto, not exceeding Two Statute Acres of superficial Content, for the Purpose of erecting and making suitable and necessary Erections, Buildings, Works, and Apparatus for the manufacturing or preparing of Gas; and when and as often as the same may be necessary it shall be lawful for the said Commissioners to break up the Soil or Pavement of any of the Footways or Carriageways of any of the said Streets, Roads, Lanes, Highways, Passages, and other public Places within the said Township or within any other Township near or contiguous thereto where the said Buildings, Works, and Apparatus shall be made, and also to cause Mains or Pipes for the Conveyance of Gas to be laid and carried, altered and renewed, as may be necessary, along, through, and under the said Streets, Roads, Lanes, Highways, Passages, and other public Places, or any of them, the said Commissioners doing as little Damage as may be to the Soil or Pavements of the Carriageways or Footpaths which it may be necessary to break or take up, and immediately, or as soon thereafter as may be, filling up the

Commissioners may erect Apparatus to make Gas themselves.

No Pipes to
be laid against
any Buildings,
&c. without
Consent.

Injury done
to Walls to
be repaired.

Pipes to be
removed
from Dwell-
ing Houses
on Notice.

the Trenches, and reinstating and making good such Carriageways and Footpaths, and carrying away the surplus Earth, Filth, and Rubbish, and during the Time that such Works are carrying on, and until such Ground, Soil, or Pavements shall be reinstated and made good, fencing and guarding and affixing Lights during the Night at or near the Place where any such Ground shall be opened, in such Manner as to prevent Accidents, Damage, or Inconvenience to Passengers, Cattle, or Carriages: Provided always, that nothing herein contained shall authorize and empower the said Commissioners, or any Company of Proprietors, or other Person or Persons furnishing or supplying Gas to be burnt or used in the said Township, to carry, lay, or affix any Pipe or Pipes through, into, or against any Dwelling House, Manufactory, public or private Building, or any private Yards or Ground, or to continue the same against the Will of the Owner or Occupier, or the Person for the Time being having the Superintendence or Controul thereof respectively, expressed by Writing under his Hand; and if any Injury or Damage shall be occasioned to any Post, Rail, Palisado, Building, or Wall by the affixing or setting up, taking down, altering, removing, or renewing of any Lamp or Lamp Iron, or any Fastener thereof, the said Commissioners, or the Person or Persons by whom or by whose Direction the same shall have been done, shall immediately cause the same to be well and sufficiently made good and repaired: Provided also, that in laying down any Pipe or other Apparatus for conveying Gas over, across, or upon any public Bridge within or adjoining the said Township, or within or under the Roads belonging thereto, such Pipe or other Apparatus shall be conveyed under the Footpaths over such Bridge, and within Brick or Stone Soughs set in Lime Mortar, and covered with sufficient Flags to form the Surface of such Footpaths.

LIX. Provided always, and be it further enacted, That in case any Pipe, Cock, or Branch shall be carried or laid from any Main or Pipe of the said Commissioners, or of the said Company or Companies, or other Person or Persons contracting to light or lighting as aforesaid, into or through or against any private Dwelling House, Manufactory, Warehouse, Building, Yard, or Ground, for the Purpose of lighting the same, or any other Dwelling House, Manufactory, Building, Yard, or Ground, in pursuance and conformable to the Powers and Authorities in this Act contained, and the Owner or Occupier of any such private Dwelling House, Manufactory, Warehouse, Building, Yard, or Ground into or through or against which such Pipe, Cock, or Branch shall pass or be laid shall be desirous that the same Pipe, Cock, or Branch shall be altered or removed and taken away, and of such his or her Desire shall give Notice in Writing to the said Commissioners, Company or Companies, or other Person or Persons as aforesaid, then and in every such Case the said Commissioners, Company or Companies, or other Person or Persons shall within Seven Days after the Receipt of such Notice alter or remove and take away, or cause to be altered or removed and taken away, all or any of such Pipes, Cocks, and Branches as shall have been so introduced and laid therein or thereupon from any such Main of the said Commissioners, Company or Companies, or other Person or Persons as aforesaid; and in default thereof it shall and may be lawful to and for such Owner, Occupier, or any other Person or Persons acting under his or her Authority,

rity, to cause such Pipes, Cocks, and Branches to be altered or removed and taken away, as the Case may require, and the Costs and Expences of such Removal shall be recovered from the said Commissioners, Company or Companies, or other Person or Persons as aforesaid, on Complaint before a Justice of the Peace of the County of *Chester*, in such and the same Manner as any Penalty is recoverable under this Act, if the same be not paid, on Demand, by such Commissioners, Company or Companies, or other Person or Persons as aforesaid.

LX. And be it further enacted, That in case the said Commissioners shall deem it expedient to erect such Gas Apparatus, and to light the said Streets, Lanes, Roads, Passages, and other Places within the Limits of this Act with Gas or Inflammable Air, without contracting for the same as aforesaid, it shall and may be lawful for the said Commissioners, after sufficiently lighting the said Streets, Lanes, Roads, Passages, and public Places, to let out or grant to any Person or Persons whomsoever who shall be willing to take the same any Light or Lights, or Argand, Cockspur, Batwing, or any other kind of Burner, and to supply the same with Gas upon such Terms and Conditions, and at such annual and other Rents for the same, and in such Manner, as they the said Commissioners shall from Time to Time think proper: Provided nevertheless, that all Monies to proceed therefrom or arise thereby, or by the Sale of any Coke, Tar, or other Product of Coal, shall be in the first place applied to defray the Expence of the Gas Apparatus and other Things connected therewith, and of maintaining the same, and of the Manufactory of Gas, and if there shall be any Surplus, then the same shall be applied in aid of the Lighting and Watching Rate herein-after mentioned.

Commis-
sioners em-
powered to
let out Gas
Lights in
case they
light the
Streets them-
selves.

LXI. And be it further enacted, That in case any Person or Persons who shall contract with the said Commissioners or otherwise agree to take, or shall use and enjoy, the Benefit of the said Gas in their private Dwellings, Shops, Inns, Taverns, or other Buildings or Manufactories, shall refuse or neglect for the Space of Ten Days after Demand to pay the Sum or Sums then due for the same to the said Commissioners according to the Terms and Stipulations of the said Commissioners, it shall be lawful for the said Commissioners, or their Clerk or Clerks, or any Person or Persons acting by or under their Authority, by Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Chester*, to levy the said Sum or Sums of Money in respect whereof such Neglect or Refusal shall happen by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any), upon Demand, to such Person or Persons so refusing or neglecting, after the necessary Charges of making and attending such Distress and Sale shall be first deducted.

Recovery of
Rent for the
supply of
Gas.

LXII. And be it further enacted, That in case the said Commissioners shall enter into any Contract with any Company of Proprietors, or any other Person or Persons, for the lighting the said Streets, Roads, Lanes, Ways, Entries, Market Place, and other public Passages and Places with Gas, the said Company of Proprietors or other Person or Persons so contracting to light as aforesaid shall, in the supplying of such Gas, or in the laying or repairing any Pipes, Plugs, or other Apparatus, do as little Damage as may be to the Soil or Pavements of the Footpaths

Pavements to
be reinstated
after Pipes,
&c. have
been laid
down.

or Carriageways which it may be necessary to break or take up, and shall and they are hereby required immediately after to fill in the Trenches, and to reinstate and make good such Footways and Carriageways to the Satisfaction of the said Commissioners, and shall cause to be carried away all surplus Earth, Filth, and Rubbish occasioned thereby at their own Costs and Charges; and during the Time that such Works are carrying on, and until such Ground, Soil, and Pavement shall be so reinstated and made good as aforesaid, such Company of Proprietors or other Person or Persons aforesaid shall sufficiently fence and guard and affix Lights during the Night at or near the Place or Places where any Ground shall be opened in such Manner as to prevent Accidents, Damage, or Inconvenience to Passengers, Cattle, or Carriages: Provided always, that if there shall be any wilful Negligence or Delay in such Company of Proprietors, or other Person or Persons aforesaid, or any of their Agents or Servants, in filling in such Ground, or removing Rubbish, or making good such Pavement or Road, or in case the Ground so opened shall not be sufficiently fenced or guarded and lighted, then and in every such Case it shall be lawful for the said Commissioners, or their Surveyor or Surveyors, or other the Persons having the Controul, Direction, or Superintendence of such Pavement or Road, to fill in, reinstate, and make good such Ground, Soil, and Pavement, and to carry away all Rubbish occasioned thereby, and during the Time that such Works are carried on to fence or guard any such Trench or Excavation, and provide necessary Lights at Night; and the Expences attending the same shall be repaid to the said Commissioners by the said Company of Proprietors, or by the Person or Persons so contracting to light as aforesaid; and in default of Payment thereof within Twenty-eight Days next after Demand made for the Payment thereof in Writing, all such reasonable Costs, together with any Sum by way of Penalty not exceeding Five Pounds, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the same Company of Proprietors or other Person or Persons so contracting to light as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of any Justice of the Peace for the said County Palatine of *Chester*, who, upon due Proof of such Default, is hereby empowered to grant the same.

Service Pipe to be kept fully charged with Gas.

LXIII. And be it further enacted, That the Branch or Service Pipes which shall be put down for lighting the said Streets, Roads, Lanes, Passages, and other public Places shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

No Pipes of Communication to be laid without the Consent of the Commissioners or Gas Company.

LXIV. And be it further enacted, That no Person shall lay any Pipe to communicate with any Main or other Pipe, nor fit or alter any of the Fittings of any Pipes or Lamps belonging to the said Commissioners, or to any Company of Proprietors, or any Person or Persons so contracting to light as aforesaid, without their Consent in Writing first had and obtained, on pain of forfeiting to the said Commissioners, or Company of Proprietors, or Person or Persons as aforesaid, the Sum of Forty Shillings *per* Day for every Day such Pipe shall so remain or such Fittings remain altered.

LXV. And

LXV. And be it further enacted, That if the said Commissioners, or any Company of Proprietors, or any Person or Persons making, furnishing, or supplying any Gas to be used, burnt, or consumed within the said Township, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings or other waste Liquids whatsoever which may arise or be produced in the making of such Gas into any River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, Springhead, or Well, or into any Canal, Dock, Basin, Cut, or navigable Stream, or in any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, Well, Canal, Dock, Basin, Cut, or navigable Stream, Drain, Sewer, or Ditch, whereby the Water or any Part thereof shall or may be fouled or corrupted, then and in every such Case the said Commissioners, or such Company of Proprietors, or such Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlance shall be allowed; and the whole of such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Three Calendar Months next after the Time in which such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, (and whether such Penalty shall have been sued for or recovered or not,) in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Springhead or Well, or any Canal, Dock, Basin, Cut, or navigable Stream, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons whomsoever to the said Commissioners, or to the Company of Proprietors, or to such Person or Persons as aforesaid, and the said Commissioners or Company, or such Person or Persons as aforesaid, shall not within Twenty-four Hours after such Notice shall have been given stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being emptied, drained, conducted, or conveyed, or from running or flowing, in manner aforesaid, and every such Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners or Company, or such Person or Persons as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste
Liquids,

Penalty for conveying Washings into Rivers, Streams, &c.

Liquids, or noisome or offensive Liquids, Substances, or Things shall be so emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, or such other Annoyance, Act, or Thing shall be done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

Penalty for
allowing
Escape of
Gas.

LXVI. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Commissioners, or by any Company of Proprietors, or by any Person or Persons making, furnishing, or supplying any Gas to be used, burnt, or consumed within the said Township for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, the said Commissioners, or such Company, or Person or Persons as aforesaid, shall, at their own Expence, immediately after Notice shall be given to them or him by Parol or in Writing of any such Escape of Gas by any Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Commissioners, or the Company of Proprietors, or other Person or Persons aforesaid, shall not within Twenty-four Hours next after such Notice being given effectually stop and prevent the Gas from escaping, and wholly and effectually remove the Cause of Complaint, then and in every such Case the said Commissioners, or the Company of Proprietors, or other the Person or Persons aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid; which Penalty shall from Time to Time be recoverable in a summary Way, on the Oath of One or more credible Witness or Witnesses, by Information to be laid and exhibited before One or more Justice or Justices of the Peace for the said County Palatine of *Chester*, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Commissioners, or such Company of Proprietors, or Person or Persons aforesaid, by Warrant of any Justice or Justices of the Peace as aforesaid in manner herein-after directed.

Gas Pipes to
be laid Three
Feet from
the Water
Pipes, and in
a particular
Manner.

LXVII. And be it further enacted, That all the Pipes or other Conduits to be laid or used by the said Commissioners, or by any Company of Proprietors, or Person or Persons whomsoever, for the Conveyance of Gas, in, under, through, along, across, or round any Street, Road, Lane, Passage, or other public Place within the said Township, shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriageway in such Road, Street, or Place will allow thereof at the Distance of Three Feet at least, from the nearest Part of any Water Pipe already or hereafter to be laid down for the Conveyance of Water (except in Cases where it shall be unavoidably necessary to lay the said Gas Pipes across any of such Water Pipes, in which Cases the said Gas Pipes shall be laid

over

over the Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and in such Cases the Length of the said Gas Pipes so crossing the said Water Pipes shall always exceed Nine Feet, in order that no Joint of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least); and in laying down the said Gas Pipes the said Commissioners, or any such Company of Proprietors, or Person or Persons aforesaid, shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall then in such Trench, and not before, properly form and complete with proper and sufficient Materials the joining with the other Pipe or Pipes to be connected therewith, and shall also make and keep air-tight all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screw-Joints, Inlets, Apertures, and Openings therein respectively, and in all and every respect prevent the said Gas from escaping therefrom, upon pain of forfeiting for every such Default the Sum of Five Pounds.

LXVIII. And be it further enacted, That whenever the Water of any Owners or Proprietors of any Waterworks within the Township, or the Water in any Well, Reservoir, or Pond belonging to or used by any Person or Persons whomsoever, shall be contaminated or affected by the Gas of the said Commissioners, or of the Company of Proprietors, or other Person or Persons aforesaid, the said Commissioners, Company of Proprietors, or other Person or Persons aforesaid shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds nor less than Ten Pounds, and the same shall be applied to and for the Use and Benefit of the Owner or Owners of such Waterworks, Well, or Pond, or the Party using any such Water, and suing for the same; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the said Commissioners, Company of Proprietors, or other Person or Persons so continuing to light as aforesaid, shall within Twenty-four Hours after Notice thereof in Writing, signed by any Person whomsoever interested in or using such Water, to be left at the usual Office or Place of transacting the Business of the said Commissioners, or of such Company of Proprietors, or other Person or Persons aforesaid, cause the most proper and speedy Methods to be taken effectually to stop and prevent Gas from escaping from their Mains, Works, or Pipes, and contaminating or affecting such Water; and in case the said Commissioners, or Company of Proprietors, or Person or Persons aforesaid, shall not within Twenty-four Hours next after each and every such Notice so left as aforesaid effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Commissioners, Company of Proprietors, or such Person or Persons as aforesaid, shall forfeit and pay to the Party or Parties so interested in or using such Water, and complaining as aforesaid, for the Use and Benefit of such Party or Parties (over and above the before-mentioned Penalty of Twenty Pounds), a further Sum not exceeding Ten Pounds for each and every Day during which any such Water shall be and remain contaminated, tainted, or affected by any such Gas as aforesaid.

Commissioners to prevent Contamination of Water under Penalty of 20*l.* and 10*l.* a Day after Notice.

For ascer-
taining if the
Water be con-
taminated.

LXIX. And whereas it may become a Question, upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the said Gas; be it therefore enacted, That in every such Case it shall be lawful for the Owners or Proprietors of any such Waterworks, or any Person or Persons interested in such Well, Reservoir, or Pond, to dig to and about, and search and examine, the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by such Gas; and if it shall appear that the said Water has been contaminated or affected by the Escape of such Gas, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement or Ground of the Street or Streets, Road or Roads, which shall be taken up or disturbed, shall be borne and paid by the said Commissioners; which Costs and Expences shall be ascertained and determined, if necessary, by any Justice of the Peace for the County of *Chester*, and the Amount thereof be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas, then and in such Case the Owners or Proprietors of such Waterworks, or the Person or Persons interested in such Well, Reservoir, or Pond, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Commissioners in and by such Search and Examination, and also to the Pavement or Ground of the said Streets or Roads so broken up or disturbed in such Search or Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice or any other Justice of the Peace as aforesaid.

Act not to
protect Per-
sons, &c.
lighting with
Gas from
being indict-
ed for a Nui-
sance.

LXX. Provided always, and be it further enacted, That the Powers and Provisions in this Act contained shall not extend or be construed to extend to protect the Commissioners making, furnishing, or supplying any Gas to be used, burnt, or consumed within the said Township for lighting any Street, Highway, or other Place, or any House, Manufactory, or other Building therein, or any of the Servants or Officers or Workmen of the said Commissioners, from any Indictment or Prosecution for a public or private Nuisance in respect of any Works, or the Means which shall be employed by them in making the said Gas or using the same, or furnishing any such Gas Light, nor from any Action for any Injury or Damage sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury or Damage shall proceed from the Preparation or the Use of the same Gas, or the Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Penalty for
wilfully
breaking of
Lamps, &c.

LXXI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break, throw down, or otherwise deface or damage any Lamp that shall be set up by virtue of this Act by Order of the said Commissioners, or in pursuance of any Contract made by the said Commissioners, or by any Person at his own Expence, for the Purpose of lighting any Part of the said Township, or any Street, Road,

Lane,

Lane, Way, Highway, Passage, or public Place, or any Post, Pillar, Pilaster, Lamp Iron, Cover, or other Furniture thereof, or shall wilfully extinguish the Light of any such Lamp, it shall be lawful for any Justice of the Peace for the County of *Chester*, and he and they is and are hereby required, upon Oath made (or upon Affirmation if made by a Quaker) of the Commission of such Offence, to issue a Warrant for apprehending the Party accused, or it shall be lawful for any Person who shall see such Offence committed to apprehend, and for any other Person to assist in apprehending the Offender, and by the Authority of this Act, and without any other Warrant, to deliver him into the Custody of a Peace Officer in order to be secured and conveyed before some Justice of the Peace for the said County; and upon the Party accused being brought before such Justice such Justice shall proceed to examine upon Oath (or being a Quaker upon Affirmation) any Witness who shall appear to give Evidence touching such Offence; and if the Party so accused shall be convicted of such Offence, either upon Confession or upon such Evidence as aforesaid, then and in every such Case every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and the Offender shall also make full Satisfaction to the said Commissioners, or other the Person or Persons injured, for the Damages so done; and in case such Offender shall not, upon such Conviction, pay such Forfeiture or Forfeitures by him incurred as aforesaid, and make such Satisfaction as aforesaid, the Justice before whom such Offender shall be convicted is and are hereby empowered to commit him to the Common Gaol or House of Correction for the County, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months.

LXXII. And be it further enacted, That if any Person shall carelessly or accidentally break, throw down, or damage any of the said Lamps already or hereafter to be hung or set up as aforesaid, or the Irons or other Furniture thereof, and shall not immediately upon Demand make Satisfaction for the Damage done thereto, then and in every such Case it shall be lawful for any Justice of the Peace for the County of *Chester*, upon Complaint thereof to him made by any credible Person, to summon before such Justice the Party who shall be complained of for doing such Damage as aforesaid, and upon hearing the Allegations and Proofs on both Sides, or Nonappearance of the Party so complained of, to award such Sum or Sums of Money as the Damage to be proved shall amount unto, and in case of Refusal or Neglect to pay any of the Sums of Money so awarded within Five Days next after Demand, to cause the same to be recovered in such Manner as Fines, Penalties, and Forfeitures are by this Act directed to be recovered.

Damages to be paid for Lamps broken accidentally.

LXXIII. And be it further enacted, That it shall be lawful for the said Commissioners in their Discretion to nominate and appoint One or more Constable or Constables for the said Township for promoting the good Order thereof, and also from Time to Time to appoint a competent Number of able-bodied Men as Assistant Constables for the said Township for keeping the Peace therein, and for executing all such Warrants, Precepts, and Orders as the Justices of the Peace for the County of *Chester* shall from Time to Time direct to them to be executed within the said Township, and from Time to Time to discharge and replace such Constable

Commissioners may appoint Constables and Assistant Constables.

Constable or Constables and Assistant Constables, or any of them, and make other Nominations and Appointments, and to pay such Salary and Salaries for the due Execution of the Duty they are required to perform, and to make such Orders and Rules for the better Government and Regulation of the said Constable or Constables or Assistant Constables, as they shall see fit: Provided always, that nothing herein contained shall prejudice or affect the Right of the Magistrates for the County Palatine of *Chester* to appoint Assistant Petit Constables in case of the Nonappointment of a sufficient Number of Constables or Assistant Constables by the said Commissioners under the Authority of this Act, or of the Insufficiency of the Constables or Assistant Constables which may be appointed by the said Commissioners.

Watchmen,
&c. to be
sworn in as
Constables.

LXXIV. And be it further enacted, That the said Constables and Assistant Constables, and all Watchmen, Patroles, and Beadles, and Market Lookers or Inspectors of Markets to be appointed by virtue of this Act, shall be sworn in as Constables before some Justice of the Peace for the said County Palatine of *Chester*, and shall afterwards act as such while in the Execution of the Powers and Authorities of this Act, and they are hereby invested with and shall have and enjoy the like Powers, Authorities, Privileges, and Immunities as any Constable is invested with or has or enjoys by Law, and shall be subject to the like Responsibilities, Penalties, Pains, and Forfeitures as Constables are by Law subject to.

