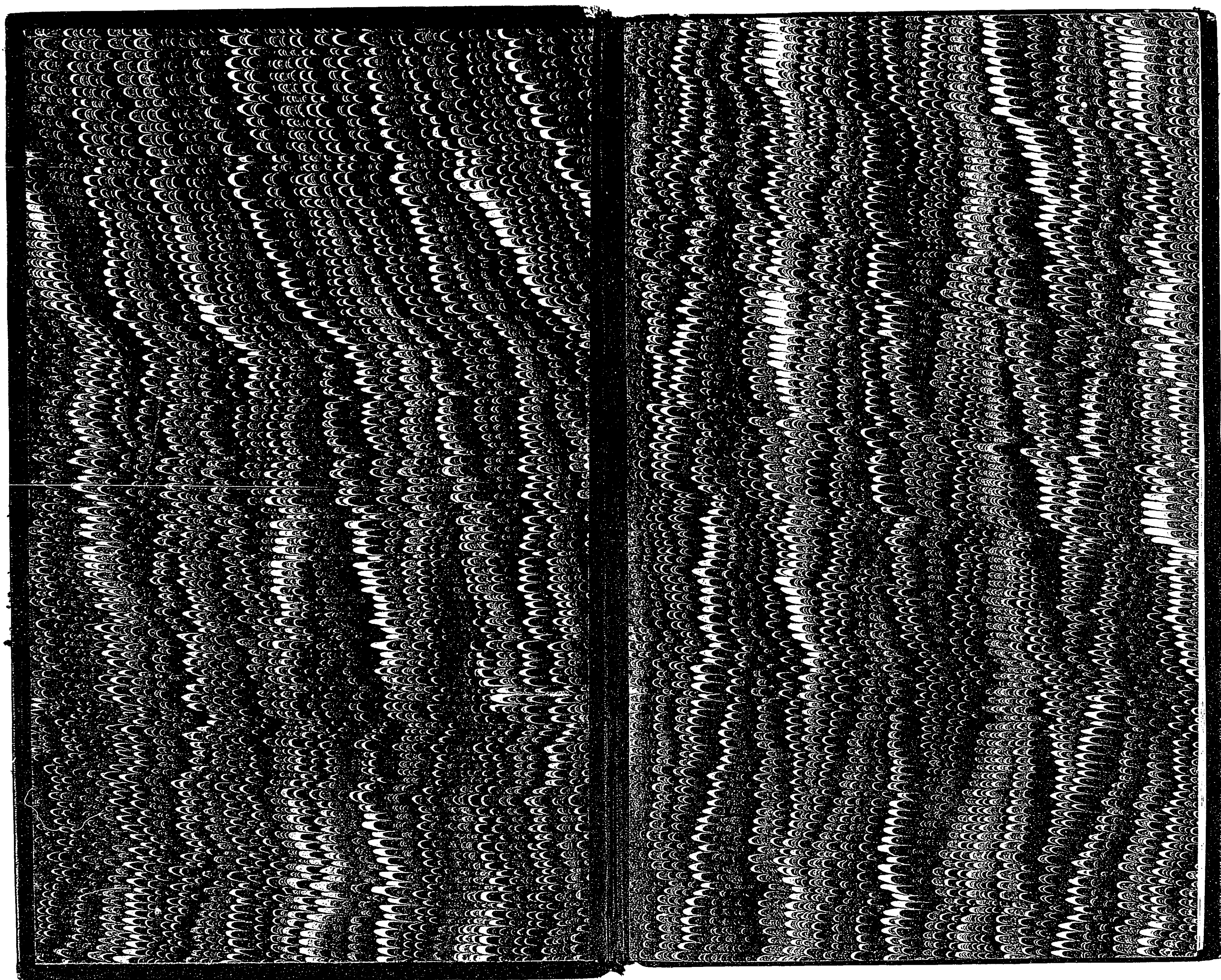


THE
LIVERPOOL SANITARY ACT
1846,
AS AMENDED.



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THE
LIVERPOOL SANITARY ACT,
1846;

AS AMENDED BY THE

LIVERPOOL SANITARY AMENDMENT ACT,
1854;

TOGETHER WITH

AMENDMENTS CONTAINED IN SUBSEQUENT LOCAL STATUTES.

WITH

AN INDEX.

Reprinted 1907.

LIVERPOOL:

C. TINLING AND CO., LTD., PRINTING CONTRACTORS, 53, VICTORIA STREET.

1907.

10362

AN ACT
FOR THE
IMPROVEMENT OF THE SEWERAGE AND DRAINAGE,
AND FOR THE
SANITARY REGULATION
OF THE
BOROUGH OF LIVERPOOL,
Being the 9th and 10th Vic., c. 127,
AS AMENDED BY
AN ACT OF THE 17TH VIC. C. 15, CALLED "THE LIVERPOOL SANITARY
AMENDMENT ACT, 1854;"
TOGETHER WITH
AMENDMENTS CONTAINED IN SUBSEQUENT LOCAL STATUTES.

EXPLANATION.

1. *The unrepealed provisions of the first Act are printed in large type.*
2. *The repealed clauses are printed or referred to in italics.*
3. *The provisions of the Liverpool Sanitary Amendment Act, 1854, are marked A.
The initials L. I. A. refer to the Liverpool Improvement Act of the date specified.
The initials L. S. A. A., 1864, and L. I. W. A., 1871, refer respectively to the
Liverpool Sanitary Amendment Act, 1864, and the Liverpool Improvement and
Waterworks Act, 1871.*

THE PREAMBLE Recites the following Acts, viz.:—26th George Preamble.
III., cap., 12; 11th George IV., cap. 15; 5th and 6th Victoria,
cap. 26; 5th and 6th Victoria, cap. 105; 5th and 6th Victoria, cap.
44; 5th and 6th Victoria, cap. 106; 6th and 7th Victoria, cap. 75.

And whereas the Borough of Liverpool, as now extended, com-
prises not only the Town and Borough of Liverpool and part of the
extra-parochial place of Toxteth Park, in the said recited Acts
respectively mentioned, but also the several Townships of Everton
and Kirkdale, and part of the Township of West Derby:

And whereas the said Townships of Everton and Kirkdale, and
the said part of the Township of West Derby, have become and are
extremely populous, and no express provision hath been made for
the sewerage or drainage thereof, or for the supply of water for
public purposes therein, or for the paving and cleansing of the
several streets, courts, and alleys therein:

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Library, National Institute of Public Health	

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

4

And whereas it is expedient that remedy should be had therein, and that further provision should be made for the construction and maintenance of drains and sewers, and for the paving and flagging the surface of the streets, courts, and alleys, and for the supply of water for the prevention and extinction of fires, and for the cleansing of the drains, sewers, streets, courts, alleys, and houses, and other public purposes; and for the prevention of nuisances and the improvement of the health and comfort and the diminution of the disease and mortality of the inhabitants throughout the whole of the said Borough of Liverpool; and it is expedient that the powers to be granted for the said purposes should be combined under one management, and should be uniform throughout the whole of the said Borough:

1
Council of the
Liverpool
Corporation
to carry Act
into execu-
tion.

[A]
Preamble.
9 & 10 Vict.
c. cxxvii.
5 & 6 Vict.
c. 106.

21 G. II. c. 24.

[A] 1
Short Titles
of Acts.

[A] 3
Provisions of
9 & 10 Vict.
c. cxxvii. ex-
tended to
this Act.

2
Certain
powers to be
exercised by
Health Com-
mittee.

Be it enacted, that the Mayor, Aldermen, and Burgesses of the Borough of Liverpool shall by the Council of the borough be, and they are hereby empowered to carry this Act and the several powers thereof into execution.

WHEREAS an Act was passed in the Session of Parliament held in the ninth and tenth years of the reign of her Majesty Queen Victoria, chapter one hundred and twenty-seven: And whereas an Act was passed in the Session of Parliament held in the fifth and sixth years of the reign of her Majesty Queen Victoria, chapter one hundred and six: And whereas an Act was passed in the twenty-first year of the reign of his Majesty King George the Second, chapter twenty-four; And whereas it is expedient to amend the said Acts as hereinafter provided, and to make further provision for the completion of the sewerage, and for the sanitary regulation and improvement of the Borough of Liverpool, but such objects cannot be effected without the authority of Parliament: May it therefore please your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same.

That the first-recited Act shall for all purposes be sufficiently described or referred to as "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," and this Act shall for all purposes be sufficiently described or referred to as "The Liverpool Sanitary Amendment Act, 1854."

That the provisions of "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," not repealed or altered by this Act, shall extend to this Act and the objects and purposes thereof.

And whereas, by the said recited Act of the fifth year of the reign of her present Majesty, intituled "An Act for the promotion of the Health of the Inhabitants of the Borough of Liverpool, and the

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

5

better regulation of Buildings in the said Borough," the said Council are empowered, as therein mentioned, to appoint a sufficient number of their own body, to be a committee called "The Health Committee," and also to appoint certain persons to be surveyors of buildings, under and for the purposes of the said Act; be it enacted, that the said Health Committee and the said Surveyors shall have all such and the like powers and authorities, and shall be subject to such and the like duties and liabilities under the said Council for the carrying into effect and executing the provisions of this Act, as are granted to or vested in or imposed upon them, for the carrying into effect and executing the said last-recited Act.

And for the purpose of assisting the said Mayor, Aldermen, and Burgesses, and the said Council and Health Committee, in carrying into effect and executing the several provisions of this Act; be it enacted, that if at any future time any Inspector shall be appointed under the provisions of any general Act of Parliament to be passed for the improvement of the sewerage and drainage of towns and populous districts, and for providing water and otherwise promoting the health and convenience of the inhabitants, such Inspector shall have and exercise such and the like powers, authorities, and privileges, for the purpose of superintending and otherwise assisting in carrying this Act into execution, as shall or may be had or exercised by him in any town or district in which the provisions of such general Act of Parliament may be in force and operation.

That so many of the provisions of the Act of the fifth year of the reign of her present Majesty, intituled "An Act for the promotion of the Health of the Inhabitants of the Borough of Liverpool, and the better regulation of Buildings in the said Borough," as relate to the regulating the width of streets and courts, the size and situation of rooms and of windows therein, the occupation of cellars, the providing and repairing of privies and ashpits, the flagging and cleansing of courts and passages, the cleansing of house drains, privies, and cess-pools, and the making of bye-laws for the prevention of nuisances in courts and passages, and which are comprised between the fourth and the twenty-fifth sections of the said Act, both inclusive, and also the several provisions of the same Act comprised in the ninety-sixth, ninety-seventh, ninety-eighth, and ninety-ninth sections thereof

3
Inspector
under any
General Act
to have simi-
lar powers
under this
Act.

4
Repeal of cer-
tain parts of
5 & 6 Vict. c.
44.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

6

respectively, and relating to the paving and repair of certain streets in the said borough, shall, on and after the day in which this Act shall come into operation, be and the same are on and after the said day hereby repealed, but without prejudice to any acts or proceedings heretofore done, had, or transacted under or pursuant to the same provisions respectively, or to any demands or liabilities by reason or in consequence thereof.

5

Repeal of certain parts of 5 & 6 Vict. c. 106.

That so many of the provisions of the Act of the fifth and sixth years of the reign of her present Majesty, intituled "An Act for the Improvement, good Government and Police Regulation of the Borough of Liverpool," as relate to the removal of dirt, ashes and rubbish, and the scavenging and carrying away of filth, and the sweeping of footways and pavements, and which are comprised in and between the one hundred and twenty-second and the one hundred and twenty-ninth sections of such Act, both inclusive, shall, on and after the day on which this Act shall come into operation, be and the same are on and after the said day hereby repealed, but without prejudice to any acts or proceedings heretofore done, had, or transacted under or pursuant to the same provisions, or to any demands or liabilities by reason or in consequence thereof.

6

Repeal of certain provisions in 11 Geo IV. c. 15.

That the Act of the eleventh year of the reign of his late Majesty King George the Fourth, except so much thereof as provides for settling the boundaries between the said town and the township of Kirkdale, and parts of the townships of Everton and West Derby, and which are respectively comprised in and between the eightieth and the one hundred and third sections of the said Act, both inclusive, shall, on and after the day on which this Act shall come into operation, be and the same are, on and after the said day, hereby repealed; and all powers and authorities granted by or by virtue of the said Act to the commissioners or other officers in the said Act mentioned, shall, on and after the said day, absolutely cease and determine, but without prejudice to any acts or proceedings heretofore done, had, or transacted under or pursuant to the same powers, provisions, and directions, or to any demands or liabilities by reason or in consequence thereof.

7

Repeal of 5 Vict. c. 26.

That the Act passed in the fifth year of the reign of her present Majesty, intituled "An Act for amending an Act relating to the

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

7

Paving and Sewerage of the Town of Liverpool, in the County Palatine of Lancaster," shall, on and after the day on which this Act shall come into operation, be and the same is, on and after the said day, hereby repealed, but without prejudice to any acts or proceedings heretofore done, had, or transacted under or pursuant to the powers, provisions, and directions of the said last mentioned Act, or to any demands or liabilities by reason or in consequence thereof.

8

And whereas the powers and provisions of the said Act passed in the Session of Parliament held in the fifth and sixth years of the reign of her present Majesty, intituled "An Act for Better Paving and Improving the Streets and Highways within the Extra-parochial place of Toxteth Park, in the County Palatine of Lancaster, and for the Sewerage of certain parts of the said place," so far as the same relate to the construction and repair, and cleansing of sewers, drains, and watercourses, and other sewerage purposes, and to the raising of money and the imposition of rates for the said last-mentioned purposes, are confined to such part of the said extra-parochial place as lies within the boundary of the said borough: And whereas the powers and provisions of the same Act, so far as the same relate to the construction, repair, paving, and flagging the streets, and to the cleansing of the said extra-parochial place, and the raising of money and the imposition of rates for the said last-mentioned purposes, extend to the whole of the said extra-parochial place of Toxteth Park, as well within as without the said borough: Be it enacted, that such and so many of the provisions of the said Act as relate to that part of the said extra-parochial place of Toxteth Park which lies within the said borough, shall on and after the day on which this Act shall come into operation be, and the same are, on and after the said day, hereby repealed, and all powers and authorities granted by or by virtue of the said Act to the said Commissioners, or to any persons whatsoever with relation to such last-mentioned part of the said extra-parochial place, shall, on and after the said day, absolutely cease and determine; without prejudice, nevertheless, to any acts or proceedings hitherto done, had, or transacted under or pursuant to the provisions of the said Act, and that in all future proceedings to be had and done, and acts to be performed under the said Act, the same shall be read and construed, and in all respects carried into operation and effect,

Repeal of so much of 5 & 6 Vict. c. 105, as relates to that part of Toxteth Park which is within the Borough of Liverpool.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

8

as if it had been expressly confined in its operation to the said part of the said extra-parochial place which lies beyond the said boundary of the said borough of Liverpool; Provided always, that nothing in this Act contained shall be taken or construed to repeal, alter, determine, or affect any of the provisions of the said Act, or of the powers or authorities of the Commissioners appointed under the said Act, so far as such provisions, power, and authorities relate to the part of the said extra-parochial place which lies beyond the said boundary of the Borough of Liverpool.

9

Repeal of acts and parts of acts not to affect acts done or offences committed before this Act comes into operation.

Provided always, and be it enacted, that the repealing of the said several provisions of the said several Acts shall not in anywise annul, prejudice or affect any purchase, sale, conveyance, contract, security, act, matter or thing whatsoever, made, done, committed, or executed under or by virtue or in pursuance of such provisions, or any of them, before the said day on which this Act shall come into operation, but all such purchases, sales, conveyances, grants, contracts, securities, acts, matters, and things, shall be and the same are hereby declared to be as good, valid, and effectual, to all intents and purposes whatsoever, as if the said provisions were not repealed; and all offences done or committed, and all forfeitures incurred under the said provisions, or under any bye-law made in pursuance thereof before the said day on which this Act shall come into operation, shall and may be prosecuted, punished, sued for, and recovered in all respects as if this Act had not been passed.

10

Property of the Commissioners vested in the Mayor, Aldermen and Burgesses.

This Section enacts that the property of the Commissioners appointed under the repealed Acts shall be transferred to the Mayor, Aldermen and Burgesses.

11

Present Commissioners to continue in office until commencement of Act

This Section recites the mode in which the Commissioners under the repealed Acts were elected, and then enacts that the Commissioners who should be in office when the Act passed, should remain in office until it came into operation.

12

Contracts, &c., under such local Acts may be enforced by or against the Mayor, &c., and Council respectively.

This Section enacts that upon this Act coming into operation, all contracts, assurances, acts, and proceedings, entered into, made, or transacted with or carried on by or against, and all forfeitures, penalties, and other obligations imposed upon such Commissioners

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

9

under the repealed Acts, should be incumbent upon, carried on by, and enforced by and against the said Mayor, Aldermen, and Burgesses.

13

This Section enacts that all matters and things by any Act of Parliament passed in this or any previous Session required to be done to the satisfaction or with the approval of the said Commissioners or their Surveyors or officers, should hereafter be done throughout the limits of the said borough to the satisfaction of the Council of the said borough, or their Surveyors or officers, as if the said Council or their Surveyors or officers had been named in such Acts.

All Acts required to be done by the Commissioner under recited Acts to be hereafter performed by the Council.

14

This Section contains provisions for compensating certain officers of the Commissioners affected by this Act.

Compensation to former officers.

15

This Section provides that any compensation by way of annuity should be secured by bond under the Corporation Seal, and be charged upon "The General Rate" by this Act authorised to be levied.

If compensation by way of annuity, the same to be secured by bond.

16

This Section directs that all expenses which had been incurred by the Commissioners in and about endeavouring to obtain Two Bills in Parliament should be deemed expenses incurred by the Commissioners under their ordinary powers, and authorises them to apply monies in their hands in payment thereof.

Expenses incurred by Commissioners in promoting two bills for extending their powers, how to be paid.

17

This Section directs that all expenses incurred by the Improvement Commissioners for Toxteth Park, in and about applying for a Bill in Parliament, should be deemed expenses incurred by them under their Act, and authorises them to apply monies in their hands in payment thereof.

Expenses incurred in reference to improvements of Toxteth Park payable by the Commissioners.

18

And be it enacted, that it shall be lawful for the said Council from time to time to provide and maintain a fit and convenient Public Office or Offices within the said borough, for holding the meetings and transacting the business of the said Council, or any committee thereof, in relation to this Act, and for the use of their officers, and for the holding of such other public meetings and transacting such

Council may provide a public office, &c.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

10

other public business relating to the said borough, as the said Council shall from time to time direct or allow to be held or transacted therein; and also to provide lands and buildings fit and convenient for the deposit of the dung, ashes, and other filth to be taken and collected under the authority of this Act, for the depositing of stone and other materials for the streets, and for the accommodation of all horses, carts, tools, implements, and other articles, matters, and things required for the purposes of this Act, and for any of such purposes, it shall be lawful for the said Mayor, Aldermen and Burgesses to purchase or hire any lands, messuages, or buildings, or any part of any such lands, messuages, or buildings which shall by the said Council be considered necessary, of and from any person who shall be willing to sell or let the same, or otherwise to cause any new erection or building to be made upon any land or ground which shall be purchased or hired under the provisions of this Act.

19
Council may
make con-
tracts.

And be it enacted, that it shall be lawful for the said Council to enter into contracts with any person or persons for the execution of any works directed or authorised by this Act to be done, or for furnishing materials, or for any other matters or things whatsoever necessary for the purposes of this Act; and every such contract shall be in writing, and shall specify the several works to be done and the materials to be furnished, and the prices to be paid for the same, and the time or times within which the said works are to be completed, and the penalties to be suffered in case of non-performance thereof, and shall be under the common seal of the said Mayor, Aldermen and Burgesses, and shall also be duly executed by the person or persons contracting to perform such work or works respectively; and such contract shall be binding on the said Mayor, Aldermen and Burgesses, and actions and suits may be maintained thereon, and damages and costs recovered by or against the said Mayor, Aldermen and Burgesses, or the other parties failing in the execution thereof; and a copy of every such contract shall be entered in a book to be kept by the Town Clerk for that purpose; and the said Council shall and they are hereby required to take security for the due and faithful performance of such contracts.

20
Service of
notices on
Council.

And be it enacted, that any summons, notice, or writ, or other proceeding at law or in equity, required to be served upon the said

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

11

Mayor, Aldermen and Burgesses, or the Council, for the purposes of this Act, may lawfully be served by leaving the same at the office of the Town Clerk.

And be it enacted, that every summons, demand, or notice, or other like document given under the provisions of this Act, may be in writing or print, or partly in writing or print, and shall be sufficiently authenticated if signed by the Mayor or Town Clerk or the Chairman of any meeting of the Council, or of any committee thereof acting in execution of any of the powers of this Act, and need not be sealed with the common seal.

21

Authentica-
tion of
notices.

That whenever, by the recited Acts or this Act, any notice by or on behalf of the Council, or of the Mayor, Aldermen and Burgesses, is required to be given to any person, it shall be sufficient if such notice be in writing or print, or partly in writing and partly in print, and be signed by the Town Clerk or by the Borough Engineer, and to leave the same with some inmate at the ordinary residence of the person to whom the same is addressed, or to leave the same at his ordinary place of business, or if such person has no known ordinary residence or place of business within the borough, then it shall be sufficient to send such notice by post, addressed to such person at his ordinary residence or place of business; or, in case of a notice to any occupier, to leave the same at or affix the same upon any house, building land, or tenement to which the same may apply; and when it shall be required to give notice to the Council, or to the Mayor, Aldermen and Burgesses, and no particular mode of giving such notice is provided, it shall be sufficient to deliver the same to the Town Clerk, or to deliver and leave the same at the office of the Town Clerk with some person employed by him.

[A] 40

How notices
may be given.

Every notice required to be given by the Town Clerk by this Act or by the Acts of 1846 and 1854 respectively, may be in writing or print, or partly in writing and partly in print, and shall be signed by the Town Clerk or any deputy appointed by him.

L. S. A. A.,
1864, Sec. 16.
Notices to be
signed by the
Town Clerk.

[NOTE.—As to Notices, Summonses, &c., see also L. I. W. A., 1871, sec. 108.]

