



ANNO UNDECIMO

# GEORGII IV. REGIS.

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## *Cap. cxxiv.*

An Act for better supplying the Inhabitants of the Borough of *Macclesfield* in the County of *Chester* with Water, and to establish the Rates payable for the same. [17th June 1830.]

**W**HEREAS the Mayor, Aldermen, and Burgesses of the Borough of *Macclesfield* in the County of *Chester* are the Owners or reputed Owners of divers Springs of Water situate within the same Borough, and have for a considerable Number of Years now last past, and at much Expence, supplied the Inhabitants thereof with Water, to their great Accommodation and Benefit: And whereas the said Borough hath of late Years become very populous, and is greatly increased and is still likely to increase in Houses and Buildings: And whereas it is expedient that Provision should be made for the better Regulation of the Supply of Water to the Inhabitants of the said Borough, and for preserving such Water clean and wholesome, and likewise for better recovering the Rents or Sums payable for the same: 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 from and after the passing of this Act, the Committee of the Mayor, Aldermen, and Burgesses of the Borough of *Macclesfield* aforesaid,

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nominated,

Mayor, &c.  
empowered  
to continue  
the present

Works and erect others for supplying the Inhabitants with Water.

nominated, elected, and appointed in manner herein-after mentioned, or the major Part of them assembled and met together, shall and they are hereby authorized to continue the present Works, and to construct and contrive all such additional and new Works within the Limits of this Act as may be necessary for supplying the Inhabitants of the said Borough with Water, and from Time to Time to regulate, conduct, continue, cleanse, open, widen, enlarge, amend, and use the same, and to discontinue the same, and make and maintain other Works of the like or of different Natures, as the said Committee or the major Part of them assembled as aforesaid shall think fit, and also to do and perform all other Matters or Things which shall be deemed necessary and convenient for making, completing, improving, and continuing the said Waterworks, and for conveying a sufficient Supply of Water to and through the several Streets, Lanes, Passages, and Courts of and in the said Borough, for the Use of the Inhabitants thereof respectively; and this Act shall be sufficient to indemnify the said Committee, and the said Mayor, Aldermen, and Burgesses, and their Successors, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as are herein-after contained.

Not to take any Springs but those they are now entitled to.

II. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to give any Power, Right, or Title to the said Mayor, Aldermen, or Burgesses, or the said Committee, to take or make use of any Springs or Streams of Water other than those the said Mayor, Aldermen, or Burgesses may now lawfully take and use.

Powers to appoint a Committee, to be designated the Waterworks Committee.

III. And be it further enacted, That for the better and more effectually and advantageously carrying into execution the several Powers and Provisions contained in this Act, it shall and may be lawful for the Mayor, Aldermen, and Capital Burgesses of the said Borough, and their Successors, or the major Part of them in the Guildhall of the said Borough assembled and met together, from Time to Time and at any Time or Times to nominate, elect, and appoint, from and amongst the Mayor, Aldermen, and Capital Burgesses of the said Borough for the Time being, Seven fit, proper, and discreet Persons, (of whom the Mayor for the Time being of the said Borough shall be one,) and for the said Mayor, Aldermen, and Burgesses, at their General Annual Assembly for the Election of Mayor of the said Borough, to return to the said Mayor, Aldermen, and Capital Burgesses Twelve Common Burgesses of the said Borough, from which said Twelve Common Burgesses so returned the said Mayor, Aldermen, and Capital Burgesses shall, at the General Annual Assembly for the Purpose of swearing in the said Mayor, nominate, elect, and appoint Six fit, proper, and discreet Persons, which said Thirteen Persons shall be a Committee for carrying into execution all and every or any of the Powers and Provisions contained in this Act, to be designated "The Macclesfield Waterworks Committee;" and the said Committee, or the major Part of them at their several Meetings, shall and may have and are hereby invested with full Power and Authority to execute and perform all and every

or any of the Powers and Provisions contained in this Act; and at every Meeting of the Committee the Mayor for the Time being, if present, shall be Chairman, and preside at the same, and in case he shall not be present, then the Members of the Committee present shall, before they proceed to Business, elect One of themselves to be the Chairman at such Meeting; and when and so often as it shall happen that there shall be an Equality of Votes at any such Meeting, then and in every such Case it shall be lawful for such Chairman to give the decisive or casting Vote.

IV. Provided nevertheless, and be it enacted, That it shall not be lawful for the Mayor, Aldermen, and Burgesses to return, or for the Mayor, Aldermen, and Capital Burgesses of the said Borough to nominate, elect, and appoint, any Common Burgess to be a Member of the Committee aforesaid who at the Time of his Nomination Election, and Appointment shall not be a resident Owner or Occupier within the said Borough of a Dwelling House or Buildings of the yearly Value of Twenty Pounds or upwards, and that no Common Burgess not so qualified shall be competent to be a Member of the Committee aforesaid, under and by virtue of this Act.

No Burgesses to be elected unless qualified as herein mentioned.

V. Provided always, and be it further enacted, That in case any of the Persons who may be nominated, elected, and appointed as a Member of such Committee shall die, or not accept of such Appointment, or fail to attend some one of the first Three Meetings of the said Committee next succeeding the said Election, that then and in such Case the Mayor, Aldermen, and Capital Burgesses may and are hereby empowered to appoint a Capital Burgess to be a Member of the said Committee in the Place of any Capital Burgess so dying, or not accepting such Appointment, or not attending as aforesaid, and to appoint a Common Burgess to be a Member of the said Committee in the place of any Common Burgess so dying, or not accepting such Appointment, or not attending as aforesaid, from and out of the Residue of the Common Burgesses so returned to the Mayor, Aldermen, and Capital Burgesses aforesaid.

For supplying Vacancies in case of Deaths, &c. of Committee-men.

VI. And be it further enacted, That it shall and may be lawful for the said Mayor and the Committee, or the major Part of them, to appoint a Treasurer or Treasurers, and other Officer or Officers, Clerk or Clerks, Person or Persons, under the said Mayor and Committee, in the Execution of this Act, under and subject to such Regulations, and liable to be removed under such Circumstances, as by the said Mayor and Committee, or the major Part of them so assembled as aforesaid, shall from Time to Time be ordered or directed; and the said Mayor is hereby required to take good and sufficient Security from every such Treasurer for the faithful Execution of his Office.

Mayor and Committee to appoint Officers.

VII. Provided always, and be it further enacted, That it shall not be lawful for the said Mayor and Committee, or the major Part of them, to appoint the Town Clerk of the said Borough for the Time being, who by virtue of his Office will have to act as their Clerk in the Execution of this Act, or the Partner of such Town Clerk,

The same Person not to be Clerk and Treasurer.

Clerk, or the Clerk or other Person in the Service or Employ of such Town Clerk or of his Partner, the Treasurer for the Purposes of this Act; and if such Town Clerk shall accept the Office of Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Town Clerk, or the Clerk or other Person in the Service or Employ of any such Town Clerk or of his Partner, shall accept the Office of Treasurer, or in any Manner officiate for the Treasurer, or if any such Treasurer shall hold any Place of Profit or Trust under the said Mayor and Committee other than that of Treasurer, every such Person so offending shall for every Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, 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, Wager of Law, nor more than One Impar lance, shall be allowed.

Officers to  
account.

VIII. And be it further enacted, That every Treasurer, Officer, and Person who may be employed by virtue of this Act shall and he is hereby required, every Half Year, that is to say, on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in every Year, to make out and exhibit to the said Committee or the major Part of them, and also from Time to Time when thereunto required by the said Mayor, Aldermen, and Capital Burgesses, and their Successors, or the major Part of them, to make out and deliver to the said Mayor, Aldermen, and Capital Burgesses, and their Successors, or the major Part of them, or to such Person or Persons as they or the major Part of them shall for that Purpose appoint, a true and perfect Account, in Writing under the Hand of such Treasurer, Officer, or Person, of all Monies which shall have been by him had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof hath or have been disposed of or paid; together with Vouchers and Receipts for such Payments; and every such Treasurer, Officer, or Person shall and is hereby required to pay all such Monies as upon the yearly Balance of such Account shall appear to be owing from him to such Person or Persons as the said Mayor, Aldermen, and Capital Burgesses, and their Successors, or the major Part of them, shall appoint to receive the same; and if any such Treasurer, Officer, or Person shall refuse or neglect to make out, exhibit, render, and deliver such Account, or to produce, exhibit, and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof in manner aforesaid, or shall refuse or neglect to deliver up to the said Committee or the major Part of them, or to such Person or Persons as they or the major Part of them shall for that Purpose appoint, within Ten Days after being thereunto required by Notice in Writing from the said Committee or the major Part of them, or by the Town Clerk for the Time being, by their Order, to be given to or left at the last or usual Place of Abode of such Treasurer, Officer, or Person, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act or the Powers or Provisions thereof, then and in every such Case, Complaint being made thereof by the said Committee, or by the said Mayor, Aldermen, and Capital Burgesses, and their Successors, or the major Part of them, or by any such Person or Persons on their  
Behalf,