Constables to
take Recognizances.

LXXV. And be it further enacted, That for the better Administration of the Police within the said Township of *Birkenhead* it shall be lawful for the said Constables or Assistant Constables, on having an Appointment in Writing from the said Commissioners for that Purpose, to take Recognizances without any Fee or Reward from any Person who shall be brought before them or any of them in the Night-time upon any Charge not amounting to Felony, and who shall be willing to enter into such Recognizance for the Appearance of such Person before any Justice of the Peace for the said County Palatine of *Chester* within the Space of Seven Days then next ensuing for further Examination; and such Recognizances so to be taken as aforesaid shall be of equal Obligation to the Parties entering into the same, and liable to the same Proceedings for the estreating thereof, as if the same had been taken before a Justice of the Peace; and such Constable or Assistant Constable as aforesaid shall enter in a Book to be kept for that Purpose the Names, Residences, and Occupations of the Parties and their Sureties, if any, entering into such Recognizance, together with the Conditions thereof, and the Sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the Time and Place when and where the Parties are required to appear; and if the Parties do not appear at the Time and Place required, or within an Hour after, the Justice shall cause a Record of the Recognizance to be drawn up, to be signed by such Constable or Assistant Constable as aforesaid, and shall return the same to the next General or Quarter Sessions, or the Adjournment thereof, for the County Palatine of *Chester*, with a Certificate at the Back thereof, signed by such Justice, that the Parties have not complied with the Obligation therein contained; and the Clerk of the Peace for the said County of *Chester* or his Deputy shall make the like Extracts and Schedules of every such Recognizance as of Recognizances in the Sessions
of

of the Peace; and if the Parties not appearing shall apply by any Person on their Behalf to postpone the hearing of the Charge against them, and the Justice shall think fit to consent thereto, the Justice shall be at liberty to enlarge the Recognizances to such further Time as he shall appoint; and when the Matter shall be heard and determined, either by the Dismissal of the Complaint or by binding the Parties over to answer the Matter thereof at the Sessions or otherwise, the Recognizance for the Appearance of the Parties before a Justice shall be discharged without a Fee.

LXXVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered and required, from Time to Time, when and as often as they shall think it expedient, to provide, erect, and set up, and afterwards keep in good Repair and Condition, such and so many Watch-houses and Watchboxes, in such Situation as they shall judge proper and expedient, in any of the Streets, Lanes, Highways, Passages, or other public Places within the District so appointed to be lighted and watched as aforesaid, and to appoint and employ such and so many Watchmen and Night Patroles, and such and so many Superintendents to such Watchmen and Night Patroles, and such and so many Beadles, as well for the Day as Night, as they shall judge expedient and necessary for the Security and good Order of the said District, and such Watchmen, Night Patroles, and Beadles from Time to Time to remove and displace, and to appoint others in their Stead, and also to order and direct how many of the said Watchmen, Night Patroles, and Beadles shall attend nightly within the said District, or in any Road, Street, Way, Passage, or public Place therein, and how such Watchmen, Night Patroles, and Beadles shall be armed, and at what Stations they shall be placed, for what Number of Hours they shall watch, and how often they shall go their Rounds, and to make such further Orders and Regulations from Time to Time for the better Government and Direction of the said Watchmen, Night Patroles, and Beadles, and to pay them such Salaries, as they shall think proper.

Power to erect Watch-houses and to employ Watchmen.

LXXVII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to appoint Committees of such and so many of the said Commissioners, for the Purpose of managing, regulating, suspending, and appointing the said Watchmen, Night Patroles, and Beadles, as Occasion may from Time to Time require between the several Meetings of the said Commissioners.

Power to appoint Committees for regulating Watchmen, &c.

LXXVIII. And be it further enacted, That the said Constables, Assistant Constables, Watchmen, Night Patroles, and Beadles shall, in their several Courses of Service, use their utmost Endeavours, not only to prevent Fires, but also to keep Watch and Ward within the said Township, and to prevent Murders, Burglaries, Felonies, and other Outrages, Disorders, and Breaches of the Peace; and to that end the said Constables, Assistant Constables, Watchmen, Night Patroles, and Beadles respectively shall and may and they are hereby empowered and required to arrest and apprehend all Felons, Malefactors, Vagrants, Beggars, Disturbers of the Peace, and all disorderly and suspected Persons, Prostitutes, and Night-walkers, who shall be found misbehaving or wandering within the said Township, and to lodge them in any Place of

Duties of Watchmen, &c.

[Local.]

Security within the said Township which shall be provided and appointed for that Purpose by the said Commissioners, to be there safely kept and detained until they can conveniently be carried before some Justice of the Peace to be examined and dealt with according to Law.

Duty of
Beadles, &c.

LXXIX. And be it further enacted, That the said Constables, Assistant Constables, Beadles, Superintendents, Watchmen, and Night Patroles shall and they are hereby required, as often in every Night as shall be ordered by the said Commissioners, to go about their respective Districts and Rounds, and observe and take notice whether all the Watchmen and Night Patroles 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 or Night Patrole shall be found misbehaving himself or neglecting his Duty the said Constables, Assistant Constables, Superintendents, and Beadles shall as soon as conveniently may be give Notice thereof to the Committee for the Time being for managing and regulating Watchmen and Night Patroles; and the said Constables, Assistant Constables, and Beadles shall also patrol the several Streets within the said Town in the Daytime during such Hours and Times as the said Commissioners shall appoint, and apprehend and secure all drunken, riotous, or disorderly Persons, and Persons found begging in the Streets, Roads, Highways, Footways, Market Place, or public Passages or Places within the said Township, and Persons who shall insult any Female by using obscene Language or by indecent Exposure of the Person, Persons found loitering in Groups in the Streets, Highways, Footways, Market Place, public Passages or Places within the said Township, to the Annoyance or Obstruction of Passengers or Inhabitants of the said Township, or in anywise wilfully obstructing or hindering the free Passage of any of the said Streets, Roads, Highways, Footways, Market Place, public Passages or Places, Persons setting any Dogs to fight, or abetting or encouraging any Dog-fight, or by any other Means disturbing the good Order and public Peace of the said Township, and convey all such Persons either before some Justice of the Peace, or to convey such Persons to and lodge them in any Place of Security within the said Township which shall be provided and appointed for that Purpose by the said Commissioners, to be there safely detained and kept until they can conveniently be carried before some Justice of the Peace to be examined and dealt with according to Law.

Penalty on
Watchmen,
&c. for Neg-
lect of Duty.

LXXX. And be it further enacted, That if any of the said Constables, Assistant Constables, Superintendents, Watchmen, Night Patroles, or Beadles so appointed as aforesaid, or any of their Substitutes, shall at any Time wilfully neglect or omit to observe and perform all the Orders, Rules, and Regulations made by the said Commissioners for their Conduct or Government respectively, or shall in any Manner neglect their Duty, or misbehave, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Twenty Shillings, and shall be dismissed from his said Employment if the said Commissioners shall think proper so to do.

Watchmen,
&c. guilty of
Misconduct

LXXXI. And be it further enacted, That if any Constable, Assistant Constable, Superintendent, Watchman, Night Patrole, or Beadle to be appointed

appointed by virtue of this Act shall be guilty of any Neglect or Misconduct in the Execution of his Duty, it shall be lawful for any Justice or Justices of the Peace for the County of *Chester*, upon Complaint against any such Constable, Assistant Constable, Superintendent, Watchman, Night Patrole, or Beadle of any such Misconduct, to commit him to the Common Gaol or House of Correction for the said County, there to remain for any Term not exceeding Three Calendar Months.

liable to a Prosecution and Punishment.

LXXXII. And be it further enacted, That if any Innkeeper, Victualler, or Keeper of any Public House, or Keeper of any House, Shop, Room, or other Place for the Sale of any Liquors, whether spirituous or otherwise, shall knowingly harbour or entertain, or wilfully suffer to remain, in his or her Inn, Public House, Shop, Room, or other Place, any such Constable, Assistant Constable, Superintendent, Watchman, Night Patrole, or Beadle as aforesaid during any Part of the Time appointed for his being on Duty, every such Innkeeper, Victualler, or Keeper shall on Conviction thereof forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Punishing Publicans for harbouring them during the Time they should be on Duty.

LXXXIII. And be it further enacted, That it shall be lawful for the said Commissioners to give such Rewards in Money to any of the said Constables, Assistant Constables, Superintendents, Watchmen, Night Patroles, and Beadles respectively, who may conduct himself with any particular Merit, or may be disabled or wounded in the Execution of his Office, as they the said Commissioners shall think reasonable, out of the Monies to be raised by virtue of this Act.

Power to reward disabled Watchmen, &c.

LXXXIV. And be it further enacted, That if any Person shall obstruct or assault any Constable, Assistant Constable, Superintendent, Watchman, Night Patrole, or Beadle, to be appointed or employed by virtue of this Act, whilst in the Execution of his Duty, or shall aid or incite any Person so to obstruct or assault, any Person so offending, upon being convicted thereof before any Justice of the Peace of the said County Palatine of *Chester*, shall forfeit and pay any Sum not exceeding Five Pounds, or such Justice may at his Discretion commit such Person, either for Trial at the Quarter Sessions, or to the House of Correction for the said County, for any Time not exceeding Two Calendar Months, and to be kept to hard Labour if the Justice shall so think fit.

Penalty on Persons assaulting Watchmen.

LXXXV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to provide and maintain in good Repair and Condition One or more Fire Engine or Fire Engines, as well floating as common, together with all such Pipes, Buckets, and other Articles and Things as may be necessary for working and using the same, and also from Time to Time to provide and maintain proper and convenient Houses or other Places within the said Township for the keeping of such Engine, and to pay and defray all Costs and Expences attending the same respectively out of the Money to be raised by virtue of this Act.

Commissioners to provide Fire Engines.

LXXXVI. And be it further enacted, That from and after the passing of this Act the Repair and ordering of all the public Roads, Lanes,

Repair of Streets to be under the Direction of

the Commis-
sioners.

Lanes, Streets, Highways, and Passages and other public Places within the said Township, shall be wholly under the Management and Direction of the said Commissioners, and the Surveyor or Surveyors to be by them appointed, in manner herein-before mentioned; and the Surveyor or Surveyors to be appointed under or by virtue of this Act shall be and he and they is and are hereby invested with and made subject and liable to all the Rights, Liberties, Powers, and Authorities, Duties, Penalties, and Obligations, in respect of the public Streets, Lanes, Roads, Highways, and Passages and other public Places within the said Township, which by Law now are or hereafter shall or may be granted to or conferred or imposed upon the Surveyors of the public Highways in that Part of *Great Britain* called *England*; and all Monies, Costs, and Charges which any such Surveyor or Surveyors shall pay or be subjected to in the Duties of his or their Office or Offices shall be paid by the said Commissioners or their Treasurer out of any Monies to be raised by virtue of this Act.

Commission-
ers to pave
the Streets in
the Town-
ship.

LXXXVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, empowered, and required, from Time to Time, when and so often and in such Manner as they shall think proper or necessary, to order and cause the said Market Place, and the Approaches and Avenues thereto, and the several Streets, Roads, Ways (as well Carriage as Foot Ways), Foot-crossings, Passages, and Places, in the said Township, which now are or hereafter shall be declared to be and be adopted as public or common Highways as herein-after mentioned, and each and every of them, and each and every or any Part or Parts thereof respectively, to be altered, widened, diverted, turned, or extended, paved, flagged, or otherwise constructed, improved, soughed, repaired, and amended, supported and kept in good Order and Condition, with such Materials as the said Commissioners shall think proper, and also from Time to Time to cause the Pavements, Flagging, and other Materials thereof to be taken up and relayed and renewed, and the Ground and Soil thereof to be raised, lowered, or altered, in such Manner and with such Materials as the said Commissioners shall deem proper or direct, and also from Time to Time to cause proper and convenient Sewers, Gutters, Drains, or Watercourses to be made along or under the said several Streets, Roads, Lanes, Highways, Passages, or other public Places, for carrying off Water, Mud, or other Filth from the same, and to cause Grates to be placed on or over any of the said Sewers, Gutters, Drains, or Watercourses, and to remove, alter, or vary the Situations of the present or any future Grates placed or to be placed in or over the same, in such Manner as the said Commissioners shall think proper.

Penalty for
damaging
Materials.

LXXXVIII. And be it further enacted, That if any Person shall wilfully or maliciously or by Negligence break up, injure, destroy, or otherwise damage any of the Flagging or Pavement or the Footways or Carriageways of the said Streets, Roads, Lanes, public Passages or Places, or any of the Sewers, Gratings, or any of the Posts, Pales, and Rails or Fences, or any of the Works done by the said Commissioners in pursuance of this Act, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

LXXXIX. And

LXXXIX. And be it further enacted, That it shall be lawful for the said Commissioners to make and keep in repair, or cause to be made and kept in repair, any Causeway or Causeways for the Use of Foot Passengers in, upon, or on the Sides of all or any of the Roads, Streets, or Thoroughfares made or to be made within the Limits of this Act, in such Manner as they shall think proper; and that after any such Causeway or Causeways shall have been made and completed by the said Commissioners any Person convicted of riding or driving thereon, or on any Footway or Causeway within the said Township, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Commissioners may make Causeways on the Sides of Road for Foot Passengers.

XC. And be it further enacted, That it shall be lawful for the said Commissioners or their Surveyor, during such Time as any of the said Streets, Roads, Lanes, Highways, Passages, or public Places within the said Township shall be under Repair, or during the making or repairing of any Sewers or Drains therein, to cause so many Bars, Posts, Rails, and Chains, or other Obstructions, to be fixed, set up, and placed across or in any of the said Streets, Lanes, Highways, Passages, or other public Places, to prevent the passing of Carriages, Horses, and Cattle whilst such Works and Repairs are in progress, as to the said Commissioners shall seem proper; and if any Person or Persons shall throw down, break, remove, damage, or injure any of the said Bars, Posts, Rails, Chains, or other Obstructions, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings.

Power to place Bars across the Streets under Repair.

XCI. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to erect and set up, in such Parts of the said Streets, Lanes, Highways, Passages, and other public Places as they may think necessary, any Posts, Pillars, Stones, Rails, Bars, Chains, or any other Fence or Fences, either permanent or temporary, for the Purpose of preserving any of the Footways within the said Township clear from Annoyance by Horses, Cows, Swine, or other Cattle at Fairs and Markets, and for the Purpose of keeping off Carriages from any of the said Footways, and for the Prevention of Accidents, and also to paint, repair, and replace any such Posts, Pillars, Stones, Rails, Bars, Chains, or other Fence or Fences from Time to Time whenever it shall appear to be requisite, and also from Time to Time to order and cause the Removal of all or any Posts, Rails, Pales, and Fences which are or shall be in any of the said Streets, Roads, Lanes, Highways, Passages, or public Places, and which shall in the Opinion of the Commissioners be useless, or an Obstruction to the free Passage along the same.

Power to set up Posts for guarding Footways, and to remove the same.

XCII. And be it further enacted, That it shall and may be lawful for the said Commissioners from Time to Time to appoint and employ such and so many Paviers, Artificers, Workmen, Labourers, Carters, and other Persons, and to purchase or hire such and so many Horses, Carts, Water Carts, Rollers, and other Machines, and to purchase and provide such Tools, Implements, and Materials, as the said Commissioners shall judge to be necessary for carrying the Purposes of this Act into execution.

Paviers and Carters, &c. to be employed, and Horses, &c. purchased.

[*Local.*]

17 T

XCIII. And

Land to be provided for depositing Materials.

XCIII. And be it further enacted, That the said Commissioners shall have full Power and Authority to purchase or rent from any Person or Persons who may be willing to treat for the same any Piece or Parcel of Land, Building, or Premises for depositing of Stone and Gravel and other Materials for the several Purposes of this Act, and for Stables for Horses and Carts purchased, hired, used, or employed by the said Commissioners; and the Purchase Money or Rent for the same shall be paid out of the Money to be raised by virtue of this Act, and the Property thereof is hereby vested in the said Commissioners for the Purposes of this Act.

Inhabitants assessed under this Act discharged from Statute Duty, &c.

XCIV. And be it further enacted, That from and after the Expiration of One Year next after the passing of this Act every Person who shall be assessed, under or by virtue and for the Purposes of this Act, for or in respect of any Messuages, Lands, Tenements, or Hereditaments in the said Township, shall be and he is hereby exonerated, released, and for ever discharged from the Performance of Statute Duty for the Repairs of the public Highways within the said Township, and from the Payment of any Composition Money in lieu of such Statute Duty, and from all Rates and Assessments for the Repairs of the said Highways in the said Township, for or in respect of such Messuages, Lands, Tenements, or Hereditaments.

Roads within the Limits of the Act to be discontinued as Turnpike.

XCV. And be it further enacted, That from and after the Expiration of One Year next after the passing of this Act the Trustees of any Turnpike Road passing or leading into or through the said Township of *Birkenhead* shall be exonerated and discharged from the Repair of such Part of the said Road as is or may be within the Limits of this Act, and the said Part of the same Road shall be thenceforth repaired, supported, and kept in Order by the said Commissioners.

The Inhabitants of the Township shall be liable to Indictment for Non-repair of the Streets, &c.

XCVI. Provided always, and be it further enacted, That the Inhabitants of the said Township shall be liable to Indictment at Common Law for the Non-repair or the Want of sufficient Reparation of the Streets, Roads, Lanes, Highways, Passages, and other public Places, being common Highways, within the said Township; and all Indictments and other Processes of Law which may be brought for or on account of the Non-repair or Want of sufficient Repair of the same Streets, Lanes, Roads, Highways, and other public Places shall be brought against the Commissioners, or their Clerk or Treasurer, in the Manner herein-before directed.

Power to declare Streets public Highways when made, &c. upon Application of the Owners.

XCVII. And be it further enacted, That when any Streets, Ways, Roads, Passages, or Places already laid out or hereafter to be laid out within the said Township, not being public or common Highways, shall be well and sufficiently made, soughed, paved, flagged, or otherwise constructed, repaired, and put into good Order, Repair, and Condition, in such Manner and with such public Drains therein as shall be satisfactory to the said Commissioners, then and in such Case, but not before, it shall be lawful for the said Commissioners, upon the Application of the Owner or Owners of the Soil of such Streets, Ways, Roads, Passages, or Places, or of the greater Part in Value of such Owners, or of the Person or Persons liable to repair the same, or of the greater Part in Value of

such Persons, to cause Ten Days Notice to be given in the usual Manner to the Inhabitants of the said Township to assemble in Vestry for the Purpose of taking such Application into consideration, and the Inhabitants so assembled in Vestry are hereby empowered to declare, or to authorize the said Commissioners to declare, such Streets, Ways, Roads, Passages, or Places to be public or common Highways, and from and after such Declaration made the same and every of them shall be deemed and taken to be public and common Highways to all Intents and Purposes, and thenceforth repaired and kept in repair by the said Commissioners under and by virtue of the Powers and Provisions of this Act.

XCVIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required to cause all such Parts of the Streets, Ways, Roads, and Passages or Places within the said Township, not being public or common Highways, which are now in the Estimation of the said Commissioners fully built upon, but not finished, soughed, cleansed, paved, flagged, or otherwise put into good Order and Condition, and all such Streets, Ways, Roads, Passages, or Places as are now making or may hereafter be made within the said Township or any Part or Parts thereof, although not fully built upon, to be made, soughed, paved, flagged, repaired, and cleansed with such Soughs, Gutters, Sinks, Common or Main Sewers, Drains, or Watercourses, and with such Materials and in such Manner as to the said Commissioners shall seem meet and necessary; and the Charges and Expences attending the same shall be reimbursed to the said Commissioners by the Occupiers or Persons in the actual Possession (or by the immediate Owners in case the same shall be unoccupied) of the Houses, Buildings, Grounds, or Land within or on the respective Sides of the said Streets, Ways, Roads, Passages, or Places so to be soughed, paved, flagged, repaired, and cleansed as aforesaid, or wherein such Soughs, Gutters, Sinks, or Common or Main Sewers, Drains, or Watercourses shall be made, repaired, and amended, scoured and cleansed as aforesaid, each such Occupier or Person in possession, or Owner, paying a proportionable Share thereof, such Share to be ascertained by the said Commissioners or their Surveyor; and if any such Occupier or Person in possession, or Owner, shall at any Time refuse or neglect to pay such Proportion of the said Charges and Expences so to be ascertained as aforesaid, the same shall be levied by Distress and Sale of the Goods and Chattels of such Occupier or Person in possession, or Owner, in like Manner as the Rates herein-after directed and required to be raised and levied are authorized to be recovered, or shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*.

New Pavements, &c. in Streets not Highways to be made at the Charge of Owners or Occupiers of Houses, &c.