And be it enacted, that the said Council shall, and they are hereby authorised and required to appoint, subject to approval by one of her Majesty's principal Secretaries of State, and with such salary as they shall think fit, to be paid out of the monies to be raised by virtue of this Act, a person duly qualified as a civil engineer, to act as a Local Surveyor of the drainage and other works authorised under the provisions of this Act; and if any such Surveyor shall die, resign, or be removed, the said Council shall, with the like approval, appoint another person so duly qualified in the room of the Surveyor so dying, resigning, or being removed.

22

Council to
appoint a
local sur-
veyor.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

12

[A] 4
Borough
Engineer.

That the person appointed by the Council to act as local surveyor of the drainage and other works authorised under the provisions of "The Act 9th and 10th of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," shall be called and known as "The Borough Engineer."

23
Council to
appoint clerk
and other
officers.

And be it enacted, that the said Council may from time to time appoint and employ a Treasurer, a Clerk or Clerks, a Collector or Collectors of the rates or assessments hereinafter mentioned, and of any other monies to be paid under or by virtue of this Act, and all such other officers and persons to assist in the execution of this Act, as the said Council shall think necessary, and proper, and may from time to time remove such Treasurer, Clerks, Collectors, and other officers and persons, and appoint others in the room of such as shall be so removed, or as may die, resign, or discontinue their offices; and out of the monies to be raised for the purposes of this Act, shall pay such salaries, wages and allowances to the said officers and persons respectively as the said Council shall think reasonable.

24
Offices of
Clerk and
Treasurer not
to be held by
the same
person.

And be it enacted, that neither the person who shall hold the office of Clerk, nor the partner of such Clerk, nor any person in the service or employ of such Clerk or of his partner, shall be eligible to be Treasurer; and that neither the person who shall be Treasurer, nor the partner of such Treasurer, nor any person in the service or employ of such Treasurer, or of his partner, shall be eligible to be the Clerk; and if any person offend in any of the following cases, he shall forfeit one hundred pounds; (that is to say),

If any person accept both the office of Clerk and Treasurer:

If any person, being the Clerk or the partner of such Clerk, or in the service or employ of such Clerk or of his partner, accept the office of Treasurer, or act as Deputy of the Treasurer, or in any manner officiate for the Treasurer:

If any person, being the Treasurer or the partner of such Treasurer, or in the service or employ of such Treasurer or of his partner, accept the office of Clerk, or act as Deputy of such Clerk, or in any manner officiate for such Clerk:

If any such Clerk or Treasurer shall hold any place of profit or trust under the said Council, other than that of Clerk or Treasurer, as the case may be:

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

13

And any person may sue for such penalty, either by action of debt or on the case, in any of her Majesty's Superior Courts of Record, and shall, on recovery thereof, be entitled to full costs of suit.

And be it enacted, that if any such Treasurer, Clerk, Surveyor, Collector, or other officer employed by the said Council under the provisions of this Act, shall exact, take, or accept on account of anything done by virtue of his office, or in relation to the functions of the said Council, any fee or reward whatsoever, other than the salary, rewards, or allowances allowed or sanctioned by the said Council, or be in anywise concerned or interested in any bargain or contract made by the said Council, he shall be incapable of being afterwards employed by the said Council, and he shall forfeit fifty pounds, and any person may sue for such penalty, either by action of debt or on the case, in any of her Majesty's Superior Courts of Record, and shall, on recovery thereof, be entitled to full costs of suit.

And be it enacted, that before any person entrusted with the custody and control of monies, whether Treasurer, Collector, or other officer of the Council, and appointed under this Act, shall enter upon his office, the said Mayor, Aldermen and Burgesses shall take sufficient security from him for the faithful execution of his office.

And be it enacted, that every officer appointed or employed by the said Council, by virtue of this Act, shall, from time to time, when required by the said Council, or by any Committee thereof, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account in writing under his hand, of all monies received by him on behalf of the said Mayor, Aldermen and Burgesses, or of the said Council; and such account shall state how, and to whom, and for what purpose such monies have been disposed of; and, together with such account, such officer shall deliver the vouchers and receipts for such payments; and every such officer shall pay to the said Mayor, Aldermen and Burgesses, or the said Council, or to any person appointed by them respectively to receive the same, all monies which shall appear to be owing from him upon the balance of such accounts.

25

Officer taking
fees to lose
his office and
forfeit £50.

26

Mayor, Aldermen, and
Burgesses to
take security
from officers
entrusted
with money.

27

Officers to
account.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

14

28
Penalty on parties failing to account. This section provides summary remedy before Justices against such officers failing to account, or to produce and deliver up all vouchers and receipts, or to pay over balance in his hands.

29
Officers refusing to deliver up documents, &c., to be imprisoned. This section provides for punishment of such officers refusing to account, or improperly detaining vouchers, receipts, books, papers, or writings, property, effects, matters, or things belonging to the Corporation.

30
Where officer about to abscond a warrant may be issued in the first instance. This section empowers Justices to arrest any such officer of the Corporation whom there is good reason to believe intends to abscond.

31
Proceedings not to discharge sureties. And be it enacted, that no such proceeding against or dealing with any such officer as aforesaid, shall deprive the said Mayor, Aldermen and Burgesses, or the Council, of any remedy which they might otherwise have against any surety of such officer.

32
Accounts to be kept of receipts and disbursements, which shall be open to inspection. And be it enacted, that the said Council shall cause books to be provided and kept, and true and regular accounts to be entered therein, of all sums of money received and paid for and on account of this Act, and of the several purposes for which such sums of money shall have been received and paid, which books shall, at all seasonable times, be open to the inspection of any member of the said Council, or any mortgagee or any other creditor having security on the rates by this Act authorised to be imposed and levied, without fee or reward; and any of such persons may take copies of or extracts from the said books, without paying anything for the same; and any Clerk or other person having the custody of the said books, who shall not on any reasonable demand, permit any such person as aforesaid to inspect the said books, or to take such copies or extracts as aforesaid, shall forfeit and pay for any such offence a sum not exceeding five pounds, and such accounts shall be examined and audited at the same time, and in the same manner in all respects, as the accounts of the said borough are directed to be examined and audited by an Act passed in the Session of Parliament held in the fifth and sixth years of the reign of his late Majesty King William

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

15

the Fourth, intituled "An Act to provide for the regulation of the Municipal Corporations in England and Wales."

33
Council to provide a map. And be it enacted, that the said Council shall cause a map and plan to be made of the said borough, on a scale not less than sixty inches to a mile, and shall cause to be marked thereon the course of all existing sewers and drains, as far as they can be ascertained, the lines of pipes or conduits for the collection and distribution of water, also the course of the pipes for the distribution of gas and such other works, with such other particulars as the case may require, and shall cause the said map to be from time to time altered and amended, and additions made thereto, as may be required; and such map, or a copy thereof, with the date expressed thereon of the last time it shall have been so corrected and amended, shall be kept at the Town Hall, and shall be open at all seasonable hours to the inspection of the owners or occupiers of any lands or tenements within the said borough.

34
Contour lines to be marked on map, and bench marks to be made. And be it enacted, that the said Council shall cause to be inscribed on such map and plan a series of marks or figures, denoting a complete system of levelling, exhibiting the true form or relief of the ground in the borough or district, and shall also cause to be drawn, wherever practicable, lines of equal altitude, commonly called contour lines, at every four feet of elevation, or at such other intervals as may appear, upon due inquiry, to be the best adapted for the guidance of works of sewerage and drainage, for the collection and distribution of water, and for other public and private purposes within the said borough, and shall also cause proper bench-marks to be inscribed and marked at convenient distances and places, at the corners of streets, on posts, houses, or other prominent objects within the said borough, which bench-marks the said Council are hereby authorised to inscribe.

35
Ordnance Surveys to be procured. Provided always, and be it enacted, that if any survey of the said borough shall have been made under the directions of her Majesty's Board of Ordnance, upon a scale of not less than sixty inches to the mile, it shall be lawful for one of her Majesty's principal Secretaries of State to direct a copy of such survey to be procured for the use of

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

16

the said Council, who shall cause any additions to be made thereto which shall appear to be requisite for the guidance of future improvements to be made within the said borough; and it shall be lawful for the said Council to cause every such plan to be engraved, printed, or lithographed, and coloured in such manner as may appear to them most convenient; and the cost of every such map or new survey shall be paid out of the sewer-rate hereinafter authorised to be levied.

36
Mayor, Aldermen and Burgesses to be surveyors of highways.

And be it enacted, that the said Mayor, Aldermen and Burgesses shall be, and they are hereby declared to be, the Surveyors of Highways within and throughout the said borough, and shall have, and they are hereby invested with, and by the said Council may exercise all such powers and authorities as any Surveyors of Highways in that part of the United Kingdom called England, are, or shall be, invested with by virtue of the laws now or hereafter to be in force, and shall also be subject to all the liabilities to which Surveyors of Highways are now by law subject, or may hereafter become subject.

37
Control of the streets vested in the Mayor, Aldermen and Burgesses.

And be it enacted, that the management and control over all and every of the streets within the said borough existing and being at the time when the provisions of this Act shall come into operation, or which shall thereafter be made, not being turnpike roads and the pavements and other materials, as well in the footways as carriageways of the said streets, and all erections and buildings, materials, implements, and other things provided for the purposes of the said highways by the Surveyors of the Highways, or by the said Commissioners under the hereinbefore-recited Acts respectively, or by the said Mayor, Aldermen and Burgesses, or the said Council, shall be the property of and are hereby vested in the said Mayor, Aldermen and Burgesses.

38
Power for Council to cause the streets to be paved.

And be it enacted, that it shall be lawful for the said Council, from time to time, to cause all or any of the streets within the said borough, so vested in the Mayor, Aldermen and Burgesses, as aforesaid, or any part thereof, to be formed, paved, or flagged, and the ground or soil thereof to be raised, lowered, or altered in such manner, and with such materials, as they shall think proper; and

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

17

also to pave or make, with such materials as they shall think fit, any causeways, pavements, or footways, for the use of passengers in or on the sides of any such street, or elsewhere within the said borough, and to cause such streets, causeways, and footways to be repaired from time to time as may be required: Provided always, that if, in consequence of carrying the said power and authority into execution, any alterations of any steps, doors, or entrances into any houses or buildings, or of any pavement, sewer, or drain adjoining or belonging to any property, shall be rendered necessary, such alterations shall be made by the said Council by and out of the rates to be raised by virtue of this Act.

And whereas it would conduce to the convenience and health of the inhabitants, and be for the public advantage, if provision were made for the levelling, paving, and flagging of streets which have been laid out and formed by persons who have neglected to have the same properly levelled and paved, and which have not become highways repairable by the inhabitants at large, and for preventing such inconveniences in future: Be it therefore enacted, that where any such street or part of a street, being a carriageway, is now or shall at any time hereafter be formed or laid out within the said borough, and shall not, together with the footways thereof, be sufficiently levelled, paved, or flagged, it shall be lawful for the said Council at any time, after giving such notice as is hereinafter provided, to cause any such street, and the footways thereof, to be freed from obstructions, and to be properly levelled, made, paved, or flagged, and channelled, in such way and with such materials as to them shall seem most expedient, and the whole of the costs, charges, and expenses attending the same shall be paid and reimbursed to the said Council, in the manner and at the times hereinafter provided, by the owners of the houses, buildings, and lands abutting on each such street, the proportion of such costs, charges, and expenses, to be ascertained by the surveyor appointed under this Act, for the time being: Provided always, that every such owner as aforesaid, who shall have well and substantially, and to the satisfaction of the said Council, levelled, made, paved, or flagged and channelled such proportion of the said streets, and of the footways thereof, as may be opposite to and fronting any house, building, or land belonging to

39

Streets not
Highways
may be levelled and paved.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1851.*

18

such person, shall stand discharged from making any such payment and re-imbursement as aforesaid to the said Council in regard to the pavements of any such street.

[A] 33 Part of Cost of paving un-adopted or new streets to be paid out of the Paving Rate in certain cases. That in any case where it shall appear to the Council to be desirable for the convenience of the inhabitants of the borough that any unadopted or new street should be paved in a mode more substantial and more costly than it appears to the Council reasonable to require the person laying out, forming, or paving such street to pave the same, it shall be lawful for the Council to pay the additional cost of such more substantial and more costly mode of paving, or any part of such additional cost as they shall think fit, from and out of the funds to be raised by means of the Paving Rate for the district in which such street is situate.

40 Streets to be completed with kerb stones and gutters. And be it enacted, that no such street shall be considered to have been sufficiently paved and flagged, unless the same shall be completed with kerb-stones and gutters, to the satisfaction of the Council.

41 Certain streets after being paved, &c., to be highways. And be it enacted, that when any such street or part of a street shall have been levelled, made, paved or flagged by the said Council, the same shall be certified by writing under the hands of their surveyor; and such street or part of a street shall thereupon be a public highway, and be vested in the said Mayor, Aldermen and Burgesses, and shall be repaired and repairable from time to time by the said Council, in such and the same manner as the other public streets within the said borough are or may be repaired or repairable; and every such certificate shall be transcribed in and recorded amongst the proceedings of the said Council.

42 Streets may, on the application of owners, be declared highways. An be it enacted, that if any street within the said borough being a carriageway, shall at any time be made, paved, flagged, and put into good order and condition to the satisfaction of the said Council, then on the application of the persons being the owners of the houses or buildings adjoining to or abutting upon such street, or being the owners of the greater part in extent of such houses or buildings, by writing under their hands made to the said Council, it shall be lawful for the said Mayor, Aldermen and Burgesses, by writing, with their common seal attached thereto, to declare the same to be a public highway; and after such declaration the same

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

19

shall be a public highway, and for ever afterwards vested in the said Mayor, Aldermen and Burgesses, and shall be repaired and repairable by the said Council, under the authority and powers of this Act.

And be it enacted, that every court and passage within the borough shall be well and sufficiently, to the satisfaction of the Council, flagged and channelled by owners of the houses, buildings, and lands ~~abutting thereon~~, and having the right to the use thereof: and if any such court or passage shall not be well and sufficiently flagged and channelled as aforesaid, and kept in good repair to the like satisfaction, it shall be lawful for the Council, to cause the same to be done; and the whole of the costs, charges, and expenses attending the same shall be paid and reimbursed to the said Council in the manner hereinafter provided by the owners of the houses, buildings and lands ~~abutting on such court or passage, and having the right to the use thereof~~, in such proportion as the said Surveyor shall determine.

This Section is repealed by the 8th Section of the Amendment Act, 1854, as to all new streets hereafter made.

But as to buildings hereafter erected in streets laid out prior to 12th May, 1854, the level of the street as fixed by the Borough Engineer must be kept and observed by all persons raising any house or other building in the said streets. And if the level so fixed be not kept, the expense of any change of level required by the Council shall be defrayed by the persons causing the said street to be made or laid out, and the person so offending shall moreover forfeit a sum not exceeding five pounds, and a like sum for every day during which such default shall continue.

And with regard to new streets to be laid out and made after the passing of this Act, be it enacted, That the several provisions contained in the forty-fourth section of "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," relating to the fixing of the levels of new streets, shall be, and the same are hereby repealed; and that every person who shall intend to make or lay out any new street in the borough, whether the same shall be intended to be used as a public way or not, shall given notice to the Council of such intention, by writing delivered to the Borough Engineer, or left at his office, and shall at the same time leave or cause to be left at the said office a plan of such intended new street, drawn to a scale of not less than one inch to every forty feet;

43

Courts and passages to be flagged and channelled.

(See Section 73, Liverpool Corporation Act, 1893). This Section also provides that the Council may remit if they see fit the cost of the work if the same does not exceed 20s.

44

Levels of new streets.

[A] 8

Persons intending to make new streets to give Notice and submit Plans thereof.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1851.*

20

and every such plan shall show thereon the name of the owner of the land through or over which such street shall be intended to pass, and the size, width, and direction of such intended street, and its position relatively to the streets nearest thereto; and the Council shall thereupon cause the level of such street to be fixed by the Borough Engineer, and when the level shall have been so fixed the Council shall, if required by such owner, or without being so required if the Council shall see fit so to do, with all convenient speed, and before such intended new street shall be paved or flagged, proceed to sewer the same, or otherwise effectually provide for the drainage of all houses and buildings to be erected therein; and immediately upon the construction of such sewerage or drainage the owner shall pay to the Council a sum after the rate of six shillings for every lineal yard and a proportionate sum for every fractional part of a yard, of the frontage of his land on each side of such intended street, to be recovered as hereinafter provided; and the sum so paid or recovered shall be applied by the Council to the purposes of the Sewer Rate in the district in which such house, building, or land is situate; and the level so fixed shall thereafter be kept and observed by all persons erecting any house or other building, or making any drain in such street; and any person so intending to make or lay out any such new street as aforesaid who shall neglect to deposit such plan as aforesaid, or who shall begin to erect any house or other building, or to make any drain in such street before such level shall have been so fixed as aforesaid, and every person who shall not keep the level so fixed as aforesaid, shall for every such offence forfeit and pay the sum of five pounds, and a like sum for every day during which such default shall continue; and the Council may cause any such street or drain to be altered so as to conform to the level so fixed, and may recover the costs and expenses of such alteration from the person who shall be guilty of such offence, which costs and expenses shall be recovered as any penalty under the provisions of this Act: Provided always, that in case the Council shall fail to cause such level to be fixed within the space of sixty days from the time of the delivery of such notice as aforesaid, it shall be lawful for the person giving such notice to proceed with the making and laying out of such new street or drain as if such level had been fixed under the provisions of this Act; and in every such case every change of the level which the Council shall afterwards deem requisite, and the works consequent thereon, shall be made by the Council, and the expense thereof shall be defrayed out of the Paving Rate.

Penalty on persons neglecting to deposit Plan, &c.

Power to Council to order streets to be altered at expense of person making the same.

45
Regulating width of new streets.

And be it enacted, that on and after the said day on which this Act shall come into operation, it shall not be lawful to form, lay out or build any new street, or part thereof, within the said borough, unless the same, being a carriage-road shall (measuring from the buildings or intended buildings therein, at the level of the surface of the roadway of such street), be at least thirty feet wide; and in every such street there shall be at least a clear space for the bed of the street of not less than twenty feet in width, with a sufficient footway on each side thereof of not less than five feet in width, clear of any steps or other projections, and in the like proportion for streets of greater width; and no dwelling-house shall be built in any

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

21

such street which shall exceed in height the width of such street, measuring from the front of the buildings or intended buildings on each side thereof.

That in measuring or computing the width of any street being a carriage-road for any purpose, under "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," or this Act, instead of measuring the same from the buildings or intended buildings therein, or at each side thereof, as in the said Act provided, the width of such street shall be taken and construed to mean the whole space dedicated to the public, or intended to be used for carriage and footways, exclusive of any steps or projections, other than architectural dressings authorised and lawfully constructed, and measuring at right angles to the course or direction of such street; and it shall be lawful for the Council, if they think fit, to order and direct what proportion and how much of such street, shall be laid out as carriageway, and what proportion and how much of such street shall be laid out as footway, and if the Council make no such order, the same shall be laid out as provided in "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846."

[A] 14
Mode of measuring width of streets.

And be it enacted that from and after the day on which this Act shall come into operation, it shall not be lawful to form, lay out, or build, or to permit or suffer to be formed, laid out, or built, any court, unless the same shall be of a clear width of fifteen feet, measuring from the buildings or intended buildings therein; Provided always, and be it enacted, that to any such court in which there shall be more than eight houses there shall be an additional width of one foot for every such additional house; and provided also, that there shall be an entrance to every such court of the full width thereof, and open from the ground upwards.

46
Regulating width of new courts.

And be it enacted, that from and after the commencement of this Act it shall not be lawful to build any house in any court, which house shall be of a greater height than thirty feet, nor shall any house in any court contain more than two floors or stories above the ground-floor.

47
Height of houses in courts.

And whereas provisions are made by the Act of 1846 for the laying out of courts and the construction of houses therein subsequently to the passing of that Act, but those provisions have been found insufficient for remedying the evils by this Act proposed to be removed: Therefore it shall not be lawful after the passing of this Act, to lay out any court, or to construct any house therein, unless such court be at least the width prescribed by the Act of 1846, and be open upwards at each end thereof for the full width thereof, and shall at each end thereof abut upon and open

L. S. A. A.,
1864, Sec. 83.
As to regulation for construction of future courts.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

22

Houses
erected con-
trary to Act
may be
abated.

48

Houses to be
measured
from the
ground-floor
to the eave of
the roof.

49

Penalty on
persons form-
ing new
streets, &c.,
contrary to
this Act.

into a public street, or otherwise be so laid out as that the width of every such court shall for the whole length thereof, including the entrance thereto, be not less than twenty-five feet wide; and it shall not be lawful to add to or otherwise increase the height of any house in any such court after the same has been laid out: Provided, nevertheless, that nothing in this Act contained shall affect the provisions of the Act of 1846 in reference to the increased width of courts consequent upon the number of houses to be erected therein; and any house in any court erected or altered contrary to the provisions of this Act may be dealt with as if the same were a building erected contrary in any respect to the Act of 1842.*

And be it enacted, that in estimating the height of any house for the purposes of this Act, the measurement shall be taken from the level of the ground-floor to the eave of the roof.

And be it enacted, that every person who shall form or lay out, or permit or suffer to be formed or laid out, any new street or court, or any part thereof respectively, within the said borough, or who shall build, raise, or add to any house therein, or permit or suffer the same to be done contrary in anywise to the provisions of this Act, shall forfeit and pay a sum not exceeding twenty pounds, and a further sum not exceeding twenty pounds for every day after the first during which he shall permit or suffer such new street or court, or part of a street or court, or such house, to remain so formed, laid out, built, or added to as last aforesaid: Provided always that the provisions of this Act, relating to the width of streets and to the width and construction of courts, shall not extend or apply to any existing street or court, or to any street or court which shall be proved to the satisfaction of the said Council to have been agreed to have been formed or set out in the disposition of any estate for sale in lots, and of which a sale plan shall have been so proved to have been prepared previous to the passing of this Act, nor to any street or court being a footway only which shall be made upon the site of buildings erected before the passing of this Act, and in which no buildings shall be used for the purpose of habitation except by servants in care of the same.

50

Regulation as
to width of
streets and
footways.

See Section
17, Corpora-
tion Act,
1889.

Provided always, and be it enacted, that any street being an approach to the back of any house in any other street, and in which back street there shall not be the principal or only entrance to any dwelling-house, may be of a width not less than ~~nine~~ feet if a

*5 Vic., Sess. 1842, Cap. 44, "The Building Act, 1842."