Behalf, and whom they shall appoint for that Purpose, to any Justice of the Peace for the County of *Chester*, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Treasurer, Officer, or Person to be brought before him, and upon his appearing or not being to be found to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Treasurer, Officer, or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been had, collected, or received by virtue of this Act shall be in the Hands of or owing from such Treasurer, Officer, or Person, such Justice may and he is hereby empowered 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 Treasurer, Officer, or Person, together with the Costs and Charges of making such Complaint and of such Distress and Sale; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies and the Costs and Charges as aforesaid, or if it shall appear to such Justice that such Treasurer, Officer, or Person shall have refused or neglected to make out, exhibit, and deliver such Account in Writing as aforesaid, or to produce, exhibit, and deliver the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal to commit such Treasurer, Officer, or Person to the Common Gaol or House of Correction for the said County of *Chester*, there to remain without Bail or Mainprize until he shall have made out, exhibited, and delivered such Account in Writing as aforesaid, and exhibited and delivered up the Vouchers and Receipts relating thereto as aforesaid, and shall have paid all the Money which shall appear to be in the Hands of or owing from him, and the reasonable Charges of making such Complaint, Distress, and Sale (if any) as shall in that respect have been made, or until he shall have compounded with the said Mayor and Committee or the major Part of them for such Money and Charges, and paid the Composition Money to the said Mayor and Committee or the major Part of them (and which Composition the said Mayor and Committee or the major Part of them are hereby empowered to make), and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Mayor and Committee or the major Part of them: Provided always, that no Person who shall be committed for Want of sufficient Distress shall be detained in Prison for any larger Space of Time than Three Calendar Months; provided also, that if any Money shall remain due from such Treasurer, Officer, or Person, the Commitment of him to Prison shall not be deemed a Discharge from the same, nor exonerate his Surety or Sureties, but such Treasurer, Officer, or Person, and his Surety or Sureties, shall remain liable to the Payment thereof in the same Manner as if such Treasurer, Officer, or Person had not been committed to Prison; and such Money, with full Costs of Suit, shall and may be proceeded for and recovered by Action or Actions in any of His Majesty's Courts of Record at *Westminster*.

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IX. And

Committee,  
&c. may  
break up the  
Pavement  
for laying  
Mains, &c.

IX. And be it further enacted, That it shall be lawful for the said Committee or the major Part of them, at any Time or Times, by themselves or their Engineers, Officers, Agents, Workmen, Servants, and other Person or Persons, to break up and remove the Soil, Ground, Pavement, Flags, Stones, Gravel, or Materials of any of the present or future Streets, Roads, Lanes, and other public Passages and Places within the said Borough, and therein respectively to take Levels, and to dig and sink Trenches, and to lay and place Mains, Pipes, Branches, Plugs, and other Matters for the Conveyance of Water, and to bank the Earth, and to remove, place, take, carry away, and use any Earth, Clay, Stones, Rubbish, Gravel, or Sand, or other Matters or Things which may hinder, prevent, or obstruct the laying, placing, making, constructing, altering, amending, or repairing any such Mains, Pipes, Branches, Plugs, and other Matters, and also, from Time to Time as Occasion may require, to take up and carry away, alter, vary, or change the Position of, and to repair, relay, and maintain, all such Mains, Pipes, Branches, Plugs, and other Matters as shall be thereon or therein, and to put or place new Mains, Pipes, Branches, Plugs, and other Matters, and to do all such other Acts and Things as they shall from Time to Time deem necessary or proper for making, amending, repairing, completing, improving, cleansing, using, and perfecting, not only their present Works, but any Works hereafter to be made, done, and provided for the Purposes of this Act, they the said Committee, and such their Engineers, Agents, Servants, Workmen, and other Person or Persons, doing as little Damage as may be in the Execution of the several Powers to them hereby granted: Provided always, that the said Committee, after laying or removing or repairing any such Mains, Pipes, Branches, Plugs, and Matters as aforesaid, shall forthwith fill in the Trenches, and make good the Pavements, Streets, Roads, Lanes, Passages, and Places, and remove the Rubbish occasioned thereby, and shall in the meantime light, fence, or guard the Place or Places where any Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Carriages, or Cattle; and if there shall be any wilful or negligent Delay in the said Committee, or any of their Engineers, Agents, Servants, or Workmen, or any other Person or Persons acting by or under their Authority, in filling in any such Ground, or removing Rubbish, or making good any such Pavements, Streets, Roads, Lanes, Passages, or Places, or in case the same shall be imperfectly done, or not sufficiently lighted, or in case the Ground so opened shall not be fenced or guarded, then and in such Case it shall be lawful for the Person or Persons, Trustees, Commissioners, or Body or Bodies Politic or Corporate, in whom the Right of Soil of such Ground shall be, or who by Law are liable to repair and amend the same, or any Person acting for them or him, to fill in such Ground, and remove such Rubbish, and to repair and make good such Pavements, Streets, Roads, Lanes, Passages, and Places, and properly to fence and guard any such Trench or Excavation, and to place and maintain such Light or Lights during the Night, as to them or him shall seem necessary; and the reasonable Costs and Charges thereof respectively shall be paid by the said Committee to the Person or Persons who shall have disbursed or incurred the same; and in default of Payment thereof for Fourteen Days next after Demand made for the Payment thereof, it shall and may be lawful for any

Justice or Justices of the Peace for the said County of *Chester* or for the said Borough, upon Complaint before him or them, to hear, examine into, and determine the Matter in a summary Way, and to award and adjudge such Sum of Money by Way of Damages against the said Committee, together with such reasonable Costs and Charges, as to such Justice or Justices shall seem proper, and by Warrant under his or their Hand and Seal or Hands and Seals to cause the Amount thereof respectively to be levied and recovered by Distress and Sale of the Goods and Chattels of the said Committee, together with the Charges of such Distress and Sale: Provided always, that if such Justice or Justices, upon the hearing of the said Information and Complaint, shall discharge the same, then and in such Case it shall and may be lawful for him or them, in his or their Discretion, to award such Costs to the Parties complained against as such Justice or Justices shall think proper, and to cause the same to be levied by Distress and Sale, together with the Costs of such Distress and Sale, of the Goods and Chattels of the other Party or Parties, by such Warrant as aforesaid.

X. And be it further enacted, That the said Committee shall and they are hereby required from Time to Time to order and direct a Book or Books to be provided and kept by the Town Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered the Proceedings of the said Committee, and true and regular Accounts of all Sums of Money received and paid or expended for or 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 and paid; and such Book and Books, and all the Accounts to be made in pursuance of this Act, shall at all seasonable Times be open to the Inspection of the said Mayor, Aldermen, and Burgesses, or any of them, without Fee or Reward; and in case the said Town Clerk shall refuse to permit or shall not permit the said Mayor, Aldermen, and Burgesses, or any of them, to inspect the same, such Clerk shall forfeit and pay any Sum of Money not exceeding Twenty Shillings for each Default.

Accounts to be kept of Receipts and Disbursements, which shall be open to Inspection.

XI. And be it further enacted, That such of the Inhabitants of the said Borough of *Macclesfield* as shall be desirous of having Water conveyed in Pipes into their Houses, Factories, Warehouses, Workshops, or other Buildings and Premises, may and are hereby authorized and empowered, at their own Expence, (having given Six Days previous Notice in Writing of his, her, or their Intention to do so, to the said Committee, and with the Consent of the Owners of the Premises through which the Pipes shall be conveyed,) to open the Ground between the Aqueducts or Main Pipes belonging to the said Mayor, Aldermen, and Burgesses, and their Successors, and the respective Houses, Buildings, or other Premises of such Inhabitants, and to lay such Leaden or other Pipe or Pipes of the Bore of Half an Inch, and to be inserted into the said Aqueducts or Main Pipes by or under the Inspection of such Person or Persons, and the Cock or Cocks affixed thereto to be of such Height from the Surface of the Ground or otherwise, as the said Committee or the major Part of them shall order and direct, from such respective Houses, Factories, Warehouses,

Inhabitants may lay Pipes to the Main Pipes, paying the Rents after mentioned.

In default of Payment of Rents, Pipes may be cut off.