XCIX. Provided always, and be it further enacted, That the Goods and Chattels of every Occupier at a Rack Rent of such House or Building, or any Part thereof, shall be at all Times liable to be distrained and sold for such Charges and Expences as may have become due during the Time of the Occupancy of such Person, but no such Occupier at a Rack Rent shall be liable to the Payment of a greater Sum for or towards the Discharge of such Charges and Expences, or any of them, than the Amount of the Rent actually due and payable by such Person to the Landlord, Lessor, or Owner of such Premises; and every

Goods of Occupiers liable to be distrained to a certain Extent.

every such Occupier at a Rack Rent who shall pay any such Charges and Expences, or upon whose Goods or Chattels the same shall be levied in pursuance of this Act, shall and may deduct the Amount of such Charges and Expences, and the Costs, Charges, and Expences of such Distress and Sale, out of the Rent due and payable to his Lessor, Landlord, or Owner, unless there shall be some Agreement to the contrary between the said Parties; and the Receipt for such Payment shall be a sufficient Discharge to every Person for so much Money as he shall have so paid, or which shall have been levied on his Goods and Chattels, in pursuance of this Act, and shall be repaid by such Lessor, Landlord, or Owner, or be allowed by him in part or full Payment, as the Case may be, of the Rent due or to become due to him from such Person as aforesaid.

Before paving by Commissioners Notice to be given to Occupiers of Houses, &c. requiring them to pave.

C. Provided always, and be it further enacted, That the said Commissioners shall not cause the said Streets, Ways, Roads, Passages, or Places, not being common Highways, or any Part thereof respectively, to be soughed, paved, flagged, repaired, and cleansed, or Gutters, Sinks, Common or Main Sewers, Drains, or Watercourses, to be made therein as aforesaid, until their Surveyor shall have given or left a Notice in Writing under his Hand to or for the Owner or Occupier or Person in possession of each and every House, Building, Ground, Land, or other Premises within or at the Sides of the said Streets, Ways, Roads, Passages, or Places, or such Part thereof respectively so wanting soughing, paving, flagging, repairing, and cleansing, or wanting Gutters, Sinks, Common or Main Sewers, Drains, or Watercourses made therein, in such Manner as shall be expressed in such Notice, either before, behind, or at the Side of his, her, or their Premises (as the Case may be), and until such Owner, Occupier, or Person in possession shall have neglected or refused, for the Space of Two Calendar Months next after the Receipt of such Notice, to sough, pave, flag, repair, and cleanse the same Streets, Ways, Roads, Passages, or Places, and to make Gutters, Sinks, Common or Main Sewers, Drains, and Watercourses therein, in the Manner and Form expressed in such Notice.

To prevent Nuisances being laid in or near the Sides of the Highways, &c.

CI. And be it further enacted, That it shall be lawful for the said Commissioners, and the Surveyor or Surveyors for the Time being, and such Person or Persons as shall be appointed by them, to remove and prevent all Annoyances on every Part of the Highways within the said Township occasioned by Filth, Dung, Manure, Ashes, Rubbish, or any other Matter or Thing whatsoever, being laid, thrown, or placed upon any of the Highways within the said Township, or upon any open or waste Ground adjoining thereto, within Eighty Feet of the Centre thereof, and to dispose of the same, in case the Owner thereof shall neglect to remove the same within Twelve Hours after Notice in Writing, signed by any Three of the said Commissioners or their Surveyor for the Time being as aforesaid, given to or left at the usual Place of Abode of such Owner for that Purpose, in case he shall be known; and to turn any Watercourses, Sinks, or Drains running into, along, or out of any of the aforesaid Highways to the Prejudice of the same; and to open, scour, and cleanse any Watercourses or Ditches adjoining to any Highways, and make the same as deep and large as such Commissioners shall think proper and necessary, in case the Owners or Occupiers of

Watercourses and Drains may be turned and cleansed

of the adjoining Lands shall neglect to open, scour, or cleanse such Watercourses or Ditches after Five Days Notice in Writing given for that Purpose; and the Charges thereof, and of removing any Annoyances (such Charges being settled by any One or more Justice or Justices of the Peace for the County of *Chester*), shall be reimbursed to the said Commissioners by such Owners or Occupiers, and the same shall be recovered in such Manner as Penalties and Forfeitures are herein-after directed to be recovered; and if after the Removal of any such Annoyances any Person shall again offend in the like kind, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Owners not cleansing upon Notice, to pay the Costs, &c.

Second Offence Penalty, 5*l.*

CII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time and at all Times hereafter to cause such and so many Common Sewers, Drains, Culverts, and Watercourses, public Wells or Pumps, of such Materials, Dimensions, and Forms as they may think sufficient and necessary, to be constructed and made or continued in, along, or across any of the Streets, Lanes, Roads, Highways, Passages, or other public Places within the said Township, where, in the Opinion of the said Commissioners, private Individuals ought not to be required to make or construct the same at their own Expence, and also to adopt any of the Common Sewers, Drains, Culverts, and Watercourses, Wells or Pumps, which now are or hereafter shall be made within the said Township, and to cause the same to be altered, enlarged, repaired, cleansed, or completed, as the said Commissioners shall deem proper, and also for any of the said Purposes from Time to Time to cause to be dug, carted, and carried away, or brought into the said Streets, Lanes, Highways, Passages, or other public Places, such Gravel, Stones, Bricks, and other Materials as they shall think necessary, and to cause such and so many Gutters or Openings to be made therein for carrying off and conveying the Filth, Soil, and other Waters from the Houses and Buildings already built or to be built in or adjoining to such Streets, Lanes, Roads, Highways, Passages, or other public Places, into the said Sewers and Drains, as the said Commissioners shall think necessary; and in case it shall be found necessary for completing any of the aforesaid Sewers, Drains, Culverts, and Watercourses, Wells and Pumps, to carry and continue the same into and through any inclosed Lands lying within the said Township, it shall be lawful for the said Commissioners to carry and continue the same into and through the same accordingly, such Lands not being occupied as Courts, Yards, Gardens, or Orchards, or as Dwelling Houses, or as Avenues or Approaches to any Dwelling House, and upon giving Fourteen Days previous Notice to the Owners thereof: Provided always, that if the Owners or Occupiers of any Lands or Grounds into or through which any Sewer, Drain, Culvert, or Watercourse, Wells or Pumps, shall be made and continued as aforesaid, shall be injured thereby, and such Owners or Occupiers shall refuse to treat or cannot agree with the said Commissioners as to the Recompence to be paid for such Injury, such Owners or Occupiers may apply to the next General or Quarter Sessions of the Peace for the said County Palatine of *Chester*, and the Justices of the Peace of such Sessions shall have Power to direct the Jury there attending for the Trial of Traverses to assess the Recompence which ought to be paid to such Owners or Occupiers for such Injury as aforesaid, and thereupon the said Justices shall order the Sum assessed by the

Power to make Common Sewers.

Making good any Injury or Damage caused by the Construction or Repair of such Sewers, &c.

[*Local.*]

17 U

Jury

Jury to be paid accordingly, and such Judgment shall be final to all Intents and Purposes ; and the said Justices shall and may award Costs to either Party as they shall think proper ; and all Expences in or about the making, enlarging, widening, altering, repairing, cleansing, or scouring such Sewers, Drains, Culverts, and Watercourses, Wells or Pumps, shall be defrayed out of the Monies to be raised by virtue of this Act : Provided always, that the said Commissioners shall and they are hereby authorized and empowered to charge the Expences of making, altering, and widening any Sewers, Drains, and Culverts which they shall think ought to be defrayed by Individuals upon and against the Owner or Owners, or Persons receiving the Rents and Profits as such, of the Land adjoining the same in the Proportions respectively in which the said Sewers, Drains, or Culverts shall run along or be parallel to the said adjoining Land ; and if the said Owner or Owners or Persons shall refuse or neglect to pay the Sum or Sums of Money with which he, she, or they shall be charged by the said Commissioners, the Amount thereof may be recovered by the said Commissioners upon Application to One or more Justice or Justices of the Peace in like Manner as Penalties, Fines, and Forfeitures are herein-after directed to be recovered.

Consent to be had for turning private Drains into Common Sewers.

CIII. And be it further enacted, That it shall be lawful for the said Commissioners to empower any Person whomsoever at any Time or Times hereafter, at his own Expence, and upon such other Terms as they may think proper, to turn or carry any new private or Branch Drain into any Common Sewer, Drain, Culvert, or Watercourse already made or which shall be made by virtue of this Act ; but if any Person shall turn or carry any such new private or Branch Drain into any such Common Sewer, Drain, Culvert, or Watercourse without the Consent of the said Commissioners, every Person so offending shall for every such Offence forfeit and pay the Sum of Five Pounds : Provided always, that all such private or Branch Drains so to be made as aforesaid, and communicating with any Common Sewer, Drain, Culvert, or Watercourse already made or hereafter to be made, shall be made of such Size, Construction, and Form as the said Commissioners shall direct, and under the Inspection and Direction of their said Surveyor.

Private Drains to be cleansed.

CIV. And be it further enacted, That all private Drains which now are or by Permission of the said Commissioners shall hereafter be made within any of the said Streets, Lanes, Roads, Highways, Passages, and other public Places of the said Township, and which do or shall issue into any of the public Sewers, Drains, or Vaults, shall be repaired and cleansed, under the Inspection and Direction of the Surveyor of the said Commissioners, at the Costs and Charges of the Owners or Occupiers of the Lands or Tenements to which the said private Drains do or shall respectively belong.

Course of Gutters to be turned if necessary.

CV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to direct and cause the Course of any Gutter or Channel running in, upon, or through the said Streets, Lanes, Roads, Highways, Passages, or other public Places to be turned, tunnelled, covered, or altered in such Manner as they shall think proper, the Expences attending which shall be defrayed out of the Money arising by virtue of this Act.

CVI. And

CVI. And be it further enacted, That it shall be lawful for the said Commissioners and for all such other Persons as they shall appoint, and they are hereby authorized and empowered, to search for, dig, cut, gather, take, and carry away any Stone, Gravel, Sand, or other Materials fit and proper for raising, repairing, and paving, and for covering the Pavement, and pitching the Footways and Gutters, Watercourses, Drains, or Sewers, of or in any of the said Streets, Lanes, Roads, Highways, Passages, and other public Places, out of or from and over the Lands and Grounds of any Person or Persons situate, lying, and being in the said Township of *Birkenhead*, (not being a Yard, Garden, Orchard, Park, Paddock, inclosed Avenue to a House, or Nursery for Trees,) where the same may or are likely to be found and had, such Surveyor or other Person or Persons without Delay filling up the Pits and levelling the Ground or sloping down the Banks where such Materials shall be taken, and railing or fencing off such Pits, so that the same may not remain dangerous to Passengers, Cattle, or Carriages, and also paying or tendering to the respective Owners and Occupiers of such Lands and Grounds a sufficient Compensation for the Damage or Injury done or occasioned to them by the digging, taking, and carrying away of such Materials as aforesaid; and in case any Difference shall arise touching the Insufficiency of any such Compensation, or the Amount or Extent of any such Damage or Injury, any Two Justices of the Peace for the said County Palatine of *Chester*, on Ten Days Notice thereof being given in Writing, by either Party to the other, shall in a summary Way hear, settle, and determine the Matter in dispute between them, and the Judgment or Order of the said Justices therein shall be final and conclusive to all Parties.

Commissioners or Surveyor empowered to get Materials.

CVII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or any other Person or Persons acting under the Authority of this Act to search for, dig, cut, gather, take, or carry away any Materials for the Purposes of this Act out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Clerk to the said Commissioners, shall have been given to the Owner or Occupier of the Lands and Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Two or more Justices of the Peace acting for the said County Palatine of *Chester*, to show Cause why such Materials shall not be had therefrom; and in case such Owner or Occupier shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Justices shall and may (upon Proof on Oath or Affirmation of the Service of such Notice, and which Oath or Affirmation they are hereby authorized to administer,) make such Order therein as they shall think fit as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent, had attended.

Notice to be given before Materials are taken from private Lands.

CVIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required from Time to Time to appoint

Commissioners to appoint or contract

with Scavengers.

appoint and employ any Persons to be and act as Scavengers, and to purchase or hire any Carts, Carriages, and Horses, for cleansing the Streets, Lanes, Roads, Highways, Passages, and other public Places within the said Township, and carrying away all Dust, Dirt, Dung, Cinders, Ashes, Rubbish, Filth, and Soil from the same, and from Time to Time to order and direct on what Days and Times particular Streets, Lanes, Roads, Highways, Passages, and other public Places shall be cleansed, and the Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil carried away therefrom, and how and in what Manner the same shall be carried away, and where the same shall be deposited, and to give such Orders and Directions to such Scavengers as shall appear necessary to such Commissioners, or otherwise it shall be lawful for the said Commissioners from Time to Time to contract with any Person for cleansing the said Streets, Lanes, Roads, Highways, Passages, and other public Places, or any of them, and for carrying away all Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil from the same, at such Times and in such Manner as shall appear expedient to the said Commissioners:

Scavengers Duty.

CIX. And be it further enacted, That the Persons employed by or contracting with the said Commissioners as such Scavengers as aforesaid shall, on such Days and Times and in such Manner as the said Commissioners shall appoint, cause to be swept or collected together, and also removed and carried away, all Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil found in the several Streets, Lanes, Highways, Passages, and other public Places within the said Township, and (where practicable) shall also bring or cause to be brought therein a Cart or other proper Carriage, and at their Approach therewith, and not before, by Sound of Bell, Voice, or otherwise, give Notice to the Inhabitants in such Streets, and also in every Court or Passage wherein such Cart or Carriage cannot pass, of their coming, and such Persons shall immediately take the Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil (except Filth from any Privy or Necessary House) from the respective Premises in such Streets, Lanes, Passages, and Places, and by means of the said Cart or Carriage immediately or as soon as may be remove the same away to the Place appointed by the said Commissioners for that Purpose, upon pain of forfeiting any Sum not exceeding Five Pounds for every Neglect therein; and the Persons so employed or contracting as aforesaid shall cause the Words "Scavenger's Cart" to be painted in large Roman Letters in the Front or on some conspicuous Part of every Cart or Carriage used for that Purpose aforesaid, on pain of forfeiting any Sum not exceeding Twenty Shillings for every Neglect therein.

Penalty on Contractors not fulfilling their Agreement.

CX. And be it further enacted, That if any Person entering into or engaging in any Contract for cleansing the said Streets, Lanes, Roads, Highways, Passages, and other public Places within the said Township shall in any Manner omit or neglect to perform and fulfil the Conditions of his Contract or Engagement according to the true Intent and Meaning thereof, such Person shall for every such Omission or Neglect forfeit any Sum not exceeding Ten Pounds; but nothing herein contained shall hinder the said Commissioners from commencing or prosecuting any Action at Law against such Person and his Surety or Sureties, if any, for or in respect of any such Omission or Neglect.

CXI. And be it further enacted, That if any Person whomsoever shall throw, cast, or lay, or cause or permit to be thrown, cast, or laid, any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth whatsoever into any Street, Lane, Road, Highway, Passage or other public Place within the said Township, (with the Exception of such Ashes as may be laid out upon any Foot Pavement in Time of Frost for the Prevention of Accidents, and of such Dirt or Rubbish as may be placed in any Street or other public Place in the Course of erecting, pulling down, altering, or repairing any Building,) or shall throw or cast or cause to be thrown or cast any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or Filth, or any Animal or Carcase, or any noxious or offensive Materials or Ingredients, or any other Substance whatsoever, into any common Drain, Sink, public or private Well, Pump, Canal, Pond, Pool, Watercourse, Reservoir for Water, common River or Brook, within the said Township, (except such Night Soil or other Filth as may be conveyed into any Common Sewer from any Privy or Water Closet within the said Township,) every such Person shall for every such Offence forfeit and pay the Sum of Forty Shillings: Provided always, that nothing herein contained shall extend or be construed to extend to subject any Person whomsoever to any Penalty for or on account of any Dirt or Rubbish being laid or placed in any such Street, Lane, Road, Highway, Passage, or public Place as aforesaid in the Course of erecting, pulling down, altering, or repairing any Building, so as there be sufficient Space left in or at the Side of the Street, Lane, Road, Highway, Passage, or public Place where such Dirt or Rubbish shall lie or be placed for Carriages to pass and repass, and sufficient Way be kept clean for Foot Passengers by the Person laying or causing such Dirt or Rubbish to be laid or placed as aforesaid, and so as a sufficient Light be, at his own Expence, set and maintained at the Place where such Dirt or Rubbish shall be so laid or placed from Sunset to Sunrise, to prevent Accidents to Passengers and Cattle, and so as such Dirt or Rubbish be inclosed in such Manner and within such Time as the Surveyor of the said Commissioners shall direct or appoint, and so as such Dirt or Rubbish be removed at the Expence of the Person laying or causing the same to be laid within such Time as shall be ordered by the said Surveyor.

Penalty on casting Rubbish into the Streets, &c.

Penalty not to extend to Rubbish occasioned by building.

CXII. And be it further enacted, That no Person shall take or carry away any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth (other than any Ashes laid upon the said Pavement in Time of Frost for the Prevention of Accidents, and any Rubbish or Dirt occasioned by building as aforesaid,) out of any of the said Streets, Lanes, Highways, Passages, or other public Places, except the Person or Persons appointed by the said Commissioners, upon pain of forfeiting the Sum of Twenty Shillings for every such Offence.

No Ashes, &c. to be taken away except by the Scavengers.

CXIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent any Person from keeping any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth which shall have arisen or be made within his own House, Building, Yard, or Premises, or from making use of the same for Manure or otherwise, so as the same be not suffered to remain there or become a Nuisance or Annoyance to any of the Inhabitants of the said Township, and so as the same be not laid down or placed in any Street, Lane, Road, Highway,

Inhabitants may use their own Ashes, &c.

Highway, Passage, or other public Place within the said Township for any longer Time than shall be necessary for loading and carrying away the same; but in case the Person so reserving such Dirt, Dust, Dung, Offal, Rubbish, Ashes, and other Filth shall keep the same in such Streets or Places for the Space of Twelve Hours before the same shall be removed and carried away, every Person so offending shall forfeit the Sum of Twenty Shillings for every Hour that such Annoyance shall be permitted to remain after the Time aforesaid.

Regulations
as to Night
Soil.

CXIV. And be it further enacted, That if any Person 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 Township, except between the Hours of Twelve o'Clock at Night and Four o'Clock in the Morning from *Lady Day* to *Michaelmas* in every Year, and between Twelve o'Clock at Night and Six o'Clock in the Morning from *Michaelmas* to *Lady Day* in every Year, or if any Person shall use any Cart or Carriage for the Purpose before mentioned without a proper Covering thereto, 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 into any Drains therein, or in any respect improperly, carelessly, or negligently remove the same, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Ten Shillings.

Occupiers of
Houses to
cleansse Foot-
paths.

CXV. And be it further enacted, That all the several and respective Occupiers of Houses and Buildings, with the Yards, Gardens, Pleasure Grounds, and other Appurtenances next adjoining the several Streets, Lanes, Roads, Highways, Passages, and other public Places within the said Township, the Churchwardens or Chapelwardens of every Church or Chapel, the Owner or Owners of any dead Wall or other Fence and vacant Piece of Land not used as Arable, Meadow, or Pasture only, the Trustee or Trustees, Treasurer and Minister, of every Meeting House or Place of public Worship, or any One or more of them, and the Person or Persons who for the Time being shall be the ostensible Director or Directors, Manager or Managers of every Hospital, School, Theatre, or other public Building situated or being next adjoining any Street, Lane, Road, Highway, Passage, or public Place, shall and they are hereby required to cause the several Footpaths or Pavements along the whole Length of the Front of the respective Houses, Buildings, and Premises aforesaid, and to the full Extent of the said Footpaths or Pavements, before, behind, and on the Side or Sides of the same respectively, to be well and sufficiently swept and cleansed every Morning in the Year (except on *Sundays*) between the Hours of Six and Ten of the Clock; and every such Occupier or other Person making default therein shall for every such Offence forfeit and pay the Sum of Five Shillings.

Commission-
ers may com-
pound for the
sweeping of
the Foot-
paths.

CXVI. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time as they shall think proper to compound by the Year or otherwise with all and every the Occupiers of Houses or Buildings or other Persons within the said Township hereby made liable to the cleansing of Footpaths, for relieving the Person or Persons so compounding from the Burthen of sweeping and cleansing the

the Footpaths or Pavements to which he or they would have been liable, and from all Penalties to be incurred for any Neglect thereof, at or for such Sum or Sums of Money as the said Commissioners and such Person or Persons as aforesaid shall agree upon in that Behalf, upon Condition nevertheless that such Composition Monies shall always be paid in advance.

CXVII. And be it further enacted, That in case any Person shall sweep, rake, or place, or cause to be swept, raked, or placed, any Mud, Dirt, Dust, Rubbish, Filth, or Soil into or upon the Channels on the Sides of the said Roads, Streets, Lanes, and public Places within the said Township, every Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Dirt not to be swept into the Channels.

CXVIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to cause all or any of the Streets, Lanes, Highways, Passages, and other public Places within the said Township to be watered at such Seasons and Times, and to provide necessary Engines, Carts, and Labour for that Purpose, as the said Commissioners shall think proper and requisite.

Streets may be watered.

CXIX. And be it further enacted, That no Water shall be permitted to drain from any Building upon the Footpath of any Street, Road, Highway, or public Place, but all such Water shall be conveyed from Buildings in covered Pipes or Tunnels, where practicable, below the Surface of the Pavement or Flagging of the Footpath, and where impracticable on account of the Level of the Street in Channels formed in the Pavement or Flagging of the Footpath; nor shall any Water be pumped up or discharged from any Building upon the Footpath of any Street, Road, Highway, or public Place, but the same shall be conveyed over or under the Footpath by Spouts or Trunks to the Drain or Channel of the Street; nor shall any Smoke or Steam be discharged from the Front, Side, or End of any Building into any Street, Road, Highway, or public Place, under the Penalty for each Offence of any Sum not exceeding Forty Shillings.