*nine
feet*

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

23

carriageway, and not less than three feet if a footway; provided, that it shall not be lawful to erect or build or suffer to be inhabited any house having the principal or only entrance in any such back street, whether the same shall be a carriageway or not; and provided also, that if any such last-mentioned back street being a footway only, shall exceed the length of one hundred yards without being intersected by a street being a carriageway of thirty feet in width, such back street shall not be less than four feet in width in every part thereof.

51

And be it enacted, that it shall be lawful for the said Council from time to time to place any fences, rails, and posts on the sides of any footways or carriageways within the said borough, for the purposes of safety, and to prevent any carriage or animals going on the same, and also to place any posts in any carriageways, so as to make the crossings thereof less dangerous for foot passengers, and also from time to time to repair and renew any such fences, rails, or posts, or to remove the same, or any other obstruction or encroachment on any carriageway or footway within the said borough.

Council may
cause fences
to be placed
to footways.

And whereas by the Act (local and personal) fifth and sixth Victoria, chapter one hundred and six, section ninety-nine, it is provided, that, if the Council of the Corporation shall consider any porch, shed, projecting window, step, cellar, cellar door or window, sign, sign-post, sign-iron, show-board, window-shutter, wall, gate, or fence, or any other obstruction or projection to be placed against or in front of any house or building to be an annoyance in consequence of the same projecting into, endangering, or rendering less commodious the passage along any street within the borough, it shall be lawful for them to give notice in writing to the owner or occupier of such house or building, to remove such obstruction or projection, or to alter the same in such manner as the Council shall think fit; and such owner or occupier shall, within twenty-one days after the service of such notice upon him, remove such obstruction or projection, or alter the same in such manner as shall have been directed by the Council; and whereas it is expedient that further provision be made in relation thereto. Therefore, if any such owner or occupier as aforesaid shall fail for twenty-one days after the service of such notice upon him to remove any such obstruction or projection, or to alter the same in such manner as the Council in such notice shall have directed, he shall forfeit and pay a sum not exceeding five pounds for every such offence, and a further sum not exceeding forty shillings for every day after the expiration of the twenty-one days during which he shall fail to comply with the directions of the Council: Provided, That this enactment shall be in addition to and not in repeal of the powers by the said Act conferred upon the Council or upon the Corporation.

I. I. A., 1864
Sec. 26.
Penalty for
not removing
porches and
other projec-
tions.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

24

52

Penalty on persons altering pavement without the consent of the Council.

And be it enacted, that if any person shall displace, take up, or make any alteration in the pavements, flags, or other materials of any foot or carriageways in any street within the said borough, without the consent in writing of the said Council, or shall cause any obstruction to any street, every such person so offending shall for every such offence forfeit a sum not exceeding five pounds; provided that nothing in this Act contained shall be taken to curtail or prejudice the privileges and authorities of any public company, or other body or person, authorised by law to take up the pavements, flags, or other materials of any street, or to deposit any materials therein for building or other purposes.

53

Penalty on carters injuring pavements by unloading carts thereon.

And be it enacted, that if any carter or other person having the charge of any cart or other like carriage shall break, damage, or injure the pavement, flagging, or kerb-stones of any footway within the borough, by driving over the same, or by discharging the contents of any cart or like carriage thereon, he shall forfeit a sum not exceeding fifty shillings for every such offence, over and above the amount of damage done to such flagging, pavement, or kerb-stone, the amount of which damage may be included in any conviction for any such offence, or may be recovered before Justices as penalties are by this Act directed to be recovered.

[A] 26

Carriage crossings to be made across footwalks or streets where access to premises abutting on street is to be made across such footwalk

That every owner or occupier of land or premises which shall abut upon any street within the borough, and who shall, with the permission of the Council, make an opening or means of access for horses, cattle, or vehicles from or between such land or premises and the street, shall, prior to using or permitting the use of the same opening or means of access, lay down, construct, and complete, or cause to be laid down, constructed and completed, a carriage-crossing over the footwalk or side path of the street, of materials and in manner and form to the satisfaction of the Council; and any owner or occupier making default herein, or making such opening or means of access without the consent of the Council first obtained, and every person using such opening or means of access for horses, cattle, or vehicles before such crossing shall have been constructed and completed to such satisfaction as aforesaid, shall, for every such offence, forfeit and pay a sum not exceeding five pounds.

[A] 27

Penalty on persons driving across footwalks.

That any person who shall drive or cause to be driven any cart, waggon, carriage, or other vehicle across, over, along, or upon any footway or side path, whether flagged or not, except over the part thereof on which a carriage-crossing has then been constructed and completed, with the consent and to the satisfaction of the Council as hereinbefore provided, or who shall thereby or otherwise break, damage,

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

25

or injure the materials of which any footway or side path may be formed, shall for every such offence forfeit and pay a sum not exceeding five pounds, in addition to the amount of damage, if any, thereby occasioned, such amount to be recovered in like manner as penalties under this Act may be recovered.

[A] 28

That it shall not be lawful to drive through or along any street in the borough any carriage, cart, wagon, lorry, float, or other vehicle which shall, in the widest part thereof, including the wheels thereof, measure more than seven feet six inches in breadth; and any person who shall drive, lead, or conduct any carriage, cart, wagon, lorry, float, or other vehicle which shall exceed such width, and the owner of any such carriage, cart, wagon, lorry, float, or other vehicle who shall permit the same to be driven in or along any street in any part of the said borough, shall forfeit and pay a sum not exceeding five pounds for every day on which such offence shall be permitted: Provided, that until the first day of June one thousand eight hundred and fifty-nine no such penalty shall be imposed, or shall accrue or become payable in respect of any carriage, cart, wagon, lorry, float, or other vehicle which has been duly registered at the office of the Town Clerk before the passing of this Act under any law now in force; Provided also, that it shall be lawful for the Mayor, by any written order, to grant permission for the use of any carriage, cart, wagon, lorry, float, or other vehicle exceeding the dimensions hereinbefore prescribed, for the conveyance of boilers or other machinery, or for or upon any special or extraordinary purpose or occasion.*

Carts, &c., not to be driven in the borough exceeding seven feet six inches in breadth.

Penalty. Exception in respect of vehicles registered before passing of this Act.

Vehicles may be allowed of greater width in certain cases.

54

And be it enacted, that if any company or persons authorised to take up any of the pavement, flagging, kerb-stones, or other materials of the said streets, for the purpose of laying, altering, or repairing any gas or water-pipes, or other lawful cause, shall not, with due diligence, cause the ground and rubbish to be filled in, and the pavement or flagging and kerb-stones to be reinstated, and the surface to be made good in a proper and substantial manner, and shall not in the meantime fence and guard and affix and maintain lights during the night near to the places where any ground shall be open, so as to prevent any accidents, every such company or person so offending shall, for every such offence, forfeit a sum not exceeding five pounds; and it shall be lawful for the said Council to cause such ground to be filled in and such rubbish to be removed, and to repair and make good the pavement, flagging, or kerb-stone of any such street so broken up, and properly to fence or guard any such excavation, and to place and maintain lights during the night to prevent accidents, as to them shall seem necessary; and the

Persons disturbing pavements to reinstate them and guard them with lights to prevent accidents.

*By a Provisional Order dated 19th June, 1876, confirmed by the 39th and 40th Vic. Cap. 201, the Local Government Board excluded from the operation of this section any van or carriage specially constructed for the conveyance of prisoners.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

26

reasonable costs and charges thereof shall be paid by the said company or persons respectively to such persons as shall from time to time be appointed by the said Council to receive the same, and in default of payment thereof the amount thereof shall be recovered from such companies or persons respectively as any penalty is recoverable under this Act: provided always, that such pavement, flagging, kerb-stone, or materials shall not be considered to have been reinstated in a proper and substantial manner by such company or any other person having authority to take up the same, unless the same shall have been reinstated with the same or similar materials, of the like quality and thickness, and cemented and bound together in the same or in an equally substantial manner as those of which it was previously composed, and in such manner as to maintain the general level of such street.

55
Streets, &c.,
broken up to
be reinstated
without delay

And be it enacted, that when the pavement or soil of any street, or any sewer or drain, shall be opened or broken up by the said Council, or by any other person, they shall, with all convenient speed, complete the work on account of which the same shall have been broken up, and fill in the ground and make good, in the manner hereinbefore described, the pavement or soil and the sewer or drain so opened or broken up, and carry away the rubbish occasioned thereby, and shall in the meantime cause the place where such pavement or soil shall be so opened or broken up, to be fenced and guarded, and to set up and maintain upon or against the part of the said pavement or soil so broken up or opened, a sufficient light during every night whilst such pavement or soil shall be continued open or broken up.

56
Penalty for
obstructing
construction
of works.

And for preventing any obstruction to the execution of the works hereby authorised, be it enacted, that if any person wilfully obstruct any person acting under the authority of the said Council in setting out the line of the works, or pull up or remove any poles or stakes driven into the ground for the purpose of setting out the line of such works, or deface or destroy any marks made for the same purpose, he shall forfeit any sum not exceeding ten pounds for every such offence.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

27

And be it enacted that it shall be lawful for the said Council to contract and agree, for any term of years or otherwise, with the several companies or persons respectively authorised to take up any of the pavements, flagging, or other formed surface of any of the streets within the said borough, for the filling in, paving, flagging, and restoring of such parts of the said streets as shall be from time to time required to be taken up for the purpose of laying, altering, or repairing any pipes, or other like purpose.

57

Power for
Council to
contract with
companies for
restoring
pavements.

And be it enacted, that the said Mayor, Aldermen and Burgesses shall be liable to be indicted at common law for the want of sufficient repair of any public highway within the said borough, in the same manner as any person or persons liable to the repair of such highways was or were before the passing of this Act.

58

Mayor, Alder-
men and Bur-
gesses liable
to indictment
for want of
repairs.

And be it enacted, that every person who shall be assessed to the Paving Rate made under this Act for any lands or tenements within the said borough, shall, in respect of such lands or tenements, be released from all rates and assessments for the repair of any highways, and shall be exempt from liability to the repairs of highways.

59

Persons rated
under this Act
to be free
from highway
rates.

And be it enacted, that it shall not be lawful for the Trustees of any turnpike road to collect any toll or to expend any money arising from toll, in the repair of any streets or roads within the limits of this Act.

60

No toll to be
collected on
streets within
the limits of
this Act.

And whereas it is expedient to make provision for the effectual sewerage and drainage of the whole of the said borough: Be it enacted, that the said Surveyor and other officers of the Mayor, Aldermen and Burgesses, or of the said Council, shall make a careful inspection of the sewerage works in the said borough, and shall thereupon furnish the said Council with an estimate of the probable expenses necessary to be incurred for the purpose of effectually sewerage and draining the said borough, and the Council shall, and they are hereby required, with all convenient despatch, to avail themselves of the powers and authorities by this Act conferred upon them for such purposes, and to cause the borough to

61

Borough to
be effectually
sewered
under the
control of the
Council and
their Sur-
veyors.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

28

be well and effectually sewered and drained in the manner hereinafter provided.

62

Sewers and other works vested in the Mayor, Aldermen and Burgesses.

And for carrying into effect the purposes aforesaid: Be it enacted, that on and after the day on which this Act shall come into operation, all sewers, together with all buildings and other works, materials and things therewith connected, existing within the said borough, or which shall thereafter at any time be constructed and made therein, whether constructed at the cost of the said Mayor, Aldermen and Burgesses, or otherwise, shall be vested in the said Mayor, Aldermen and Burgesses, and shall be under the sole and entire management and control of the said Council, subject to the provisions of this Act.

63

Council to cause sewers to be made where none exist.

And be it enacted, that the said Council shall cause to be constructed and made such and so many main and other sewers as shall be necessary and proper for the effectual draining of the whole of the said borough, together with all such reservoirs, engines, sluices, pen-stocks, and other works as shall be required for properly flushing and cleansing out such sewers, in, under, or across all or any of the streets, whether dedicated to the use of the public or not, turnpike roads and other places within the said borough, and, if needful, through and across all underground cellars and vaults which they may find under any of the said streets, ways, thoroughfares, turnpike roads and other places, doing as little damage as may be, and making full compensation for any damage done, the amount of such compensation to be determined by any two Justices in manner hereinafter provided; and also shall cause such and so many rings or openings to be made or left in the sides of the said sewers, as will be sufficient to enable the owners or occupiers of any houses built or to be built adjoining or near to any such sewers, to make or branch any drain from such house into the said sewers, as the said Council shall think necessary and expedient for that purpose; and in case it shall be found necessary for completing any of the aforesaid works, to build, carry, and continue the same into and through any inclosed lands or other place, not being a public way, it shall be lawful for the said Council to build, carry, and continue the same

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

29

into or through the said lands or other place accordingly, making full compensation to the owners and occupiers thereof, the amount of such compensation to be determined by any two Justices in manner hereinafter provided; and also to cause such sewers to communicate with and empty themselves into any public river, stream, watercourse, or tidal basin, or to cause the refuse from such sewers to be conveyed by an appropriate channel to the most convenient site for its collection and sale, and its application as manure for agricultural purposes, as may be deemed most expedient, but so that the same shall in no case become a public nuisance or annoyance to the neighbourhood; and all such sewers and other works and premises shall belong to the said Mayor, Aldermen and Burgesses, and be at all times under the control, care, and management of the said Council and their Surveyors and officers respectively: Provided always, that if any such work should at any time be constructed or made in, or such sewers or drains should be carried through or under, or opened or discharged into any quay, pier, wall, basin, or other lands, tenements, or hereditaments whatever, belonging to or under the control or management of the Trustees of the Liverpool Docks, then and in such case the said several works, so far as the same affect the said premises of the said Trustees, shall be constructed under the superintendence and to the satisfaction of the Engineer for the time being of the said Trustees.

64

Council may alter sewers.

And be it enacted, that the said Council shall have authority from time to time, as they shall see fit, to widen, deepen, embank, alter, arch over, amend, clean, and scour out all or any of the sewers within the said borough, and also to cleanse, drain off into any sewers, and otherwise abate all stagnant ponds, ditches, and other receptacles of foul water and filth existing within the said borough; and further, in cases in which any of the existing or future sewers vested in the said Mayor, Aldermen and Burgesses shall, from any cause whatever, appear to the said Council to have become useless or unnecessary, it shall be lawful for the said Council, if they shall think fit to do so, to take up, stop or fill in, and discontinue such old sewer, in such manner that the same shall not be or become a nuisance or annoyance to the neighbourhood.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

30

[A] 6
Borough to be distinguished into "The Out-Townships," and "The Parish of Liverpool." That for the purposes of this Act the words "The-Out Townships" shall mean all such parts of the borough as are situate in the townships of Everton, Kirkdale, and West Derby, or in the extra-parochial place of Toxteth Park; and the words "The Parish of Liverpool" shall mean all other parts of such borough which were comprised within the limits of the same as it existed previously to the passing of the Act second William the fourth, chapter forty-five, and the Act second and third William the Fourth, chapter sixty-four.

[A] 9
Owners of houses erected on vacant ground in the parish to contribute to Sewerage Rates. And with regard to houses and buildings to be erected after the passing of this Act on any land situate in any adopted street in the Parish of Liverpool, and which land has not previously to the passing of this Act paid any Sewerage Rates, be it enacted, that when and so soon as any such house or building shall drain into or communicate with any sewer vested in the Mayor, Aldermen and Burgesses, the owner of such house or building shall pay to the Council a sum after the rate of six shillings for every lineal yard, and a proportionate sum for every fractional part of a yard, of the frontage of such house or building towards the principal street in which the same shall be situate, such sum to be recoverable by the Council from such owner, as hereinafter provided, and the sum so paid or recovered shall be applied by the Council to the purposes of the Sewer Rate for the said parish.

[A] 10
As to sewerage of unadopted streets. And with regard to the drainage of any unadopted street in the Parish of Liverpool, or of any house, building, or land situate in any such street, or of any street whether adopted or unadopted in any of the out-townships, or of any house, building, or land situate in any such last-mentioned street, be it enacted, that if the Council shall, in pursuance of the powers vested in them in that behalf, by underground sewerage, effectually provide or have effectually provided for the sewerage or drainage of any such street, and of any house or building erected or to be erected therein, and whether the course of such sewerage or drainage shall be under or along such street or otherwise, every owner of any house, building, or land, which shall drain into and communicate with the sewers made or provided by the Council for the purposes aforesaid, shall pay to the Council a sum after the rate of six shillings for every lineal yard, and a proportionate sum for every fractional part of a yard, of the frontage of such house, building, or land towards the principal street in which such house, building, or land shall be situate, such sum to be payable so soon as the owner of any such house, building, or land shall avail himself of the sewerage or drainage so provided, by causing or being required under the provisions of "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," to cause the same premises to drain into and communicate by underground communication with the sewers made and provided by the Council as aforesaid, provided the same shall be sufficient in depth and capacity for the effectual sewerage or drainage of all houses or buildings erected and to be erected upon such land, and the amount so payable shall be recoverable by the Council from such owner as hereinafter provided, and the sum so paid or recovered shall be applied by the Council for the purpose of the sewer rate in the district in which such house, building, or land is situate.*

*As to the recovery of monies payable in respect of Sewerage or Drainage see L. I. W. A., 1871, sec. 106.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

31

[A] 7
And whereas the Council were, by "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," required and empowered to make such and so many main and other sewers as should be necessary and proper for the effectual draining of the whole of the borough, and it is expedient to make further provision in that behalf: Be it enacted, That if it shall be certified by the Medical Officer of Health that any street in the borough is by reason of the want of sewerage in a state and condition prejudicial to health, the Council shall forthwith cause a sewer to be constructed sufficient for the drainage of such street, or otherwise immediately provide for the efficient drainage thereof, and of any houses or buildings erected or to be erected therein.

[A] 23
That the Mayor, Aldermen, and Burgesses may contract with any person for, and purchase and hold any lands, tenements, or hereditaments, or any easement or privilege in, through, over, or upon the same, and whether within or beyond the limits and boundary of the borough, as the Council shall think fit, for the purpose of more conveniently constructing any sewer or drain, or of conveying away, depositing, or otherwise disposing of the refuse of the borough, or otherwise carrying into effect the powers and authorities of "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," and this Act, and all persons by the "Lands Clauses Consolidation Act, 1845," authorised to sell and convey lands, shall have full power and authority to sell and convey lands, tenements, hereditaments, or easements, or privileges in or over the same, for the purposes aforesaid; and the costs, charges, and expenses thereby incurred shall be apportioned by the Council equitably upon the several Sewer Rates or other rates applicable thereto of the parts of the said borough benefited thereby.

65
Provided always, and be it enacted, that no person shall, by means of any alteration, amendment, enlargement, or discontinuance of any sewer, or other proceedings of the said Council under this Act, be deprived of the use or enjoyment of any private sewer or drain which such person shall theretofore have been lawfully entitled to use, but the said Council shall, and they are hereby required so to construct or alter any such private sewer or drain as to render the same as effectual for the purpose for which it was intended, as any such drain or sewer might be at the time of such alteration, or to provide, for the use of such person, such other sewer or drain as shall be equally effectual for such purpose; and in case the said Council shall refuse or neglect so to construct and alter any such private drain or sewer, the use of which may be affected by the acts of the said Council, or to provide such other sewer or drain as aforesaid for the space of twenty-eight days next after notice in writing served upon them, the said Mayor, Aldermen and Burgesses shall forfeit and pay to the party aggrieved any sum not exceeding forty

If existing private drains are interfered with the Council shall construct others.

Penalty on refusal to construct.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

32

shillings for every day during which the said Council shall refuse or neglect so to construct and alter or to provide such other drain or sewer as aforesaid.

66

Power to
purchase pri-
vate sewers
by agreement

And be it enacted, that it shall be lawful for the said Mayor, Aldermen and Burgesses to purchase any sewers or drains under or adjoining to the streets of the said borough, which may be the property of or vested in any person whatsoever, and for that purpose the said Council may contract and agree with any such person for such purchase, and the price to be agreed upon between the said Council and such person shall be paid out of the monies to be raised by this Act for the purposes of sewerage.

67

Reservation
of right to
use sewers.

And whereas the owners of houses or buildings at the sides of or near any of the said sewers which may at any time be purchased by the said Mayor, Aldermen and Burgesses may, before such purchase, have purchased of and from the constructors or owners of such sewers, or otherwise lawfully acquired the perpetual right to use the same, as appurtenant to such respective houses or buildings; be it enacted, that the owner and occupier for the time being of every house or building in respect whereof or as appurtenant whereto such right shall have been purchased or otherwise lawfully acquired, shall and may at all times hereafter use and enjoy such respective sewers, or such other sewers as shall be made and substituted in the place thereof, in common with all other persons having for the time being the right to use the same, and as appurtenant to such respective house or building without interruption by the said Council.

68

Sewers under
canal and
railway to be
constructed
to the satis-
faction of the
engineers of
certain com-
panies.

Provided also, and be it enacted, that in the carrying, making, and constructing of any sewers or drains under the canal leading from Leeds to Liverpool, in the said borough of Liverpool, or across and over or under any tunnel, lands, stations, or works in the said borough belonging to the Grand Junction or other Railway Company, such sewer or drains shall be carried, made, and constructed under the said canal, and the banks thereof, and across and over or under such tunnel, lands, stations, and works, in such manner and according to such directions as the engineers to such company respectively shall judge fit and proper.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

33

Provided always, and be it further enacted, that the said sewers or drains so authorised to be made and constructed across and over or under any tunnel of such railway company as aforesaid shall, from time to time, and at all times thereafter be supported, maintained and kept in good and perfect repair and condition by the said Council, and in case of any want of repair to the same, or any of them, if the said Council shall not, on receiving twenty-four hours notice in writing from or on behalf of such company, repair and make good the said sewers or drains, it shall be lawful for such company, their agents, servants or workmen, and they are hereby authorised and empowered at the expiration of the said notice, to repair and make good the said sewers or drains so to be made or constructed across, and over or under such tunnel, and all the expenses thereof shall be repaid to the company by the Council out of the monies to be raised by virtue of this Act, on demand, and in default of such payment any two or more Justices shall and they are hereby required on application of the company, by warrant under their hands and seals, to cause the amount of such expenses to be levied by distress, in manner hereinafter mentioned, and to be paid to the said company, rendering the overplus, if any upon demand, after deducting the reasonable charges of making such distress and sale to the said Council, or otherwise the said company shall and may sue for and recover the same against the said Mayor, Aldermen and Burgesses, by action of debt, or on the case in any of the Superior Courts.