Warehouses, Workshops, or other Buildings and Premises, to communicate with the said Aqueducts or Main Pipes, such respective Inhabitants paying to the said Mayor, Aldermen, and Burgesses, and their Successors, the Rents herein-after mentioned; and in case of Default of Payment of any such Rent or Rents, or any Part thereof, it shall be lawful for the said Committee or the major Part of them to cause the Pipe or Pipes belonging to the Person or Persons making such Default, and communicating with the Aqueducts or Main Pipes belonging to the said Mayor, Aldermen, and Burgesses, and their Successors, to be separated from the said Aqueducts or Main Pipes, and to cause the Water to be stopped from issuing or running into the said Houses, Factories, Warehouses, Workshops, Buildings, or other Premises of every Person making such Default.

Recovery of Arrears of Rent.

XII. And be it further enacted, That the Rent or Rents which shall be due and in arrear from any Person or Persons to the said Mayor, Aldermen, and Burgesses, and their Successors, shall and may be recovered by the said Committee or the major Part of them, for and on behalf of the said Mayor, Aldermen, and Burgesses, and their Successors, or the major Part of them, by Distress and Sale of the Goods and Chattels of the Persons liable to pay the same, wherever such Goods and Chattels may be found, together with the Costs of such Distress and Sale, in the same Manner as Rents reserved on common Demises may be recovered, or the same, with Costs of Suit, may by them be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed: Provided always, that all and every Person and Persons who shall have laid any such Leaden or other Pipe or Pipes as aforesaid shall be at liberty to remove and take away such Pipe and Pipes, and the Cock and Cocks to such Pipe or Pipes belonging, doing no Injury or Damage to the Pipes or Works of the said Mayor, Aldermen, and Burgesses, and their Successors, and making good the Ground and Pavement to be disturbed thereby; provided also, that if Tender of Payment of the Rent or Rents due and unpaid as aforesaid shall be made to the Collector of such Rent or Rents, at the Time the Officer or Workman of the said Committee is removing or after he has removed the Ground for the Purpose of cutting off the Water after such Default as herein-before mentioned, and before the said Water shall be actually cut off, and shall also tender in addition thereto the Sum of Five Shillings for the Labour thereby occasioned, then and in that Case the said Water shall not be cut off until Default be made in Payment of some subsequent Rent or Rents by such Person or Persons respectively.

Persons to be allowed to take away their own Pipes.

Rent to be charged until Notice is given of discontinuing Use of Water.

In case of Removal Rent to be

XIII. And be it further enacted, That the Rent or Rents aforesaid shall be charged on the Inhabitants aforesaid until One Month's Notice in Writing be given by him, her, or them to the Town Clerk for the Time being of the said Borough, of the Intention of such Inhabitant or Inhabitants to discontinue to take, receive, or use such Water, such Notice to expire on some usual Quarter Day: Provided always, that in all Cases where any Person or Persons shall remove from or quit Possession of any House, Building, Land, Ground, or other



other Hereditaments in respect whereof he, she, or they shall have agreed to pay or be liable to pay for Water supplied by the said Mayor, Aldermen, and Burgesses, and their Successors, by virtue of this Act, such Person or Persons shall be liable to pay for the same down to the next Quarter Day after such Removal only.

paid to the  
Quarter Day  
only.

XIV. Provided always, and be it further enacted, That the said Committee shall be obliged to furnish a sufficient Supply of Water, so far as their Means will allow, to every Inhabitant occupying a private Dwelling House or Part of a Dwelling House in any Square, Street, Road, Lane, or other public Passage or Place within the said Borough where the Main Pipes of the said Mayor, Aldermen, and Burgesses shall be laid, for the Use of his or her own Family, such Inhabitant or Occupier paying to the said Mayor, Aldermen, and Burgesses, or their Successors, for such Supply, such Rents or Sums of Money as shall be agreed upon between him or her and the said Committee or the major Part of them, not exceeding the Rents hereinafter mentioned; that is to say, where the Rent or annual Value of such Dwelling House or Part of a Dwelling House shall not exceed Twenty Pounds *per Annum*, at a Rent *per Annum* not exceeding One Shilling and Sixpence in the Pound upon such Rent or annual Value; and where such Rent or annual Sum shall be above Twenty Pounds *per Annum* and not exceeding Forty Pounds *per Annum*, at a Rate *per Annum* not exceeding One Shilling and Four-pence Three Farthings in the Pound; and where such Rent or annual Value shall be above Forty Pounds *per Annum* and not exceeding Sixty Pounds *per Annum*, at a Rate *per Annum* not exceeding One Shilling and Three-pence Halfpenny in the Pound; and where such Rent or annual Value shall be above Sixty Pounds *per Annum* and not exceeding Eighty Pounds *per Annum*, at a Rate *per Annum* not exceeding One Shilling and Two-pence Farthing in the Pound; and where such Rent or annual Value shall be above Eighty Pounds *per Annum* and not exceeding One hundred Pounds *per Annum*, at a Rate *per Annum* not exceeding One Shilling and One Penny in the Pound; and where such Rent or annual Value shall be above One hundred Pounds *per Annum*, at a Rate *per Annum* not exceeding One Shilling in the Pound; and every such Water Rent shall be payable according to the actual Amount of the Rent of such Dwelling House, where the same may be let at a Rack Rent, and the Amount of such Rent can be ascertained, and where the same is not so let, or where the same cannot be ascertained, according to such Rent as such Inhabitant shall be assessed to the Poor's Rates: Provided nevertheless, that the said Mayor, Aldermen, and Burgesses, and their Successors, shall not be entitled to receive from any such Inhabitant occupying a private Dwelling House or Part of a Dwelling House more than the Sum of Ten Pounds in any one Year for such Supply; nor shall the said Committee be obliged to furnish such Supply to any Inhabitant for less than Five Shillings in any one Year, unless the said Committee or the major Part of them shall otherwise think fit: Provided also, that in case of Manufacturers, Dyers, Printers, Bleachers, Brewers, Bakers, Innkeepers, Alehouse Keepers, Vintners, or other Persons requiring a Supply of Water for the Purposes of any Trade or Business whatsoever, such Supply shall be furnished by the said Committee in such

Rents to be  
paid for the  
Water.

Manufacturers, &c. to  
pay such  
Rents as  
agreed on.

Cases at such Rent or Rents as shall be settled by and between the said Committee or the major Part of them and such Persons respectively.

Penalty for not supplying Water to the Inhabitants.

XV. And be it further enacted, That in case the said Committee shall neglect or refuse to supply in manner aforesaid, and according to the Extent of their Means, any Inhabitant occupying any private Dwelling House in any Part of the said Borough where the Main Pipes of the said Mayor, Aldermen, and Burgesses, and their Successors, shall be laid as aforesaid, with Water, for the Use of his or her Family, at the Rent aforesaid, for the Space of Seven Days after Demand shall have been made in Writing by such Inhabitant to the said Committee for such Supply of Water, and Tender made to the said Committee or to the said Treasurer of the Amount of the Rent for Three Calendar Months for such Supply, such Inhabitant also laying down his or her own Pipe or Pipes in manner herein-before mentioned, the said Committee shall forfeit and pay to such Inhabitant Double the Amount of the Rent so tendered, to be levied and recovered, by virtue of a Warrant under the Hand and Seal of any of His Majesty's Justices of the Peace for the said County of *Chester* or of the said Borough, by Distress and Sale of the Goods and Chattels of the said Mayor, Aldermen, and Burgesses, and their Successors, and also the further Sum of Five Shillings for every Day the said Committee shall continue to refuse such Supply, to be recovered as the before-mentioned Penalty is by this Act directed to be recovered.

Where several Houses are supplied by one common Branch Pipe, each Occupier to be liable to pay Rent.

XVI. Provided always, and be it further enacted, That where several Messuages, Cottages, Dwelling Houses, or Tenements in the Occupation of several Persons shall be supplied with Water by One common Branch Pipe, to be laid to and introduced into the Main Pipes or Aqueducts of the said Mayor, Aldermen, and Burgesses, and their Successors, the several Occupiers of such Messuages, Cottages, Dwelling Houses, or Tenements shall be respectively liable to pay Rent for such Supply of Water at and after the same Rate as he, she, or they would be liable to pay for the same if each of such several Messuages, Cottages, Dwelling Houses, or Tenements was separately supplied with Water by a distinct Branch Pipe from the Works of the said Mayor, Aldermen, and Burgesses, or their Successors, such several Rents, in case of Nonpayment, to be recovered as herein-before mentioned.

Rent to be payable in advance.

XVII. And be it further enacted, That the Water Rents payable to the said Mayor, Aldermen, and Burgesses, and their Successors, from any Person or Persons whomsoever, under or by virtue of this Act, shall be payable by Four equal quarterly Payments, and each quarterly Payment shall become due and be paid in advance immediately upon the Commencement of such Quarter.

Power to cut off the Water in certain Cases.