Water from Buildings to be conveyed in Pipes.

No Smoke or Steam to be discharged from Front of Buildings.

CXX. And be it further enacted, That for the Purpose of laying or forming such Pipes, Tunnels, or Channels as aforesaid it shall be lawful for the Proprietors of any Buildings, at their Expence, to take up so much of the Pavement or Flagging of any Footpath or Carriageway as may be requisite; and the said Pipes, Tunnels, or Channels shall be laid and formed under the Directions of the Surveyor of the said Commissioners; and all Damage which may thereby be occasioned to the Flagging of the Footpath or Carriageway shall be made good and shall be paid by the said Proprietors of Buildings to the Surveyors of the said Commissioners; and in the event of any Neglect or Refusal to make good or pay the Amount of such Damages such Amount shall and may be recovered as any Penalties, Rates, or Assessments are by this Act authorized to be recovered.

How Pipes, &c. for conveying Water shall be laid.

CXXI. And be it further enacted, That if any Cellar Door, Trap Door, Hatchway, or Flap Window leading into or giving Light or Air to or placed over any Cellar, Area, Vault, or Office under Ground within the

Cellar Windows and Grates to be secured.

the said Township shall be left open in the Evening or in the Night, or shall not be effectually made and secured so as to prevent Accidents, or if any Grate, Grid, or other Covering placed over any Opening in the Flagging or Pavement, and used for putting Coals or other Articles into any Cellar or Place under Ground, or for any other Purpose, shall at any Hour of the Day or Night be left opened, or not well and effectually fastened down and secured, and made in such Manner so as to prevent Accidents, the Occupier of such Cellar, Area, Vault, Office, or other Place shall for every such Offence forfeit and pay the Sum of Forty Shillings ; and in case the Occupier of such Cellar, Area, Vault, Office, or other Place shall not after Twenty-four Hours Notice in Writing from the Surveyor of the said Commissioners well and effectually secure, fasten down, and put in proper Repair, so as to prevent Accidents, such Cellar, Area, Vault, Office, or other Place under Ground as aforesaid, then and in every such Case the said Occupier shall, in addition to the said Penalty of Forty Shillings, forfeit and pay the Sum of Twenty Shillings for each and every Day which such Cellar, Area, Vault, Office, or other Place under Ground as aforesaid shall so remain open and insecure or not in repair as aforesaid.

Doors and
Gates to
open inwards.

CXXII. And be it further enacted, That the several Occupiers of Houses, Buildings, Yards, Gardens, and Lands within the said Township are hereby respectively required, at their own Costs and Charges, within Fourteen Days next after their respectively receiving Notice in Writing from the said Commissioners, signed by their Clerk, to cause all the Doors and Gates leading into the several Houses, Buildings, Yards, Gardens, and Land in their respective Occupations (and not being Cellar Doors or Trap Doors) which now do or shall hereafter open outwards, and when open do or shall project over or upon any of the Streets, Lanes, Roads, Highways, Passages, or public Places within the said Township, to be altered so as that the same Doors or Gates shall thenceforth open inwards and into their said respective Premises ; and if any such Occupier shall neglect or refuse to make the Alteration aforesaid according to such Notice he or she shall forfeit and pay any Sum not exceeding Five Shillings a Day for every Day during which such Neglect or Refusal shall continue : Provided nevertheless, that where any such Occupier shall cause any Door or Gate to be altered in pursuance of Notice as aforesaid it shall be lawful for him or her, if a Tenant at Rack Rent, to deduct and retain out of his or her Rent the Charges of altering the same, and his or her immediate Landlord is hereby required to allow the same accordingly, and it shall be lawful for the Commissioners to allow such Occupier or Landlord all or any Part of the Expencc attending such Alteration if the said Commissioners shall consider it expedient.

For Inspec-
tion of
Slaughter-
houses.

CXXIII. And be it further enacted, That it shall be lawful for the said Commissioners, or some Person or Persons to be by them appointed as an Inspector or Inspectors for that Purpose, from Time to Time, and they and he are and is hereby authorized and empowered at all Times in the Day or Night, with or without any Servants or Assistants, to enter into and inspect any House or Place kept or used for the slaughtering or killing, storing or preserving of Cattle, Swine, or Beast of any kind, or any Fish, within the said Township, by any Person or Persons whomsoever,
and

and also any Building, Shed, Yard, or Place belonging thereto, (such House or Place not being the actual Dwelling House of any Person,) and then and there to examine, search for, and see if any Cattle, Swine, or other Beast, or the Carcase or Part of the Carcase of any such, or any Fish, is or are deposited or has or have been brought there; and in case such Inspector as aforesaid shall find any Cattle, Swine, or other Beast, or the Carcase or any Part of the Carcase of any such, or any Fish, which shall appear to be unsound or unwholesome or not fit for the Food of Man, it shall be lawful for such Inspector as aforesaid to seize, take, and carry away, or direct the same to be seized, taken, and carried away, by any Servant, Assistant or Assistants, for the Purpose of being further inspected and examined by competent Persons; and in case, upon such Inspection and Examination, such Cattle, Swine, Beast, or Carcase or Part of a Carcase, or Fish, shall be found and declared to be unsound or unwholesome or not fit for the Food of Man, the same shall and may be immediately burnt or destroyed; and in case the Owner or Owners of or Occupier or Occupiers of any such House or Place kept or used for the slaughtering or killing, or storing or preserving of Cattle, Swine, or other Beast, or Fish, or of any Building, Shed, Yard, or Place belonging thereto, or any other Person or Persons, shall refuse, obstruct, or hinder such Inspector as aforesaid from entering into and inspecting the same, and examining, seizing, taking, carrying away, or destroying any such Carcase or Part of a Carcase, or Fish, which shall appear and be found and declared to be unsound and unwholesome or unfit for the Food of Man, every such Owner or Occupier or Person or Persons so offending, shall forfeit and pay any Sum not exceeding Five Pounds for each Offence.

CXXIV. And be it further enacted, That if any Slaughter-house, Swinestye, Necessary House, Dunghill, or Sewer, or any Dung, Carrion, Offal, Blood, Soil, Filth, or Rubbish, or any other noisome Matter whatsoever, in or near any of the Streets, Lanes, Highways, Passages, or other Places within the said Township, shall be considered by any of the Inhabitants of the said Township as a Nuisance or Annoyance, it shall be lawful for the said Commissioners from Time to Time, upon Complaint thereof being made to them by any of such Inhabitants, to inquire into the Matter complained of, and if they shall deem the same to be a Nuisance or Annoyance they are hereby empowered and required, by Notice in Writing under the Hand of their Clerk, to order such Nuisance or Annoyance to be abated or removed within One Calendar Month next after such Notice given to the Person or Persons who ought to remove or abate the same, or for or on whose Behalf the same is carried on, or left at his, her, or their last or usual Place of Abode; and in case such Nuisance or Annoyance shall not be abated or removed within the Time mentioned in such Notice by the Person or Persons who ought to abate or remove the same, every such Person or Persons shall forfeit and pay the Sum of Twenty Shillings for every Day the same shall continue unabated or unremoved after the Expiration of the Time mentioned in such Notice, unless an Appeal as herein-after mentioned shall be prosecuted with Effect against such Order of the said Commissioners; and in case Notice of such Appeal shall be given the said Penalty shall not be inflicted until after such Appeal has been decided.

For Removal
of Slaughter-
houses, &c.

For punish-
ing Misbe-
haviour in
Drivers of
Carriages.

CXXV. And be it further enacted, That if the Driver of any Waggon, Cart, Dray, Sledge, or other such Carriage shall ride upon any Part of such Carriage, or drive the same faster than a Walk in any of the said Streets, Lanes, Roads, Highways, Passages, or public Places within the said Township, or shall be at such a Distance from the same during its Passage through the said Township as not to possess the complete Command over the Horses drawing the same; or if any Person riding or driving any Horse laden with Milk-cans shall drive or ride the same furiously in any such Street, Lane, Road, Highway, or Passage, or public Place, or shall by Negligence or wilful Misbehaviour intercept the free Passage of any Carriage or Passenger along the same; or if the Driver of any empty or unloaded Waggon or other such Carriage shall refuse or neglect to turn aside and make way for any Coach, Chaise, or loaded Carriage of any other Description; or if any other Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Streets, Lanes, Roads, Highways, Passages, or other public Places, any Tree or Piece of Timber, or any Stone, otherwise than upon a wheeled Carriage; or shall suffer any Part of any Tree or Piece of Timber to drag upon any Part of the said Streets, Lanes, Highways, Passages, or other public Places; the Driver, Rider, or other Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings; and every such Driver, Rider, or other Person offending in any of the said Cases shall and may, by the Authority of this Act, with or without a Warrant, be apprehended by any Person who shall see such Offence committed; and it shall be lawful for the Person so apprehending such Driver, Rider, or other Person to cause him or her to be delivered to a Peace Officer in order to be brought before some Justice of the Peace for the said County Palatine of *Chester* to be dealt with according to Law; and if any such Driver, Rider, or Person in any of the Cases aforesaid shall refuse to disclose his Name, the necessary Proceeding may be had against him before such Justice for the said Penalty by a Description of his Person and the Offence committed, without stating his Name.

Directions
for the Re-
moval of An-
noyances by
Sign Posts,
&c.

CXXVI. And be it further enacted, That the several and respective Occupiers of Houses and other Buildings in the several Streets, Lanes, Roads, Highways, Passages, and other public Places within the said Township shall and they are hereby required, at their own respective Costs and Charges, (within Thirty Days next after their respectively receiving Notice in Writing from the Clerk to the said Commissioners,) to cause all Signs, Sign Irons, Sign Posts, Barbers Poles, Stalls, Blocks, Bulks, Showboards, Butchers Hooks, Spouts, Water Pipes, and other Projections which now are or hereafter shall be fixed or set up against or in front of their respective Houses or Buildings, and which, in the Judgment of the said Commissioners, shall be considered public Annoyances or Nuisances by reason of their projecting into, encroaching upon, or otherwise annoying or endangering the public Passage along any such Streets, Lanes, Roads, Highways, or other public Places, to be taken down, removed, and carried away or altered, and to cause the Water from the Roofs, Cornices, and Penthouses of their respective Houses or Buildings to be carried down by proper and sufficient Pipes to be fixed to and down the Sides of the same Houses or Buildings in such Manner as shall be directed by the said Commissioners; and in case any Occupier of any House or other Building as aforesaid shall neglect or refuse to cause any such Sign Iron,
Sign

Sign Post, Barber's Pole, Stall, Block, Bulk, Showboard, Butcher's Hook, Spout, or Water Pipe, or other Projections which shall be so considered an Annoyance as aforesaid, to be taken down, removed, and carried away or altered, or cause the Water to be carried down from the Roof, Cornice, or Penthouse of any such House or other Building as aforesaid, within such Time and in such Manner as in such Notice shall be directed, then and in every such Case it shall be lawful for the said Commissioners to cause the same to be forthwith done by their Surveyor; and the Costs and Charges attending the same, having been ascertained by some Justice of the Peace of the said County Palatine of *Chester*, shall be recovered from any such Occupier in like Manner as any Penalties are by this Act authorized to be recovered, and the same shall be paid to the Treasurer of the Commissioners, to be applied to the Purpose of this Act; and it shall be lawful for such Occupier, being a Tenant at Rack Rent, and having either paid such Costs and Charges in the first instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount thereof out of his or her Rent; and the Landlord of every such House or other Building so held at Rack Rent is hereby required to allow the same accordingly, except only in Cases where the Encroachment, Obstruction, or Annoyance so removed or altered shall have been occasioned by such Occupier, in which Case he or she shall bear the Expence of altering or removing the same.

CXXVII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to cause all or any of the Penthouses, Porches, Sheds, projecting Windows, Palisadoes, Rails, Posts, Steps, Scrapers, Areas, Cellar Holes, Cellar Windows, Cellar Doors, Hatchways, and all other Obstructions and Projections whatsoever not herein-before specified which at the Time of passing this Act are erected, affixed, set up, laid down, or exist against or in front of any Houses or other Buildings in any of the Streets, Lanes, Roads, Highways, Passages, or other public Places within the said Township, and which in the Judgment of the said Commissioners are public Annoyances or Nuisances by reason of their projecting into or encroaching upon or otherwise annoying or endangering the public Passage along any of the said Streets, Lanes, Roads, Highways, Passages, or other public Places, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed, as shall be thought proper and expedient by the said Commissioners, first causing Thirty Days Notice in Writing under the Hand of the Clerk of the said Commissioners to be given to the respective Owners and Occupiers of such Houses and Buildings of their Intention to take down, fill up, remove, alter, or reform such Obstructions or Projections respectively, and also defraying the whole Costs and Charges of executing the same.

For Removal
of existing
Projections.

CXXVIII. And be it further enacted, That the several Occupiers of Houses and other Buildings situate in the several Streets, Lanes, Roads, Highways, Passages, and other public Places within the said Township are hereby required, at their own respective Costs and Charges, within Thirty Days next after their respectively receiving Notice in Writing from the said Commissioners in that Behalf, signed by their Clerk, to cause all and every the Penthouses, Porches, Sheds, projecting Windows, Palisadoes, Rails, Posts, Steps, Scrapers, Cellar Windows, Cellar Doors, Hatchways,

For Removal
of future
Projections.

Hatchways, and other Obstructions and Projections whatsoever which shall in future be erected, set up, affixed, or laid down against or in front of their respective Houses or other Buildings, and which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances by reason of their projecting into or encroaching upon or otherwise annoying or endangering the public Passage along any of the Streets, Lanes, Roads, Highways, or other public Places within the said Township, to be so taken down, filled up, removed, and carried away, or otherwise altered or reformed, in such Manner as shall be directed by the said Commissioners; and in case the Occupier of any such House or other Building as aforesaid shall neglect or refuse to cause any such Penthouses, Porch, Shed, projecting Window, Palisado, Rail, Post, Step, Scraper, Cellar Window, Cellar Door, Hatchway, or other Obstruction or Projection to be taken down, filled up, removed, and carried away, or otherwise altered and reformed, within such Time and in such Manner as in such Notice shall be directed, then and in every such Case it shall be lawful for the said Commissioners to cause the same to be forthwith done; and the Costs and Charges attending the same, having been ascertained by some Justice or Justices of the Peace, shall and may be recovered from the Occupier of such House or other Building in like Manner as any Penalties are by this Act authorized to be recovered; and it shall be lawful for the Occupier of such House or other Building, being a Tenant at Rack Rent, and having either paid such Costs and Charges in the first instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount out of his or her Rent; and the Landlord of every such House or other Building is hereby required to allow the same accordingly, except only in Cases where the Encroachment, Obstruction, Annoyance, or Nuisance so removed or altered shall have been erected by such Occupier, in which Case he shall bear the Expence of altering or removing the same.

Penalty for
Injury to
Buildings,&c.

CXXIX. And be it further enacted, That it shall not be lawful for any Person or Persons at any Time to take up, remove, or alter, or cause to be taken up, removed, or altered, the Pavements, Flags, or other Materials of any public Streets, Roads, Lanes, Highways, Passages, and other public Places within the said Township so declared to be and adopted as common Highways, or any Part thereof, on any Pretence whatsoever, without the previous Consent and Approbation of the said Commissioners in Writing, signed by their Clerk; and if any Person shall, without the Leave of the said Commissioners so given as aforesaid, take up, alter, or remove the said Pavement, Flags, or other Materials, or any Part thereof, or if any Person shall, without the Leave of the said Commissioners, take away, remove, displace, destroy, deface, damage, injure, or pull up any Erection, Building, Fountain, Cistern, Wall, Fence, Pier, Pillar, Lamp, Lamp Iron, Board, Post, Rail, Pump, Pipe, Plug, Apparatus, Pavement, Material, Matter, or Thing hereby declared to be vested in the said Commissioners, or shall waste or beyond his Contract consume any of the Inflammable Air or Gas supplied by the said Commissioners, any Person so offending shall forfeit and pay to the said Commissioners for every such Offence such Sum of Money, not exceeding Five Pounds, as any Justice of the Peace for the said County Palatine of *Chester* shall in that Behalf direct, and also such further Sum of Money as a Compensation for the Damage and Costs which shall have been occasioned

sioned by such Offence as such Justice shall in that Behalf award, to be recovered in such Manner as by this Act provided for the Recovery of Penalties.

CXXX. And be it further enacted, That all Persons who at the Time of the passing of this Act shall have taken down, or who have begun to take down or alter or erect, or who shall at any Time or Times hereafter take down, repair, or alter or erect, any House or other Building whatsoever within the said Limits, shall cause proper and sufficient Hoards or Fences, in case the said Commissioners shall require it, to be erected or set up to guard all such Houses or other Buildings, and the Ground whereon such Houses or other Buildings stood, in such Manner as the said Commissioners shall require, either before or after such Houses or Buildings shall be begun to be taken down, repaired, or altered, or erected, and shall continue such Hoards or Fences in good Condition during the Time such building, Alteration, or Repairs shall be going on; and if any Person shall refuse or neglect to erect and set up any such Hoard or Fence as aforesaid, or shall not continue the same in good Condition as aforesaid, or to take down the same when thereunto required by the said Commissioners, such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings *per* Day; and in case of such Refusal or Neglect it shall be lawful for the said Commissioners to cause such House or Ground to be well and sufficiently fenced in, or the Hoard or Fence set up to be well and sufficiently repaired and continued as aforesaid, or taken down (as the Case may require); and the Person neglecting or refusing shall, over and above the aforesaid Penalty, pay all the Charges and Expences of such fencing or repairing, upon Demand made by the said Commissioners or by their Clerk.

Hoards or
Fences to be
made round
Buildings
under-repair
or erecting.

CXXXI. And be it further enacted, That if any Horse, Mule, Ass, Bull, Sheep, Cow, or Swine, or other Beast, shall at any Time be found at large without any Person therewith claiming the same in any of the Streets, Roads, Ways, Lanes, public Passages or Places now made or hereafter to be made or built within the said Township, it shall be lawful for any Officer or Officers to be appointed by the said Commissioners, or for any of the Inhabitants or Persons residing in the same Township, to seize and impound any such Horse, Mule, Ass, Bull, Sheep, Cow, Swine, or other Beast in the common Pound of the said Township, or in such other Place as the said Commissioners shall appoint for that Purpose, (and which they are hereby authorized and empowered to provide and maintain within the said Township for common Use by the Inhabitants thereof,) and to detain the same therein until the Owner or Owners thereof shall for each Beast so impounded pay a Sum of Money not exceeding Five Shillings to the Treasurer for the Time being to the said Commissioners towards the Purposes of this Act, and also the Sum of One Shilling to the Person impounding the same, besides the reasonable Charges and Expences of impounding and keeping; and in case the said Sums, Charges, and Expences shall not be paid within Three Days after such impounding it shall be lawful for the Pound-keeper, or such other Person as shall be appointed by the said Commissioners, to sell or cause any such Beast to be sold (but previous to such Sale Seven Days Notice shall be given to or left at the Dwelling House or Place of Abode of the Owner or Owners of such Beast or other Animal so impounded of such

Straying
Cattle to be
impounded.

intended Sale, if the Owner or Owners thereof shall be known, or, if not, then Notice of such intended Sale shall be given by Advertisement to be inserted Seven Days before such Sale in some Newspaper published or circulated in the said County of *Chester*); and the Money arising from such Sale, after deducting the said Sums and the Charges and Expences aforesaid, and such other Charges and Expences as may attend the keeping and Sale of any such Beast so impounded, shall be paid to the said Treasurer, to be by him paid to the Person or Persons whose Property the Beast or other Animal so sold shall appear to have been; and which Money the said Treasurer for the Time being is hereby directed and required so to pay, on Demand.

Power to
seize Cattle,
&c. on Foot-
paths or in
Gardens, &c.

CXXXII. And be it further enacted, That in case any Horse, Mule, Ass, Cow, Bull, Sheep, Pig, or other Animal shall be found upon any Footpath or Parapet, or trespassing in or upon any Garden, Field, or Land, within the said Township of *Birkenhead*, with or without any Person or Persons leading, driving, using, or claiming the same, and whether any Person or Persons shall be riding upon such Horse, Mule, or Ass at the Time or not, it shall be lawful for any Officer of the said Commissioners, or any Inhabitant or Person residing in the said Township, or the Owner of the said Garden, Field, or Land, to seize and take, or cause to be seized and taken, such Horse, Mule, Ass, Cow, Bull, Sheep, Pig, or other Animal, and to carry, lead, or convey the same to the common Pound in the said Township, and it shall be lawful for the said Commissioners and they are hereby empowered to detain and sell the same in like Manner as herein-before is provided in the Case of such Horse, Mule, Ass, Cow, Bull, Sheep, Pig, or other Animal being found at large without any Person claiming the same, or instead thereof to proceed against the Owner or Owners or Persons then and there leading, driving, using, or claiming the same, or riding upon such Horse, Mule, or Ass, as herein-before is provided in case of exposing the same to Sale or Hire, and in the meantime to detain the said Horse, Mule, Ass, Cow, Bull, Sheep, Pig, or other Animal, and afterwards to levy or distrain thereon as aforesaid, as Part of the Goods and Chattels of the Owner or Owners thereof.

Punishment
of Persons
guilty of
Pound
Breach.