69

On default of
Council to re-
pair sewers,
&c., Company
may repair
and recover
expenses of
Council.

70

Provided always, and be it enacted, that the said Council shall not, in or by the execution of any of the powers hereby granted, occasion any injury to such tunnel, or any obstruction or impediment to the traffic along or upon the same, or hinder or prevent the full and free use and enjoyment thereof, save only so far as shall be unavoidable in carrying the same powers into execution.

Tunnel
not to be
unnecessarily
obstructed.

71

And be it enacted, that the trustees of the Liverpool Docks shall, and they are hereby required from time to time to make or cause to be made and kept in repair such and so many sewers and drains in and under such part or parts of the docks, basins or quays of the

Trustees of
Liverpool
Docks to con-
struct and
keep in repair
sewers, &c.,
under docks.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

34

trustees, as the said trustees shall think proper, so as effectually to drain and carry off the water into the said docks and basins, or into the river Mersey, from the sewers or drains made by or to be vested in the said Council; and the said Council shall, subject to the provisions of this Act, from time to time have liberty to carry and construct any sewer or drain made by them under or by virtue of this Act, or under the said recited Acts, or any of them, into any sewer or drain now made or hereafter to be made by the said trustees, in and under the said quays, docks or basins.

72

Sewers under the said docks not to be altered by Trustees, &c., and if any questions arise as to sufficiency of sewers, the same to be decided by arbitration.

Provided always, and be it enacted, that nothing in this Act contained shall be construed to require the said Trustees of the Liverpool Docks to enlarge or alter any of the sewers or drains already made and now existing in and under the quays of the said docks or basins, and that if any questions shall at any time hereafter arise between the said Council and the said Trustees relative to the capacity or sufficiency of any of the sewers or drains hereafter to be made by the said Trustees as aforesaid, to receive the water from the sewers or drains to be constructed by the said Council, so as effectually to drain and carry off such water into the said docks or basins or river, then and in such case it shall and may be lawful for the said Council and Trustees, and they are hereby required to nominate and appoint an indifferent person on each side, by authority to such two persons so nominated and appointed to choose the third, and the award and determination of the three, or any two of them, under their hands relative to the matter in question, shall be final and conclusive upon the parties, and shall be acted upon and conformed to accordingly; and upon the completion of the sewers and drains by the said Trustees, in compliance with the said award and determination, all further liability of the said Trustees in respect of the said sewers or drains which shall have been the subject of the said award and determination shall cease and determine except as to the repairs thereof.

73

Power to make a branch into the sewer in Sefton Street

And be it enacted, that it shall be lawful for the Council to make a branch and communicate any main sewer or drain authorised to be made by virtue of this Act with the sewer already made by the Trustees of the Liverpool Docks through Sefton Street, within the

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

35

said extra-parochial place of Toxteth Park, so as effectually to drain and carry off the water into the docks or basins of the said Trustees, or into the River Mersey, from the sewers made or to be made by the said Council; and that the said Trustees of the Liverpool Docks shall keep the said sewer through Sefton Street aforesaid in sufficient repair: Provided, that nothing in this Act contained shall be construed to vest the said sewer or the property thereof in the Council.

Sewer to be kept in repair.

74

Provided always, and be it enacted, that in case the said sewer through Sefton Street shall at any time after the passing of this Act be discontinued, or become unfit for the purposes aforesaid, the said Trustees of the Liverpool Docks shall, and they are hereby required, from time to time to make or cause to be made and kept in repair such and so many sewers and drains in and under such part or parts of the quays of the said several docks or basins as the said Trustees shall think proper, so as effectually to drain and carry off the water into the said docks or basins, or into the River Mersey, from such of the mains, sewers or drains of the Council as shall communicate with the present sewer through Sefton Street aforesaid; and the Council shall have liberty to carry and construct any sewer or drain made by them under and by virtue of this Act into the said sewer through Sefton Street, or into any sewer or drain hereafter to be made by the said Trustees, as the case may be.

If sewer in Sefton Street discontinued, sewer to be made in Dock quays.

75

And be it enacted, that the acts, matters, and things by this Act directed to be done by the Trustees of the Liverpool Docks shall be carried into execution in such and the same manner, and the provisions in this Act contained relating thereto shall receive such and the same construction, as if such acts, matters, and things had been directed to be done by them under or by virtue of the subsisting Acts relating to the Liverpool Docks, and as if such provisions had been contained therein.

As to works to be done under this Act by Liverpool Dock Trustees.

76

Provided always, and be it enacted, that no sewers or works authorised by this Act shall be constructed, made, or carried under, or be opened or discharged into, or otherwise interfere with any dock now belonging to the devisees in trust of the Most Noble

No sewer or dock to interfere with any dock belonging to the Trustees of the late Duke of Bridge-water.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

36

Francis Duke of Bridgewater, deceased, or to the Right Honourable Francis Egerton, commonly called Lord Francis Egerton; and no such sewers or works shall be constructed, made or carried in, upon, through, over or under any quay, pier, wall or other lands, now belonging to the said devisees in trust and Lord Francis Egerton respectively, except under the superintendence and to the reasonable satisfaction of the engineer for the time being of the said devisees in trust, or Lord Francis Egerton, his heirs or assigns, as the case may be.

77 *Saving rights of the Trustees of the late Duke of Bridgewater.* And be it enacted, that, except as by this Act is expressly declared, nothing herein contained shall prejudice, take away, diminish or affect the rights, powers, privileges, or authorities, now vested in or enjoyed by the said devisees in trust and Lord Francis Egerton respectively.

78 *As to sewers made in turnpike roads.* And be it enacted, that wherever any sewer or surface-drain shall be constructed by the Trustees of any turnpike road for the purpose of draining and carrying off the surface-water of any such road, it shall be lawful for the said Trustees to cause such drain or sewer, and the said Council shall allow the same to communicate with and empty itself into any convenient sewer near thereto, vested in the said Mayor, Aldermen and Burgesses: Provided always, that every such communication shall be made under the direction and to the satisfaction of the said Surveyor; and if any sewer shall be constructed by the said Council in any turnpike road, in such a manner that the same shall be used for carrying off the surface-water, or for otherwise draining such road, then the said Trustees shall contribute such a fair proportion towards the expense of such sewer as shall be adequate to the amount of the benefit derived therefrom, and in case of any dispute as to the amount of such proportion, the same shall be settled by two Justices.

79 *Sewers may be used by owners and occupiers of land beyond the limits of the borough.* And be it enacted, that it shall be lawful for any person, being the owner or occupier of any property situate beyond the limits of the said borough, and in respect of which such owner or occupier would not be liable to the payment of the rates authorised to be levied under this Act, upon payment to the said Council for the use

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

37

of the said sewers of such a reasonable sum of money as shall be agreed upon between such person and the said Council, or in case they cannot agree, such sum to be fixed by any two Justices in manner hereinafter provided, at his own expense to branch into and to cause to communicate with any of the sewers vested in the said Mayor, Aldermen and Burgesses, any sewer or drain which in respect of the said property may be lawfully made therefrom, of such a size and in such manner and form of communication in all respects as the said Council shall direct or appoint: Provided always, that nothing in this Act contained shall affect any right heretofore acquired by the owners or occupiers of any such property to communicate with or use any of the sewers or drains vested in the said Mayor, Aldermen and Burgesses under the provisions of this Act.

Council to give notice of works in certain cases.—This section is repealed by section 5 of the Amendment Act, 1854.

Appeals.—This section is repealed by section 5 of the Amendment Act, 1854.

That the several sections of "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," numbered eighty and eighty-one respectively, shall be and the same are hereby repealed; and in lieu thereof, be it enacted, That before commencing to pave any unadopted street, or make any sewer in any adopted street, where no common sewer previously existed, and before abandoning any old sewer, the Council shall give notice of their intention to execute such work, by affixing and continuing for fourteen consecutive days a notice in a conspicuous place in the public office provided under "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," and at the ends of each and every street through or in which such work is intended to be undertaken, which notice shall set forth in general terms the nature of the work intended to be executed, and the name of the street where the same is intended to be carried on, and shall refer to a plan of the intended work, which shall be made under the direction of the borough engineer; and in case of the construction of any such new sewer, to a section showing the depth of such sewer below the surface of the ground, and on a scale not less for the plan than one inch to sixty-six feet, and for the section of the sewer not less than one inch to two feet, and such plan and section shall be deposited in the office of the engineer, and be open at all reasonable hours during such fourteen days for the inspection of all persons interested; and such notice shall also set forth the time and place appointed for holding a meeting of the Health Committee to consider any objections made against such intended work; and all persons who shall deem themselves interested therein or likely to be aggrieved thereby shall be entitled to be heard before the Health Committee at such meeting, and thereupon the Health Committee may abandon or make such alterations in the said intended work as they shall judge fit.

80

81

[A] 5
Sections 80
and 81 of 9
and 10 Vict.
c. cxxvii.
repealed.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1851.*

38

82

House-drains to be made into sewers at request of Council.

And whereas numerous houses and buildings have from time to time been erected and built in the said borough, without having proper drains communicating therefrom with any sewer, which proceedings are highly prejudicial to the public good; Be it enacted, That in all cases where any house or building, situate within the said borough, shall at any time be found not to be drained by a sufficient drain or pipe communicating with some sewer, and emptying itself into the same, to the satisfaction of the said Council, and if a sewer of sufficient size, under the jurisdiction of the said Council, shall pass along any street, and within thirty feet of any part of such house or building on a lower level than such house or building, it shall be lawful for the said Council, if they shall think fit, by notice in writing, to require the owner of such house or building forthwith, or within such reasonable time as shall be appointed by the said Council, to construct and make from such house or building, into the nearest common sewer, a covered drain or pipe, of such materials, of such size, at such level, and with such fall as shall be adequate for the drainage of such house or building, and also, if practicable, of its areas, water-closets, privies, and offices, if any, and to carry and convey the soil, drain, and wash therefrom into the said sewer; and if the owner of such house or building shall refuse or neglect, during twenty-eight days next after the said notice shall have been delivered to such owner, or left at such house or building, to begin to construct such drain, or shall thereafter fail to carry it on and complete it with all reasonable despatch, it shall be lawful for the said Council, and they are hereby required to cause the same to be constructed and made, and to recover the expenses to be incurred thereby in the manner hereinafter provided.

If owners neglect, Council to perform the work and recover the expense.

[A] 11
When house drainage effected, the Council may require cess-pools to be closed.

That so soon as under "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," or this Act, provision shall be made for the drainage of any house within the borough, and such house shall be drained thereby, it shall be lawful for the Council, if they think fit, to require the owner thereof, by notice under the hand of the Town Clerk or Borough Engineer, to cause any cesspool theretofore used as a receptacle for the whole or any part of the drainage of such house to be filled up, and any drain communicating therewith to be effectually destroyed; and in case such owner shall refuse or neglect to fill up every such cesspool, or to destroy any drain communicating therewith, within the time specified in such notice, such owner shall, for every such refusal or neglect, forfeit and pay a sum not exceeding five pounds, and a further sum not exceeding five pounds for every day during which such neglect shall continue; and it shall be

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1851.*

39

lawful for the Council to cause such cesspool to be filled up, and every such drain to be destroyed, and to recover the costs and expenses of any such work from such owner.

83

And be it enacted, that it shall not be lawful to erect, build or rebuild any house or other building within the said borough, unless a drain be constructed, if required by the said Council, to the satisfaction of the said Council, of such materials, of such size, at such level, and with such fall as they shall direct, so that the same shall be available for the drainage of the lowest floor of such building, and also of its areas, water-closets, privies, and offices, if any, which drain shall lead from the intended site of such house to such sewer already made or intended to be constructed near thereto, as the said Council shall direct and appoint, or if there be no such sewer existing, or intended to be constructed, within thirty feet of any part of the intended site of such house, then to such covered cesspool or other place, not being under any dwelling-house, as the said Council shall direct.

No house to be erected, &c., without drains.

84

And be it enacted, that before beginning to lay or dig out the foundations of any new house within the said borough, or to rebuild any house therein, and also before making any drain for the purpose of draining water directly or indirectly from any land or tenement into any sewer under the jurisdiction of the said Council, fourteen clear days' notice in writing shall be given to the said Council by the person intending to build or rebuild such house, or to make such drain, by writing, delivered to or left at the office of the said Surveyor, ~~and every such person shall, at the time of delivering such notice, leave or cause to be left at the office of such Surveyor, a plan drawn to a scale of not less than one inch for every six feet of the intended work, and every such plan shall show the intended situation of the privy and of the ash-pit (if any) of such house; and the course of such drain~~ and every such foundation shall be laid at such level as is provided by this Act, and under such regulations as the said Council shall order; and every such branch drain shall be made in such direction, manner and form, and of such materials and workmanship as the said Council shall order; and the making of every such drain shall be under the survey and control of the said

Notice of buildings to be given to the Council.

Repealed by Section 22 of Corporation Act, 1889.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

40

Council; and in default of such notice, or if such building or drain shall be begun or made without or in any respect contrary to any order of the said Council, or the provisions of this Act, it shall be lawful for the said Council to cause such building to be demolished, and to cause such drain to be re-laid, amended, or re-made, as the case may require, and to cause the expenses thereof to be levied and repaid to them by the owner thereof, in the manner hereinafter provided.

[A] 17

Penalty on building houses contrary to provisions of 9 and 10 Vict. c. cxxvii.

Whereas certain provisions were made in and by "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," for the better regulation of habitations in the said borough, which said several provisions are comprised in the several sections of the said Act, marked and numbered eighty-four, one hundred and twenty, and one hundred and twenty-one respectively, but no penalty is provided by the said Act for the punishment of persons offending against the said provisions: Any person who shall build or cause to be built any house in the borough in any way contrary to the said provisions shall for every such offence forfeit and pay a sum not exceeding five pounds, and a further sum not exceeding forty shillings for each and every day during which such house shall continue or remain contrary to the said provisions.

85

Houses rebuilt to be on proper level.

And be it enacted, that whenever any house shall be rebuilt within the said borough, the level of the lowest floor of such house shall be raised sufficiently to allow of the construction of such a drain as is hereinbefore provided in the case of houses to be built after the passing of this Act, and for that purpose the levels shall be taken and determined under the direction of the said Council; and whenever any house shall be taken down as low as the floor of the first story for the purpose of being built up again, such building shall be deemed a rebuilding within the meaning of this Act: Provided always, that the level of the ground-floor of every house which shall be built or rebuilt in the said borough, shall in no case be less than six inches above the level of the footway or road adjoining such house, whether there shall be a cellar to such house or not.

86

Private drains may be branched into sewers constructed by Council under certain regulations.

And be it enacted, that it shall be lawful for any person, at his own expense, to make or branch any drain into any of the sewers vested in the said Mayor, Aldermen and Burgesses, or authorised to be made by virtue of this Act, or otherwise acquired by them, of such size and in such manner and form of communication in all

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

41

respects as the said Council shall direct or appoint; and for that purpose to take up and remove so much of the pavement and other materials of any street as may be required, unless the said Council shall consent and agree, which they are hereby authorised to do, to form so much and such portion of such drain as shall lead from the point of communication in such sewer to the extremity of such street; and in case any person shall make or branch any drain into any of the said sewers so vested in the said Mayor, Aldermen and Burgesses, or authorised to be made under and by virtue of this Act, of a larger size or in a different manner and form of communication than shall be directed or appointed by the said Council, every person so offending shall for every such offence forfeit a sum not exceeding five pounds.

87

And whereas it would tend to insure a greater efficiency and economy in the execution of works if the same were executed by persons under the immediate direction and control of the Surveyor of the said Council: Be it enacted, that it shall be lawful for the said Council to contract and agree with the owners of any houses or other tenements within the said borough, that any drains required to be made by such owners should be constructed and made by the said Council; and the cost price and expense of making such drains, as certified by the Surveyor of the said Council, shall be repaid by such owners to the said Council, and in default of payment, the same may be recovered in the manner hereinafter provided.

Council may agree to make house-drains at expense of owner.

88

And be it enacted, that no vault, arch, or cellar shall be made under any street within the said borough without the consent of the said Council first obtained in writing, and that all such vaults, arches, and cellars hereafter to be made within the said borough shall be substantially made, and so as not to interfere or communicate with any drains or sewers under the control of the said Council, without their consent in writing first obtained; and if any vault, arch, or cellar shall be made contrary to the provisions of this Act, it shall be lawful for the said Council to fill up the same, and the expenses incurred thereby shall be paid by the person making such vault, arch, or cellar, to be recovered as hereinafter provided.

Vaults and cellars under streets not to be made without the consent of the Council.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

42

[A] 13

Borough Engineer to cause ruinous buildings, vaults, &c., to be protected and repaired by Owners.

That when and so often as any vault, arch, cellar, or other excavation, or any part of the works connected therewith, or any part thereof respectively, shall be or become ruinous, decayed or in any manner dangerous, it shall be lawful for the Borough Engineer or Building Surveyor to give notice to the owner thereof, requiring him forthwith sufficiently to fence, stay, shore, or otherwise protect the same, and within such time as shall be specified in such notice to reconstruct, arch over, or otherwise well and sufficiently to repair the same to the satisfaction of such engineer; and in case such owner shall refuse or neglect forthwith sufficiently to fence, stay, shore, or otherwise protect the same, or shall refuse or neglect to reconstruct, arch over, or otherwise well and sufficiently repair such vault, arch, cellar, or other excavation or works connected therewith within the time specified in such notice, such owner shall for such refusal or neglect respectively forfeit and pay any sum not exceeding twenty pounds, and such further sum as shall not exceed ten pounds for each and every day during which such refusal or neglect shall continue; and it shall be lawful for the Council to cause such vault, arch, cellar, or other excavation to be fenced and protected, and to be taken down, reconstructed, arched over, or otherwise well and sufficiently secured and repaired, and to recover the costs and expenses of such taking down, reconstruction, arching over, securing, fencing, protecting, and repairing, from the owner.

89

Gully holes, &c., to be fitted with traps, &c.

And whereas the noxious effluvia exhaling from gully-holes of sewers and drains has been found to be unwholesome and injurious to health; Be it enacted, that the said Council, and the owners of any private drains, shall, by providing proper traps or other coverings, or by ventilation, or by such other ways and means as shall be practicable for that purpose, prevent the effluvia of sewers and drains from exhaling through gully-holes, gratings, or other openings of sewers in streets or other places.

90

Drains, privies, and cesspools to be kept in good order by owners and occupiers.

And be it enacted, that all drains, as well within as without the lands or tenements to which they belong, and all privies and cesspools within the said borough, shall be under the survey and control of the said Council, and of the Surveyors and Officers appointed by them for that purpose, and shall be repaired and kept in proper order at the cost and charges of the owners of the lands and tenements to which the same belong; and if the owner and occupier of any land or tenement to which any such house-drain, privy, or cesspool shall belong, shall neglect to repair and to put the same into good order, in the manner required by the said Council, during fourteen days after notice in writing for that purpose, signed by the Town-clerk or Surveyor, shall have been given to such owner, or left upon the premises, it shall be lawful for the said Council to

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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order such drain, privy, or cesspool to be repaired and put in good order, and to levy and recover the costs and expenses thereof from such owner in the manner hereinafter provided.

91

And be it enacted, that it shall be lawful for the said Council, or for their Surveyor, or such other person as shall be appointed by the said Council, to inspect any drain, privy, or cesspool within the said borough, and for that purpose, at all reasonable times in the daytime, after twenty-four hours' notice in writing shall have been given to the occupier of the premises to which such drain, privy, or cesspool is attached, or left upon the premises, to enter by themselves or their Surveyor and workmen upon any lands and tenements, and also to cause the ground to be opened in any place they shall think fit, doing as little damage as may be; and if such drain, privy, or cesspool shall be found to be made to the satisfaction of the said Council, and in proper order and condition, they shall cause the same to be closed and made good as soon as may be, and the expenses of opening, closing and making good such drain, privy, or cesspool, shall be defrayed by the said Council.

Power to cause inspection of drains, privies, and cesspools.

[A] 15

That when and so often as it shall be certified to the Council by the Medical Officer of Health, under his hand, that any privy, drain, or cesspool is in a condition, state, or situation injurious, dangerous, or prejudicial to the health of any of the inhabitants of the borough, it shall be lawful for the Council, if they think fit, to require the owner thereof, by notice in writing for that purpose, signed by the Town Clerk, forthwith or within such reasonable time as shall be specified in such notice, effectually to abate and remedy the same in such manner so as to avoid any injury, danger or prejudice to the health of any inhabitant; and if such owner shall refuse or neglect so to abate and remedy the same, it shall be lawful for the Council to cause the same to be abated and remedied, and to do and execute all acts and works necessary for that purpose, and to recover the costs and expenses thereof from such owner; and any owner so neglecting after such notice as aforesaid to provide an effectual remedy for any of the cases aforesaid to the satisfaction of the Council shall for every such offence forfeit and pay any sum not exceeding five pounds, and a further sum not exceeding forty shillings for each and every day during which such neglect shall continue.

Power to enforce abatement of nuisances injurious to health.

Penalty in case of default.

[A] 16

That if at any time it shall appear to the Council, upon the report of the Medical Officer of Health, that any manufactory or workshop has no sufficient watercloset, privy, or urinal for the use of the workpeople employed therein, it shall be lawful for the Council, if they shall think fit, to require the owner thereof forthwith to erect, construct, or otherwise provide such and so many sufficient waterclosets, privies, and urinals for the use of such workpeople, and in such position as the

Power to Council to order privies, &c., to be provided in manufactories, &c. Penalty for neglect.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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Council shall think fit; and any such owner who shall refuse, omit, or neglect for the space of one month after being so required as aforesaid to erect, construct, or provide such sufficient waterclosets, privies, or urinals, shall forfeit and pay a sum not exceeding five pounds, and a further sum not exceeding forty shillings for every day during which such default is continued.

92

Penalty on persons making or altering drains, &c., contrary to the orders of the Council.

And be it enacted, that in case any sewer, drain, privy, cesspool, or other work, shall, on inspection, be found not to have been made according to the directions and regulations of the Council, or contrary to the provisions of this Act, or in case any person, without the consent of the said Council, shall construct, rebuild, clear out, unstop, or in anywise alter any sewer, drain, privy, cesspool, or other work, which has been ordered by them not to be made, or to be demolished, stopped up, or amended, every person so offending, shall forfeit and pay any sum not exceeding the sum of five pounds, and a further sum of five pounds for every day after the first on which such offence shall be committed or continued.