XVIII. And be it further enacted, That if any Person or Persons shall negligently suffer any of his, her, or their Pipe or Pipes, Drains, or Aqueducts, which shall communicate with any of the Pipes, Reservoirs, or Works of the said Mayor, Aldermen, and Burgesses,

or their Successors, or the Cocks belonging thereto, to be out of repair so as to let the Water run waste, or shall neglect to repair the same within Twenty-four Hours after being required so to do by any of the Agents or Workmen of the said Committee, or shall be convicted of any Offence against this Act, or in case it shall at any Time be found necessary, for the Alteration or Amendment of any of the Pipes, Reservoirs, or Works of the said Mayor, Aldermen, and Burgesses, or their Successors, it shall be lawful for the said Committee or the major Part of them to cause any such Pipes, Drains, or Aqueducts so communicating with any of the Pipes, Reservoirs, or Works of the said Mayor, Aldermen, and Burgesses, or their Successors, to be separated from their Pipes, Reservoirs, or Works, and the Water to be stopped from issuing or running therefrom into such Pipes, Drains, or Aqueducts so authorized to be separated: Provided always, that whenever the said Committee shall cause any such Pipes, Drains, or Aqueducts, which shall communicate with any of their Pipes, Reservoirs, or Works, to be separated, and the Water to be stopped from issuing or running therefrom into such Pipes, Drains, or Aqueducts, by reason of any Alteration or Amendment of the Pipes, Reservoirs, or Works of the said Mayor, Aldermen, and Burgesses, or their Successors, being necessary, the said Committee shall make such Alteration or Amendment, and, at the Expence of the said Mayor, Aldermen, and Burgesses, and their Successors, restore the Communication of such Pipes, Drains, or Aqueducts with the Pipes, Reservoirs, or Works of the said Mayor, Aldermen, and Burgesses, or their Successors, and permit the Water to issue therefrom and run again into such Pipes, Drains, or Aqueducts, as soon as conveniently may be.

XIX. Provided always, and be it further enacted, That if by or through any Offence committed contrary to or against any of the Provisions of this Act the usual Supply of Water to any House or other Premises shall have been cut off, the Water Rent in such Case or Cases due in respect of such House or other Premises shall be calculated down to the Quarter Day next ensuing the cutting off the Supply as aforesaid.

If Water cut off, Rent to be paid to next Quarter Day.

XX. And be it further enacted, That whenever any Water shall be observed escaping and running waste through the Ground of the Streets, Roads, Lanes, Passages, Courts, or other Places within the said Borough, the said Committee shall cause the Ground to be opened; and if it shall appear that such Water proceeds from any Pipe or Works of the said Mayor, Aldermen, and Burgesses, or their Successors, then and in that Case the said Committee shall cause such Pipe or Works to be amended and rectified as soon as may be; and if such Escape of Water shall appear to proceed from the Communication Pipe, or the Ferrell thereof, supplying the neighbouring House or other Premises, then Notice thereof shall be given by the said Committee, or some or one of their Agents or Workmen, to the Occupier or Occupiers thereof, or other Person or Persons liable to the said Water Rent or Rents as aforesaid, who shall thereupon pay to the said Mayor, Aldermen, and Burgesses, or their Successors, the Sum of Five Shillings for opening the Ground as aforesaid; and

Workmen to open Ground when Water is escaping through it, and rectify the Defect.

in

in case of Refusal, the same shall be added to the Rent then or thereafter to become payable by such Occupier or Occupiers, Person or Persons, and shall be recovered in such Manner and Form as such Rent or Rents are by this Act authorized to be recovered.

Rent payable notwithstanding partial Suspension of Supply of Water.

XXI. And be it further enacted, That if through unavoidable Repairs, Amendments, Improvements, Injury, or Impediment to any Part of the Waterworks of the said Mayor, Aldermen, and Burgesses, or their Successors, there shall be a partial or total Suspension of the Supply of Water from the said Works to the Person or Persons agreeing to take or be supplied with the same, the Rent or Rents which shall be due and payable at the Time of such Suspension, and which may thereafter arise and become due before the Restoration of the Supply as aforesaid, (provided such Suspension shall not exceed Six Days,) shall be paid and levied in the same Manner as if such Suspension had not occurred.

Penalties for hindering the Workmen, or injuring the Works, &c.

XXII. And be it further enacted, That if any Person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said Committee, or their Managers, Agents, Servants, or Workmen, or any of them, in doing or performing any of the Works, or in the Exercise of any of the Powers and Authorities in this Act authorized or contained; or if any Person shall wilfully or maliciously let off or discharge any Water so that the same shall run waste and useless out of or from any of the Cisterns, Reservoirs, Pipes, Aqueducts, Springs, Drains, Soughs, or Works now made or hereby authorized to be made, or shall wilfully or maliciously break, throw down, injure, damage, or destroy any Cisterns, Reservoirs, Pipes, Aqueducts, Soughs, Drains, Plugs, Cocks, Works, Matters, or Things belonging to the said Mayor, Aldermen, and Burgesses, already made, or to be made and provided in pursuance of this Act, or shall bathe or wade into, or wash, cast, put, or throw any live or dead Dog or Cat or other Animal, or any Cloth, Wool, Filth, Dirt, or other noisome or offensive Matter or Thing, or cause or permit or suffer the Water of any Sink or Sewer, or any offensive Liquid, Matter, or Thing, to run or drain or be conveyed into any of the said Cisterns, Reservoirs, Pipes, Aqueducts, Springs, Drains, Soughs, or Works, or shall foul or render noisome or impure, or contaminate, or cause or procure to be fouled or rendered noisome or impure, or contaminated, any Water running to or contained in any of such Cisterns, Reservoirs, Pipes, Aqueducts, Springs, Drains, Soughs, or Works; every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and every such Person shall pay to the said Mayor, Aldermen, and Burgesses, or their Successors, the full Amount of the Damages occasioned by the Acts or Means in respect of which such respective Penalties shall be incurred, in addition thereto.

Penalty on Persons supplied with Water supplying others.

XXIII. And be it further enacted, That if any Person or Persons supplied with Water by virtue of this Act shall wilfully permit any other Person or Persons, not having the Consent or Authority of the said Committee or the major Part of them, to take any Water at any of the Pipes, Reservoirs, or other Works of the said Mayor, Aldermen,

men, and Burgesses, and their Successors, or at the Branch Pipe or Pipes, or Cock or Cocks, or other Apparatus of such Person or Persons so supplied with Water by virtue of this Act, or shall supply any other Person or Persons with any Water from such Pipes, Reservoirs, or other Works, or Branch Pipe or Pipes, or Cock or Cocks, or other Apparatus, or shall, by negligently suffering his, her, or their Pipe or Pipes, or the Cock or Cocks belonging thereto, to be out of repair, occasion the Water supplied to him, her, or them to run waste and useless, or if any Person not paying for or not having agreed to pay for a Supply of Water by virtue of this Act shall take or use any of the Water supplied by means of any such Pipes, Reservoirs, or other Works, or Branch Pipe or Pipes, or Cock or Cocks, or other Apparatus, then and in every such Case every Person so offending as aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

XXIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to subject any Person or Persons whomsoever supplied with Water by virtue of this Act to any Penalty or Forfeiture for supplying any Person or Persons whomsoever with any Quantity of such Water in case of Fire, or during any Time that the Pipe or Pipes, Cock or Cocks belonging to any Person or Persons supplied with Water by virtue of this Act shall happen to be out of repair, such Pipe or Pipes, Cock or Cocks, nevertheless, being repaired as soon as may be after any Damage shall happen thereto.

Exceptions  
in case of  
Fire, &c.

XXV. And be it further enacted, That it shall be lawful for the Engineer, Surveyor, or any other Person or Persons acting by or under the Authority of the said Committee, at all reasonable Times in the Daytime, between the Hours of Nine in the Morning and Four in the Afternoon, upon giving One Hour's previous Notice of his or their Intention, to enter into any Dwelling House, Building, or other Premises whatever supplied with Water by virtue of this Act, in order to inspect and examine if there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the said Mayor, Aldermen, and Burgesses, and their Successors; and if such Engineer, Surveyor, or other Person or Persons acting by or under the Authority of the said Committee shall at any Time or Times be refused Admittance or Entrance into any such Dwelling House, Building, or other Premises, for the Purpose of making such Inspection and Examination as aforesaid, or on being admitted shall be obstructed or prevented from making such Inspection and Examination as aforesaid, then and in every such Case every Person offending in the Premises shall forfeit and pay, for every such Refusal, Obstruction, or Prevention, any Sum not exceeding Five Pounds.

Power to  
enter Pre-  
mises to see  
that there is  
no Waste of  
Water.

XXVI. And be it further enacted, That it shall and may be lawful for the said Committee or the major Part of them to let the Rents of the said Water, in whole or in part, from Time to Time, in the Way and Manner that shall be directed by the said Committee or the major Part of them, subject to the Performance of such Covenants and Agreements as they shall think fit to prescribe, and for the best

Rates may be  
leased.