CXXXIII. And be it further enacted, That in case any Person shall release or attempt to release any Horse, Ass, Bull, Sheep, Cow, or Swine or other Beast which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Horse, Ass, Bull, Sheep, Cow, or Swine or other Beast seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County of *Chester*, either upon the Confession of the Party or Parties offending, or upon the Oath or Affirmation of One credible Witness, and which Oath and Affirmation the said Justice is hereby authorized and empowered to administer, be committed by such Justice by Warrant under his Hand and Seal to the Common Gaol or House of Correction for the said County of *Chester*,

there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

CXXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Action, Indictment, or other Proceeding being preferred or taken in respect of any of the Matters or Things herein mentioned which are cognizable by the Laws of this Realm.

Not to prevent Proceedings at Common Law.

CXXXV. And be it further enacted, That if any Person or Persons shall, in any of the present or future Streets, Roads, Lanes, or public Highways within the Limits of this Act, expose for Sale or for Hire any Horse, Mule, or Ass, or expose for Sale any Swine, Pig, Sheep, Ox, Bull, Cow, or other Cattle or Beast, except in such Places as shall be appointed by the said Commissioners for that Purpose; or without the Consent of the Commissioners exhibit or place for Exhibition any Caravan or other Carriage containing any Animal or other public Show, or in any other Manner exhibit any public Show (and which Show or Caravan the said Commissioners are hereby empowered and required, on Complaint being made to them by any of the Rate-payers within the Limits of this Act, to forthwith remove and expel out of such Limits (except during the Time of any Fair or Fairs); or exhibit or show any Stallion or Bull (except in such Places as shall be appointed for those Purposes respectively); or shoe, bleed, or farry any Horse or other Cattle or Beast; (except in Cases of Accident); or clean, dress, or exercise any Horse or other Cattle or Beast, or drive any Carriage for the Purpose of breaking, exercising, or trying any Horse or other Cattle or Beast; or turn loose or suffer to be at large any Horse or other Cattle or Beast, or any Bull Dog, Mastiff, or other ferocious Dog not being muzzled, or permit any Dog whatsoever to go at large after any public Notice given by the said Commissioners during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of Canine Madness (and which Dogs so at large after such Notice the said Commissioners by their Servants are hereby authorized to destroy); or shall ride upon any Waggon, Dray, Cart, Sledge, or other Carriage, or on any of the Horses, Asses, or other Cattle or Beast drawing the same, without holding the Reins of such Horses, Asses, or other Cattle or Beasts, or shall be at such a Distance from the same as not to possess the complete Direction and Management of the Horses, Asses, or other Cattle or Beast drawing the same, or, whether holding the Reins or not, shall ride upon the Shafts of any Waggon, Dray, Cart, Sledge, or other such like Carriage; or, when driving any Waggon, Dray, Cart, Sledge, or other such like Carriage, shall refuse or neglect to turn the same aside, and make way for any Coach, Chaise, or loaded Carriage of any Description; or, when driving any Waggon, Dray, Cart, Sledge, or other Carriage, shall not, on meeting or being passed by Horses or other Cattle or Beasts, or Carriages, promptly turn out of the Way so as to keep as nearly as may be on his Left Side of the Road, Street, or Way, and so as to leave proper and sufficient Quarter for such Horses, Cattle, Beasts, and Carriages; or, when drawing any sort of Carriage whatsoever, and meeting any other Carriage, shall not keep his Carriage on the Left or Near Side of the Street, Road, or Place, or, being the hindermost of Two or more Coaches, Waggon, Cart, or other Carriages travelling in the same Course or Direction, shall attempt to pass the foremost Coach, Waggon, Cart, or Carriage, or any of them,

Penalties on certain Nuisances.

so as to impede or obstruct the Passage of any Coach, Waggon, Cart, or Carriage, or any Horse or Horses coming from the opposite Direction, and being on their proper or Left Side of the Road, Street, or Way, or shall in any Manner wilfully prevent any other Person from passing him or any Carriage under his Care, or by Negligence or Misbehaviour shall prevent or interrupt the free Passage of any Carriage or of any of His Majesty's Subjects within any such Street, Road, Lane, or public Highway; or when riding any Horse or Beast, or when driving any Carriage of any kind, shall ride or drive the same furiously, or so as to endanger or excite a reasonable Apprehension of Danger to the Person of any one, or shall drive the same against and injure or damage any Curb Stone or Foot Pavement or Causeway, or the Hedges, Posts, Rails, or Fences thereof, or any public or private Property; or shall wilfully pull down or damage any Bridge, Wall, or any other Building or Erection made by the said Commissioners; or suffer any Waggon, Dray, Cart, Sledge, Wheelbarrow, or other Carriage to remain with or without Horses longer than may be necessary for the loading or unloading thereof, or suffer the same, during such Time of loading or unloading, to be placed or remain so as to interrupt the public Passage more than may be absolutely necessary; or shall suffer any Stage Coach, Fly, Post Chaise, or other Carriage let to Hire to remain longer than may be necessary for the taking up or setting down of any Passenger, or for loading or unloading the Baggage; or shall draw any Timber, Stone, Metal, or other heavy Material (except the same be wholly in or upon some Carriage with Wheels); or shall wash or clean, or make or repair, any Carriage (except such Carriages as may want immediate Repair from any sudden Accident upon the Spot, and which cannot conveniently be removed for that Purpose); or shall discharge any Fire-arms (except in Cases of Necessity for Self-defence); or make or assist in making any Bonfire; or set fire to or let off or throw any Cracker, Squib, Rocket, or other Fire-works; or play at Football, or throw any Snowball, or trundle any Hoop, or fly any Kite, or run any Race, or play any Game, to the Annoyance of any Inhabitant or Passenger; or slide or skate during Frost on any Pavement or Footway; or wilfully break any Glass Panes or Windows, or abet or assist in breaking the same; or burn, dress, scald, cleanse, or hoop any Cask or Tub, or burn any Piece or Pieces of Cork, or dust, beat, or shake any Carpet; or, being the Owner or Occupier of a Blacksmith's, Whitesmith's, or Nailmaker's Shop situate in or near any of the said Streets, Roads, Lanes, or public Highways within the said Township, and having a Window or Windows opening in or fronting the same, shall not by good and close Shutters every Evening after it becomes Twilight bar and prevent the Light from such Shop shining into or upon the said Streets, Roads, Lanes, Passages, or Places; or if any Person shall, in any of such Streets, Roads, Lanes, or public Highways, hew, bore, saw, or cut any Timber, Wood, or Stone, or throw, cast, lay, or place any Hay, Straw, Coals, Stones, Slates, Tiles, Lime, Bricks, Mortar, Timber, Boards, Iron, or other heavy Substance, (except Stones, Lime, Bricks, Mortar, Timber, or other Materials used for building or repairing, or Dirt or Rubbish thereby occasioned, which shall be placed or inclosed so as to prevent any Mischief happening to Passengers,) or any Dust, Dirt, Manure, Filth, Carrion, Blood, or any sort of Rubbish, or throw any such Matters or Things into any public or private Well, Pump, Canal, Watercourse, or Reservoir for Water within the said Limits; or shall, within any such Streets, Roads, Lanes,

or

or public Highways, sell by Auction or public Sale any Goods, Wares, Merchandize, or other Property or Effects whatsoever, without the Leave of the said Commissioners for that Purpose first obtained; or hang up, place, or expose to Sale the Carcase of any Calf, Sheep, Swine, Cattle, or Beast, or any Part thereof, or any Goods, Wares, or Merchandize whatsoever, or any Fruit, Vegetables, or Garden Stuff, in or upon any Footway, or hang up or place any Article, Matter, or Thing, either for Sale or for any other Purpose, at the Outside of any House or Shop, or of any Door, Window, or Balcony; or fix or tie up any Line, Chain, Rope, or Cord for any of such last-mentioned Purposes so as to project over or upon any Footway, or beyond the Line of the House or Shop at which the same shall be so exposed, or so as to obstruct or incommode the Passage of any Person or Carriage; or shall kill, slaughter, singe, scald, or dress, or cause to be killed, slaughtered, singed, scalded, or dressed, any Beast, Swine, Calf, Sheep, or other Cattle within the said Market, or shall kill or slaughter, or singe, scald, or dress, any Horse, Ass, Swine, Ox, Calf, Sheep, or other Cattle or Beast, either wholly or in part, in any such Street, Road, Lane, or public Highway, (except in the Case of over-driven Beast or Beasts which may have met with any Accident, and which it may be impossible to get to a Slaughter-house, and which the public Safety or other Circumstances may require to be killed upon the Spot,) or in any Shop or other Place adjoining or exposed to any such Street, Road, Lane, or public Highway; or permit any Offal, Blood, Filth, or other offensive Matter to run from any Slaughter-house, Shamble, Butcher's Shop, Hogstie, or Dunghill into any such Street, Road, Lane, or public Highway; or kill or slaughter or dress within the said Township any unsound Swine, Ox, Cow, Calf, Sheep, Lamb, or other Beast or Cattle, and which shall be unwholesome Meat, or sell or offer or expose for Sale any unwholesome Meat or Fish; or use any false or deficient Weights or Measures; or, being a Licensed Publican or Victualler within the said Limits, shall not erect or construct, in some convenient and proper Situation near or about his Premises, other than to the Front of any principal Street or Place, a Recess or Convenience (together with proper Drains therefrom) for making Water, so as to prevent any unnecessary or indecent Exposure of the Person; or if any Person shall, in any of the said Streets, Roads, Lanes, or public Highways, sift, slack, or mix any Lime; or shall fix up any Flower Pot or other Pot at any Window without sufficiently guarding the same so as to prevent its being blown or thrown down; or shall leave open (after Sunset) the Door, Window, or other Covering giving Light or Air to any Cellar or Office or other under-ground Room or Apartment, or of any Area, without having placed a sufficient Light to warn or prevent Persons from falling into such Cellar, Offices, or other under-ground Room or Apartment; or shall not well and effectually guard and secure his Reservoir, Pond, or Dam of Water so as effectually to prevent Accidents to Persons or Cattle by reason of any such Reservoir, Pond, or Dam being left open or uncovered; or shall set up or throw at any Cock or Fowl in the Manner called Cock-throwing, or bait any Bull, Bear, or other Animal within the said Limits; or draw, drive, or push any Truck, Wheel, Sledge, Wheelbarrow, Bier, Handbarrow, or other Carriage whatsoever, or any Ladder or Building Pole, or any long Piece of Iron or Stone, upon any Footway or Causeway, or carry any Basket or other Thing thereupon, so as to incommode or obstruct the Passage of any Person (except only for the Purpose of crossing such Footway or Causeway);

Causeway); or drag thereon any Timber, Stone, or Metal, or roll thereon any Cask or Tub (other than for the necessary loading or unloading thereof into or out of any Carriage); or place thereon any Goods, Wares, or Merchandize, or any Cask, Tub, or Barrel, Box, Pail, Stall, Bench, or Stool; or place any Blind, Shade, Covering, or Awning, or any other Matter or Thing, in the Front of or before any House, Shop, or other Building, so as in any way to cause an Obstruction or Impediment in any such Footway or Causeway; or if any Person shall wilfully annoy, insult, or jostle any Passenger or Person travelling, passing, or going on the said Footway or Causeway, or shall insult any Female, or shall use any obscene or indecent Language, or by loitering, standing, or remaining on any such Footway or Causeway (without some reasonable Cause) or in any other Manner obstruct or incommode, hinder, prevent, or impede, the free Passage of any such Footway or Causeway; or lay or sift any Ashes, Gravel, or Sand thereon (except in Time of Frost only to prevent Accidents); or wilfully lead or drive thereon any Horse, Ass, Ox, Swine, or other Cattle or Beast of any kind whatever, or wilfully permit or suffer any Horse, Ass, Ox, Swine, or other Cattle or Beast which any Person may be riding, driving, or leading through any of the said Streets, Roads, Lanes, or public Highways, to go on such Footway or Causeway; or tie or fasten any Horse, Ass, Ox, or other Cattle or Beast to any Door, Wall, Post, or other Thing whatsoever, so that such Ox, Ass, or other Cattle or Beast can go or stand across or upon any Footway or Causeway; or shall indecently expose the Person, or write or describe any obscene or indecent Language or Figure on any House, Wall, Door, or Place, or write upon or otherwise deface or mark any Dwelling House, Wall, or Building by means of Chalk, Paint, or otherwise howsoever; or fix up any Handbill or other Paper or Notice (other than such Notices as may be directed by Parliament or other lawful Authority) against any Church or Chapel or other Place licensed for public Worship, or against any School or public Building, or any Dwelling House, or against the Walls, Doors, or Inclosures thereof respectively, or of any Churchyard or Burial Ground; or shall deposit any Filth or commit any other Nuisance upon, in, about, or against the same; or if any Person shall, within the Distance of Four hundred Yards from any Dwelling House within the said Limits, burn any Rags or Bones or other offensive Substance for any Purposes of Trade, Manufacture, or Commerce; or place or keep any Night Soil, or the Filth taken from any Privy, Drain, or Cesspool, or the Refuse or Filth of any Slaughter-house, or any Soap Lees, Ammoniacal Liquor, or any other noisome or offensive Matter whatsoever, in or upon any open or inclosed Ground within the aforesaid Distance from any such Dwelling House as aforesaid, otherwise than during the Time of the same being removed; every Person so offending, or the Owner or Proprietor of any such Horse, Ass, or Swine, Sheep, Beast, or other Cattle, Carriage, Goods, Articles, Matters, or Things as aforesaid, in any Case where the Person actually offending cannot be found or discovered, or the Person causing any such Offences to be committed, shall forfeit and pay any Sum not exceeding Forty Shillings for the first Offence, and not exceeding Five Pounds for every subsequent Offence committed within the Period of Twelve Calendar Months after the Commission of such first Offence.

Power to enlarge the Market.

CXXXVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, and empowered,

from Time to Time, when and as Occasion shall require, to extend and enlarge the said Market Place or any Part or Parts thereof, and to open and make such Roads, Avenues, and Approaches to the said Market Place as they shall think fit.

CXXXVII. And be it further enacted, That for the Purpose of enlarging the said Market Place, and of making fit and convenient Roads, Avenues, and Approaches thereto, and for otherwise improving the said Township, and for all or any other of the Purposes of this Act, it shall be lawful for the said Commissioners to contract and agree with such Person or Persons, or Body or Bodies Politic or Corporate, Spiritual or Lay, respectively, as shall be or be deemed to be the Owner or Owners of or interested in any Houses, Buildings, Erections, Projections, Encroachments, Obstructions, Walls, Lands, Tenements, or Hereditaments within the Limits of this Act, which the said Commissioners shall think right and proper to be taken or used for enlarging the said Market, or for such Improvements as aforesaid, or for other the Purposes of this Act, for the absolute Purchase thereof or of any Part thereof, or for any Damage to be sustained by the Proprietors thereof in effecting such Improvements, or to treat or agree with such Owners or Persons interested as aforesaid relative to the Removal of any such Projections or other Improvements, and to pay such Purchase or Composition Money out of any Monies to be raised by virtue of this Act, and to take down or alter all or any of such Messuages, Houses, Buildings, Walls, Tenements, and Hereditaments so to to be purchased, or any Part or Parts thereof, and also to appropriate all or any Part of the same respectively, or of the Land or Ground which shall be cleared by the taking down of any such Messuages, Houses, Buildings, Walls, Tenements, or Hereditaments, for all or any of the Purposes aforesaid, as the said Commissioners shall think fit.

Commissioners may purchase Houses, &c.

CXXXVIII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Lay, Corporations Aggregate or Sole, Tenants for Life and in Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Trustees and Feoffees of Church or Parish Lands or Property, Feoffees in Trust, Husbands, Guardians, Committees for Lunatics and Idiots, Executors and Administrators, and other Trustees whomsoever, not only for and on behalf of themselves and their respective Heirs and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, or other Persons under any Disability of acting for themselves, and to and for all Femes Covert who are or shall be seised or interested in their own Right, or entitled to Dower or other Interest, and for all other Persons whomsoever, who now are or shall at any Time or Times hereafter be seised, possessed of, or interested in any such Messuages, Houses, Shops, Walls, Buildings, Lands, Tenements, or Hereditaments within the Limits of this Act which the said Commissioners shall at any Time or Times hereafter be desirous to purchase for any of the Purposes aforesaid, to contract and agree at any Time or Times and from Time to Time with the said Commissioners for the absolute Sale thereof or of any Part thereof, and to sell and convey the same or any Part thereof, and all their Estate, Right, Title, and Interest whatsoever of, in, and to the same, unto the said Commissioners for the Purpose of this Act; and all Contracts, Bargains, Sales, Conveyances,

Bodies Politic empowered to sell.

Conveyances, and other Assurances which shall be made by virtue or in pursuance of the Provisions of this Act shall, without any Fine, Recovery, or other Assurances in the Law whatsoever, and without Enrolment or Registry, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Party or Parties so conveying, but also to convey all the Right, Estate, and Interest, Use, Trust, Property, Possessions, Claim, and Demand whatsoever of their several Cestuique Trusts, and all Persons whomsoever claiming or having Title to claim by, from, through, under, or after them, and of all Persons entitled in Remainder or Reversion expectant on any particular Estate; and the same shall be deemed and considered to bar and shall bar all Dower of the Wife or Wives of such Person and Persons, and all Estates Tail and other Estates in Possession, Remainder, Reversion, or Expectancy, and the Issue and Issues of such Person or Persons claiming under them or any of them respectively, any Law, Statute, or Usage, or any other Matter or Thing, to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, all Tenants for Life or Years, Tenants in Tail, Feoffees in Trust, Husbands, Guardians, Committees, and Trustees, Executors and Administrators, and all Persons whomsoever, are and shall be and they are hereby fully indemnified for what they shall do by virtue or in pursuance of this Act.

CXXXIX. And be if further enacted, That all Conveyances and Assurances to be from Time to Time made to the said Commissioners by the said *Francis Richard Price*, his Heirs or Assigns, or by any other Person or Persons, of any Messuages, Buildings, Lands, Tenements, or Hereditaments by virtue of this Act, may be made in the Form or to the Effect following; (that is to say,)

Form of
Conveyance.

‘ I [or We] in consideration of the Sum of
 ‘ to me [or us, or as the Case may be,] into
 ‘ Bank of *England* in the Name and with the Privity of the Accountant
 ‘ General of the Court of Exchequer, *ex parte* the Commissioners of the
 ‘ Township of *Birkenhead*, pursuant to the Act after mentioned, paid by
 ‘ the Commissioners acting by virtue of an Act passed in the Third
 ‘ Year of the Reign of King *William* the Fourth, intituled [*here set forth*
 ‘ *the Title of this Act*], do hereby grant and convey to the Commissioners
 ‘ all [*describe the Premises*], and all such Estate, Right, Title, and
 ‘ Interest in and to the same and every Part thereof as I am [or we are]
 ‘ or shall become seised or possessed of, or am [or are] by the said Act
 ‘ capacitated or empowered to convey, to hold to the said Commissioners
 ‘ and their Successors for ever for the Purposes of the said Act. In
 ‘ witness whereof I [or we] have hereunto set my [or our] Hand and
 ‘ Seal [or Hands and Seals] this Day of
 ‘ in the Year of our Lord .’

And every such Sale, Conveyance, and Assurance so made shall be good, valid, and effectual to all Intents and Purposes whatsoever, and shall operate as a Merger of all outstanding Terms of Years, whether expressly attendant upon the Inheritance or not.

Application
of Purchase
Money when

CXL. And be it further enacted, That if any Money shall be agreed to be paid for the Purchase of any Lands, Tenements, or Hereditaments, or any Estate or Interest therein, to be purchased by virtue of the

the Powers of this Act, which any Body Politic, Corporate, or Collegiate, Ecclesiastical or Lay, Aggregate or Sole, Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or under any other Disability or Incapacity whatsoever, shall be entitled unto, interested in, or hereby capacitated to convey such Money, shall, in case the same shall amount to or exceed 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 Court of Exchequer, to be placed to his Account *ex parte* "The Commissioners of the Township of *Birkenhead*," pursuant to the Directions of an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain until the same shall, by the Order of the said Court made upon a Petition to be presented to the said Court in a summary Way by the Body or Bodies, Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the same Lands, Tenements, or Hereditaments, or other Lands, Tenements, or Hereditaments settled therewith to the same or the like Uses, Intents, and Purposes, as the said Court shall authorize to be purchased or paid therewith, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, in a summary Way, be laid out, by the Order of the said Court, in the Purchase of other Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, and Hereditaments which shall be purchased for the Purposes of this Act stood and were settled and limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing and capable of taking effect; and in the meantime, and until such Order shall be made, the said Money may, by Order of the said Court, upon Application being made thereto as aforesaid, 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, or in Government or Real Securities; and in the meantime, and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce thereof shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased or settled in case such Purchase or Settlement were then actually made.

amounting to
200*l.* and
upwards.

1 G. 4. c. 35.

CXLI. And be it further enacted, That if any Money agreed to be paid for any Lands, Tenements, or Hereditaments, or any Estate or Estates,
[Local.]

18 B

Application
of Purchase
Money when
Interest

less than
200*l.* and ex-
ceeding 20*l.*

Interest or Interests therein, to be purchased for the Purposes of this Act, belonging to any Corporation, or to any Person under any 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 the same shall, at the Option of the respective Bodies or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments, or Parts, Estates, or Interests so purchased, or of their respective Husbands, Guardians, or Committees in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option, to Three Trustees, to be nominated by the respective Bodies or Persons exercising such Option, and approved of by the said Commissioners, such Nomination and Approbation to be signified by Writing under the Hands or Common Seals of the nominating Parties, and under the Hand of the Clerk of the said Commissioners; and the Money so paid to such Trustees, and the Dividends and Proceeds arising therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to Money paid into the Bank of *England*, without being required to obtain any Order of the said Court touching the Application thereof.