93

Council, &c., empowered to enter upon lands on which buildings are to be erected.

And be it enacted, that the said Council shall, for the purposes of this Act, have full power and authority to enter, or to order and direct their Surveyor, or other officers and persons employed by them, at all reasonable hours in the daytime, to enter into and upon any land or tenement within the said borough, and into and upon the land on which any house, building, or other erection is built, or being built, or intended to be built, and into and upon any buildings, or any part thereof, without being liable to any action at law, or suit in equity, or any other legal proceedings or molestation whatsoever, for or on account of such entry, or the works done, or to be done, in any part thereof, in pursuance of this Act.

94

Bars to be placed across streets while repairs, &c., are being made, and lights placed at night.

And be it enacted, that it shall be lawful for the said Council, and they are hereby required, when any of the said streets so vested in the said Mayor, Aldermen and Burgesses, shall be under repair, or when any sewers or drains are being made, or shall be under repair, or when from any other cause the said streets shall have become dangerous either to the inhabitants or to persons passing and repassing therein, to take proper precautions by shoring up and protecting the adjoining houses, and to fix and place, or cause to be fixed and placed, such and so many bars, chains, or posts, across or in any of the said streets, to prevent the passing and repassing of

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

45

carriages, carts, cattle, and horses, during the time of such works and repairs being carried on, as to them shall seem proper; and the said Council shall cause any sewer, or drain, or other works, during the construction or repair thereof by them, to be well and sufficiently lighted, and attended by a watchman, during the night, to prevent accidents; and if any person shall take down, alter, or remove any of the said bars, chains, or posts, or extinguish any light, without the authority or consent of the Surveyor of the said Council, every such person so offending shall, for every such offence, forfeit and pay any sum not exceeding five pounds.

95

Situation of gas and water pipes may be altered at the expense of the Council.

And be it enacted, that if for the purposes of this Act, it shall at any time or times be deemed necessary and expedient by the said Council to raise, sink, or otherwise alter the situation of any water or gas-pipe, or pipes, plug or plugs, or other water-works or gas-works, so far as the same are laid or placed in any of the streets of the said borough, it shall and may be lawful to and for the said Council, and they are hereby empowered so to do, or cause the same to be done, when, and as often, and in such manner and in such place, or places, as they the said Council shall think right and proper; provided that the water or gas-pipes, plug, or other water-works, or gas-works be not permanently injured thereby, or the water or gas prevented from flowing in its proper channel; and the costs, charges, and expenses attending such raising, sinking, and altering, and full compensation for every damage done, shall be paid by the said Council out of the money authorised to be raised by virtue of this Act, for the purposes of sewerage.

96

Council to make compensation for damage done.

And be it enacted, that if by reason of the alteration of the level of any street, the making or altering of any sewer, or in otherwise carrying into execution any of the powers or authorities of this Act, any house, building, or other hereditament, within the said borough, shall be damaged, or otherwise prejudicially affected, then and in every such case the said Council shall make good such damage, and pay to the owner and occupier of such house, building, or other hereditament, such amount of compensation for such injury as shall be agreed upon between such owner and occupier and the said Council; and if such owner or occupier and the said Council cannot agree as

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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to the amount of such compensation, and the proportions thereof to be paid to such owner and occupier respectively, then the amount of such compensation, and also the proportions which the persons claiming the same are entitled to, shall be settled and recovered before two justices, in the manner hereinafter provided.

97

Penalty on persons obstructing Council in their duty.

And be it enacted, that if any person at any time shall obstruct or molest the said Council or any Surveyor or other officer or workman, or other person employed by them, in the performance and execution of their duty, or of anything which they are respectively required to do by or by virtue or in consequence of this Act, every such person so offending shall forfeit and pay any sum not exceeding twenty pounds.

98

Proceedings in case of tenants opposing the execution of this Act, or of recited Act 5 and 6 Vict. cap. 44.

And be it enacted, that in case the occupier of any house, building, or premises, shall prevent the owner thereof from carrying into effect, in respect of such house, building, or premises, any of the provisions of this Act, or of the said recited Act of the fifth year of the reign of her present Majesty, intituled "An Act for the promotion of the health of the inhabitants of the Borough of Liverpool, and the better regulation of buildings in the said borough," or from doing any of the matters or things which by this or the said last-recited Act are required to be done by such owner, and after notice of such provision shall have been given by the owner of such house, building, or premises to the occupier thereof, it shall be lawful for any justice, upon proof thereof, to make an order in writing, requiring such occupier to permit such owner to carry into effect the matters required to be done by him, and if after the expiration of twenty-one days from the date of such order, such occupier shall continue to refuse to permit such owner to execute such works, it shall be lawful for any justice to issue his warrant to any constable, requiring him to put the owner into the possession of such premises, for the purpose of enabling such owner to carry into effect the matters by this or the said last-mentioned Act required to be done by such owner; and any constable to whom such warrant may be directed shall duly execute the same; and every owner who shall with reasonable diligence pursue the means hereby provided for obtaining

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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possession of such house, building, or premises, for the purposes aforesaid, shall be discharged from any penalties to which he may have become liable by reason of any default in such matter.

99

And be it enacted, that if the owner of any house, buildings, or land made liable by this Act for the repayment to the said Council of any costs, charges, and expenses incurred, or monies expended by them, shall not, when and as soon as the same shall become due and payable from him, repay all such costs, charges, expenses, and monies to the said Council, it shall be lawful for the said Mayor, Aldermen and Burgesses to recover the same from such owner, or from any subsequent owner of such premises, in an action of debt, in any of the superior courts, or in any other court having jurisdiction.

How costs, &c., are to be recovered from owner. May be recovered as rates. p. 88.

100

And be it enacted, that, by way of additional remedy, it shall be lawful for the said Council, whether any such action shall have been brought against any such owner or not, to require the payment of all or any part of such costs, charges, and expenses from the person who shall then, or at any time thereafter occupy any such house, building, or land, and in default of payment thereof by such occupier on demand by the said Council, the same may be levied by distress and sale of the goods and chattels of such occupier, in the same manner as any rate may be recovered from him.

Power to levy charges on occupier.

101

Provided always, and be it enacted, that in no case, except as hereinafter mentioned, shall any occupier, being only the tenant of such premises, be liable to pay more money in respect of such costs, charges, and expenses as aforesaid, than the amount of rent due from him at the time of the demand made upon him for such costs, charges, and expenses, or which shall at any time after such demand, and notice not to pay the same to his landlord, accrue and become payable by him, unless he shall neglect or refuse, upon application made to him for that purpose, by or on behalf of the said Council, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable; but the burthen of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which shall have since accrued, shall lie upon such occupier.

Occupier not to be liable for more than the amount of rent due.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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102

Occupiers
may deduct
payments
from rent in
certain cases.

And be it enacted, that in every case in which any occupier of any house, buildings, or lands shall have paid any sum for levelling, making, paving, or flagging any street, or for making or repairing any drain, privy, cesspool, or other work, in respect of his occupation of such house, buildings, or lands, he shall be entitled to deduct from his rent such part of the amount so paid by him as is hereinafter specified; (that is to say) if at the time of such work being done he is a tenant at will, or for any less term than one year, he may deduct the whole amount paid by him; if for one year, and less than two years, he may deduct nineteen-twentieths thereof; if for two years, and less than three years, he may deduct eighteen-twentieths thereof; and so in the same proportion the amount which such occupier shall be entitled to deduct shall be less by one-twentieth part of the sum so paid by him for every additional year, according to the number of years unexpired of the term for which he is the tenant; but if such occupier is the tenant for a term of twenty years or more, he shall not be entitled to deduct from his rent any part of the sum so paid by him: Provided always, that any tenant under a lease containing a covenant for renewal thereof, shall be deemed a tenant for the full term to which his holding may be extended under such covenant; and that every tenant for a term depending upon a life or lives, shall be deemed a tenant for such absolute term of years as shall be of the same value as such contingent term, according to the Government tables for the purchase of life annuities; and every lessor being himself a lessee of any house, buildings, or lands, from whose rent any part of the amount so paid to the said Council shall have been deducted by his under-tenant, shall be entitled in like manner to deduct from the rent payable by him to his lessor such part thereof as, according to the provisions hereinbefore contained, he would have been entitled to deduct from his rent had he been the occupier, and paid to the said Council as aforesaid the sum so deducted from the rent payable to him: Provided also that nothing herein contained shall be taken to affect any special contract made between any lessor and tenant or occupier of any houses, buildings, or lands, respecting the payment of the costs and charges of levelling, making, paving, or flagging any street, or of constructing, remaking, or repairing any drains, privies, cesspools, or other works.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

49

103

And be it enacted, that if any house, building, or land abutting on the sides of any street, or part of any street, not being a highway, which, or any part of which, shall have been levelled, formed, paved, or flagged by the said Council, or if any house or building, in respect of which any drain shall have been constructed, made, or re-made by the said Council, and the costs and expenses of which works are to be repaid to the Council by the owners thereof in the manner hereinbefore provided, shall be unoccupied or unproductive, and the owner thereof shall for the space of six months neglect or refuse to contribute and pay his proportion of the costs, charges, and expenses of levelling, making, paving, or flagging such street, or the costs of constructing, making, or re-making such drain or other work, and the same shall not have been recovered from the occupier thereof, it shall be lawful for the said Mayor, Aldermen and Burgesses, at or after the expiration of fourteen days' notice to that effect, affixed or placed on any such house, building, or land, to take possession of such unoccupied or unproductive house, building, or land, and to fence off and let the same, or any part thereof, by any deed under their common seal, for such term as shall be agreed upon between the intended lessee thereof and the said Council, not exceeding the term which, according to the rent agreed upon, shall enable the Council to reimburse themselves, and to appoint some person to deliver the possession of such house, building, or land, to such lessee; and every such lease shall effectually vest the legal estate in possession of the house, building, or land comprised therein, in the lessee therein named, for the term thereby expressed to be granted, and shall give such lessee a good title thereto against the owner thereof and all other persons whomsoever; and the rents of such house, building, or land shall be paid to the said Council, who shall thereout, in the first place, pay the expenses of such fencing and letting, and in the next place pay the sum due from such owner for his share of the costs, charges, and expenses of levelling, making, paving, or flagging such street, or constructing, making, or re-making such drain, or other work; and after payment thereof shall retain the surplus (if any) of such monies for the owner of such house, building, or land, or his assignees, or other legal representative.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

50

104

Council may allow time to owners for repayment of expenses of paving streets and making drains.

And be it enacted, that where any street shall have been levelled, made, paved, or flagged by the said Council, and the costs, charges, and expenses whereof are to be repaid and reimbursed to the Council by the owners of the adjoining properties in the proportions and in the manner hereinbefore provided, or in case any drain or other work shall have been constructed, made or repaired by the said Council, the costs of which are to be repaid to the said Council by the owners thereof, it shall be lawful for the said Council, and they are hereby required, in all such cases where the owner shall be only tenant for life of such premises, or where the amount of the sum to be repaid to the Council shall be more than half the amount of the net annual value of such premises, and in any other cases in which the said Council shall in their discretion think fit, to allow time for the repayment of such costs, charges, and expenses, and to receive the same by such instalments as the said Council, under the circumstances of the case, shall consider equitable and just, but so that the same shall be repaid by annual instalments of not less than one-twentieth part of the whole sum originally due, with interest for the principal money from time to time remaining unpaid, after the rate of five pounds per centum per annum, during the period of forbearance; but all such sums remaining due, notwithstanding the said Council shall have agreed to allow any time for the repayment thereof as aforesaid, shall remain and be chargeable upon the several premises in respect of which the same were originally payable, and shall and may from time to time, at the expiration of the several times so allowed for repayment thereof, be recoverable therefrom, and from the respective owners and occupiers thereof, both present and future, in like manner as such respective amounts might have been recovered and would have been recoverable if no such time or times had been allowed for repayment thereof.

105

Persons receiving rents to be deemed the owner.

And in order to prevent any dispute touching the word "owner," for all the purposes of this Act, whereby an owner is required to do any matter or thing under the provisions of this Act, or to be rated or pay any rates or monies; Be it enacted, that the person receiving the rents of any property from the occupier thereof on his own account, or as trustee or agent for any other person, shall be deemed the "owner" of the same for all such purposes.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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106

Council to cause streets to be cleansed and dust and ashes removed from the houses.

And be it enacted, that the said Council shall cause all the streets, whether dedicated to the use of the public or not, together with the foot-pavements, from time to time to be properly swept and cleansed, and all dust, dirt, and filth of every sort, which may be found thereon, to be collected and removed therefrom, and shall cause all the soil, ashes, rubbish, and filth to be taken and carried away from the houses and premises of the inhabitants of the said borough, and shall cause all or any of the sewers, privies, and cesspools, within the said borough, to be emptied and cleansed in a sufficient and proper manner as shall be required; and it shall be lawful for the said Council to purchase or hire any cart, carriage, or other machines, and also any horse or horses, for the better executing and performing any of the above duties: Provided that nothing herein contained shall authorise the removal by the Council of any horse or cow manure from any stable or cow-house without the consent of the owner thereof, save under the provisions hereinafter contained with respect to the same.

107

Dirt and dust vested in the Mayor, &c.

And be it enacted, that the dirt, dust, night-soil, and filth to be so collected from the streets, privies, sewers, and cesspools, and all the dust, ashes, and rubbish, to be collected, taken, and carried away from all and every of the houses or elsewhere within the said borough, shall be the property of the said Mayor, Aldermen and Burgesses, and are hereby vested in them, and the said Council shall have full power to sell and dispose of the same for the purposes of this Act, as they shall think proper, *and the money arising from the sale thereof shall be applied for the purposes of the Paving Rate of the district in which the same shall have been collected*, and the person purchasing the same shall have full power and authority to take, carry away, and dispose of the same, for his own proper use and benefit.

Repealed by section 22 of Amendment Act.

*Proceeds of sale of dirt, &c., to be applied in aid of the rates charged with the cost of collecting the same.** [A] 22

108

Council to appoint scavengers.

And be it enacted, that it shall be lawful for the said Council to appoint and employ a sufficient number of persons, or to contract with any company or other person for the sweeping, cleansing, and

*[NOTE.—Section 22 of the Liverpool Sanitary Amendment Act, 1854, is repealed by the L. I. W. A., 1871, section 24.]

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

52

Penalty on scavengers failing to perform their duty.

watering of the said streets, and for removing of all ashes, rubbish, filth, and for the emptying of privies and cesspools, and such persons shall be called scavengers, and such scavengers, or their servants, shall, on such days, and at such hours, and in such manner as the said Council shall from time to time appoint, sufficiently execute all such works and duties as they shall respectively contract or be employed to perform; and if any such scavenger fail to sweep, and properly cleanse or water any street which he shall contract or be employed to sweep, cleanse, or water, or shall fail to clean out and empty any privy, cesspool, or sewer, at the time and in the manner appointed by the said Council, or on the lawful request of any owner or occupier of any house or other tenement, or to collect or remove any dirt, ashes, or rubbish, which he shall contract, or be employed to remove, at the time and in the manner prescribed by the Council for that purpose, or shall deposit any of such soil, dirt, ashes, or rubbish, in any other place than such as shall be appointed by the said Council, he shall, for every such offence, forfeit and pay a sum not exceeding five pounds; and if any such scavenger, or his servant, or any person employed to clean out or empty any such privy, cesspool, or sewer, shall make use of any abusive or insulting language, or be guilty of other such behaviour, or in anywise wilfully misconduct himself in any house, yard, or other place, which he shall have entered for the purposes aforesaid, or towards any inmate of such house, he shall, for every such offence, forfeit and pay a sum not exceeding five pounds.

109
Regulations to prevent accumulations of dung.

And be it enacted, that if the dung or soil of any stable, cow-house, or pig-sty, or other collection of refuse matter, shall at any time be allowed to accumulate within the said borough for more than fourteen days, such dung, soil, or refuse shall, if not removed within forty-eight hours after notice from any officer of the said Council, become vested in the said Mayor, Aldermen and Burgesses, and it shall be lawful for the said Council or the person for the time being having the contract for doing so, to sell and dispose of the same as the property of the said Mayor, Aldermen and Burgesses, and the money thence arising shall be applied to the purposes of the Paving Rate for the district wherein such dung or soil shall have so accumulated; and if any person shall allow or permit any dung, dirt, ashes, or filth

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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to accumulate within his dwelling-house for more than three days after the scavenger shall have applied to remove the same, such person, upon being lawfully convicted, shall be subject to a penalty not exceeding forty shillings: Provided always, that if at any time a certificate, signed by the Medical Officer of Health hereinafter authorised to be appointed, or by any two legally qualified medical practitioners, shall be presented to the said Council, certifying that any accumulation of dung, soil, or filth within the said borough ought to be removed, as being to the prejudice of the health of the inhabitants, the Town Clerk shall forthwith give notice to the owner or reputed owner of such dung, soil, or filth, to remove the same within twenty-four hours after such notice, and in case of failure to comply with such notice, or if no such owner can be found, the said dung, soil, or filth shall thereupon become vested in the said Mayor, Aldermen and Burgesses, and liable to be disposed of in the manner hereinbefore provided.

And be it enacted, that any occupier of any house or lands, or other person who shall refuse to permit any soil, dirt, ashes, or rubbish to be taken away by the scavengers appointed by or contracting with the said Council as aforesaid, or who shall obstruct the said scavengers in the performance of their duty, shall for every such offence forfeit and pay a sum not exceeding five pounds.

110
Penalty for obstructing scavengers.

And be it enacted, that every person other than the scavengers for the time being, or other person acting for or in their behalf, who shall collect or carry away any night-soil, dirt, ashes, rubbish, or filth from any street or house, or other place within the said borough, shall forfeit and pay a sum not exceeding forty shillings for the first offence, five pounds for the second, and ten pounds for the third and every following offence.

111
Penalty on persons other than scavengers removing dirt, &c.

And be it enacted, that no person shall suffer any waste or stagnant water, filth, rubbish, or other offensive matter to remain in any cellar or other place within any house, or on any ground belonging to or occupied by him, so as to be a nuisance to any person or injurious to health; and every person who shall suffer any such water, filth, rubbish, or other offensive matter to remain for twenty-

112
Stagnant pools of water and other annoyances to be removed.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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four hours after receiving notice from the Surveyor or other officer to the Council to remove the same, shall for every such offence be liable to a penalty not exceeding forty shillings; and every person who shall allow the contents of any privy, ashpit, middenstead, or cesspool to soak or flow therefrom, to the annoyance of the occupiers of any adjoining property, shall for every such offence be liable to a like penalty; and it shall be lawful for the said Council to drain and cleanse out any stagnant pools of water, and to remove any such annoyance as aforesaid, and for that purpose to enter, by their officers and workmen, into and upon any land and premises at all reasonable times, and to do all necessary acts for any of the purposes aforesaid, and to charge the costs and expenses incurred thereby upon the owner or occupier of the premises upon which such offence shall be committed.

113 *Owner of house may be required to provide privy and ash-pit for the same.—This section is repealed by L. I. A. 1864, sec. 24.*

L. I. A., 1864, sec. 24. And whereas by the Act (local and personal) ninth and tenth Victoria, chapter one hundred and twenty-seven, section one hundred and thirteen, the owner of every house in the borough is required, subject to the conditions therein contained, to provide a privy and ashpit for the same, but the enactment in that behalf is inadequate: Be it enacted, That that section shall be and the same is hereby repealed; and, in lieu thereof, the Corporation shall require the owner of any house or tenement separately occupied as a dwelling, or as a warehouse, store, shed, office, or other place of business, to which no sufficient privy or ashpit is attached, to provide a proper privy to the same in such situation, and with such proper door and covering thereto, and also a fit and sufficient ashpit, in such situation and so constructed as the Corporation shall consider requisite for the separate use of the inmates and occupiers of each such house or tenement: Provided, That a privy and ashpit or two or more privies and ashpits, may, with the approbation of the Corporation, be provided for and used in common by the inmates and occupiers of two or more houses, or other such premises as aforesaid; Provided also, That upon the report of the Borough Engineer or Medical Officer of Health, the Corporation may require such owner to provide a watercloset in lieu of such privy, such watercloset to be constructed according to a plan to be previously submitted to and to be approved by the Borough Engineer and Medical Officer of Health: Provided also, That if it shall be necessary to demolish any house or building for the purpose of providing any privy and ashpit, or watercloset, then if all the houses and premises the occupiers of which are to have the use of such privy and ashpit or watercloset, shall belong to the same owner as the house or building so demolished, the site of such house or building shall remain in the owner, but if the privy and ashpit or watercloset are to be used by the occupiers of houses or premises belonging to several owners, then the site of the house or building so demolished shall vest in the Corporation, who shall prescribe the houses

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

55

or premises the occupiers of which shall be entitled to the use of the privy and ashpit or watercloset to be constructed on the said site, and such privy and ashpit or watercloset shall be constructed at the joint expense of the owners of such houses or premises: Provided, That in all cases the Corporation shall pay the expenses incurred by the demolition of any such house or building, and shall make good any damage which may be occasioned thereby to any adjoining premises, and the owner of the house or building so demolished shall be entitled to compensation in respect of the value thereof: Provided also, that where the site of any house or building so demolished shall remain in the owner, no house or other building or erection shall at any time thereafter be erected on all or any part of such site, without the previous consent of the Corporation, and in accordance with plans and elevations previously approved by them, and they may at any time, at the expense of the owner thereof, abate any house or other building or erection at any time wholly or partly erected contrary to the provisions of this section.

The Corporation may (if they think fit), on the request of the owner of any L. I. A., 1864, sec. 25. houses, courts, or alleys, to which any privy and ashpit or water-closet (not being situate within the premises) shall be attached, and which privy and ashpit or water-closet shall be used in common by the tenants and occupiers of two or more houses or other premises as aforesaid, to undertake the superintendence, control, repair, and maintenance of such privy, ashpit, or water-closet on such terms as may be agreed upon between the Corporation and such owner.