[*Local.*]

36 R

Rent

Rent that can be got for the same, to such Person or Persons as shall give sufficient Security for the Performance of such Covenants and Agreements and for the true Payment of such Rent to be approved of by the said Committee or the major Part of them; provided that no Lease of such Water Rents be made for a longer Term than Three Years at any one Time.

Penalty for conveying Washings of Gas into any Streams, &c.

XXVII. Provided always, and be it further enacted, That if any Commissioners, Contractor or Contractors, or Body or Bodies Politic or Corporate, or any other Person or Persons whomsoever, making or furnishing or supplying any Gas burnt or consumed within the said Borough, for lighting any Street, Lane, or other public Passage or Place, or any House, Manufactory, or other Building therein, shall at any Time drain, carry, or convey, or cause or suffer to be drained, carried, or conveyed, or to run or flow, any Washings, or other waste Liquids, Substances, or Things whatsoever, which shall arise or be made in or by any Gas Works, or in the Manufacture or Process of making or procuring such Gas, into any Spring, Brook, Stream, Reservoir, Aqueduct, Feeder, or Pond, or into any Drain, Sewer, Sough, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such Spring, Brook, Stream, Reservoir, Aqueduct, Feeder, or Pond, Drain, Sewer, Sough, or Ditch, whereby the said Water or any Part thereof shall or may be spoiled, fouled, or corrupted, then and in every such Case the said Commissioners, Contractor or Contractors, or such Body or Bodies Politic or Corporate, or such other 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, or Information, wherein no *Essoign*, *Protection*, *Privilege*, *Wager of Law*, nor more than One *Imparlance*, shall be allowed; and 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 Twelve Calendar Months after the Time when such Annoyance, Act, and Thing shall have ceased: Provided also, that in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall or shall not have been sued for or recovered), 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 such Spring, Brook, Stream, Reservoir, Aqueduct, Feeder, or Pond, Drain, Sewer, Sough, or Ditch, 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, Body or Bodies Politic or Corporate, to whom the same shall belong, or by any other Person whomsoever, to the said Commissioners, Contractor or Contractors, or any of them, or to such first-named Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, and the said Commissioners, Contractor or Contractors, Body or Bodies Politic or Corporate, or other Person or Persons, shall not, within Twenty-four Hours after such Notice shall have

have been given to them or him as aforesaid, stop and 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 other Annoyance, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners, Contractor or Contractors, or Body or Bodies Politic or Corporate, or other Person or Persons, so offending, shall forfeit and pay the Sum of Twenty Pounds for each Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so emptied, drained, conducted, or conveyed, or cause or suffered to run or flow, in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered, levied, and applied in such and the like Manner as any other Penalty or Forfeiture, the Recovery of which is not specially provided for, is in and by this Act directed to be recovered, levied, and applied, and shall be paid to the Informer, or to the Person or Persons, Body or Bodies Politic or Corporate, 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 such Act so done or committed.

XXVIII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down in any Markets, Streets, Squares, Lanes, public Passages or Places within the said Borough, the said Commissioners, Contractor or Contractors, or Body or Bodies Politic or Corporate, or other the Person or Persons aforesaid, being the Owner or Owners of such Pipe or Pipes, shall, at their or his own Expence, immediately after Notice given to them or him by Parol or in Writing of any such Escape of Gas, from any Inhabitant or Inhabitants of the said Borough, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Commissioners, Contractor or Contractors, or the Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, shall not within Twenty-four Hours next after such Notice given effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Commissioners, Contractor or Contractors, or the Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each 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 or Penalties shall from Time to Time be recoverable in a summary Way on the Oath of One or more credible Witness or Witnesses before some One or more Justice or Justices of the Peace of the said Borough, and may be recoverable and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Commissioners, Contractor or Contractors, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, by the Warrant of any such Justice or Justices as aforesaid, to be granted in like Manner and subject to the like Provisions as are by this Act herein-after directed with regard to other Penalties.

For preventing the Escape of Gas.

XXIX. And

Gas Pipes to be laid Four Feet from Water Pipes, &c. and in a particular Manner.

XXIX. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Lane, or other Passage or Place within the said Borough, shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriageway in such Street or Place will allow thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe, Sough, or Watercourse already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Lanes, or other Passages or Places within the said Borough, except in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, Soughs, or Watercourses, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes, Soughs, and Watercourses at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and in such Cases the said Gas Pipes so crossing the said Water Pipes, Soughs, and Watercourses shall be at least Eight Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the Water Pipes, Soughs, or Watercourses than Four Feet at least, and that in laying down the said Gas Pipes the Commissioners, Contractor or Contractors, Body or Bodies Politic or Corporate, or other Person or Persons, supplying Gas, 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 in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connecting or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, air-tight, and in all and every respect prevent the said Gas from escaping therefrom, upon pain of forfeiting for every Offence the Sum of Five Pounds, to be recoverable in the like Manner and subject to the like Provisions as the Penalty last above mentioned.

Gas Company to prevent Escape of Gas and Contamination of Water, &c.

XXX. And be it further enacted, That whenever the Water of the said Mayor, Aldermen, and Burgesses, or their Successors, shall be contaminated or affected by the Gas of the said Commissioners, Contractor or Contractors, or Body or Bodies Politic or Corporate, or any Person or Persons, making, furnishing, or supplying Gas as aforesaid, such Commissioners, Contractor or Contractors, or Body or Bodies Politic or Corporate, or other Person or Persons aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and shall be applied to and for the Use and Benefit of the said Mayor, Aldermen, and Burgesses, and their Successors, and also Individuals affected thereby, in the Discretion of the said Committee or the major Part of them; 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, Contractor or Contractors, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Town Clerk



Clerk of the said Borough (to be left at the usual Office or Place of transacting Business of the said Commissioners, Contractor or Contractors, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid), cause the most proper and effectual Measures to be taken effectually to stop and prevent Gas from escaping from their or his Works, Mains, or Pipes, or contaminating or affecting such Water; and in case the said Commissioners, Contractor or Contractors, or Body or Bodies Politic or Corporate, or Person or Persons as 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 and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Commissioners, Contractor or Contractors, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the said Mayor, Aldermen, and Burgesses, or their Successors, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which the said Water of the said Mayor, Aldermen, and Burgesses, or their Successors, shall be and remain contaminated, tainted, or affected by such Gas; and in default of Payment thereof as aforesaid such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath or Affirmation of One credible Witness by and in the Name of the Sergeant at Mace for the Time being of the said Borough, before any Justice of the Peace for the said County of *Chester*, with Costs, to be assessed by such Justice, and to be levied and recovered as any other Penalty is by this Act directed to be levied and recovered; and such Penalty or Penalties, and Costs, when so levied, shall be paid to the said Mayor, Aldermen, and Burgesses, or their Successors, for their Use and Benefit.

XXXI. And whereas it may be or become a Question upon such Complaint as aforesaid whether the said Water be contaminated or affected by Gas as aforesaid; be it therefore enacted, That in every such Case it shall and may be lawful to and for the said Committee, by their Servants or Workmen, to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, Contractor or Contractors, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceeds or be occasioned by the Gas of the said Commissioners, Contractor or Contractors, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of such Gas, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement, and otherwise, of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Commissioners, Contractor or Contractors, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by any Justice of the Peace of the County aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always,

For ascertaining if the Water is contaminated.

[*Local.*]

36 S

that

that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Commissioners, Contractor or Contractors, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, then and in such Case the said Mayor, Aldermen, and Burgesses, and their Successors, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners, Contractor or Contractors, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Commissioners, Contractor or Contractors, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavement of the said Streets so broken 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 as last aforesaid, and to be recovered in like Manner as any Penalty may be recovered by virtue of this Act.

Power to  
purchase  
Lands, &c.

XXXII. And be it further enacted, That it shall be lawful for the said Committee or the major Part of them to treat, contract, and agree with any Person or Persons, or Body or Bodies Politic or Corporate, Corporations Aggregate or Sole, or any Tenant or Tenants for Life or Lives, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute, or determinable on any Life or Lives, or with any Feoffee in Trust, Trustees, Executors, Administrators, Husbands, Guardians, or Committees of or for Lunatics or Idiots, or other Trustees whatsoever, or with any Feme or Femmes Covert who is, are, or shall be seised, possessed of, or interested in her or their own Right or Rights, or with any other Person or Persons whomsoever who shall be willing to sell the same, for the Purchase of any Lands, Grounds, Tenements, or other Hereditaments within the said Borough which they the said Committee or the major Part of them may deem and consider requisite for the Uses and Purposes of this Act, or to accept and take any Lease or Leases thereof, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain, or of any other Law or Statute whatsoever.