Application
of Purchase
Money not
exceeding
20*l.*

CXLII. And be it further enacted, That where any Money so agreed to be paid as last before mentioned shall be less than Twenty Pounds, then the same shall be paid to the Body or Person who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, Parts, Estates, and Interests, so purchased for the Purposes of this Act, for their own Use and Benefit, or in case of Coverture, Infancy, Idiocy, or Lunacy, then such Money shall be paid to their respective Husbands, Guardians, or Committees, to and for the Use and Benefit of the Persons respectively entitled thereto.

In case of
disputed
Titles.

CXLIII. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be agreed to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, or of any Estate, Right, or Interest therein, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, then and in such Case it shall be lawful for the said Commissioners to order the said Sum or Sums of Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested [describing them], subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court, on the 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 of the Person or Persons making claim thereunto, and to make such 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 so paid into the Bank of *England* as aforesaid.

CXLIV. And be it further enacted, That where any Question shall arise touching the Title of any Body or Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Share, Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in possession of such Lands, Tenements, or Hereditaments, Share or Shares, 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, or Hereditaments, Share or Shares, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities, Government or Real Securities, 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 Body or Bodies, Person or Persons, was or were lawfully entitled to such Lands, Tenements, or Hereditaments.

Persons in possession presumptively entitled.

CXLV. And be it further enacted, That where, by reason of any Disability or Incapacity of any Person or Persons, or Corporation, entitled to any Lands, Tenements, 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 Bank of *England*, and be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of the Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time, out of the Monies to be raised by virtue of this Act, pay such Sums of Money for such Purposes as the said Court shall direct.

Court may order reasonable Expences of Purchases to be paid by the Commissioners.

CXLVI. And be it further enacted, That upon Payment or legal Tender of the Money so contracted or agreed to be paid for the Purchase of any Lands, Tenements, or Hereditaments, by the said Commissioners to the Party or Parties or Person or Persons respectively entitled to such Money, or their Agents, or upon Payment thereof into the Bank of *England* for the Purpose of being disposed of in manner herein-before directed,

On Payment of Purchase Money, Premises to vest in Commissioners.

directed, as the Case may be, and upon the Conveyance in manner herein-before directed of such Lands, Tenements, or Hereditaments, the Fee Simple and Inheritance thereof, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law or in Equity of all and every Person and Persons whomsoever therein, shall from thenceforth vest in the said Commissioners and their Successors for ever, for the Purposes of this Act; and such Payment and Investment and Conveyance shall not only bar all the Right, Title, Interest, Claim, and Demand of all such Persons, but shall also bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion or Remainder of every Person whomsoever therein, and shall also operate as a Merger of all outstanding Terms of Years, whether expressly attendant on the Inheritance or not.

For the Sale of Lands not wanted.

CXLVII. And be it further enacted, That it shall be lawful for the said Commissioners to sell and dispose of, and by Indenture or Indentures to grant and convey, by way of absolute Sale in Fee Simple or otherwise, according to the Nature thereof, for a Consideration in Money, all or any Part of the Lands, Tenements, or Hereditaments which may be purchased by or become vested in them, and which shall not be wanted for the Purposes of this Act; and the Person or Persons to whom any such Disposition and Conveyance shall be made, having *bonâ fide* paid his, her, or their Purchase Money, and taken the Receipt of the Treasurer of the said Commissioners for the same, shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application thereof.

The Word "grant" to operate as certain Covenants.

CXLVIII. And be it further enacted, That in all Grants and Conveyances of any Freehold Lands or Hereditaments to be made by the said Commissioners under or by virtue of the several Powers and Authorities by this Act granted the Word "grant" shall be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantee or Purchaser, his Heirs and Assigns, from the said Commissioners, for themselves and their Successors, that the said Commissioners, notwithstanding any Act done by them, were at the Time of the Execution of such Grant or Conveyance seised of the Freehold Lands, Hereditaments, or Premises thereby granted and conveyed of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, and for the quiet Enjoyment thereof, against the said Commissioners and their Successors, and all Persons claiming under them.

Restraining the Commissioners from purchasing more than Two Statute Acres of Land from incapacitated Persons, &c.

CXLIX. And whereas the said Commissioners are enabled to purchase Lands, Tenements, and Hereditaments for the Purposes of this Act, and all Persons whomsoever are empowered to sell such Quantity of Land to the said Commissioners: And whereas it is expedient to restrain the said Commissioners from selling any Lands so purchased from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, for on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and again purchasing other Lands from the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations

Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, in lieu or stead of the Lands sold; be it therefore enacted, That it shall not be lawful for the said Commissioners to purchase from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, more than Two Statute Acres of Land, except for the Purpose of improving the said Township; and in case the said Commissioners shall afterwards sell the Whole or any Part of such Land so purchased it shall not be lawful for the said Commissioners to purchase of or from the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, nor for the same or any other such Body, Trustee, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Tenant for Life or in Tail, or other Person being under such legal Disability or Incapacity as aforesaid, to sell to the said Commissioners any other Lands in lieu of those so sold or disposed of by the said Commissioners, or any Part thereof.

CL. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to enter into any Contract or Contracts for the Performance of any of the Works by this Act authorized to be done, or for furnishing any Materials, Implements, Labour, or other necessary Matters and Things whatsoever, for the Performance thereof, or for any other of the Purposes of this Act, with any Person or Persons who shall be willing to undertake and engage in the same; provided always, that no such Contract shall be made for a longer Term than Three Years from the making thereof; and before any such Contract shall be entered into Ten Days public Notice at the least shall be given, in order that Persons willing to undertake the same may make Proposals to the said Commissioners at a certain Time and Place in such Notice to be specified; and all such Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Works are to be completed, together with the Penalties to be incurred in the Case of Nonperformance thereof, and the same shall be signed by the said Commissioners, or by any Three of them, or by their Clerks, and also by the Person or Persons contracting to perform such Works respectively; and Copies of all such Contracts shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners.

Commissioners may enter into Contracts.

Commissioners may compound for Breach of Contract.

CLI. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to compound and agree with any Person who shall have entered into any Contract with the said Commissioners, and shall not have performed or shall be unable to perform the same, or with the Surety or Sureties of any such Person, for any Penalty or Penalties contained in any such Contract, or in any Bond or other Security for the Performance thereof, for such Sum or Sums of Money or other Recompence as the said Commissioners shall think proper.

Commissioners exempt from personal Responsibility in Contracts, &c.

CLII. And be it further enacted, That nothing in this Act, or in any Deed, Contract, Lease, or other Instrument hereby authorized to be entered into or made by the said Commissioners or any of them, shall extend to charge the Person or Persons of all or any of the Commissioners executing such Deed, Contract, Lease, or other Instrument, or the Heirs, Executors, or Administrators, or the Lands, Tenements, Goods, or Chattels of such Commissioners or any of them, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in any such Deed, Contract, Lease, or other Instrument contained on the Part of the same Commissioners or any of them; but the Amount of all Costs, Charges, Damages, and Expences which shall or may be recovered in any Suit at Law or in Equity against the said Commissioners or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such Deed, Contract, Lease, or other Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, Damages, and Expences which the said Commissioners shall bear, pay, expend, or be put to, or which shall be occasioned by reason or means of any such Deed, Contract, Agreement, Lease, or other Instrument, or any Action or Suit to be brought or prosecuted thereupon, shall respectively be paid and discharged by and out of the Monies to be raised by virtue of this Act.

Power to make Rates.

CLIII. And for raising Money for defraying the Expences attending the obtaining and passing of this Act, and for carrying all the Purposes thereof (except only that of lighting and watching the said Township) into execution, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered and required, from Time to Time, when and so often as they shall think necessary, at any Meeting or Meetings to be holden for that Purpose, to make a just and equal Pound Rate or Assessment under the Name of "The *Birkenhead* Improvement Rate," to be signed by the said Commissioners, or any Five or more of them, upon all and every the Tenants and Occupiers, or in case the same shall be unoccupied, then upon the Owners or Landlords of all Messuages, Houses, Shops, Workshops, Warehouses, Cellars, Vaults, Manufactories, Foundries, Iron Works, Print Works, Dye Works, Iron Liquor or other chemical Works, Mills, Breweries, Coach-houses, Stables, and other Erections and Buildings, already built, erected, or made, or which shall hereafter be built, erected, or made, or be situate, standing, or being within the said Township, and upon the several Gardens, Curtilages, Yards, and other Conveniences thereunto adjoining and belonging, or therewith occupied, and upon all Gardens, Lands, Tenements, and Hereditaments within the said Township of *Birkenhead*, according to the annual Value of the same respectively,
to

to be ascertained and settled as herein-after mentioned, not exceeding in any One Year the Sum of One Shilling and Sixpence in the Pound upon such annual Value, without the Consent of the Inhabitants of the said Township in Vestry assembled, or the major Part of them, such Majority consisting of not less than Two Thirds of the Persons present at such Vestry, upon Notice by the said Commissioners given expressing that the Intent and Purpose of such Vestry being convened is to consider the Propriety of making an increased Rate: Provided always, that such Rate shall not in any Case or in any Event exceed the Sum of Two Shillings and Sixpence in the Pound.

CLIV. Provided always, and it is hereby enacted, That so much and such Proportion of the said "*Birkenhead* Improvement Rate" as shall be made and levied for defraying the Expences incident to or in anywise attending the Application for, obtaining, and passing this Act shall be distinctly set forth in the said Assessment; and it shall be lawful for every Tenant and Occupier paying such Assessment to deduct and retain so much thereof as shall be expressed to be for such Expences from and out of any Rent due or payable from him to his Landlord or Lessor; and the Receipt for such Payment shall be a sufficient Discharge for such Tenant or Occupier to his Landlord.

Expences of Act to be stated in the Assessment.

CLV. And be it further enacted, That the Rate or Assessment herein-before authorized to be made by the said Commissioners under the Name of "*The Birkenhead* Improvement Rate" shall and may be made for the Purpose of raising Money to defray the general Purposes of this Act, and of enabling the Commissioners to carry into execution all and every or any of the Powers and Authorities hereby in them vested (save only and except the lighting and watching of the said Townships or any Part thereof); and the Tolls, Duties, Rents, and Profits of the said Market Place, and of all Buildings and other Premises which may be vested in the said Commissioners, and all other Monies which may arise or be received by them under or by virtue of this Act, (save only and except the Monies to arise or be produced from the Lighting and Watching Rate,) and the Monies which may be borrowed for the Purpose of lighting and watching the said Township or any Part thereof, and the Monies arising from the Sale of Gas, or of Coke, Tar, or other Product of Coal, or of any Articles or Things which may have been purchased with the Monies arising from the Lighting and Watching Rate, shall be applied in aid of "*The Birkenhead* Improvement Rate."

Tolls of Market and all other Monies received by the Commissioners, except for lighting, &c. to be applied in aid of the Improvement Funds.

CLVI. And be it further enacted, That the Charges and Expences of lighting, setting up, fixing, providing, maintaining, and repairing the Lamps by this Act directed to be set up for the Purpose of lighting the Streets, Lanes, Highways, Passages, and other public Places within the District so to be appointed to be lighted and watched as aforesaid, and of erecting and keeping in repair the Watch-houses and Watchboxes by this Act authorized to be erected, and of employing Watchmen and Night Patroles, and for otherwise putting this Act into execution in any Manner touching and concerning the lighting and watching of such District, shall be at all Times borne and paid and defrayed by the Tenants and Occupiers of the several Messuages, Houses, Shops, Workshops, Warehouses, Cellars,

Rate for lighting and watching.

Cellars, Vaults, Manufactories, Foundries, Iron Works, Print Works, Dye Works, Iron Liquor or other chemical Works, Mills, Breweries, Coach-houses, Stables, and other Erections and Buildings already built, erected, or made, or which shall hereafter be built, erected, or made, or be situate, standing, and being, within the District so to be appointed to be lighted and watched as aforesaid, and for that Purpose the said Commissioners shall and they are hereby authorized and empowered and required from Time to Time, when and as often as they shall think necessary, at any Meeting or Meetings to be holden for that Purpose, to make a just and equal Pound Rate or Assessment under the Name of "The *Birkenhead* Lighting and Watching Rate," to be signed by the said Commissioners or any Five of them, upon all and every the Tenants and Occupiers of all Messuages, Houses, Shops, Workshops, Warehouses, Cellars, Vaults, Manufactories, Foundries, Iron Works, Print Works, Dye Works, Iron Liquor or other chemical Works, Mills, Breweries, Coach-houses, Stables, and other Erections and Buildings already built, erected, or made, or be situate, standing, or being, within the said District, and upon the several Gardens, Curtilages, Yards, and other Conveniences thereunto adjoining and belonging, or therewith occupied, and upon all Gardens, Lands, Tenements, and Hereditaments within the said District, according to the annual Value of the same Premises respectively, to be ascertained and settled as herein-after mentioned, not exceeding in any One Year the Sum of One Shilling in the Pound upon such annual Value, without the Consent of the Majority of the Inhabitants of the said Township in Vestry assembled rated to the Lighting and Watching Rate, upon Notice by the said Commissioners given expressing that the Intent and Purpose of such Vestry is to consider the Propriety of making an increased Rate.

No more Money to be raised under the Lighting and Watching Rate than is necessary for lighting, &c.

CLVII. Provided always, and be it further enacted, That all the Monies raised and levied under and by virtue of the said Rate or Assessment to be named "The *Birkenhead* Lighting and Watching Rate" shall be paid and applied solely to the Purpose of lighting, setting up, fixing, maintaining, and repairing the Lamps by this Act directed to be set up for the Purpose of lighting the Streets, Lanes, Highways, Passages, and other public Places within the District so to be appointed to be lighted and watched as aforesaid, and of erecting and keeping in repair the Watch-houses and Watchboxes by this Act authorized to be erected, and of employing Watchmen and Night Patroles, and of otherwise putting this Act into execution in any Manner touching and concerning the lighting and watching of the said District; and separate Accounts shall be kept and published in manner herein mentioned of all Monies levied and collected under and by virtue of the said "*Birkenhead* Lighting and Watching Rate," and of the Application thereof: Provided always, that if any Monies shall be borrowed by the Commissioners under the Authority of this Act for the Purpose of enabling them to set up and establish a Gas Apparatus, and to light such District as aforesaid with Gas or Inflammable Air, without contracting for the same, the Monies so borrowed, and the Interest thereof, and the Expences of borrowing and securing the same, shall be a Charge upon and shall be paid out of the Monies to be raised and levied under or by virtue of "The *Birkenhead* Lighting and Watching Rate."

CLVIII. And be it further enacted, That the annual Value of all such Messuages, Houses, Shops, Workshops, Warehouses, Cellars, Vaults, Manufactories, Foundries, Works, Garden Grounds, Lands, Tenements, Hereditaments, and other Property so to be respectively rated and assessed as herein-before is mentioned shall and may be settled and ascertained by the said Commissioners, if they shall think proper so to ascertain and settle the same, according to the then next preceding annual Assessment for the Relief of the Poor within the said Township: Provided always, that if at any Time hereafter, from any Alteration in the Laws relating to the Poor, or from any other Cause whatever, the Rate for the Relief of the Poor within the said Township shall, in the Opinion of the said Commissioners, be deemed an unfair or unequal Criterion by which the Rates or Assessments under this Act shall or ought to be made, then and in such Case or Cases it shall and may be lawful for the said Commissioners from Time to Time to cause a Valuation to be made of all the rateable Property within the said Township by some competent Person or Persons to be appointed by the said Commissioners for that Purpose, and which Appointment they are hereby authorized to make accordingly, and all future Rates or Assessments to be made by the said Commissioners for the Purposes of this Act shall be made upon such Valuation or Valuations; but the said Valuation or Valuations shall in no Case exceed the Rack Rent of the Property valued, nor shall any such Valuation be hereafter used or referred to or for any other Purpose, or be taken as a Criterion of Value or as Evidence of Value for any other Object, than the Purposes and Object of this Act, of or which alone the same is intended and hereby directed to be made.

Value, how to be ascertained.

CLIX. And be it further enacted, That every Person so to be nominated and appointed to make such Valuation as aforesaid shall, upon their Nomination and Appointment, or as soon afterwards as convenient, subscribe and take before some Five or more of the said Commissioners present at any Meeting to be held by virtue of this Act an Oath or Affirmation (and which Oath or Affirmation such Commissioners or any Five of them are hereby empowered to administer) to make such Valuation fairly, faithfully, and impartially, according to the best of his Skill and Judgment; and an Entry or Minute shall be made in the Book of Proceedings of the said Commissioners of the subscribing and taking such Oath or Affirmation, and of the Date of taking the same.

Valuers to take an Oath.

CLX. And be it further enacted, That it shall be lawful for the said Commissioners, or any Person or Persons by them authorized, from Time to Time to inspect all and every or any of the Poor Rates for the said Township of *Birkenhead*, and the Assessments by which the same are regulated and made, and to take Copies of or Extracts therefrom respectively; which the Overseer or Overseers, or other Person or Persons having the Custody thereof respectively, is and are hereby required to permit and suffer to be made and taken without Fee or Reward; and on Refusal thereof he or they so refusing shall forfeit and pay for every Offence any Sum not exceeding Forty Shillings.

Commissioners may inspect Poor Rates.

CLXI. And be it further enacted, That the several Rates or Assessments by this Act to be made, charged, or levied as aforesaid shall be assessed, levied, and raised by such yearly, half-yearly, or quarterly or other Payments as the said Commissioners shall think fit and direct; and

Rates to be paid to Collectors. at such Periods as Commissioners

Commissioners shall direct.

the Money so to be rated or assessed shall be paid to, levied, and collected by the Collector or Collectors or other Person or Persons appointed by the said Commissioners to levy, collect, or receive the same, and shall, when levied and collected, be paid by the Collector or Collectors, or other the Person or Persons levying, collecting, or receiving the same, unto the Treasurer or Treasurers for the Time being to the said Commissioners, and shall be and the same are hereby vested in the said Commissioners.

Rates to be recoverable by Distress or Action.

CLXII. And be it further enacted, That if any Person or Persons rated or assessed as aforesaid shall neglect or refuse to pay his, her, or their Proportion of any of the said Rates or Assessments respectively for the Space of Fourteen Days after personal Demand thereof, or Demand in Writing left at the usual or last Place of Abode of such Person or Persons, the same shall be recovered and levied on all and every such Person or Persons so neglecting or refusing by Distress and Sale of his or their Goods and Chattels by Warrant under the Hand and Seal of any Justice of the Peace acting for the said County Palatine of *Chester*; and the Overplus (if any) of the Monies to be raised by such Distress and Sale shall be returned to the Owner or Owners of the Goods and Chattels distrained and sold, after deducting all Charges attending such Distress and Sale: Provided always, that nothing herein contained shall prevent the said Commissioners from recovering any such Rates or Assessments where the same amounts to or exceeds the Sum of Five Pounds by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, nor more than One Impar lance shall be allowed.

Recovery of Rates from Persons removing.

CLXIII. And be it further enacted, That in case any Person or Persons shall quit or be about to quit his, her, or their Houses, Buildings, Lands; Tenements, or Hereditaments before he, she, or they shall have paid such Rates or Assessments, or such Portion or Portions thereof as may be then due from him, her, or them by virtue of this Act, and shall refuse to pay the same when demanded as aforesaid, then and in every such Case it shall be lawful for the said Collector or Collectors, or other Person or Persons as aforesaid, or any of them, by Warrant under the Hand and Seal of any Justice of the Peace for the said County Palatine of *Chester*, which Warrant he is hereby authorized and required to grant upon Proof of any such Removal, or that there is Reason to suspect the same, to distrain his, her, or their Goods and Chattels wherever they may be, and to sell the same, rendering the Overplus (if any), after having deducted the reasonable Costs, Charges, and Expences attending such Distress and Sale, upon Demand, to the Owner or Owners of such Goods and Chattels respectively.

Form of Warrant.

CLXIV. And be it further enacted, That the Warrant of Distress for the Nonpayment of any Rates or Assessments to be made under or by virtue of this Act may include One or more Person or Persons, and be in the Words or to the Effect following, *mutatis mutandis*; (that is to say,)

' Cheshire; to wit, }
 ' Township of } To the Collector or Collectors of the Rates
 ' Birkenhead. } made by the Commissioners of the Township of
 ' *Birkenhead*," and also to the Constables and other Peace
 ' Officers of the said Township:

WHEREAS the undersigned Persons, now or late Inhabitants, Land-
 lords, Tenants, or Occupiers of Houses, Buildings, Lands, Tene-
 ments, or Hereditaments within the Township of *Birkenhead* aforesaid,
 have been duly rated and assessed under the Authority of an Act passed
 in the Third Year of the Reign of His Majesty King *William* the Fourth,
 intituled [*here set forth the Title of this Act*], in, and there is now due from
 them respectively the several Sums of Money at their Names herein-after
 respectively set down, which they have respectively refused or neglected
 to pay, as appeareth upon due Proof upon Oath [*or Affirmation*] to me,
 one of His Majesty's Justices of the Peace for the said County; and the
 said several Persons having been duly summoned to appear before me
 to answer the Premises, and not having shown any sufficient Cause why
 such Sums of Money should not be paid; These are therefore, in His
 Majesty's Name, to will and require you or any of you forthwith to
 levy the said several Sums herein-before mentioned by Distress and Sale
 of the respective Goods and Chattels of the Persons aforesaid, rendering
 to them respectively the Overplus (if any), the reasonable Charges
 of such Summons, Warrants, Distresses, Sale, and Keeping being first
 deducted; and if no sufficient Distress can be had and taken, that then
 you certify the same to me, to the end that such further Proceedings
 may be had as the Law doth authorize or direct; and I do hereby
 strictly charge and command all and singular the Constables and other
 His Majesty's Peace Officers for the said Township to be aiding and
 assisting in all things relating to the Premises. Given under my Hand
 and Seal this Day of One thousand eight
 hundred and

' Sum due.'