Whereas by the twenty-fourth section of "The Liverpool Improvement Act, L. I. A., 1865, 1864," it is enacted, that the Corporation shall require the owner of any house or tenement separately occupied as a dwelling, or as a warehouse, store, shed, office, or other place of business, to which no sufficient privy or ashpit is attached, to provide a proper privy to the same, in such situation, and with such proper door and covering thereto, and also a fit and sufficient ashpit, in such situation and so constructed as the Corporation shall consider requisite, for the separate use of the inmates and occupiers of each such house or tenement; and by the same section it is further provided that a privy and ashpit, or two or more privies and ashpits, may, with the approbation of the Corporation, be provided for and used in common by the inmates of two or more houses or other such premises as aforesaid; and it is by the same section also provided, that, upon the Report of the Borough Engineer or Medical Officer of Health, the Corporation may require such owner to provide a watercloset in lieu of such privy, such watercloset to be constructed according to a plan to be previously submitted to and to be approved by the Borough Engineer and Medical officer of Health: And whereas no provision is contained in the said Act for enforcing compliance with the aforesaid requirements thereof: Therefore the Corporation shall, in any notice or requirement served by them under the said section, specify the time within which every privy and ashpit or watercloset thereby required to be constructed shall be completed, and if the person liable to construct the same fail to complete the same to the satisfaction of the Corporation, within the time so limited, such person shall for every such offence forfeit and pay any sum not exceeding five pounds.

All byelaws made under the provisions of this Act shall be made, confirmed, and published in the same manner as byelaws are by the Act (local and personal) fifth and sixth Victoria, chapter one hundred and six, directed to be made, confirmed, and pub- L. I. A., 1865, sec. 34. Recovery of penalties and forfeitures.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

56

lished; and all penalties and forfeitures imposed by or under the provisions of this Act shall be recoverable and applied in the same manner as penalties and forfeitures are by the said Act made recoverable; and the sections two hundred and twenty-six to two hundred and twenty-eight, both inclusive, and three hundred and thirty to three hundred and forty-nine, both inclusive, of that Act, shall be extended to and incorporated with this Act as if the same were expressly repeated and re-enacted in this Act with relation to such byelaws, penalties, or forfeitures.

114
No house in
future to be
built without
proper privy.

And be it enacted, that on and after the said day on which this Act shall come into operation, no house shall be built in the said borough without there being constructed, to the satisfaction of the said Council or Health Committee, in such situation as shall be appointed by the said Council or Health Committee, a privy with proper doors and coverings to the same, and also, if required, an ash-pit, together, if required by the said Council or Health Committee, with a proper funnel or flue or other means for carrying off upwards any offensive stench from such privy or ash-pit.

115
Owners of
houses to
keep privies
and ash-pit in
repair.

And be it enacted, that the owner of every house now built or hereafter to be built, shall keep the privy and ash-pit belonging to such house, or used by the inmates or occupiers thereof, in good repair, to the satisfaction of the said Council or Health Committee; and if the owner of any house shall not provide the same with a privy, with such door and covering to the same, and also, if required, with such ash-pit as aforesaid, or shall build any house without such privy, and, if required, such ash-pit, or shall not repair such privy and ash-pit to the satisfaction of the said Council or Health Committee, within one month next after notice in writing for that purpose from the Surveyor or other officer thereto authorised by the Council or Health Committee shall have been given to such owner, or left for him at his usual or last known place of abode, or upon or affixed to the premises in respect of which the same shall be given, every owner so making default shall for every such default forfeit any sum not exceeding five pounds, and any further sum not exceeding ten shillings for every week during which such default shall in anywise continue unamended.

116
Public con-
veniences to
be formed.

And be it enacted, that it shall be lawful for the said Council to build, form, and erect such privies, urinals, necessities, and other similar conveniences in such situations as they shall deem proper for

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

57

the accommodation of the public, and to defray the expense thereof, and any damage occasioned to any person by the erection thereof, and the expense of keeping the same in good order, out of the monies to be collected for the purposes of the Paving Rate. *

L. I. W. A., 1871, section 26, provides, that monies defrayed under this section shall be paid out of the General Rate.

Cellar Dwellings.—Secs. 117 and 118, L. S. A., 1846, and Secs. 18, 19, and 20, L. S. A. A., 1854, are repealed by the 31st Section of the L. I. W. A., 1871.

119

And whereas by the said recited Act passed in the fifth year of the reign of her present Majesty, intituled, "An Act for the promotion of the health of the inhabitants of the borough of Liverpool, and the better regulation of buildings in the said borough," it was provided, that from and after the first day of July, one thousand eight hundred and forty-four, it should not be lawful to let separately, except as a warehouse or storehouse, or to suffer to be occupied as a dwelling-place, any cellar or room under any other house whatsoever, which cellar or room should be less in height from the floor to the ceiling than seven feet, or which should be less than one-third of its height above the level of the street adjoining the same, or otherwise should not have two feet at least of its height from the floor to the ceiling above the said level, with an open area of two feet wide from the level of the floor of such cellar or room up to the level of the said street, or which should not have attached thereto the use of a privy and an ash-pit, according to the enactment therein contained, or which should not also have a window of not less than three feet square, or otherwise, of an area of not less than nine feet clear of the sash-frame, and a fire-place with a chimney or flue: And whereas divers cellars have been respectively built and altered in the said borough so as to conform to the said recited provisions of the said Act; Be it enacted, that nothing in this Act contained shall be held to subject any person to the said penalty last hereinbefore mentioned, by reason of the occupying or permitting to be occupied in any street being a carriage-way, of any cellar so built or altered as last aforesaid before the passing of this Act, and which shall continue

Exception as
to cellars built
in pursuance
of 5 and 6 Vic.
c. 44.

* The 71st Section of the Liverpool Improvement Act, 1882, empowers the Corporation to make Byelaws with respect to Public Conveniences and for making and recovering charges for the use thereof.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

58

to conform to the said hereinbefore recited provisions; but the burden of proof that such cellar has been so built or altered before the passing of this Act shall be upon the person occupying or suffering such cellar to be occupied as aforesaid: Provided always, that between the time of the passing of this Act and the day on which the same shall come into operation, it shall not be lawful to build any underground room or cellar intended for separate habitation, unless the same shall be built conformably with the provisions of this Act.

120

Houses not to be of less dimensions than is herein specified.

And for the better regulation of habitations to be hereafter erected in the said borough; Be it enacted, that no house shall be hereafter built in the said borough which shall not have at least one room on the ground floor, containing one hundred and eight superficial feet, clear of any stairs or staircase, or any other reduction save one chimney-breast and fire-place therein, or which shall have any room therein which shall in any part thereof be less than eight feet in height from the floor to the ceiling, save cellars used for habitation, which shall not be less than seven feet, and cellars not used for habitation, which shall not be less than six feet in height from the floor to the ceiling, and attic rooms, in which there shall either be a span of not less than fourteen feet at the spring of the roof, with a clear perpendicular height from the floor to the ridgetree of not less than twelve feet, or otherwise in which there shall be a clear height of at least two feet six inches, measuring perpendicularly from the floor to a horizontal line drawn from the lowest spring of the roof, and a clear height and space from and between the said last-mentioned horizontal line to the lower side of the ridgetree of not less than nine feet; provided that in any case when there shall be in such attic room an excess of clear height from the floor to the said lowest spring of the roof, beyond the said specified height of two feet six inches, it shall be lawful to reduce the said space between the said horizontal line and the lower side of the ridge-tree by an amount not greater than double such excess, but so, nevertheless, that there shall in no case be less than eight feet, measuring perpendicularly from the floor to the said lower side of the ridgetree; provided that no room shall be held or considered to be an attic room for the purposes of this Act unless such room is in a

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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house having three floors above the basement, and unless some part of such room is higher than the said spring of the roof, and there shall in no case be more than one attic story in any house.

[NOTE.—As to penalty for offending against the provisions of this Section, see Sanitary Amendment Act, 1854, sec. 17.]

And be it further enacted, that in every room which shall be used for habitation in any such house there shall be at least one external window, the dimensions of which shall not be less than five feet in height, and not less than three feet wide, clear of the sash-frame, or otherwise shall be of an area of not less than fifteen feet clear of the sash-frame; provided that attic and cellar windows may be of dimensions not less than three feet square, or otherwise of an area of not less than nine feet clear of the sash-frame, and every such window, whether in the cellar, attic, or other room, shall be a casement window, opening on hinges or pivots, unless the sashes thereof shall be double, and made so as to open both at the top and bottom.

121
Windows to be of a specified size.

[NOTE.—As to penalty for offending against the provisions of this Section, see Sanitary Amendment Act, 1854, sec. 17.]

That it shall not be lawful to convert any building into a dwelling-house, or to permit any building or any part thereof to be occupied as a dwelling, unless the same shall be in all respects conformable to the requirements of "the Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," and of this Act, in respect to a dwelling-house; and any person who shall commit any such offence shall forfeit and pay a sum not exceeding five pounds, and a further sum not exceeding forty shillings for every day during which such offence shall be continued: Provided that this enactment shall not extend to prevent the occupation as a dwelling-house of any house which on the first day of November, one thousand eight hundred and fifty-three, might be lawfully occupied as such.

[A] 21
No building to be converted or used as a dwelling-house unless conformable to provisions of 9 and 10 Vict. c. cxxvii

And whereas the health of the population, especially of the poorer classes, is frequently injured by the prevalence of epidemical and other disorders, and the virulence and extent of such disorders is frequently due and owing to the existence of local causes which are capable of removal, but which have hitherto frequently escaped detection from the want of some experienced person to examine into and report upon them, it is expedient that power should be given to appoint a duly qualified medical practitioner for that purpose: Be it

122
Appointment of medical officer of health.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

60

therefore enacted, that it shall be lawful for the said Council to appoint, subject to the approval of one of her Majesty's principal Secretaries of State, a legally qualified medical practitioner, of skill and experience, to inspect and report periodically on the sanitary condition of the said borough, to ascertain the existence of diseases, more especially epidemics increasing the rates of mortality, and to point out the existence of any nuisances or other local causes which are likely to originate and maintain such diseases and injuriously affect the health of the inhabitants of the said borough, and to take cognisance of the fact of the existence of any contagious disease, and to point out the most efficacious modes for checking or preventing the spread of such diseases, and also to point out the most efficient means for the ventilation of churches, chapels, schools, registered lodging-houses, and other public edifices within the said borough, and to perform any other duties of a like nature which may be required of him; and such person shall be called "The Medical Officer of Health for the Borough of Liverpool;" and it shall be lawful for the said Council to pay to such officer such salary as shall be approved of by one of her Majesty's principal Secretaries of State.

123

Council may order owners of houses to whitewash and purify them.

And be it enacted, that when it shall appear to the said Council or Health Committee, either from the report of the said Officer of Health for the said borough, or otherwise, that any house or part of any house, or the premises adjoining to any house in the said borough, is or are in such a filthy or unwholesome condition that the health of the inmates or of the public is thereby affected or endangered, or that the whitewashing, cleansing or purifying of any such house, or of any part thereof, would tend to prevent or check infectious or contagious disease which may have occurred therein, it shall be lawful for the said Council or Health Committee, from time to time, if they shall think it expedient, to order the owner or occupier of such house or dwelling, or part thereof, within the said borough, to whitewash, cleanse, and purify the same in such manner and within such time as the said Council or Health Committee may deem reasonable; and if such owner or occupier shall not comply with such order, he shall forfeit and pay any sum not exceeding ten shillings for every day's neglect thereof, and it

Penalty on owner for neglect.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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shall be lawful for the said Council or Health Committee to cause such house or dwelling, or any part thereof, to be whitewashed, cleansed, and purified, and to recover the expense thereof from such owner or occupier; provided that when, on account of the poverty of such owner or occupier, or other special circumstances, it shall appear expedient to the said Council or Health Committee to pay the whole or any part of such expense, it shall be lawful for them so to do out of the monies to be raised by this Act.

124

Appointment of Inspector of Nuisances.

And be it enacted, that it shall be lawful for the said Council, and they are hereby required to nominate and appoint one or more persons to superintend and enforce the due execution of all duties to be performed by the scavengers appointed under this Act, and to report to the said Council and Health Committee all breaches of the bye-laws, rules, and regulations of the said Council and Health Committee, and to point out the existence of any nuisances, and such person shall be called "The Inspector of Nuisances;" and the said Council and Health Committee shall require such Inspector to provide and keep a book, in which shall be entered all complaints made by any inhabitant of the said borough of any infringement of the provisions of this Act, or of the bye-laws, rules, and regulations made by the said Council for the preservation of due order and cleanliness, or for the suppression of nuisances, as may be required by the said Council and Health Committee; and such Inspector shall forthwith inquire into the truth or otherwise of such complaints, and report upon the same to the said Health Committee at their next meeting, and such report, and the order of the said Health Committee thereon, shall be entered in the said book, which shall be kept at the office of the said Town Clerk, and shall be open at all reasonable times to the inspection of any inhabitant within the said borough; and it shall be the duty of such Inspector, subject to the direction of the said Council and Health Committee, to make complaints before any Justice, and take legal proceedings for the punishment of any person or persons for any offence under this Act, or under any bye-laws made by virtue thereof.

125

For the regulation and inspection of lodging-houses.

And whereas the keepers of lodging-houses of an inferior description, for the accommodation of mendicants, strangers, and other

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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persons for the night or other short periods, allow the same to be crowded by receiving more lodgers than such lodging-houses are adapted to contain, with a due regard to health, and allow persons affected with fever and other diseases of a contagious nature to remain in them till infection has been communicated to other lodgers, and receive other lodgers into the apartments and beds from which diseased persons have been removed without any purifying or other disinfecting process: Be it enacted, that no keeper of any such lodging-house within the said borough, and which shall not be a public-house or inn licensed by Justices for the sale of spirituous liquors, shall accommodate or receive such lodgers, unless such house shall have been registered in a book to be kept by the said Council or Health Committee for that purpose; and it shall be lawful for the said Council or Health Committee, from time to time, to fix and determine the number of lodgers who may be accommodated in each such lodging house; and the names of the keepers of such lodging-houses shall be recorded by the said Council and Health Committee, in a register to be kept for that purpose; and such Council or Health Committee may order that a ticket, containing the number of lodgers for which the house is registered, and any rules or instructions of the said Council or Health Committee regarding health, cleanliness, or ventilation, shall be hung up or placed in a conspicuous part of each room into which lodgers are received; and the keepers of all such lodging-houses shall at all times give access thereto when required by any person or persons appointed by the said Council or by the said Health Committee, for the purpose of making an inspection and inquiry, or for the purpose of performing any disinfecting process which the said Council or Health Committee may order; and if any keeper of such lodging-house shall offend against any of these provisions, he shall be liable for each such offence to a penalty not exceeding forty shillings.

126

Furnaces to consume their own smoke.—This section is repealed by section 24 of Amendment Act, 1854.

[A] 24
Furnaces to
consume
their own
smoke.

And whereas it is expedient to make further provision for the prevention of nuisances arising from the emission of smoke; Be it enacted, that the section of the said "Act ninth and tenth Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," number one hundred and twenty-six, shall be and the same is hereby repealed; and in lieu thereof be it enacted, that all furnaces employed or to be employed in the working of engines by steam, and all furnaces employed or to be

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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employed in any mill, factory, forge, foundry, sugar refinery, pottery, distillery, chemical works, dyehouse, brewery, bakehouse, gasworks, waterworks, and other buildings used for the purpose of any trade or manufacture whatsoever within the said borough (whether a steam engine be used or employed therein or not), and all furnaces employed in working the engines of any steamboat plying on the River Mersey between the said borough and any place in the Counties Palatine of Chester and Lancaster, and of any steamtug or boat employed for the purpose of towing or hauling any ship or vessel in the said river, or plying for such employment, or of any steamboat plying for hire between the port of Liverpool and any place in the United Kingdom of Great Britain and Ireland, shall in all cases be constructed or altered so as to consume or burn the smoke arising from such furnace; and if any person shall use any such furnace which shall not be constructed so as to consume or burn its own smoke, or shall so negligently use any such furnace as that the smoke arising therefrom shall not be effectually consumed or burnt, or so that an unnecessary or excessive quantity of smoke shall be emitted, or shall carry on any trade or business which shall occasion any noxious or offensive effluvia or otherwise annoy the neighbourhood or inhabitants without using the best practical means for preventing or counteracting such smoke or other annoyance, every person so offending, and the owner or occupier of the furnace from which such smoke is emitted, or of the place where such trade or business is carried on, and the owner of such steamboat, and the master or other person in command or charge of the same, shall forfeit and pay a sum of not more than five pounds for and in respect of every day during which or any part of which such furnace or annoyance shall be so used or continued: Provided always, that the words "consume or burn the smoke" shall not be held in all cases to mean "consume or burn all the smoke;" and the Justice or Justices before whom any person shall be summoned may remit the penalties enacted by this Act if he or they shall be of opinion that such person has so constructed or altered his furnace as to consume or burn as far as possible all the smoke arising from such furnace and has carefully attended to the same, and consumed or burned as far as possible the smoke arising from such furnace: Provided also, that no information or other proceeding for the recovery of any penalty under this enactment shall be laid or taken except by some officer of the Council duly authorised by the Health Committee in that behalf: Provided also, that the penalty for any such offence committed on the River Mersey may be recovered in the same manner as other penalties imposed by this Act are directed to be recovered, or before any two Justices acting for the Counties Palatine of Lancaster or Chester respectively.

See Section
77 of the
Liverpool
Improvement
Act, 1852.

That it shall be lawful for any Justice, upon complaint made to him by the Medical Officer of Health or the Inspector of Nuisances that any smoke, gas, or vapour from any chimney is a nuisance to any of the inhabitants of the borough, to issue his summons calling upon the owner of such chimney to appear at a time and place named therein to answer such complaint; and if upon the hearing of such complaint the Justice shall think fit so to do, he may make an order requiring such owner to cause such chimney to be raised, or a funnel or pipe to be placed thereon for conveying away such smoke, gas, or vapour, or such other means to be adopted as may seem fitting to such Justice for preventing or mitigating such nuisance, within such time as shall be specified in such order; and any such owner as aforesaid who shall neglect or refuse to obey such order, shall for such offence forfeit and pay a sum not exceeding five pounds,

[A] 25
Justices to
have power to
order alteration
of Chim-
neys.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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and a further sum not exceeding forty shillings for every day during which such neglect or refusal shall continue.

127

How penalty
may be re-
covered.

And be it enacted, that the said penalty shall be recovered in the same manner as other penalties imposed by this Act are directed to be recovered, provided that the penalty for any such offences committed on the River Mersey, may be recovered before any two Justices acting for the said borough, or for the said Counties Palatine of Lancaster and Chester respectively.

128

Recital of cer-
tain powers
as to slaugh-
ter-houses.

And whereas certain slaughter-houses or buildings for the killing and dressing of beasts and cattle have been erected in the said borough, under the powers and authorities of the said recited Act of the twenty-sixth year of the reign of his late Majesty King George the Third: And whereas it was enacted by the same Act, that no beast or cattle should be killed or dressed elsewhere in the said town save in such buildings, under a certain penalty therein specified: And whereas the said Act applied to the borough as the same was limited prior to the passing of the said Act to provide for the regulation of Municipal Corporations in England and Wales: And whereas by the said recited Act passed in the session of Parliament held in the fifth and sixth years of the reign of her present Majesty, intituled "An Act for the improvement, good government, and police regulation of the borough of Liverpool," it was amongst other things enacted, that the several slaughter-houses then used within the new parts of the said borough, (that is to say) within such parts of the present borough as were not comprised therein previous to the passing of the said Act to provide for the regulation of Municipal Corporations in England and Wales, should be registered at the Town Clerk's office under a certain penalty, as therein mentioned; and it was by the same Act further provided, under the penalty therein mentioned, that no place which had not been so used previously to the commencement of the said Act, should be used or occupied as a slaughter-house within such new parts of the said borough, unless a license for that purpose were previously obtained from the said Council: And whereas by the same Act the Council were empowered to grant certain licenses to retail butchers for the killing of cattle within the borough as the same was limited prior to the passing of the said Act for the regulation of Municipal Corpora-

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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tions in England and Wales: Be it therefore enacted, that any person who shall, within the parish of Liverpool, kill or dress, for the purpose of trade, or cause or permit to be killed or dressed for such purpose, any cattle elsewhere than in the said slaughter-houses erected as aforesaid, under the said powers and authorities of the said recited Act passed in the twenty-sixth year of the reign of his late Majesty King George the Third, or in a place erected or used for a slaughter-house under a license for that purpose granted by the said Council under the authority of the said Act for the improvement, good government, and police regulation of the borough of Liverpool, and in force at the time of the killing or dressing of such cattle, shall, for every such offence, forfeit and pay a sum not exceeding five pounds, and the like penalty for every day after the first upon which such offence shall be continued.

No beast to
be slaugh-
tered else-
where than in
such
slaughter-
houses or
other licensed
places.

129

And be it enacted, that every Inspector of Nuisances to be appointed under the authority of this Act, shall, by virtue of such appointment, have, exercise, and enjoy all the rights, powers, privileges and authorities which by the said Act, intituled, "An Act for the Improvement, good Government, and Police Regulation of the Borough of Liverpool," are conferred upon any "Inspector of Slaughter-houses and Meat," appointed under the authority of the said Act.

Inspector of
Nuisances to
be also In-
spectors of
slaughter-
houses and
meat.

130

And be it enacted, that on and after the day on which this Act shall come into operation, it shall be lawful for the said Council, from time to time, upon application being made to them for that purpose, to grant licenses to such persons as the said Council shall in their discretion think fit, to carry on the trade and business of knackers, and to deal in dead horses and other carrion; and in every such license shall be contained and expressed the name of the person to whom such license is granted, and the name, situation or other local description of the knacker's yard or other place wherein such trade or business may be carried on by the person to whom such license shall be so granted; and every such license shall be under such conditions, restrictions and limitations, and shall contain such clauses for the forfeiture thereof, as shall or may from time to time be prescribed or directed by the said Council, provided that no such

Knackers'
yards to be
licensed and
registered.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

66

license shall be valid or effectual until the same shall be registered at the office of the said Town Clerk.

131

Name of person licensed as a knacker to be painted on premises.

And be it enacted, that every person who shall be so licensed as last aforesaid, shall cause to be painted in Roman capital letters, six inches at the least in height, and of a proportionate and proper breadth, in such place as shall be appointed or directed by the said Inspector of Nuisances, over or adjoining to the door or other entrance of the yard or place in which he shall be so licensed to carry on the said trade or business, his name and surname, together with the words "Licensed Knacker," and shall continue the said name and words so painted as aforesaid, during the whole time that he shall carry on such trade or business in such yard or place.

132

No person to carry on the trade of a knacker without such license.