Bodies Poli-  
tic, &c. em-  
powered to  
sell.

XXXIII. And be it further enacted, That it shall be lawful for all Bodies Politic or Corporate, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute, or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics or Idiots, and other Trustees whomsoever, not only on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femmes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves, and also to and for all Femmes Covert who are or shall be seised, possessed of, or interested in their own Right, and to and for all and every other Person or Persons whomsoever who are or shall be seised, possessed of, or interested in any Lands, Tenements, or other Hereditaments, or any

Part thereof, which shall be thought necessary by the said Committee or the major Part of them to be purchased as aforesaid for the Uses and Purposes of this Act, to treat, contract, and agree with the said Committee or the major Part of them for the Sale thereof or of any Part thereof, and all the Estate, Right, Title, and Interest whatsoever of, in, and to the same, to the said Mayor, Aldermen, and Burgesses, and their Successors, for the Purposes of this Act; and all Contracts, Bargains, Sales, and Conveyances which shall be so made by virtue and in pursuance of this Act, shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances and Assurances in the Law whatsoever, and without Inrolment, be good, valid, and effectual, to all Intents and Purposes, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of their several Cestuique Trusts, and all Persons whomsoever claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion expectant on any such particular Estate; and the same shall be deemed and considered to bar the Dower and Dowers of such Person or Persons, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy; and the Issue and Issues of such Person or Persons claiming under them, as effectually as Fines or Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof notwithstanding; and all Bodies Politic or Corporate, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute, or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all and every other Person and Persons whomsoever, is, are, and shall be hereby indemnified for what he, she, or they shall do by virtue and in pursuance of this Act.

XXXIV. And be it further enacted, That if any Money shall be paid or agreed to be paid for the Purchase of any Lands, Tenements, or other Hereditaments purchased, taken, or used by virtue of this Act for the Purposes thereof, which shall belong to any Body Politic or Corporate, Corporations Aggregate or Sole, or to any Feoffee in Trust, Executors, Administrators, Husbands, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trusts, or to any Person whose Lands, Tenements, or other Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, 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 there *ex parte* "The Borough of *Macclesfield* Waterworks," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of 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*

Application of Compensation Money if amounting to 200*l.*

1 G. 4. c. 35.

*the said Court, and for other Purposes, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and other Hereditaments, in the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or other Hereditaments, or affecting other Lands, Tenements, or other Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or when such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or other 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, or other Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or other Hereditaments so hereby directed to be purchased, in case any Purchase or Settlement were made.*

Application  
of Compen-  
sation when  
less than  
200*l.* and  
exceed 20*l.*

XXXV. And be it further enacted, That if any Money so agreed to be paid for the Purchase of any Lands, Tenements, or other Hereditaments to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons 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 and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or other Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, 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 shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Committee or the

the major Part of them, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Dividends arising thereon may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

XXXVI. And be it further enacted, That when such Money so agreed to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or other Hereditaments so purchased, taken, or used by the said Committee for the Purposes of this Act, in such Manner as the said Committee or the major Part of them shall think fit; or in case of Infancy, Idiocy, or Lunacy, then such Money shall be paid to the Guardian or Guardians, Committee or Committees, in such Cases, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application of Compensation when less than 20*l.*

XXXVII. And be it further enacted, That in case the 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 other Hereditaments to be purchased by the said Committee by virtue of this Act, shall not be able to make a good Title to the Premises, then and in every such Case it shall be lawful for the said Committee or the major Part of them 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 Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, or Disposition of the said Court of Exchequer; which said Court of Exchequer, 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 same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order the 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 of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles, Purchase Money to be paid into the Bank.

XXXVIII. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person to any Money paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements,

When any Question shall arise as to the Title to Money, &c.

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

Court of  
Exchequer  
may order  
Expences  
of Purchases  
to be paid.

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

Property  
purchased  
to vest in the  
Mayor, Alder-  
men, and  
Burgesses.

XL. And be it further enacted, That after actual Payment or Tender being made of the Monies contracted and agreed to be paid by the said Committee as the Purchase Money or Recompence for any Lands, Tenements, or other Hereditaments which shall be purchased or taken by the said Committee or the major Part of them by virtue or in pursuance of this Act, or for any Estate, Right, or Interest therein, to the Person or Persons, Party or Parties respectively entitled to receive the same Monies, or (when the Provisions of this Act shall so require or allow) on actual Payment thereof into the Bank of *England*, as herein-before mentioned, all and every the Lands, Tenements, and other Hereditaments, Estate, Right, or Interest, for or in respect whereof such Monies shall have been so paid or tendered as aforesaid, shall absolutely vest in the said Mayor, Aldermen, and Burgesses, and their Successors, and shall and may be taken and used by them for the Purposes of this Act, and the said Mayor, Aldermen, and Burgesses, and their Successors, shall after such Payment or Tender be deemed in Law to be in the actual Seisin or Possession thereof to all Intents and Purposes whatsoever, freed and discharged of and from all former and other Estates, Rights, Titles, Interests, Claims, and Demands whatsoever; any

Law, Statute, Usage, or Custom to the contrary in anywise notwithstanding.

XLI. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or other Hereditaments, to be made to the said Mayor, Aldermen, and Burgesses, and their Successors, shall be made in the Form or to the Effect following; (that is to say,)

‘ I [or We] in consideration of the Sum of Form of  
Conveyance.  
 ‘ to me [or us] paid by the Mayor, Aldermen,  
 ‘ and Burgesses of the Borough of *Macclesfield* in the County of  
 ‘ *Chester*, by virtue and in pursuance of an Act passed in the  
 ‘ Eleventh Year of the Reign of King *George* the Fourth, intituled  
 ‘ [*here set forth the Title of this Act*] do hereby grant and convey to  
 ‘ the Mayor, Aldermen, and Burgesses of the said Borough, and  
 ‘ their Successors, all [*describing the Premises to be conveyed*], and  
 ‘ all my [or our] Right, Title, and Interest to and in the same and  
 ‘ every Part thereof; to hold to the said Mayor, Aldermen, and Bur-  
 ‘ gesses, and their Successors, for ever. In witness whereof I [or  
 ‘ we] have hereunto set my Hand and Seal [or our 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 in the Law to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding.

XLII. And whereas the said Mayor, Aldermen, and Burgesses Old Debt.  
 did borrow and take up at Interest, upon Mortgage on the Credit of  
 the said Springs and Waterworks, the Principal Sum of Five thousand  
 six hundred Pounds, which said Sum, with some Interest thereon, still  
 remains due and owing; be it therefore further enacted, That the  
 Rents and Sums of Money hereby directed to be made and raised  
 from the supplying the said Borough with Water shall be and they  
 are hereby made subject to the Payment, as well of the said Sum of  
 Five thousand six hundred Pounds, and the accruing Interest for the  
 same, as of all other Debts and Sums of Money now due or which  
 shall become and remain due from the said Mayor, Aldermen, and  
 Burgesses, and their Successors, before and upon the Twenty-ninth  
 Day of *September* next, to any Person or Persons whomsoever, under  
 any Contract or otherwise relating to the said Waterworks, or the  
 supplying the said Borough with Water; and the said Rents and  
 Sums of Money shall stand charged with and be liable to the said  
 Debts, as fully and effectually, to all Intents and Purposes, as if such  
 Monies had been borrowed or expended on the Credit of the said  
 Rents and Sums of Money hereby authorized to be received for the  
 Purposes aforesaid.

XLIII. And for the more speedily and effectually enabling the said For borrow-  
ing Money  
on the Credit  
of Rents.  
 Committee to execute the Purposes of this Act, be it further enacted,  
 That it shall be lawful for the said Committee or the major Part of  
 them assembled as aforesaid, and they are hereby empowered, from  
 Time to Time when they shall judge necessary, to borrow and take  
 up

up at Interest any Sum or Sums of Money, as to them shall seem meet, upon the Credit of the said Waterworks, and Rents and Sums of Money herein-before granted or authorized to be paid, collected, or received for the Purpose of defraying the Expences of obtaining this Act, and otherwise carrying into effect the general Purposes of this Act; and the said Mayor, Aldermen, and Burgesses, and their Successors, shall and lawfully may, by any Writing or Writings under the Common Seal of the said Borough, mortgage the said Waterworks and Rents and Sums of Money respectively, or any Part or Parts thereof, to the Person or Persons who shall advance or lend such Money or Monies, or their Trustee or Trustees, as a Security or Securities for the Money so borrowed, together with lawful Interest for the same; and every such Mortgage shall be in the Words or to the Effect following; (that is to say,)

Form of  
Mortgage.