' A. B. - -	}
' C. D. - -	

CLXV. Provided always, and be it further enacted, That no Rate or Assessment shall be made in pursuance of this Act upon any Person or Persons for or in respect only of his, her, or their being the Occupier or Occupiers of any Dwelling House, Cottage, Cellar, or other such Building under the actual annual Value of Five Pounds, such annual Value to be from Time to Time settled and ascertained by the said Commissioners, either according to the Amount of Rent actually paid by such Occupier or Occupiers, or in such other Manner as the said Commissioners may determine, nor upon any Person who by reason of his or her Poverty only is or shall be excused from paying any Rate made for the Relief of the Poor, or upon any Person or Persons in respect of any Charity School, nor of any Common Gaol or Lock-up House or the Workhouse of the said Township. Exemptions from Rates.

CLXVI. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, in Cases where they shall see fit, by reason of Poverty, Sickness, Want of Work, or Non-employment, or Inability of any Person or Persons rated in any Rate or Assessment under this Act, either wholly or in part to excuse such Person or Persons from the Payment of any Rate or Rates under this Act as they in their Discretion shall think proper; and it shall also be lawful for the said Commissioners and they are hereby authorized, in Cases where they shall see fit, to make reasonable Abatements from the Rates or Assessments made by or under the Authority Relief in Cases of Poverty.

Authority of this Act in respect of any Workshop, Warehouse, Manufactory, Foundry, or Mill, the Workpeople whereof shall be wholly or partially unemployed.

Unoccupied Houses not to be rated except to Expenses of Act.

CLXVII. Provided always, and be it further enacted, That no House, Shop, Warehouse, Factory, or Property whatsoever within the Limits of this Act shall be charged or chargeable with any such Rate or Assessment during the Time the same shall remain empty or unoccupied, excepting only so much of the said *Birkenhead* Improvement Rate as shall be made and levied for defraying the Expenses incident to or in anywise attending the obtaining and passing of this Act.

Rates of Houses let to several Families, or for less than a Year.

CLXVIII. And be it further enacted, That any Person being a Landlord or Tenant who shall let his or her House in separate Apartments, or ready furnished, or partly so, to a Lodger or Lodgers, shall for the several Purposes of this Act be rated and assessed as the Occupier thereof.

Rates to be apportioned on Persons removing from their Houses.

CLXIX. And be it further enacted, That in all Cases where any Person shall remove from or quit any House, Shop, Warehouse, Factory, or Property whatsoever which shall be rated or assessed by virtue of this Act, such Person shall be liable to pay such Rates or Assessments in proportion to the Time for which he occupied the same in like Manner as if such Person had not removed from or quitted the same; and in all Cases where any Person shall come into or occupy any such House, Shop, Warehouse, Factory, or other Property as aforesaid out of or from which any other Person rated as aforesaid shall be removed, or which at the Time of making such Rate or Assessment was or were empty, the same shall for and in respect of his Occupation thereof be liable only to such Rate or Assessment in proportion to the Time for which he shall occupy the same in the same Manner as if he had been originally rated or assessed for such House, Shop, Warehouse, Factory, or other Property; which said respective Proportions shall, in case of Dispute, be settled and ascertained by the said Commissioners.

Amendment of Rates by Commissioners.

CLXX. And be it further enacted, That it shall be lawful for the said Commissioners, either on the Application of any Person aggrieved or without, from Time to Time to amend any Rate or Assessment to be made by virtue of this Act by inserting therein the Name or Names of any Person or Persons who ought to have been or to be then rated, or by striking out the Name or Names of any Person or Persons who ought not to have been rated therein, or by making such other Amendments or Alterations therein as will in the Judgment of the said Commissioners make out such Rate or Assessment conformable to the true Intent and Meaning of this Act; and no such Amendment so to be made by the said Commissioners shall be held to vitiate the same or render it less operative.

Rates may be inspected and Copies demanded.

CLXXI. And be it further enacted, That Duplicates of all Rates and Assessments made or assessed by virtue of this Act shall be deposited with the Clerk or Treasurer to the said Commissioners, who shall permit any Person included therein, or any Mortgagee of such Rates or Assessments, to inspect the same or to take Copies thereof upon Payment of One Shilling; and such Clerk, Treasurer, or other Officer shall within Ten Days after Demand deliver a true Copy of such Rates and Assess-

ments, or any Portion thereof, to such Person or Mortgagee as aforesaid, having been first paid for the making of such Copy after the Rate of Sixpence for every One hundred Words; and in case such Clerk, Treasurer, or other Officer shall refuse and neglect to deliver such Copy within the said Ten Days, or at the Rate aforesaid, then and in every such Case such Clerk, Treasurer, or other Officer shall forfeit and pay any Sum not exceeding Five Pounds.

CLXXII. And for the more speedy and effectually enabling the said Commissioners to execute the Purposes of this and the several Powers vested in them by this Act, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time when they shall think it expedient, to borrow and take up at Interest any Sum or Sums of Money not exceeding in the whole the Sum of Four thousand Pounds upon the Credit of the Improvement Rate hereby authorized to be made, levied, and collected, and upon the Credit of the Market Place, and the Tolls and Duties, Rents and Profits thereof, and of the Buildings and Premises which may be vested in the said Commissioners, and also to borrow and take up at Interest any Sum or Sums of Money not exceeding in the whole the Sum of Four thousand Pounds upon the Credit of the Lighting and Watching Rate hereby authorized to be made, levied, and collected, and by any Writing under the Hands and Seals of the said Commissioners, or any Five or more of them, to mortgage, grant, or assign the said Improvement Rate, Market Place, Tolls, Duties, Rents, Profits, and Buildings, or the said Lighting and Watching Rate, as the Case may be, or any Part or Parts thereof respectively, to any Person or Persons who shall advance or lend such Money, or to his, her, or their Trustee or Trustees, as a Security or Securities for the Money so to be borrowed, together with such lawful Interest as the said Commissioners and the Parties lending such Money shall agree upon; and the Charges and Expences of such Security or Securities respectively shall be from Time to Time defrayed by the said Commissioners out of the Money advanced upon such Security, or out of any other Monies in their Hands: Provided always, that no Sum or Sums of Money shall be borrowed or taken up at Interest under the Authority of this Act but at some General or Special Meeting of the said Commissioners, of which Meeting, and of the Sum or Sums of Money intended, or proposed to be borrowed or taken up at Interest, Fourteen Days Notice at the least shall be given in the Manner hereinbefore prescribed for giving Notices of Extraordinary or Special Meetings of the said Commissioners; and every such Mortgage shall be in the Words or to the Effect following; (that is to say,)

Power to mortgage the Rates.

‘ **BY** virtue of an Act passed in the Third Year of the Reign of King
 ‘ *William* the Fourth, intituled [*here set forth the Title of this Act*],
 ‘ we whose Hands and Seals are hereunto subscribed, being
 ‘ of the Commissioners acting in the Execution of the said Act, in con-
 ‘ sideration of the Sum of _____ having been, on
 ‘ the _____ Day of _____ advanced and lent by
 ‘ _____ upon the Credit of and for the general
 ‘ Purposes of the said Act, and paid by him [*or them, as the Case may*
 ‘ *be,*] to the Treasurer of the said Commissioners, do hereby grant,
 ‘ bargain, sell, and assign unto the said _____ Executors,
 ‘ [Local.] _____ Administrators,

Form of Mortgage.

‘ Administrators, and Assigns, such Proportion of the Improvement Rate
 ‘ authorized to be raised, levied, and collected by virtue of the said Act,
 ‘ and also such Proportion of the Tolls, Duties, Rents, and Profits granted
 ‘ or arising and authorized to be raised and collected by virtue of the
 ‘ said Act, and also of the Market Place, Buildings, and Premises thereby
 ‘ vested in the said Commissioners, [*or Lighting and Watching Rate, as*
 ‘ *the Case may be,*] as the said Sum of . doth
 ‘ or shall bear to the whole Sum borrowed and to be borrowed, and
 ‘ which shall from Time to Time be owing upon the Credit of the said
 ‘ Improvement Rate, Tolls, Duties, Rents, Profits, and Premises, [*or*
 ‘ *Lighting and Watching Rate, as the Case may be,*] to be had and holden
 ‘ from the Day of the Date of these Presents until the said Sum of
 ‘ with Interest for the same after the
 ‘ Rate of *per Centum per Annum*, to be paid half-
 ‘ yearly, shall be fully repaid and satisfied. In witness whereof we have
 ‘ hereunto set our Hands and Seals the Day of
 ‘ in the Year of our Lord One thousand eight hundred and .’

And every such Mortgage shall be valid and effectual in the Law; and all such Mortgages shall be numbered, commencing with Number One, and so proceeding in Arithmetical Progression ascending, whereof the common Excess or Difference shall always be One.

No Prefer-
 ence in Pay-
 ment of
 Mortgages.

CLXXIII. And be it further enacted, That the several Persons to whom any such Mortgages shall have been made shall be respectively entitled to their respective Quota of the said Improvement Rate, Buildings, Tolls, Duties, Rents, Profits, and Premises, or Lighting and Watching Rate, as the Case may be, in proportion to the annual Amount of the Interest of the Monies borrowed on Mortgage, without any Preference by reason of the Priority of Date of any such Mortgage, or on any other Account whatsoever.

Register
 Book to be
 kept of Mort-
 gages.

CLXXIV. And be it further enacted, That a Book shall be provided by the said Commissioners and kept by their Clerk, in which Book shall be entered and registered Copies of all Mortgages and other Securities made in pursuance of this Act; which Book shall be open to the Inspection of the several Holders of Mortgages and Securities made by virtue of this Act, and their respective Executors, Administrators, and Assigns, at all reasonable Times, without Fee or Reward.

Mortgages
 may be trans-
 ferred.

CLXXV. And be it further enacted, That it shall be lawful for the several Persons entitled for the Time being to any of the Securities for the Money to be borrowed as aforesaid, and their respective Executors, Administrators, and Assigns, at any Time or Times by Writing under their respective Hands and Seals to transfer the same respectively to any Person or Persons whomsoever in the Form or to the Effect following; (that is to say,)

Form of
 Transfer.

‘ I *A. B.* of [*or I C. D.* of
 ‘ Executor or Administrator of *A. B.*, late of
 ‘ *or otherwise, as the Case may happen to be,*] in consideration of the
 ‘ Sum of to me paid by *E. F.* of
 ‘ do hereby assign and transfer unto the said *E. F.*, his Executors,
 ‘ Administrators, and Assigns, a certain Security, Number
 ‘ bearing

bearing Date the Day of in the Year
 of our Lord under the Hands and
 Seals of of the Commissioners for executing
 an Act passed in the Third Year of the Reign of His Majesty King
William the Fourth, intituled [*here set forth the Title of this Act*],
 and the Principal Sum of thereby secured,
 and all Interest now due or hereafter to grow due thereon, and all
 my Right and Interest in and to the same. Dated this
 Day of in the Year of our Lord

Which Transfer shall within Twenty Days after the Date thereof be produced to the Clerk of the Commissioners, who shall cause an Entry or Memorial to be made thereof containing the Date, Names of the Parties, and the Sum of Money thereby transferred in the said Register Book to be kept for entering Copies of the original Mortgages, for which Entry the said Clerk shall be paid the Sum of Two Shillings and Sixpence; and after such Entry made, but not before, every such Assignment shall entitle the Person or Persons to whom the same shall be made, and his, her, and their Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred. Transfer to be registered.

CLXXVI. And be it further enacted, That in case any Money shall be borrowed by the said Commissioners upon the Security of the Improvement Rate under the Authority herein-before contained, the said Commissioners shall and they are hereby required, after the Expiration of Five Years from the borrowing of such Money, to set aside and appropriate, out of the Monies to arise or be received by or from the said Improvement Rate, and the Tolls, Duties, Rents, and Profits of the said Market Place, and of the Buildings and other Premises vested in the said Commissioners, such a Sum of Money as will be sufficient to discharge the whole of the Principal Money borrowed on the Security of such Rate within Twenty Years. Commissioners to set aside yearly a Sum sufficient to discharge Money borrowed on the Improvement Rate within 20 Years;

CLXXVII. And be it further enacted, That in case any Money shall be borrowed by the said Commissioners upon the Security of the Lighting and Watching Rate under the Authority herein-before contained, the said Commissioners shall and they are hereby required, after the Expiration of Five Years from the borrowing of such Money, to set aside and appropriate out of the Monies to arise or be produced by the said Rate such a Sum of Money as will be sufficient to discharge the whole of the Principal Money borrowed on the Security of such Rate within Twenty Years. and in like Manner a yearly Sum sufficient to discharge Money borrowed on the Lighting and Watching Rate.

CLXXVIII. And be it further enacted, That in case the said Commissioners shall at any Time be able to borrow or take up any Sum or Sums of Money at a lower Rate of Interest than shall then happen to be payable upon any of the existing Mortgages which may have been granted by the said Commissioners, it shall be lawful for the said Commissioners from Time to Time to charge the said Rates or Assessments, Tolls, Duties, Rents, Profits, Buildings, and Premises, in manner aforesaid, with any Sum or Sums of Money to be borrowed at such lower Rate, and the Interest thereof, and with such last-mentioned Sum or Sums to pay off and discharge any of the said Mortgages bearing a higher Rate of Interest. Money may be borrowed at lower Interest to pay off existing Mortgages.

CLXXIX. And

Provision for
Payment of
Mortgages by
Ballot.

CLXXIX. And for making effectual Provision for paying off the said Mortgages, be it further enacted, That when and so often as there shall be in the Hands of the said Commissioners or of their Treasurer the Sum of Five hundred Pounds over and above what is sufficient for executing the Purposes of this Act, the said Commissioners shall cause the several Numbers of all the Mortgages granted and then in force to be written upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled up in the same Form and be put into a Box, and the Clerk of the said Commissioners shall, in the Presence of Five or more of the said Commissioners, draw separately out of the said Box One of the said Numbers for every Mortgage then intended to be paid off, and thereupon the Mortgage or Mortgages corresponding with the Number or Numbers which shall be so drawn shall be accordingly paid off by the said Commissioners; and after every such Ballot the said Commissioners shall cause Notice, signed by their Clerk, to be given to the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot, which Notice shall express the Principal Sums to be paid off, and that the same will be paid off, together with the Interest due thereon, at a Place specified in such Notice, at the Expiration of Three Calendar Months from the Date of giving such Notice; and the Interest of the Principal Money to be paid off shall, from and after the End of the said Three Calendar Months, cease and be no longer paid or payable, unless the Money shall be demanded pursuant to such Notice, and not paid, out of the Principal Money in respect of which such Notice shall be given, and all the Interest thereof to the End of the said Three Calendar Months, shall nevertheless be payable, on Demand.

No Assess-
ment, further
than neces-
sary, after
Payment of
borrowed
Monies.

CLXXX. Provided always, and be it further enacted, That when the Monies borrowed on the Security of the Rates or either of them shall have been fully paid and satisfied, or in case it shall not be necessary to borrow Money on the Security of the said Rates or either of them, no further or greater Rate or Assessment shall be made on the Inhabitants of the said Township than shall or may be necessary for carrying the Purposes of this Act into effect.

Application
of Rates and
Tolls and
other Mo-
nies.

CLXXXI. And be it further enacted, That all the Monies to arise or be received by or from the Improvement Rate authorized to be made, levied, and collected by virtue of this Act, and the Tolls, Duties, Rents, and Profits of the said Market Place, and of the Buildings and other Premises which may be vested in the said Commissioners, and all Monies which may be borrowed on the Security of the Improvement Rate, and all other Monies which may arise or be received by virtue of this Act, save only and except the Monies to arise or be produced from the Lighting and Watching Rate, and the Monies which may be borrowed on the Security thereof, shall be and the same are hereby vested in the said Commissioners, and the same shall from Time to Time and at all Times be applied and disposed of, by and under the Order of the said Commissioners, in the Manner following; (that is to say,) in the first place, in paying, defraying, and discharging all the Costs, Charges, and Expences which shall have been incurred in applying for or which shall be in any Manner incident to the obtaining and passing of this Act, with Interest for the Money which shall have been advanced for such Purposes; and in the next place, in paying and discharging the annual

Interest of the Principal Monies which may be borrowed by the said Commissioners on the Credit of the Improvement Rate under the Authority of this Act, and afterwards in paying all other Costs, Charges, and Expences relating or incident to the Execution of this Act, or any of the Directions herein contained, and the Powers and Authorities hereby given and granted to the said Commissioners, (save only and except the lighting and watching of the said Township or any Part thereof,) in the Manner hereby directed, and then in reducing, paying off, and discharging the several Principal Sums of Money which shall be borrowed on the Credit or Security of the Improvement Rate, Tolls, Duties, Rents, Profits, Market Place, Buildings, Erections, and Premises, and in and for carrying into full and complete Execution in all other respects the Intents and Purposes of this Act, save only and except as aforesaid; and that the Monies to arise or be received by or from the Lighting and Watching Rate hereby authorized to be made, levied, and collected, and all Monies which shall be borrowed on the Credit thereof, shall be and the same are hereby vested in the said Commissioners, and the same shall from Time to Time and at all Times be applied and disposed of, by and under the Order of the said Commissioners, in the Manner following; (that is to say,) in the first place, in paying the Interest of the Monies which may be borrowed by the said Commissioners on the Credit of the said Rate under the Authority of this Act; and in the next place, in paying and defraying the Charges and Expences of carrying into effect such of the Provisions and Purposes of this Act as relate to the lighting and watching the said District, and as may be incurred respecting the same; and lastly, in paying off the Principal Monies which shall have been borrowed on the Credit or Security of the Lighting and Watching Rate; and from and after Payment and Satisfaction thereof the annual Surplus, if any, shall be applied for the general Purposes of this Act.

CLXXXII. Provided always, and be it further enacted, That if the Monies to be produced by or received from the Tolls, Duties, Rents, and Profits of the Market Place, and of the Buildings and other Premises vested in the said Commissioners, shall at any Time hereafter be sufficient to answer all the Purposes for which the Improvement Rate is hereby authorized to be made, levied, and collected, so as to render the levying of such Rate no longer necessary, then and in such Case the said Commissioners shall abstain from making, levying, or collecting such Rate so long as such Monies shall be sufficient for the Purposes aforesaid; and in case there shall be any Surplus remaining of the Monies to be produced by or received from the Tolls, Duties, Rents, and Profits of the said Market Place, and of the Buildings and other Premises vested in the said Commissioners, after paying all Costs, Charges, and Expences which are herein-before charged upon or directed to be paid out of the Improvement Rate, such Surplus shall be under the Controul of the Inhabitants of the said Township in Vestry assembled, and shall be disposed of in such Manner as they shall order or direct.

If Profits of Market, &c. render the Improvement Rate unnecessary, such Rate not to be collected.

CLXXXIII. Provided always, and be it further enacted, That if the said Commissioners shall deem it expedient to erect a Gas Apparatus, and to light the Streets, Lanes, Roads, Passages, and other Places, and Houses and Buildings, within the Limits of this Act, with Gas or Inflammable Air, under the Authority herein-before contained, and the Profits

If Profits of lighting render Lighting Rate unnecessary, such Rate not to be levied.

[Local.]

18 F

to

to be derived therefrom shall be sufficient to answer all the Purposes for which the Lighting and Watching Rate is hereby authorized to be made, levied, and collected, so as to render the levying of such Rate no longer necessary, then and in such Case the said Commissioners shall abstain from making, levying, or collecting such Rate so long as such Profits shall be sufficient for the Purposes aforesaid; and in case there shall be any Surplus of such Profit after paying all Costs, Charges, and Expences which are herein-before charged upon or directed to be paid out of the Lighting and Watching Rate, such Surplus shall be under the Controul of the Inhabitants of the said Township in Vestry assembled, and shall be disposed of in such Manner as they shall order or direct.

Treasurer
not to pay
Money with-
out an Order.

CLXXXIV. And be it further enacted, That all Monies whatsoever which shall be raised and collected by Order of the said Commissioners by or from any of the aforesaid Tolls, Duties, Rents, Profits, Rates, or Assessments, or which shall be by them borrowed on Mortgage, for the Purposes of this Act, or which shall be otherwise payable to them under any of the Provisions of this Act, shall from Time to Time be paid into the Hands of the Treasurer to the said Commissioners; and no Sum or Sums of Money shall be disbursed or paid by such Treasurer, on behalf or on account of the said Commissioners, without an Order in Writing, signed at a Meeting of the said Commissioners to be held in pursuance of this Act, by the Chairman of the said Meeting for the Time being.

In case of
Non-pay-
ment of
Compensa-
tion for Da-
mages, &c.
the same to
be levied by
Distress of
the Goods of
the Commis-
sioners, or
their Trea-
surer.