And be it enacted, that if after the said day on which this Act shall come into operation, any person shall, within the said borough, carry on the trade or business of a knacker, or deal in dead horses or other carrion, without having obtained such license, or after the forfeiture or other determination of such license, or if any person shall, within the said borough, carry on such trade or business, or slaughter for the purpose of trade any horse or other animal unfit for the food of man, or deal in the same or in any carrion whatsoever in any yard or place which shall not be so named or described in some such license in force at such time, as a place in which such trade or business may be carried on, or which shall not at such time have the name of the person licensed to carry on such trade therein so inscribed thereon as hereinbefore directed, shall, for every such offence, forfeit and pay a sum not exceeding five pounds, and the like penalty for every day after the first upon which such offence shall be continued.

133

Justices may order nuisances to be abated.

And be it enacted, that if any candle-house, melting-house, melting-place, or soap-house, or any boiling-house for offal, or any cellar, room, or other place used for storing bones or rags, or any manufactory or other building or place in the said borough, shall be certified to the Council, or to the said Health Committee, by the Officer of Health, to be a nuisance, and injurious to the health of the inhabitants, the said Council or the said Health Committee shall

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

67

direct complaint to be made before any Justice, and it shall be lawful for any such Justice to summon the person by or on whose behalf such nuisance is carried on, before any two Justices, and such Justices shall inquire into such complaint; and it shall be lawful for them, by an order in writing under their hands, to direct and order the person by or on whose behalf such nuisance is carried on, to discontinue or remedy the same within such time as to them shall appear expedient: Provided always, that if it shall appear to such Justices that, in carrying on the business complained of, the best means then known to be available for mitigating the injurious effects of such business have not been adopted, it shall be lawful for them to suspend their final determination, upon condition that the person so complained against shall undertake to adopt, within a reasonable time, such means as the said Justices shall find to be practicable, and order to be carried into effect, for mitigating or preventing the injurious effects of such business.

See provisions as to carrying on any trade or business occasioning noxious or offensive effluvia, or annoying the neighbourhood or inhabitants.—Sec. 24 Amendment Act, 1854, page 62.

[A] 36

That it shall not be lawful to raise, fill, or embank upon any ground in the borough with any offensive or unwholesome matter; and every person who shall offend contrary to this enactment shall, for every such offence, forfeit and pay a sum not exceeding five pounds, and a further sum not exceeding forty shillings for every day during which such offensive or unwholesome matter shall continue unremoved, after notice shall have been given by the Borough Engineer for the removal thereof.

For preventing the filling up or embankment upon ground with offensive or unwholesome matter.

[A] 37

That every occupier of any house or other building, or other person who orders or permits any person in his service to stand on the sill of any window in order to clean, paint, or perform any other operation upon the outside of such window, or upon any house or other building within the borough, unless such window be in the sunk or basement story, shall for every such offence forfeit and pay a sum not exceeding five pounds.

For preventing danger in cleaning windows, &c.,

134

And be it enacted, that if any such nuisance as aforesaid shall not be discontinued or remedied within such time as shall be ordered by the said Justices, the person by or on whose behalf such nuisance is carried on, kept, or made, shall be liable to a penalty not exceeding five pounds for every day during which such nuisance shall be continued or unremedied after the expiration of such time as aforesaid: Provided always, that when any person who shall think

Penalty for disobedience of Justices' order.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

68

himself aggrieved by any such order shall, according to the provisions contained in this Act, appeal against any such order, such person shall not be liable to discontinue or remedy the nuisance mentioned therein, or to pay any penalty, until after the expiration of five days after the determination of such appeal, and the confirmation of such order, unless such appeal shall cease to be prosecuted.

135

Act not to
affect
nuisances at
common law.

And be it enacted, that nothing in this Act contained shall be construed to render lawful any act or omission on the part of any person which is, or but for this Act would be deemed and adjudged to be a nuisance at common law, nor to exempt any person guilty of a nuisance at common law from prosecution or action in respect thereof, according to the forms of proceeding at common law, nor from the common law consequences upon a conviction thereof: Provided always, that if any person convicted of an offence under this Act shall have paid the whole amount adjudged to be paid under such conviction, and the costs thereof, in every such case he shall be released from all further or other criminal proceedings for the same offence.

136

Water to be
supplied for
public pur-
poses.

And whereas by the said recited Act passed in the Session of Parliament held in the sixth and seventh years of the reign of Her present Majesty, the Commissioners in that Act mentioned were empowered to purchase lands, and to sink wells, and erect steam-engines, tanks, and reservoirs, for providing a constant and regular supply of water, for the watering of the streets and the extinction of fires, and for the supply of baths, and for other public purposes as in the said Act mentioned, but the powers of the said Commissioners for supplying water for such purposes are confined to that part of the borough of Liverpool which is comprised within the boundaries of the parish of Liverpool, and do not extend to the said townships of Everton and Kirkdale, or to the said parts of the township of West Derby, and of the extra-parochial place of Toxteth Park, which are respectively situate within the boundary of the said borough of Liverpool: And whereas it is expedient to extend such supply of water as aforesaid to the whole of the said borough; Be it enacted, that on and after the said day on which this Act shall

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

69

come into operation, all and every the powers, authorities, and duties of the said Commissioners, of what nature or kind soever, conferred or imposed upon them by or by virtue of the said last-recited Act, and of every officer or other person acting under such authority, shall wholly cease and determine, but without prejudice to any acts or proceedings previously done, had, or transacted under or pursuant to such powers, authorities, and duties, or to any demand or liability by reason or in consequence thereof, and which shall be existing on the said day when this Act shall come into operation.

Powers of
Commission-
ers under 6
and 7 Vict. c.
75, to cease.

137

This Section transfers the powers, authorities, and privileges of the Commissioners named in the last preceding Section to the said Mayor, Aldermen and Burgesses; together with the right and obligation to carry into effect such of the provisions of the last recited Act as are not hereby repealed, and which, if this Act had not been passed, might have been exercised, enforced, or carried into effect by the said Commissioners.

Power of the
Commission-
ers under 6
and 7 Vict. c.
75, transfer-
red to the
Council.

138

This Section vests the property, rights, and works of the said Commissioners in the said Mayor, Aldermen and Burgesses, for the like estates, rights, and interests, and in like manner as they would have remained vested in or belonging to such Commissioners, if this Act had not been passed.

Property of
Commission-
ers under 6
and 7 Vict. c.
75, vested in
the Mayor,
&c.

139

This Section directs that all contracts, assurances, acts, and proceedings, authorised by the last-recited Act, to be entered into, made, or transacted with, or carried on by or against, and all forfeitures, penalties, and other obligations thereby imposed on such Commissioners, in relation to the exercise of the powers by this Act transferred to or authorised to be exercised by the said Mayor, Aldermen and Burgesses, or Council, shall and may be entered into, made, or transacted with, and be incumbent upon, carried on by, and enforced against the said Mayor, Aldermen and Burgesses, and the said Council respectively.

Contracts,
&c., under 6
and 7 Vict. c.
75, may be
enforced by
or against the
Council or the
Mayor, &c.

140

The provisions of the last-recited Act for making a rate, for the application of rates, and for regulating the use of sewers by persons owning property beyond certain limits, are hereby repealed, save as to acts or proceedings done or transacted under such Act.

Repeal of
certain pro-
visions of 6
and 7 Vict.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

70

141

Council to lay down pipes and supply water throughout the Borough.

And be it enacted, that it shall be lawful for the said Council, and the said Council shall lay down and for ever maintain pipes and supply such water throughout the said townships of Everton and Kirkdale, and the said parts of the said township of West Derby, and of the said extra-parochial place of Toxteth Park, which are respectively situate within the said borough, in such and the like manner, and subject in all respects to the same restrictions and liabilities as, by virtue of the said recited Act and this Act, they are empowered and required to do with respect to such part of the said borough as is situate within the said parish of Liverpool.

142

Annual sum of £500 to be paid by the Council towards the Fire Police for purposes of this Act.

And whereas by the said recited Act it is provided, that the said Mayor, Aldermen and Burgesses shall, for the consideration therein mentioned, and as part of the expense of maintaining the fire police of the said borough, pay an annual sum of five hundred pounds to the said Commissioners, to be applied as therein mentioned: Be it enacted, that the said Mayor, Aldermen and Burgesses shall, and they are hereby required, in every year to pay and apply the said sum of five hundred pounds towards the purposes of this Act, so far as the same relate to the said supply of water, and the said Mayor, Aldermen and Burgesses may, and they are hereby authorised and required to raise and pay the said annual sum of five hundred pounds as part of the expense of maintaining the said fire police, in such manner in all respects as if this Act had not been passed.

143

Council to afford a supply of water by public cisterns, pumps, and for baths and wash-houses.

And be it enacted, that all existing public cisterns, pumps, conduits, and other waterworks used for the gratuitous supply of water to the inhabitants of the said borough, shall be continued, maintained and supplied with water by the said Council, and shall be vested in the said Mayor, Aldermen and Burgesses, and be under the management and control of the said Council; and it shall be lawful for the said Council to supply with water any public baths or wash-houses that may be established for the use of the poorer classes.

144

Companies to supply water for public purposes if required.

And be it enacted, that any present or future water company having mains or pipes in the said borough shall, and they are hereby required, if requested by the said Council so to do, to furnish to the said Council in such parts of the said borough where the mains or pipes of any such company shall be laid, a sufficient

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

71

supply of water for any public baths or wash-houses which may be established for the use of the poorer classes, upon payment for the same, at such rates and upon such terms, and in such quantities as shall be agreed upon between the said Council and such company: Provided nevertheless, that if such company shall at any time be unable to supply the said Council with water for the above purposes, without prejudice or hindrance to the regular and sufficient supply to the persons supplied by the said company with water, and to the shipping resorting to the said port, then the obligation to supply the Council with water as aforesaid shall cease, so long as such inability shall continue.

145

And be it enacted, that every person who shall wantonly or unnecessarily break, injure, or open any lock, gate, valve, or other main-pipe, branch-pipe, or other pipe, or any fire-plug, or any other part of the waterworks belonging to the said Mayor, Aldermen and Burgesses, or their Lessees or Contractors, or shall flush or draw off the water of the said Mayor, Aldermen and Burgesses, or their Lessees or Contractors, or shall do any other wilful act whereby such water shall be wasted, or shall wilfully obstruct or injure any person in the execution of the powers conferred by the said lastly recited Act or this Act, for the purpose of procuring supplies of water, shall forfeit for every such offence a sum not exceeding five pounds.

146

And be it enacted, that every person who shall wilfully or knowingly commit any of the following offences shall, for every such offence, forfeit and pay a sum not exceeding five pounds; (that is to say)—

1. Every person who shall bathe in any reservoir, aqueduct, or other waterworks belonging to the said Mayor, Aldermen and Burgesses, or their Lessees or Contractors, or shall wash or cause to enter therein any dog or other animal.
2. Every person who shall throw, put, or cast any gravel, stone, rubbish, dirt, filth, or other noisome or offensive matter or thing into any such reservoir, aqueduct, or other waterworks as aforesaid, or who shall wash or cleanse therein any cloth, wool, leather, or skin of any animal or other thing.

3. Every person who shall cause or permit the water of any sink, sewer, or drain, or any other offensive liquid, matter, or thing belonging to him, to run, drain, or be conveyed into any of the springs, rivulets, reservoirs, aqueducts, pipes, or other waterworks belonging to the said Mayor, Aldermen and Burgesses, or who shall commit or cause any other act whereby the water of the said Mayor, Aldermen and Burgesses shall be fouled or corrupted.

147

Penalty on gas-makers for allowing water to be corrupted.

And be it enacted, that if any person making or supplying any gas within the said borough shall at any time cause or suffer to be conveyed or to flow into any stream, reservoir, aqueduct, pond, or place for water within the said borough, or belonging to the said Mayor, Aldermen and Burgesses, or into any drain, sewer, or ditch communicating therewith, any gas, or any washing substance or thing which shall be produced in making or supplying gas, or shall do any act to the water contained in any such stream, reservoir, aqueduct, pond, or place for water, whereby the water therein shall be fouled or corrupted, then such person shall forfeit and pay for every such offence any sum not exceeding fifty pounds.

148

Daily penalty for escape of gas after notice.

And be it enacted, that whenever any gas shall escape from any pipe which shall be laid down or set up by any person making or supplying any gas within the said borough, such person shall, immediately after receiving notice in writing of any such escape of gas, prevent such gas from escaping; and in case such person shall not within twenty-four hours next after the service of such notice effectually prevent the gas from escaping, and wholly removing the cause of complaint, then he shall for every such offence forfeit the sum of five pounds for each day after the expiration of twenty-four hours from the service of such notice during which the gas shall be suffered to escape.

149

Liverpool Gas Company not to be liable to certain penalties contained in recited Acts after mentioned, 4 and 5 Vic. c. 28.

And whereas, in and by an Act of Parliament passed in the fourth year of the reign of Her present Majesty, intituled "An Act to alter, amend and enlarge the powers and provisions of an Act for lighting with gas the port and town of Liverpool, and township of Toxteth Park, in the County of Lancaster, and for lighting with gas the

several townships of West Derby, Everton, Kirkdale, Walton-on-the Hill, Bootle-cum-Linacre, Litherland, Great Crosby, Wavertree, and Garston, in the County of Lancaster," certain provisions are contained and enacted, whereby the Liverpool Gas-light Company are made liable to certain penalties for corrupting water in manner therein mentioned, and for escapes of gas from the pipes of the said Company, and which provisions are contained in the several sections numbered fifty-three to sixty, both inclusive, of the said Act, and the same are still in force against the said Liverpool Gas-light Company: And whereas in and by a certain other Act of Parliament passed in the fourth year of the reign of his late Majesty King George the Fourth, 4 Geo. 4 c. 39. intituled "An Act for lighting with Oil-gas the town of Liverpool, and certain places adjacent thereto," certain provisions were contained and enacted, whereby the Liverpool Oil-gas-light Company were made liable to certain penalties for corrupting water in the manner therein mentioned, and for escapes of gas from the pipes of the said last-mentioned Company: And whereas such provisions are contained in the several sections, numbered sixty to sixty-four, both inclusive, of the said last-mentioned Act. And whereas by another Act of Parliament, passed in the fourth year of the reign of his late Majesty King William the Fourth, intituled "An Act to empower 4 Wm. 4, c. 1. the Liverpool Oil-gas-light Company to produce gas from coal and other materials, and to amend the Act relating to the said Company," the name of the said Liverpool Oil-gas-light Company was changed to that of the Liverpool New Gas and Coke Company: And whereas the said provisions contained in the said Act of the Liverpool Oil-gas Company are now in force against the said Liverpool New Gas and Coke Company: And whereas the several provisions and penalties so enforced against the said Liverpool Gas-Light Company, and Liverpool New Gas and Coke Company, respectively, are a sufficient protection to the said Mayor, Aldermen and Burgesses, and to the public, against the aforesaid mischief, as respects the said Companies; Be it therefore enacted, that so long as the said provisions and penalties contained and imposed in and by the said Acts relating to the said Gas Companies respectively shall be in force, the said Companies respectively shall not be liable to the provisions and penalties herein contained for the prevention of the corruption of water and escapes of gas; but such last-mentioned provisions and

The Liverpool Gas-light Company and Liverpool New Gas and Coke Company, exempt from certain penalties in their own Acts enforced

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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penalties shall, as to the said Companies respectively, be suspended during such period.

150

Humane
apparatus
and assistants
may be
provided.

And be it enacted, that it shall be lawful for the said Council to purchase, provide, and maintain all such apparatus, matters, and things as may appear to them to be necessary to assist in searching for drowned persons, and restoring animation to persons apparently drowned, and to employ and reward assistants therein, in such a manner as to the said Council shall seem expedient.

151

Sewer rate,
paving rate,
and general
rate to be
assessed in
the said
borough.

And in order to raise money for the carrying the several purposes of this Act into execution; Be it enacted, that it shall be lawful for the said Council once in every year, or oftener if they shall think it necessary, to make one or more rate or rates, to be called the "Sewer Rate," for the purpose of purchasing, constructing, and repairing sewers for the said borough, and for otherwise maintaining effectually the wholesome sewerage and drainage of the said borough, and also for securing, raising, and paying any monies, and the interest thereof, which may be borrowed on the security of the said sewer rate, in pursuance of the provisions of this Act; and in like manner, once in every year, or oftener if they shall think it necessary, to make one or more rate or rates, to be called the "Paving Rate," for the purpose of forming, making, maintaining, paving, sweeping, cleansing, and watering the streets within the said borough, and for securing, raising, and paying any monies, and the interest thereof, which may be borrowed on the security of the said paving rate, in pursuance of the provisions of this Act; and in like manner, once in every year, or oftener if they shall think it necessary, to make one or more rate or rates, to be called the "General Rate," for defraying all sums specially made payable by this Act out of such rate, together with the salaries of all officers acting in the execution of this Act, unless otherwise provided, and all other incidental costs, payments, compensations, charges, and expenses attending the execution of the powers, duties, and authorities hereby imposed and given to the said Council and Health Committee, and which are not herein otherwise specially provided for.

See Liverpool
Corporation
Act, 1893,
Section 26.

The 25th sec. of the Liverpool Improvement and Waterworks Act, 1871, provides that after the 1st January, 1872, the cost of sweeping, cleansing, and watering the streets (including therein the cost of horses, carts, materials, and implements) shall be paid out of the "General Rate."

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

75

And be it enacted, that every such rate as aforesaid shall be made and levied by the said Council, at yearly, half-yearly, or quarterly periods, or oftener if they shall think necessary, upon all or every person who shall hold, use, or occupy any house, shop, warehouse, counting-house, coach-house, stable, cellar, vault, building, work-shop, manufactory, garden, land, or tenement whatsoever, situate within the limits of the said borough, according to the full nett annual value thereof respectively, the same to be ascertained in manner hereinafter mentioned; and the said rates shall from time to time be collected and paid yearly, half-yearly, or quarterly, or oftener if the said Council shall think proper, in every year, and shall commence from such time after this Act shall come into operation in the said borough, as the said Council shall think fit.

152
As to the
manner of
levying rates.

Note.—Composition for rates.—The 29th sec. of the L. S. A. A., 1854, is repealed by the 67th sec. of the L.I.A., 1867.

Note.—Composition for rates.—Where the rateable value of premises does not exceed thirteen pounds the owner to be rated upon a reduced estimate of one half whether the premises be occupied or not. L. I. A., 1867, sec. 68.

Note.—Water Rate.—Sections 153 and 154 of the L. S. A., 1846, are repealed by the Liverpool Corporation Waterworks Act, 1862, sec. 26.

Provided always, and be it enacted, that no person shall be rated to any rate whatever, made in pursuance of this Act, in respect of any church, chapel, or other building exclusively used for public worship, or in respect of any rent-charge in lieu of rectorial or vicarial tithes, or any composition in lieu of any such rent-charge, or in respect of any building used for the education of the poor exclusively, or in respect of any land, building, or other property belonging to the said Council under the provisions of this Act.

155
Churches,
chapels,
schools, &c.,
not liable to
be rated.

And be it enacted, that the nett annual value of all such property in respect of which the person who shall hold, use, or occupy the same, is liable to be rated under the provisions in this Act contained, shall be ascertained according to the meaning of the words "nett annual value," as described in an Act of Parliament, passed in the Session of Parliament held in the sixth and seventh years of the reign of His late Majesty King William the Fourth, and intituled "An Act to regulate Parochial Assessments," and shall in all cases,

156
Nett annual
value to be
determined
according to
the provisions
of 6 and 7
Wm. 4, c. 96.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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for the purposes of this Act, be taken and estimated according to such value as the same is or shall be rated or assessed in the rate or assessment for the relief of the poor in the year preceding.

157

Poor rate
may be in-
spected and
copied.

And in order to assist the said Council in making any rate or rates in pursuance of this Act; Be it enacted, that it shall be lawful for the said Council, and they are hereby authorised and empowered, at all reasonable times, to inspect, or by writing signed by them or any three of them, to grant authority to any other person to inspect and take copies of any of the rates made for the relief of the poor within the said borough, or the books wherein the assessment thereto shall be entered; and if any person, in whose custody or power any of the said rates or books shall be, shall refuse or neglect to produce the same in manner hereby required, or to permit such copies or extracts to be made as aforesaid, he or they shall, for every such offence, forfeit and pay any sum not exceeding five pounds.

158

Power to levy
rates in res-
pect of pro-
perty not
included in
the Poor's
rate.

And be it enacted, that if any property shall be omitted from the poor rate, or shall be erected, completed or occupied after the rate shall have been made for the relief of the poor in any year, it shall be lawful for the Council to cause a valuation to be made, of the annual rent or value thereof, and to cause the same rates or assessments for any of the purposes of this Act, to be made upon the owners or occupiers thereof, as the case may be, as they could have done if such property had been rated or assessed to the rate for the relief of the poor; Provided always, that such owners and occupiers shall have the same right of appeal against any such rate or assessment as is granted by this Act against the rates to be made by virtue thereof.

159

Debt of Com-
missioners
charged on
water rate.

And whereas for the purpose of carrying into effect the provisions of the said Act passed in a session of Parliament, held in the sixth and seventh years of the reign of Her present Majesty, the said Commissioners in that Act mentioned were empowered to borrow at interest on the credit of the several rates and assessments, and the said yearly sum of five hundred pounds in that Act mentioned, by way of assignment or mortgage thereof, any sum not exceeding fifty thousand pounds: And whereas, the said Commissioners have borrowed the said sum of fifty thousand pounds, and the same is

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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now secured on the credit of such rates and yearly sum of money as aforesaid; Be it enacted, that every creditor on such rate or assessment, or on the said yearly sum, shall have such and the like security upon the said water rate, and upon the said yearly sum of five hundred pounds by this Act respectively directed to be assessed, levied, and paid, and such and the like remedies, rights, and privileges, for the recovery of any principal, money, or interest secured thereon, against the said Mayor, Aldermen and Burgesses, as if this Act had not been passed he would have had upon the said rates and assessments, and the said yearly sum, and against the said Commissioners in the said Act, passed in the said session of Parliament, held in the sixth and seventh years of the reign of Her present Majesty respectively mentioned; and the said sum of fifty thousand pounds, and every part thereof, shall be and remain, until the same and every part thereof shall be paid and satisfied, a charge on the said water rate, and on the said yearly sum of five hundred pounds so directed to be raised and levied as part of the expense of maintaining the said fire police as herebefore mentioned.