‘ **BY** virtue of an Act passed in the Eleventh Year of the Reign of  
 ‘ His Majesty King *George* the Fourth, intituled *An Act* [*here*  
 ‘ *insert the Title of this Act*], we, the Mayor, Aldermen, and Bur-  
 ‘ gesses of the Borough of *Macclesfield* in the County of *Chester*,  
 ‘ in pursuance of the said Act, in consideration of the Sum of  
 ‘ advanced and lent by upon  
 ‘ the Credit and for the Purposes of the said Act, do grant, bargain,  
 ‘ sell, and demise unto the said his Executors,  
 ‘ Administrators, and Assigns, for the Term of Years,  
 ‘ the *Macclesfield* Waterworks, and all the Work<sup>s</sup> thereto belonging,  
 ‘ and all and singular the Rents and Sums of Money arising and  
 ‘ payable to us for Water by virtue of the said Act, and all our Estate,  
 ‘ Right, Title, and Interest of, in, and to the same; to hold unto the  
 ‘ said , Executors, Administrators, and Assigns,  
 ‘ until the said Sum of , with Interest for  
 ‘ the same after the Rate of *per Centum per*  
 ‘ *Annum*, shall be fully paid and satisfied. In witness whereof we  
 ‘ have caused the Common Seal of the said Borough to be affixed  
 ‘ hereto, this Day of in the  
 ‘ Year of our Lord .’

Copies of  
Mortgages to  
be entered by  
the Town  
Clerk.

And every such Mortgage shall be good, valid, and effectual in the Law; and Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Town Clerk for the Time being of the said Borough, and which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward by any Person or Persons entitled to any such Mortgage; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, or Interest in or to such Mortgage, and the Principal Money and Interest thereby secured, to any Person or Persons whomsoever, by Writing under his, her, or their Hand and Seal or Hands and Seals; which Transfer shall and may be in the Form or to the Effect following; (that is to say,)

Mortgages  
may be  
transferred.

Form of  
Transfer of  
Mortgage.

‘ **I** [*or We*] of [*or as Assignee or Assignees,*  
 ‘ Executor *or* Administrator, Executors *or* Administrators of  
 ‘ , *as the Case may be*], in consideration of the  
 ‘ Sum of paid by of , do hereby  
 ‘ transfer a certain Mortgage made by the Mayor, Aldermen, and  
 ‘ Burgesses



‘ Burgesses of the Borough of *Macclesfield* in the County of *Chester*,  
 ‘ to \_\_\_\_\_, bearing Date the \_\_\_\_\_ Day of \_\_\_\_\_,  
 ‘ for securing the Sum of \_\_\_\_\_, and all Interest now due  
 ‘ and to become due thereon, and all my [*or our*] Right and Property  
 ‘ therein, to the said \_\_\_\_\_, his [*her or their, as the Case*  
 ‘ *may be,*] Executors, Administrators, and Assigns. Dated this  
 ‘ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_.’

And every such Transfer shall be produced and notified to the said Town Clerk within Two Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books, for which Entry the said Town Clerk shall be paid the Sum of Five Shillings and no more; and after such Entry made such Transfer shall from thenceforth entitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage; and it shall not from thenceforth be in the Power of any Person or Persons who shall have made such Assignment to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof.

Transfers to be entered by the Town Clerk.

XLIV. And be it further enacted, That all Expences and Charges, with lawful Interest on Monies expended, or which shall be incurred in any Manner incident to and attending the Application for and obtaining and passing this Act, shall be paid and defrayed out of the first Monies to be raised by the Rents or otherwise under this Act.

Expences of Act.

XLV. 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 by the said Mayor, Aldermen, and Burgesses, or their Successors, or the said Committee or the major Part of them, for executing this Act, shall extend to charge the Person or Persons, all or any of them, executing such Deed, Contract, Lease, or other Instrument, or the Heirs, Executors, or Administrators of them or any of them, or their or any of their own proper Lands and Tenements, Goods and Chattels, with or for the Performance of all or any of the Clauses, Covenants, Conditions, or Agreements in the same Deed, Contract, Lease, or other Instrument contained, on the Part of the said Mayor, Aldermen, and Burgesses, or their Successors, or the said Committee, or any of them; but the Amount of all Costs, Charges, Damages, and Expences which shall or may be recovered in any Action or Actions, Suit or Suits at Law or in Equity, against them the said Mayor, Aldermen, and Burgesses, or their Successors, or the said Committee, or any of them, or against any of their Heirs, Executors, or Administrators, for or by reason or means of any such last-mentioned Deed, Contract, Lease, or other Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all Costs, Charges, Damages, and Expences which the said Mayor, Aldermen, and Burgesses, or their Successors, or the said Committee, and every of them, shall bear, pay, expend, or be put unto, or which shall be occasioned to them, for or by reason or means of any such Deed, Contract, Agreement, Lease, or other Instrument, or any Action or Actions, Suit or Suits, to be brought or prosecuted by or against them or any of them thereupon, shall respectively be paid and discharged by and out of the Monies to be raised or to arise or be received by virtue of this Act.

Mayor, &c. exempt from personal Responsibility in Contracts, &c.

Not requisite for the Mayor or Aldermen to attend, &c. as an integral Part.

XLVI. And whereas the Mayor and Two Aldermen of the said Borough for the Time being are also Part of the Twenty-four Capital Burgesses thereof; be it therefore further enacted, That all Meetings and Assemblies herein-before directed or authorized to be held, and all Acts, Deeds, Matters, and Things herein-before directed or authorized to be done, performed, or executed, by the Mayor, Aldermen, and Capital Burgesses of the said Borough, and their Successors, or the major Part of them, shall and may be held, and done, performed, or executed, by the Capital Burgesses of the said Borough, and their Successors, or the major Part of them, such major Part being not less than the Number of Thirteen; and it shall not be absolutely requisite for the Mayor and Aldermen, or any of them, as such Mayor and Aldermen, to attend such Meetings and Assemblies, or to join or concur in any such Acts, Deeds, Matters, and Things, under any Construction of this Act, as an integral Part or integral Parts of the said Mayor, Aldermen, and Capital Burgesses, or their Successors, or the major Part of them.

Damages and Charges in case of Dispute to be settled by Justices.

XLVII. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall, and the Costs attendant thereupon, be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender or Offenders shall be convicted of any such Offence or Offences, who is hereby authorized and required, on Non-payment thereof, to levy such Damages, Charges, and Costs by Distress and Sale of the Goods and Chattels of the Offender or Offenders, in like Manner as by this Act directed for the levying and recovering of any Penalties, Fines, or Forfeitures.

Transient Offenders may be apprehended.

XLVIII. And whereas Persons guilty of Offences against this Act may be transient Persons, and unknown to the Officers or Persons acting under the said Committee; be it therefore enacted, That it shall be lawful for any Officer or Person acting under the said Committee, with such Aid as shall be necessary, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith to convey him, her, or them before any Justice or Justices of the Peace for the said Borough or County, without any other Warrant or Authority than this Act for so doing.

Compelling Witnesses to attend and give Evidence.

XLIX. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice or Justices of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Complainant or the Person or Persons complained against, shall, on being paid or tendered a reasonable Sum for his, her, or their Loss of Time, Costs, Charges, and Expences, refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, or in case of a Quaker on solemn Affirmation, and to give Evidence, before such Justice or Justices of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds,

to be recovered, together with Costs, by Distress and Sale, or Commitment in default thereof, in like Manner and with like Powers as herein-before is directed in regard to the Penalties, Fines, and Forfeitures imposed by this Act, and directed to be recovered before any Justice or Justices of the Peace as aforesaid.

L. And be it further enacted, That in all Cases wherein any Penalty or Forfeiture hereby imposed is made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against, and any Witness or Witnesses the Justice may think proper, before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, whether he be present or absent, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

Justices may proceed by Summons.

LI. And be it further enacted, That when and so 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 the Directions 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, done or committed by the said Committee 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 Committee, to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made from the Clerk to the said Committee or the said Treasurer, in pursuance of the Directions or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Mayor, Aldermen, and Burgesses, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them 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 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 Mayor, Aldermen, and Burgesses, or their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs,

Remedy in case of Non-payment of Compensation for Damage, &c.

Costs, Charges, and Expences as he shall have sustained or been put unto by virtue of any such Warrant as aforesaid.

Service of  
Notices and  
Summonses.

LII. And be it further enacted, That all Notices, Orders, and Summonses respectively necessary to be given or served by this Act, when the Manner of serving such Notices, Orders, or Summonses is not particularly or otherwise directed by this Act, shall and may be served either on the Person to whom the same ought to be given, or by delivering the same, or a true Copy thereof, to some Person at his or her Dwelling House, or at the usual or last Place of his or her Abode; and in all Cases whatsoever when any such Notices, Orders, or Summonses ought to be given to Two or more Persons, for or respecting the joint Act or Omission of any such Persons, whether the said Persons be in Partnership in Trade or otherwise jointly concerned in any such Act or Omission, the like Service of any such Notice, Orders, or Summonses, or Copies, on any one of such Partners or Persons, or leaving the same at his or her Dwelling House, or at the usual or last Place of his or her Abode, as aforesaid, shall also be a good and sufficient Service thereof.