CLXXXV. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever, taken, occasioned, done, or committed by the said Commissioners or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made for that Purpose in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order made by such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction, Costs or Expences, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by any Justice of the Peace for the County of *Chester*, which Warrant such Justice is hereby authorized and required to grant under his Hand and Seal on Application made to him for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Commissioners or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain out of any Monies
which

which he shall have received or shall receive in pursuance of this Act all such Damages, Costs, Charges, and Expences as he shall have sustained or been put unto by virtue of any such Warrant as aforesaid.

CLXXXVI. And be it further enacted, That if any Person or Persons shall obstruct, assault, hinder, or molest any of the said Commissioners, or any Treasurer, Clerk, Assessor, Collector, or Surveyor, Workman or Agent, or any Watchman, Constable, or Assistant Constable, Night Patrole, Beadle, Market Looker or Inspector of Markets, or other Officer or Officers, Person or Persons whomsoever, who is, are, or shall be appointed or employed by virtue of this Act, or any Bye Law or Order made in pursuance thereof, in the Execution or Performance of his or their Duty, or in the Execution of any of the Works, Matters, or Things to be done by virtue or under the Authority of the same respectively, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for obstructing the Execution of this Act.

CLXXXVII. And be it further enacted, That the said Commissioners may and they are hereby empowered to order and direct any Prosecution against any Person or Persons for any public Nuisance whatsoever which shall be committed or suffered within the Limits of this Act, or for any Resistance to the Execution of this Act, or to any Person acting under the same, or for any Offence committed against this Act, or for any Encroachment or Obstruction laid, placed, erected, or made in or upon the said Streets, Lanes, Ways, Roads, or other public Passages or Places, or upon the Footpaths within the Limits of this Act; and the Costs and Charges of and attending all such Prosecutions shall be paid out of the Monies to be raised under and by virtue of this Act.

Commissioners may direct Prosecutions.

CLXXXVIII. And be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time to give Instructions to their Surveyor for the Time being, and the said Surveyor is hereby enjoined, to search for and examine into, and upon any Complaint to be made or given to him thereof by any Inhabitant of the said Township forthwith personally to view and inspect, all Nuisances, Annoyances, Obstructions, Encroachments, and other Offences done, committed, or suffered within the said Township contrary to any of the Provisions of this Act, and thereupon to lay an Information against the Offender before any Justice of the Peace for the said County Palatine of *Chester* in order that such Offender may be dealt with according to the Powers and Provisions of this Act; and if any such Surveyor shall, after such Direction given to him, at any Time wilfully neglect or refuse to search for, inquire, and examine into any such Nuisances, Annoyances, Obstructions, Encroachments, or other Offences as aforesaid, or after any Complaint made to him personally to view or inspect the Matters of such Complaint, or shall neglect or refuse to lay any such Information against any Person so offending as aforesaid, then and in every such Case the said Surveyor so neglecting or refusing shall for every such Neglect or Refusal forfeit and pay any Sum not exceeding Five Pounds.

Surveyors to lay Informations.

CLXXXIX. And be it further enacted, That where any Damages, Satisfaction, or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence in this Act mentioned,

Damages and Charges in case of dispute to be

settled by
Justices.

mentioned, the Amount of such Damages, Satisfaction, or Charges shall be settled and determined by the Justice of the Peace by or before whom any Offender shall be convicted of any such Offence; and such Justice is hereby authorized and required, on Nonpayment thereof, to levy such Damages, Satisfaction, or Charges by Distress and Sale of the Offender's Goods and Chattels, and to commit him, her, or them, in default of Payment, in manner by this Act directed in Cases of Nonpayment of pecuniary Penalties or Forfeitures.

Justices may
proceed by
Summons in
the Recovery
of Penalties.

CXC. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace it shall be lawful for any Justice to whom Complaint shall be made of any Offence against this Act to summon before him the Party complained against, and on the Return of such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, and to commit the Offender, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing were or had been exhibited.

Recovery and
Application
of Penalties.

CXCI. And be it further enacted, That all Offences whatsoever which by virtue or under the Authority of this Act, or by or under any Rule, Regulation, Order, or Bye Law to be made in pursuance or by the Authority of this Act, are or shall be subject to or punishable with any pecuniary Penalties, Fines, or Forfeitures for the Recovery of which no express Provision is hereby made, shall and may in every Case be heard, adjudged, and determined by and before any One Justice of the Peace for the said County Palatine of *Chester*, in a summary Way, upon Information or Complaint made within Three Calendar Months next after the committing of such Offences respectively, and not afterwards; and upon any such Complaint or Information as aforesaid the said Justice shall summon the Party accused and such Witness or Witnesses as may by such Justice be thought proper or necessary to appear before him, and examine into the Matter thereof; and if upon the Confession of the Party accused, or on the Oath or Affirmation of any One or more credible Witness or Witnesses (whether the Party accused be absent or present), the Party accused shall be convicted of having committed such Offence, then and in every such Case the Penalty, Fine, or Forfeiture hereby made payable in respect of such Offence, together with the Costs of Conviction, to be ascertained by such Justice, shall be forthwith paid by the Party so convicted as aforesaid; and in case such Party so convicted shall refuse or neglect to pay the same forthwith, then (except in Cases otherwise provided by this Act) the same shall and may, by Warrant under the Hand and Seal of any such Justice (which he is hereby empowered and required to grant), be levied and recovered, together with the Costs of Conviction and Recovery thereof, to be ascertained by such Justice, by Distress and Sale of the Goods and Chattels of such Offender whenever such Goods or Chattels can or shall be found, rendering the Overplus of the Money arising by such Sale (if any), upon Demand, to the Party whose Goods or Chattels shall be so distrained; all which Penalties not herein directed to

be otherwise applied shall be paid to the Treasurer for the Time being of the said Commissioners, to be applied for the general Purposes of this Act, as the said Commissioners shall order or direct, unless the Penalty or Forfeiture shall be incurred by the said Commissioners, in which Case One Moiety of the same shall be paid to the Overseers of the Poor of the said Township; and in case such Penalty, Fine, or Forfeiture shall not be forthwith paid, it shall be lawful for the said Justice to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the said Offender shall give sufficient Security to the Satisfaction of such Justice for his Appearance or Appearances before the said Justice, on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty, Fine, or Forfeiture, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice, either by the Confession of the Offender or otherwise, that the Offender hath not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied (were a Warrant of Distress issued), such Justice shall not be required to issue the same, and thereupon it shall be lawful for such Justice, and he is hereby required and empowered, by Warrant under his Hand and Seal, to commit such Offender to the House of Correction for the said County Palatine of *Chester*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until such Offender shall have fully paid such Penalty, Fine, or Forfeiture, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or shall otherwise be discharged by due Course of Law.

CXCII. And be it further enacted, That in all Cases where any Justice is empowered by this Act to impose any Penalty or Forfeiture it shall and may be lawful for such Justice to mitigate the same or to dismiss the Case, either with or without Costs, at his Discretion.

Justices may mitigate Penalties.

CXCIII. And be it further enacted, That it shall be lawful for the said Commissioners or any One of them, or for any of their Surveyors, Collectors, and other Officers, and such Person or Persons as they or any of them shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize or detain any Person, being unknown to such Commissioners or Commissioner, Surveyors, Collectors, and other Officers, who shall commit any Offence against this Act, and take him as soon as conveniently may be before the nearest Justice of the Peace for the County of *Chester*, and such Justice is hereby required to proceed and act with respect to such Offender according to the Provisions of this Act.

For securing transient Offenders.

CXCIV. And be it further enacted, That in all Cases where it may be requisite or necessary for any Person or Party to serve any Notice, Writ, or other legal Proceeding or Proceedings in Equity, upon the said Commissioners, the Service thereof upon the Clerk of the said Commissioners, or at the Office of the said Commissioners, or left at the last or usual Place

Directing what shall be deemed a Service of Notice, &c. on the Commissioners.

[*Local.*]

18. G

of

of Abode of the said Clerk, or in case the same respectively shall not be found or known, then Service upon any Officer or Servant of the said Commissioners, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Commissioners.

CXCV. And for the more easy and speedy Conviction of Offenders against this Act, or against any Bye Law, Rule, Order, or Regulation to be made in pursuance or by the Authority hereof, be it further enacted, That a Conviction in the Form or to the Effect following shall be good, without alleging more than the Substance of the Offence; (that is to say,)

Form of
Conviction.

‘ Cheshire } **BE** it remembered, That on the _____ Day
 ‘ to wit. } of _____ in the Year of our Lord
 ‘ _____ is [or, as the Case may be, are]
 ‘ convicted before me [or us, as the Case may be,] _____ of
 ‘ His Majesty’s Justices of the Peace for the County Palatine of *Chester*, of
 ‘ having [here state the Offence, and the Time and Place when and where
 ‘ the same was committed], contrary to the Statute passed [or contrary to
 ‘ a Bye Law duly made in pursuance of the Statute passed] in the Third
 ‘ Year of the Reign of His Majesty King *William* the Fourth, intituled
 ‘ [here set forth the Title of this Act], for which Offence I [or we, as the
 ‘ Case may be,] do adjudge the said _____ to
 ‘ have forfeited the Sum of _____ [here state the
 ‘ Amount of the Penalty, Fine, or Forfeiture for the Offence.] Given under
 ‘ my Hand and Seal [or our Hands and Seals, as the Case may be,] the
 ‘ Day and Year first above written.’

Witnesses
may be sum-
moned.

CXCVI. And be it further enacted, That if any Person shall be summoned by any Justice of the Peace for the County of *Chester* as a Witness to give Evidence before him or any other Justice or Justices of the Peace touching any Matter contained in any Information or Complaint for any Offence against this Act, or against any such Bye Law, Rule, Order, or Regulation as aforesaid, either on behalf of the Prosecution or on behalf of any Person accused, and shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum of Money for his Costs and Expences, without a satisfactory Excuse being given for such Nonappearance, or appearing shall refuse or decline to be examined upon Oath or on solemn Affirmation (which Oath or Affirmation any Justice is hereby authorized and required to administer in all Cases whatsoever where the Provisions of this Act require the Oath or Affirmation of any Witness to be had in any Proceeding before such Justice) or to give Evidence touching the Matter in question before such Justice, then and in every such Case every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered as other Fines and Penalties are by this Act recoverable.

Persons giv-
ing false Evi-
dence to be
punished.

CXCVII. And be it further enacted, That if any Witness who shall be examined by or before any Justice of the Peace or otherwise under this Act upon Oath or Affirmation shall wilfully and corruptly give false Evidence, and shall be thereof convicted, such Person so giving false Evidence shall be subject to the same Punishment as Persons convicted of Perjury are by Law subject or liable to.

CXCVIII. And be it further enacted, That no Person whomsoever shall be disqualified from being a competent Witness or from being admitted to give Evidence in any Action, Information, Prosecution, Appeal, Cause, or Proceeding whatsoever authorized by or relating to the Execution of this Act, or any Rule, Regulation, Order, or Bye Law made or to be made in pursuance thereof, by reason of paying or being charged with or being liable to pay any of the Tolls, Duties, Dues, Rents, Rates, or Assessments hereby authorized to be made, charged, levied, or assessed, or any other Rate or Assessment, within the said Township, or by reason of his being an Inhabitant of the said Township, or being one of the Commissioners for putting this Act into execution, or holding any Office or Employment under the said Commissioners.

Persons paying Rates, &c. may be Witnesses.

CXCIX. And be further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor shall the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in such Distress or any Proceeding relating thereto, nor a Trespasser *ab initio* on account of any subsequent Irregularity in the prosecuting of such Distress, but any Person aggrieved by such Irregularity may recover Satisfaction for the special Damage in an Action on the Case.

Distress not to be avoided for Want of Form.

CC. And be it further enacted, That no Order, Verdict, Rate, Assessment, Judgment, Conviction, or other Proceeding touching or concerning any Offence against this Act, or against any Rule, Order, or Bye Law made by Authority thereof, 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*, or any other Court of Record whatsoever; any Law or Statute to the contrary thereof in anywise notwithstanding.

Proceedings not to be quashed nor removed by Certiorari.

CCI. And be it further enacted, That no Plaintiff shall recover in any Action or Suit to be commenced against the said Commissioners or any of them, or any other Person, for any thing done or to be done in pursuance or under the Authority of this Act, unless Notice in Writing, signed by the Attorney for the Plaintiff, and specifying the Cause of such Action, shall have been given to the Defendants Thirty Days before such Action shall be commenced, nor shall the Plaintiff recover in any such Action if Tender of sufficient Amends shall have been made to him or his Attorney by or on behalf of the Defendant before such Action brought; and in case no such Tender shall have been made it shall be lawful for the Defendant 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 such Sum of Money as he shall think fit, whereupon such Proceeding, 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.

Plaintiff not to recover without Notice, or after Tender of Amends.

CCII. Provided always, and be it further enacted, That if any Person shall think himself aggrieved by any Rate or Assessment which shall be made or be demanded, or by any other Act or Matter made, done, arising under or out of or in pursuance of this Act, he may appeal to the said Commissioners at one of their Meetings, provided that such Appeal be made

Appeal to the Commissioners.

made within Seven Days next after such Rate or Assessment shall be made or demanded, or other Cause of Grievance shall have arisen; and the said Commissioners may examine the Appellant and any Witnesses upon Oath or Affirmation touching the Matter of such Appeal, and may grant or refuse Relief to the Person so appealing, and make such Order therein as to them shall seem meet.

Appeal to
Quarter Ses-
sions.

CCIII. Provided also, and be it further enacted, That if any Person shall be dissatisfied with the Determination of the Commissioners therein, or if any Person shall think himself aggrieved by any other Order, Judgment, or Determination of the said Commissioners, or by any Penalty imposed, or by any other Innovation made, or by the Order or Determination of any Justice of the Peace, or by any thing done in pursuance thereof, he may, within Four Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at the General or Quarter Sessions of the Peace to be holden in and for the said County Palatine of *Chester* (such Appellant having given at least Ten Days Notice in Writing of his Intention of making such Appeal, and of the Matter and Cause thereof, to the Person or Party against whom such Appeal shall be made, or whose Interest may be affected by such Appeal, except where the Appeal shall be made against any such Rate or Assessment as aforesaid, or against any other Matter or Thing done by the said Commissioners, in which Case Notice may be given to any One of the said Commissioners, or to their Clerk or Treasurer, and within Three Days next after such Notice causing Recognizances to be entered into before some Justice of the said County, by himself and Two sufficient Sureties, conditioned for the Appellant to try such Appeal, and to abide the Order and Award of the Justices of such Sessions therein, and to pay such Costs as shall be awarded at such Sessions); and thereupon the Justices present at any such Sessions, upon due Proof upon Oath or Affirmation of such Notice and Recognizance having been given and entered into as aforesaid, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, or, if they think proper, adjourn the hearing thereof until the next General or Quarter Sessions of the Peace to be holden for the said County, and if they see Cause may mitigate any Forfeitures or Fines, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Regulation, or Determination, and shall and may also award such further Satisfaction to be made to the injured Party, or such Costs to either of the Parties, as they shall judge reasonable; and all such Determinations of the said Justices at such Sessions shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever, and shall not be removable by Certiorari or otherwise into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

On Appeal
from Rate,
Quarter Ses-
sions may
amend with-
out quashing
it.

CCIV. And be it further enacted, That upon all Appeals from any Rate or other Assessment made in pursuance of this Act the Court of General or Quarter Sessions of the Peace shall and such Court is hereby authorized and required, in all Cases when they shall see just Cause, to give Relief, or amend such Rate or Assessment, either by inserting therein or striking out the Name or Names of any Person or Persons, or in any other Manner which the said Court shall think necessary for giving such

such Relief, and without quashing or wholly setting aside such Rate or Assessment: Provided always, that if the said Court shall be of opinion that it is necessary for the Purpose of giving Relief to the Person or Persons appealing that the Rate or Assessment should be wholly quashed, then the said Court may quash the same, and order a new one to be made.

CCV. Provided always, and be it further enacted, That no Person who shall sit and act as a Commissioner upon any Application for Relief against any Rate to be made by virtue of this Act shall be capable of sitting and acting as a Justice of the Peace in Sessions to judge and determine upon any such Appeal touching the Matter in question relative to the said Rate which he himself had before determined as a Commissioner.

Commissioners sitting on Applications for Relief not afterwards to sit as Justices upon Appeals.

CCVI. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person for any thing done in pursuance or under the Authority of this Act after the Expiration of Three Calendar Months next after the Fact committed or the Cause of Action has ceased and determined, except as may be herein otherwise directed; and all such Actions and Suits shall be laid and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant in any such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial which may be had thereupon, and that the Matter or Thing for which such Action or Suit shall be so brought was done in pursuance and by the Authority of this Act; and if upon such Trial such Matter or Thing shall appear to have been so done, and if such Action or Suit shall have been brought before Thirty Days Notice thereof shall have been given, or after sufficient Satisfaction shall have been made or tendered as aforesaid, or after the Time herein-before limited for bringing the same, or if the same shall be brought in any other County or Place than as aforesaid, then and in any of the said Cases the Jury shall find a Verdict for the Defendant; and upon such Verdict being given, or if the Plaintiff shall become nonsuited, or suffer a Discontinuance of such Action after the Defendant shall have appeared thereto, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, then and in every such Case the Defendant shall have his Costs, and shall have such and the like Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in other Cases by Law.

No Action to be brought after Three Calendar Months from the Act complained of.

CCVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to take away, lessen, or abridge any of the Rights, Privileges, Powers, or Authorities of the Justices of the Peace for the County Palatine of *Chester*, or of the Mayor, Bailiffs, and Burgesses of the Town of *Liverpool* in the County Palatine of *Lancaster*, except so far as they are expressly varied, altered, or affected by this Act.

Saving Rights of the Justices of Cheshire and of Corporation of Liverpool.

CCVIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to *Francis Richard Price* Esquire, the Lord of the Manor of *Birkenhead* aforesaid, and to the Lord thereof for the Time being, his Heirs and Assigns respectively, all such Suits, Services, Courts, Privileges, Authorities, and Interests as they or any of them had held or

General Saving.

[*Local.*]

18 H--I

enjoyed

enjoyed before the passing of this Act, or could or ought to have held or enjoyed in case the same had not been passed.

Rules for
Construction
of certain
Terms of Act.

CCIX. And be it further enacted, That whenever in this Act any Word or Words is or are used or employed importing the Singular Number or the Masculine Gender only, such Word or Words shall extend to and shall be construed to include several Persons as well as One Person, and Females as well as Males, and a Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations Aggregate or Sole, as well as Individuals, unless it be otherwise specially directed or provided for, or there be something in the Subject or Context repugnant in such Provision; and where any Forfeiture or Penalty is payable to a Person or Party aggrieved it shall be payable to a Body Corporate in every Case where such Body is the Party aggrieved.

Public Act.

CCX. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The SCHEDULE referred to by the foregoing Act ;

BEING

The several TOLLS, STALLAGES, RENTS, and SUMS of MONEY authorized to be taken in the MARKET.

	£	s.	d.
FOR every Waggon or Cart which shall be brought to the Market, and shall contain Hay, Straw, Grass, or Vetches, whether the same shall be sold in the Market or not, a Toll not exceeding - - - - -	0	0	4
And if all or any of the Contents of such Waggon or Cart shall be sold in the Market, a further Toll for such Waggon or Cart not exceeding - - - - -	0	0	2
For every Cart which shall be brought to the Market, and shall contain any Articles or Things except Hay, Straw, Grass, or Vetches, whether the same shall be sold in the Market or not, a Toll not exceeding -	0	1	0
If the Contents of any Waggon or Cart which shall be brought to the Market shall be placed or pitched on any Waggon or Cart Stand, the same Toll shall be paid for such Contents as would have been payable for the Waggon or Cart if the Contents thereof had been exposed for Sale in such Waggon or Cart.			
If any Waggon or Cart shall be brought to and remain in the Market, or the Contents thereof shall be placed or pitched and remain on any Waggon or Cart Stand for more than One Day, such further Toll for every other Day beyond the first Day shall be paid for every such Waggon or Cart, or the Contents thereof, as shall be equal to the Toll payable for such Waggon or Cart, or the Contents thereof, for the first Day on which the same shall have been brought to the Market, or placed or pitched on such Stand.			
For every Sale Stand in the Market not exceeding 100 Square Feet superficial, a Rent per Day not exceeding - - - - -	0	2	0
And for every Addition not exceeding 100 Square Feet superficial which shall be made to any Sale Stand beyond 100 Square Feet superficial, a further Rent per Day not exceeding - - - - -	0	2	0
For every Sale Stand in the Market over the whole of which a Covering shall extend, there shall be paid, in addition to the Rent herein-before authorized to be taken for such Stand, such further Rent per Day as shall not exceed One Fourth Part of the Rent per Day herein-before authorized to be taken for the same Stand.			
For the weighing of any Article or Thing, or One entire Parcel of Articles or Things, a Toll —			
If the same shall be One Draught only, not exceeding - - - - -	0	0	1
But if the same shall be more than One Draught, then for each Draught, not exceeding - - - - -	0	0	1
For the measuring of any Articles or Things by any Measure whatsoever a Toll each Time the Measure is filled not exceeding - - - - -	0	0	0½
For every Person standing or walking in the said Market, and exposing for Sale Articles, Goods, or Wares of any kind, per Day - - - - -	0	0	2