Service upon  
the Town  
Clerk to be  
deemed good  
Service.

LIII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve any Notices, Summonses, Writs, or legal Proceedings, or Proceedings in Equity, upon the said Mayor, Aldermen, and Burgesses, and their Successors, or the said Committee, the Service thereof respectively upon the Town Clerk for the Time being of the said Borough, or by leaving the same at his Office or usual or last Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Mayor, Aldermen, and Burgesses, and their Successors, and the said Committee.

Recovery and  
Application  
of Penalties.

LIV. And be it further enacted, That all the Penalties, Fines, and Forfeitures for all and every the Offences and otherwise in this Act mentioned, in relation to which the Manner of convicting the Offender or Offenders is not particularly mentioned or directed by this Act, shall be adjudged by and be recovered before One or more Justice or Justices of the Peace for the said Borough or County, in a summary Way, together with or without Costs, in the Discretion of such Justice or Justices; and such Justice or Justices of the Peace is or are hereby authorized and empowered to convict the Offender or Offenders, upon Information, by Oath of any credible Person or Persons, or on the Confession of the Party offending, (which Oath such Justice or Justices is or are hereby authorized to administer); and in default of Payment of such Penalties, Fines, or Forfeitures, and Costs, if any awarded, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices; and one Moiety of the Penalties, Fines, and Forfeitures, when recovered, after rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained, (the reasonable Charges of and attending such Distress and Sale being first deducted,) shall be paid to the Informer, and the other Moiety thereof shall be paid to the said Committee, to be by them applied for the general Purposes of  
this

this Act; and in case such Penalties, Fines, Forfeitures, and Costs, if any, shall not be forthwith paid upon Conviction by the Person or Persons offending and convicted, then it shall be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before him or them on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security the same Justice or Justices is or are hereby empowered to take by way of Recognizance or otherwise; and if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of the Offender or Offenders, or otherwise, that such Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Fines, Forfeitures, and Costs, if any, may be levied, if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and then and in every such Case it shall be lawful for any such Justice or Justices of the Peace, and he or they is or are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the House of Correction or Common Gaol for the said County of *Chester*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, Fines, and Costs, if any, respectively shall be sooner paid and satisfied.

LV. And be it further enacted, That every Justice or Justices of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the Form following; (that is to say,)

‘ Borough of *Macclesfield* }  
 ‘ in the County of *Chester*, } **BE** it remembered, That on the  
 ‘ (or County of *Chester*,) } Day of \_\_\_\_\_ in the Year of  
 ‘ to wit. } our Lord One thousand eight hundred and  
 ‘ \_\_\_\_\_ is [or are] convicted  
 ‘ before me [or us], One [or Two] of His Majesty’s Justices of the  
 ‘ Peace in and for the said Borough of *Macclesfield* [or County of  
 ‘ *Chester*], by virtue of an Act passed in the Eleventh Year of the  
 ‘ Reign of King *George* the Fourth, intituled *An Act* [here insert the  
 ‘ *Title of this Act*], of having [here specify the Offence, and the Time  
 ‘ and Place when and where committed, as the Case may be], contrary  
 ‘ to the said Act, for which Offence I [or we] do adjudge the said  
 ‘ \_\_\_\_\_  
 ‘ to have forfeited the Sum of \_\_\_\_\_  
 ‘ to be applied as by the said Act is directed. Given under my [or  
 ‘ our] Hand and Seal [or Hands and Seals], the Day and Year first  
 ‘ above written.’

Form of Conviction.

LVI. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made or other Matter or Thing to be done or  
 [Local.] 36 X—Y transacted

Proceedings not to be quashed for Want of Form.

transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form only, or be removed, by Certiorari or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law, Statute, or Usage to the contrary notwithstanding.

Distress not  
unlawful for  
Want of  
Form.

LVII. And be it further enacted, That when any Distress shall be made for any Rent or Rents, or Sum or Sums of Money, Fines, Forfeitures, Penalties, Costs, and Charges, to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Warrant of Distress, Information, Summons, Warrant, Conviction, Order, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, on account of any Irregularity that shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularities may recover Satisfaction for the special Damage in an Action on the Case.

Appeal may  
be made to  
the Quarter  
Sessions.

LVIII. Provided always, and be it further enacted, That any Person or Persons whomsoever, thinking himself, herself, or themselves aggrieved by any Order, Conviction, or Determination of any Justice or Justices of the Peace, in pursuance of this Act, may appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace for the said County of *Chester* or for the said Borough which shall be holden not less than Twelve Days after the Date of such Order, Conviction, or Determination, provided that the Person or Persons appealing shall give to the Person or Persons appealed against, and to the Town Clerk of the said Borough for the Time being, a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after the Date of such Order, Conviction, or Determination, and shall within the like Period enter into Recognizances before some Justice of the Peace for the said Borough, with Two sufficient Sureties, to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear, examine, and determine such Complaint, and if they see Cause may mitigate any Penalty, Forfeiture, or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Order, Conviction, or Determination, and may also award such further Satisfaction to be made to the Party injured, and such Costs to either of the Parties, as they shall judge reasonable and proper; 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.

Plaintiff not  
to recover  
after Tender  
of Amends.

LIX. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against the said Mayor, Aldermen, and Burgesses, or their Successors, or the said Committee, or any of them, or against any Person or Persons, for any thing done in pursuance of this Act, unless Notice in Writing shall have been

given to the Defendant or Defendants, Twenty-eight Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall be made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think proper, whereupon such Proceedings, Order, and Judgment shall be made and given by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

LX. And be it further enacted, That no Action or Suit shall be brought against the said Mayor, Aldermen, and Burgesses, or their Successors, or the said Committee, or any of them, or against any Person or Persons, for any thing done in pursuance of this Act, or in relation to the Matters herein contained, after Six Calendar Months from and after the Fact shall have been committed; and every such Action or Suit shall be brought and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may, at his, her, or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall have been brought before the Expiration of Twenty-eight Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover his, her, or their Costs, and have such Remedy for recovering the same as any other Defendant or Defendants hath or have in other Cases by Law.

Limitation  
of Actions.

LXI. And be it further enacted, That in all Actions, Suits, Prosecutions, Informations, and Proceedings whatsoever, which shall arise touching or in anywise relating to any Matter or Thing to which this Act extends, no Officer, Agent, or Servant of the said Mayor, Aldermen, and Burgesses, or their Successors, or of the said Committee, nor any Inhabitant, or Person or Persons paying Water Rents, or being a Mortgagee or Mortgagees or Creditor or Creditors upon the said Rents, nor any Burgess or Freeman of the said Borough, shall for that Reason alone be in any Manner disqualified or incapacitated from giving Evidence.

Officers, &c.  
not to be dis-  
qualified as  
Witnesses.

LXII. And

Punishing  
Persons  
giving false  
Evidence.

LXII. And be it further enacted, That if any Person, upon Oath or Affirmation, in any Examination to be taken by virtue of this Act, shall wilfully and corruptly give false Evidence touching any Matter or Thing, every such Person so offending, and being duly convicted thereof, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law in force and effect Persons guilty of Perjury are subject and liable to.

Saving Rights  
of Mayor,  
Aldermen,  
and Bur-  
gesses.

LXIII. Provided always, and be it further enacted, That nothing in this Act shall extend or be construed to extend to affect, prejudice, alter, diminish, abridge, or take away any Royalties, Rights, Property, Duties, Tolls, Payments, Powers, Authorities, Jurisdictions, Privileges, Liberties, or Franchises whatsoever, of or belonging to the Mayor, Aldermen, and Burgesses of the said Borough of *Macclesfield*, and their Successors, otherwise than as herein contained.

Saving the  
Rights of the  
*Macclesfield*  
Canal Com-  
pany.

LXIV. Provided always, and be it further enacted, That nothing in this Act shall extend or be construed to extend to authorize, empower, or enable the said Mayor, Aldermen, and Burgesses, or their Successors, or the said Committee, or any of them, to take or use any Part of the Water in the *Macclesfield* Canal, or the Reservoirs and Feeders connected or to be connected therewith, unless the said Company of Proprietors shall, in Writing under their Common Seal, first consent to the same being so taken or used; nor shall any thing in this Act extend or be construed to extend to affect, prejudice, diminish, alter, abridge, or take away any of the Rights, Powers, Authorities, Privileges, or Liberties whatsoever which the said Company of Proprietors previous to the passing of this Act had or were authorized, empowered, or enabled to use or exercise.

Public Act.

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

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1830.