And be it enacted, that the said parish of Liverpool, and the said several townships of Everton and Kirkdale respectively, and the said parts of the township of West Derby, and of the said extra-parochial place of Toxteth Park respectively, shall be separate, and distinct districts for the purpose of laying and levying the said several rates; and it shall be lawful for the said Council, and they are hereby required, instead of making one rate or rates respectively, for the whole of the said borough, to make separate and distinct rates, as occasion shall require, for every such separate and distinct district respectively, and to appoint, if they shall see fit, Surveyors, Collectors, and other officers for every such district, or any part thereof respectively; and to cause separate and distinct accounts to be kept of all monies collected and received by virtue of any rate or rates which shall be made under the authority of this Act, in every distinct district, and of all payments and disbursements in respect thereof; and the said Council are hereby authorised to apply the monies to be collected and received from each distinct district by virtue of any such rate or rates as aforesaid, to and for the several purposes to which the same may be lawfully applied under the

160

Rates to be
levied on
separate and
distinct dis-
tricts.

Repealed by
Liverpool
Corporation
Act, 1893,
Schedule I.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

78

authority of this Act, but so nevertheless that each district shall, as near as may be, bear its own costs, charges, and expenses, and in case any such costs, charges, and expenses shall apply to or be incurred in respect of two or more districts, the same shall be apportioned and divided between such districts in such manner as the said Council shall adjudge to be fair and equitable.

161

Council to pay annually certain sums towards the paving and sewerage rates in the Parish of Liverpool, 5 and 6 Vict. c. 26.

And whereas by the said Act of the eleventh year of the reign of His late Majesty King George the Fourth, the Mayor, Bailiffs, and Burgesses of the said town of Liverpool were required to contribute and pay a certain yearly sum of five thousand pounds, to be applied in aid of and for carrying the several purposes of that Act into execution, in such way as the Commissioners in that Act mentioned should direct; and by the said Act of the fifth year of the reign of Her present Majesty, intituled "An Act for amending an Act relating to the Paving and Sewerage of the town of Liverpool, in the County Palatine of Lancaster," the said Mayor, Aldermen and Burgesses were authorised and required to pay to the said Commissioners the yearly sum of three hundred and seventy-five pounds for the term of ten years from the passing of the said Act, to be applied to the purposes of sewerage only: And whereas the operation of both the said Acts were confined to the said parish of Liverpool; Be it enacted, that the said Mayor, Aldermen and Burgesses shall yearly and every year pay and apply the said sum of five thousand pounds from the borough fund, towards and in aid of the said sewerage and paving rates in the said district of the parish of Liverpool, in such shares and proportions as the said Council shall think fit, and the further sum of three hundred and seventy-five pounds yearly and every year, until the end and determination of the said term of ten years, in aid of the sewerage rate within the said district of the parish of Liverpool.

[A] 12

Council to pay £375 per annum towards Sewerage of the Parish of Liverpool until it is completed.

Repealed by 1st Schedule, Liverpool Corporation Act, 1893.

That whereas by the provisions of "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," the Mayor, Aldermen and Burgesses were authorised and required to pay the sum of three hundred and seventy-five pounds yearly, and every year until the determination of the term of ten years, to be computed as therein mentioned, such yearly sum of three hundred and seventy-five pounds to be applied to the purposes of sewerage only within the Parish of Liverpool: And whereas it was contemplated at the time of the passing of the said last-mentioned Act that the sewerage of the Parish of Liverpool would be completed in the said term of ten years: And whereas the construction of the necessary works

* Now to be paid to the credit of the General Rate. See Liverpool Corporation Act, 1893, Section 29.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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connected with such sewerage will extend over a longer period than the said term of ten years: The Mayor, Aldermen, and Burgesses shall pay the sum of three hundred and seventy-five pounds yearly and every year, to be applied to the purposes of sewerage only within the Parish of Liverpool, such payment to commence from the determination of the said term of ten years, and to continue until the sewerage of the parish shall be completed.

This payment abolished. See Liverpool Corporation Act, 1893, Section 29, Sub-section 2

162

And whereas it was enacted in and by the said Act passed in the Session of Parliament held in the fifth and sixth years of the reign of Her present Majesty, intituled "An Act for better Paving and Improving the Streets and Highways within the Extra-parochial place of Toxteth Park, in the County Palatine of Lancaster, and for the Sewerage of certain parts of the said Place," that it should be lawful for the Commissioners thereby appointed to borrow at interest, on the credit of the several rates or assessments by that Act granted for the purposes of sewerage, any sum of money not exceeding five thousand pounds, by way of mortgage or annuity, as the case might be: Be it enacted, that the said sum of five thousand pounds, or so much thereof as the said Commissioners, in pursuance of the said authority, have borrowed and taken up at interest, and which at the time of the passing of this Act shall remain owing and unpaid, shall be a charge upon the Sewer Rate to be made as hereinbefore directed, in the said part of the extra-parochial place of Toxteth Park which is within the said borough, and the several and respective mortgagees and annuitants having such security as aforesaid, shall be creditors on the said Sewer Rate, and the same mortgage debts and annuities respectively, and all interest due or to accrue due thereon, shall be paid by the said Council out of such Sewer Rate, and the several mortgagees and annuitants respectively holding such securities, shall respectively have, exercise, and enjoy such and the like remedies, rights, and privileges for the recovery of their said mortgage debts, annuities, and interest respectively, against the said Mayor, Aldermen and Burgesses, as if this Act had not passed they might have had, exercised, and enjoyed against the said Commissioners.

The debt already contracted in Toxteth Park under 5 & 6 Vict. c. 105, to be charged on the rate for that district.

163

And be it enacted, that it shall be lawful for the said Council to make any such rate for the purposes aforesaid prospectively to raise money to pay charges and expenses to be incurred thereafter, or retrospectively to raise money to pay charges and expenses already incurred.

Rates may be prospective or retrospective.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

80

164

Owner of un-occupied premises to be rated to the sewer rate.

Repealed. See Section 11, Liverpool Corporation Act, 1890.

And be it enacted, that when any property whatsoever in respect of which any occupier would be liable to be rated and assessed to the Sewer Rate under the provisions of this Act, shall at the time of making such rate be unoccupied, then and in every such case it shall be lawful for the said Council, and they are hereby required, to rate and assess the owner of such unoccupied premises to such rate, and every such owner shall pay the amount of such rate due from such owner: Provided always, that nothing herein contained shall affect the right hereinafter reserved to recover any arrears due of sewer rates from any future occupier of such premises.

165

Unoccupied premises may be included in the rates but the rates are not to be collected unless they are occupied.

And be it enacted, that when any premises in respect of which any person may be liable to be assessed to the Paving Rate, General Rate, or Water Rate, under the provisions of this Act, shall, at the time of making any such rates, be unoccupied, then and in every such case it shall be lawful for the Council to include such premises in the said rate, describing them in the column in the said rate appropriated to the name of the occupier, as being "void;" and if any person or persons shall afterwards occupy such property during any part of the period for which such rate shall have been made, it shall be lawful for the Council to insert in such rate the name of such occupier, and to collect from such occupier or from the owner, if he shall be liable to pay the same, such portion of the said rates as shall be proportioned to the time during which such person or persons shall occupy such property; and every such person shall thereupon be deemed, to all intents and purposes, to be properly rated, and all such rates may be collected and recovered from the person who shall be liable to pay the same under the provisions of this Act, in the same manner as other rates made payable under the provisions of this Act: Provided always, that any such person whose name shall be so inserted in such rate, and such owner as last aforesaid, may appeal against the same to the Justices at Special Sessions, or to the General Quarter Sessions which shall be holden next after such insertion of his name as aforesaid: Provided also, that, except as aforesaid, no Paving Rate, General Rate, or Water Rate, shall be payable by any person whatsoever in respect of unoccupied premises.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

81

166

And be it enacted, that whenever the name of any owner or occupier liable to be rated under the provisions of this Act shall not be known to the Council, or to the person making any rate, it shall be sufficient to rate such owner or occupier in the rate-book of the said Council as the owner or occupier of the property to be rated, by the designation of "the owner" or "occupier" without stating his name.

That the occupier of any land used as a railway, constructed under the powers of any Act of Parliament for public conveyance, shall be assessed to any rate made for purposes which might have been executed within the borough of Liverpool, under the provisions of "the Public Health Act, 1848," if that Act had been applied to the said borough, in the same proportion as such occupier would have been assessed for the like purposes under the provisions of that Act.

[A] 31

Railways to be assessed as under the provisions of 11 and 12 Vict. c. 63.

And be it enacted, that notice of the intention of making every rate authorised to be made under the provisions of this Act, and of the time at which the same is intended to be made, and of the place where a statement of the proposed rate shall be deposited for inspection, shall be given by the Council, by advertisement twice in some newspaper printed or circulated within the borough, immediately previously to such rate being made, or as nearly so as may be: Provided always, that it shall not be necessary in any proceedings to levy and recover such rate, to prove that such notice as aforesaid was given.

167

Notice of rate be given.

And be it enacted, that immediately after any rate shall be made under the provisions of this Act, the same shall be open to the inspection of any person rated or otherwise interested in such rate at all seasonable times, and any such person may take copies or extracts from such rate without paying anything for the same; and if the person having the custody of such rate shall refuse or shall not permit any such persons as aforesaid to take copies or extracts, from such rate, he shall forfeit for every such offence any sum not exceeding five pounds.

168

Rate may be inspected by ratepayers.

And be it enacted, that it shall be lawful for the Council from time to time to amend any rate made by virtue of this Act, by inserting therein the name of any person who ought to have been rated, or by

169

Rates may be amended.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

82

striking out the name of any person who ought not to have been rated, or by making such other amendments therein as will make such rate conformable to this Act, and no such amendments shall be held to avoid the rate: Provided always, that any person who shall be aggrieved by any such alteration, shall have the same right to appeal therefrom as he would have had if his name had been originally inserted in such rate, and no such alteration had been made; and every person whose rate shall be altered shall be entitled to seven days' notice of such alteration, before the rate shall be payable by him.

170

Parties may appeal to the Quarter Sessions against a rate.

And be it enacted, that if any person shall think himself aggrieved by any rate made under the authority of this Act, or by any matters included in or omitted from the same, he may appeal to the next General or Quarter Sessions of the Peace for the said Borough, but no such appeal against such rate, or any matter contained in or omitted from the same, shall be entertained at such General or Quarter Sessions, unless fourteen clear days' notice, in writing, of such appeal, stating the nature and ground thereof, be given by the aggrieved party to the said Council, by leaving the same at the office of the said Town Clerk; and at the General or Quarter Sessions, for which any such notice of appeal shall be given, the Court shall proceed to hear and determine the appeal in a summary way, except when the Court shall think fit to adjourn the appeal to the following Sessions, which they are hereby authorised to do, and in all such cases the Court shall hear and determine the appeal at such last-mentioned Sessions.

171

Quarter Sessions on appeal may amend or quash rates and award costs.

And be it enacted, that the Court of Quarter Sessions shall, in any appeal against any rate made under the authority of this Act, have the same powers of amending or quashing such rates as are by law vested by such Court for amending or quashing the rates for the relief of the poor within their jurisdiction upon appeals against such rates; and shall likewise have, in any such appeal, the same powers of awarding costs to be paid by or to any of the parties to an appeal, and of recovering such costs as are now or may be vested in such court for awarding and recovering costs in an appeal against any rate for the relief of the poor within their jurisdiction.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

83

And be it enacted, that if any person rated under the authority of this Act shall not pay any of the said rates due from him, for the space of fourteen days after demand thereof in writing, by the said Council or their Collector, it shall be lawful for the Mayor, Aldermen and Burgesses, to recover the same by action of debt in any of Her Majesty's Superior Courts, or any other Court whatever having jurisdiction there over debts to the amount sought to be recovered, or any Justice shall, on the application of the Council, or of their Collector, summon any such person to appear before him, at a time to be mentioned in the summons, to show cause why the rate due from him should not be paid; and in case no sufficient cause for the non-payment of such rate shall be shown, the same shall be levied by distress, and such Justice shall issue his warrant accordingly.

172

Rates to be recovered by action or distress.

And be it enacted, that the warrant of distress for the recovery of any rate made payable by this Act, may include one person or several persons, and may be in the form or to the effect mentioned in the Schedule (A.) to this Act annexed; and in all cases where a distress is hereby authorised to be made, every constable authorised by the warrant to levy any sum mentioned therein, shall, upon being required by a Collector of rates, aid in making a distress or sale pursuant to such warrant; and every constable who shall refuse so to do, shall be liable to a penalty not exceeding five pounds.

173

Form of warrant of distress.

That if any person who shall be liable to the payment of any of the rates made or levied by virtue of the provisions of the said several recited Acts, or any of them respectively, or of any composition made or entered into by virtue of this Act, shall refuse or neglect to pay the amount of such rates or composition for the space of fourteen days after demand, it shall be lawful for any Justice having jurisdiction where such person shall then reside, or where the property in respect of which the said rates or composition shall be due and payable is situate, to issue his summons, which summons may include all the sums due from any such person, in respect of all or any of the said rates or compositions respectively, to such person, requiring him to appear at a time and place named therein, and then and there to show cause why the sum or sums so demanded should not be paid. And if, on the appearance of such person, or in default of appearance after proof of the service of such summons, either personally, or by leaving the same at the last known place of abode or of business of such person, or upon the premises in which the said rates or compositions are due and payable, no sufficient cause shall be shown to the contrary, it shall be lawful for any Justice, having jurisdiction as aforesaid, to issue his warrant of distress for the seizure and sale of the goods and chattels of such person, for the recovery of the amount which may be proved before such Justice, to be due from such person, in respect of all or any

[A] 30

Recovery of rates.

See Liverpool Corporation Act, 1893, Section 37.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

84

of the said rates or compositions, together with such costs as to such Justice shall seem just and reasonable. And in case it shall be returned to such warrant of distress, that no sufficient goods of the party against whom such warrant shall have been issued can be found, it shall be lawful for the Justice to whom such return is made, or for any other Justice of the Peace, having jurisdiction as aforesaid, if he shall think fit, to commit the person from whom the said rates or compositions, or any of them, or any part thereof, shall be due and unpaid, to the House of Correction or Common Gaol for the district in which such person shall then reside, for any term not exceeding three calendar months, unless the sum or sums for which such warrant of distress shall have been issued, and all costs and charges of the distress, and of the commitment and conveying of such person to prison (the amount thereof being ascertained and stated in such commitment), shall be sooner paid. Provided that no imprisonment under this Act, shall in anywise operate as a satisfaction or extinguishment of any sum due from any such person in respect of all or any of the said rates or compositions respectively, or of any sum or sums for which such warrant of distress shall have been issued, or of such costs and charges respectively, or protect such person from being anew summoned for any such rates or compositions respectively, or execution being taken out against the goods and chattels of such person, in the same manner as if such imprisonment had not taken place.

174

Power to re-
mit rate

Provided always, and be it enacted, that it shall be lawful for the Council to reduce or remit the payment of any rate on account of the poverty or sickness of any person liable to the payment thereof.

175

Persons about
to quit, liable
to pay rates
on demand.

And be it enacted, that if any person shall quit, or be about to quit, any rateable property before he shall have paid the rates then payable by him in respect thereof, and shall not pay the same to the Council or their Collector, on demand, it shall be lawful for any Justice of the Peace having jurisdiction where such person may reside, or his goods be found, to summon such person to appear before him, at a time to be mentioned in the summons, to show cause why the rates should not be paid; and if no sufficient cause for the non-payment of such rates be shown accordingly, the same shall be levied by distress, and such Justice shall issue his warrant accordingly.

176

Rates to be
apportioned.

And be it enacted, that when any paving rate, general rate, or water rate shall be made for a particular period, and the owner or occupier who shall be rated to such rate shall cease to be the owner or occupier of the property in respect whereof he shall be rated before the end of such period, such owner or occupier shall be liable to pay a portion only of such rate payable for the whole of such period proportionate to the time during which he continued to

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

85

be owner or occupier, and in every such case, if any person shall become the owner or occupier of any property so rated as aforesaid, during any part of any period for which any such rate shall have been made, such person shall pay a portion of such rate proportioned to the time during which he shall have held or occupied the property so rated, and the same shall be recovered from him in the same manner as if he had been originally rated for such property.

177

Rates due
from owner
may be re-
covered from
occupier.

And be it enacted, that when the owner of any rateable property shall have been rated in respect thereof, and the rate shall remain unpaid for the space of three months, it shall be lawful for the Council or their Collector to recover the amount of such rate from the occupier of such rateable property by distress and sale of his goods and chattels, in like manner as rates may be recovered from the occupiers of any property liable to be rated: Provided always, that no occupier shall be required to pay, nor shall his goods and chattels be distrained for any further sum than the amount of rent due from him at the time of the demand made upon him for such amount of rate, or which shall, after such demand and notice not to pay the same to his landlord, at any time accrue and become payable by him, unless he shall refuse, on application being made to him for that purpose by or on behalf of the Council, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded from any such occupier is greater than the rent which was due by him at the time of such notice, or which shall have since accrued, shall lie upon such occupier.

178

Occupier
refusing to
give name of
owner, liable
to a penalty.

And be it enacted, that if, on the request of the said Council, or of the Collector of the said rates, the occupier of any property shall refuse or wilfully omit to disclose, or shall wilfully misstate to the Council or Collector making such request, the name of the owner of such property, or of the person receiving or authorised to receive the rents of the same, it shall be lawful for any Justice of the Peace, on oath made before him of such request, and of such refusal or wilful omission or misstatement, to summon the person who shall have so refused, or wilfully omitted, or misstated as aforesaid, to appear at the time and place to be mentioned in such summons,

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

86

before such Justice, or before some other Justice; and if the person so summoned shall neglect or refuse to attend at the time and place mentioned in the summons, or if he shall attend and not show good cause to the Justice then present for such his refusal, or wilful omission, or misstatement, it shall be lawful for such Justice, upon proof, in case of the neglect or refusal to attend as aforesaid, of the due service of the said summons, to impose a penalty upon such person who shall have so refused, or wilfully omitted, or have made such wilful misstatement, not exceeding the sum of five pounds.

179

Occupier may recover money paid for rates due from owner, or deduct the amount from the rent.

And be it enacted, that if the amount of any rate which under the provisions of this Act ought to be borne and paid by the owner of any rateable property, shall be paid by the occupier of such property, or levied on his goods and chattels, then the person who shall be the owner of such property at the time of such payment or levy, shall reimburse the occupier, and it shall be lawful for such occupier to deduct the sums paid or levied, together with the costs of the distress (if any) paid by him, from any rent due or to become due from him in respect of such property, and the payment shall be a good and sufficient discharge to such occupier against such owner for so much money as he shall have paid in the manner directed by this Act, or shall have sustained the loss of by reason of any distress made under this Act; or such occupier may recover the same from such owner as aforesaid by action of debt, or on the case to be brought in any of Her Majesty's superior courts, or in any court whatsoever.

180

One half of Sewer rates may be deducted by occupier from his rent.

By Section 28, Liverpool Corporation Act, 1893, special provision as to occupiers in case of Sewer Rate is made and occupier is entitled to deduct from rent the portion of the rate fixed by the Council.

And be it enacted, that in every case in which any occupier of any rateable property shall have paid any sum for sewer rates, he shall be entitled to deduct from the rent which shall at the time of such payment be due in respect of such rateable property, or which may thereafter accrue due and become payable by him, one-half of such amount of sewer rates so paid as aforesaid: Provided always that nothing herein contained shall be taken to affect any special contracts between any lessor and occupier of such rateable property, whereby it is agreed that the occupier shall pay and discharge the sewer rates due or to become due in respect of such property.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

87

Provided always, and be it enacted, that when any owner shall be rated to the paving rate, general rate, or water rate, in respect of any rateable property which shall be in the occupation of a tenant under any lease or agreement made prior to the period when this Act shall come into full force and operation, such tenant shall repay to the owner all sums which shall be paid by the owner on account of any such rates made under the provisions of this Act, during the continuance of such lease or agreement, unless it shall have been agreed by the terms of such lease or agreement as aforesaid, that the owner should pay such rates in respect of such property; and every such sum of money payable by the tenant to the owner under the provisions hereinbefore contained may be recovered, if the same be not paid upon demand, as arrears of rent could be recovered from the occupier by the said owner.

181

Paving, general, or water rates paid by owners, may be recovered from certain tenants

And be it enacted, that no person, although liable to the payment of money towards the rates authorised to be raised under this Act, shall by reason thereof be disabled to act as a Justice of the Peace, or otherwise, in any matter relating to the carrying of this Act into execution.

182

Liability to rates not to disqualify certain officers to act.

183

And in order to raise money for defraying the expenses incurred or to be incurred by the Council in carrying into effect the provisions of this Act: Be it enacted, that it shall be lawful for the said Council, and they are hereby authorised to borrow and take up at interest, on the credit of the rates hereinbefore authorised to be made and levied of and from any person who shall be willing to advance the same, the sum and sums of money necessary for defraying the costs, charges, and expenses incurred or to be incurred by them in carrying into effect the provisions of this Act; and for securing the repayment of such sum or sums of money, with interest at a rate not exceeding five pounds per centum per annum, the said Council may mortgage and assign over the said rates or assessments, or any part thereof, to the person who shall advance such money, or his trustee, as a security for the money so to be borrowed, together with interest for the same: Provided always, that the money borrowed to defray the costs, charges, and expenses of sewerage and draining such district, shall, as near as may be, be charged upon the credit of the

Money may be borrowed on security of the rates.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

88

sewer rate to be assessed upon such separate district; and in like manner the money borrowed to defray the costs, charges, and expenses of forming, making, maintaining, paving, sweeping, cleansing, and watering the streets in each district, shall be charged upon the credit of the paving rate in such district; and the money borrowed for the purpose of defraying the expenses of the water department shall, in like manner, be charged upon the water rate in such district; and in case any such costs, charges, and expenses shall apply to or be incurred in respect of two or more districts, or parts thereof respectively, the same shall be apportioned and divided between districts, in such manner as the said Council shall adjudge to be fair and equitable.

[A] 32
Power to
Council to
advance
money from
rates to ex-
cute certain
works.

As to
recovery of
Rates,
see p. 83.

That whenever by this Act or "the Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," the Council are empowered to perform or execute any work, and to recover the costs and expenses of such work from any person, it shall be lawful for the Council in the first instance to pay the necessary costs and expenses of such work out of any funds in their hands, by virtue of "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," or this Act, and to recover the amount expended from the person liable under "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," or this Act, to pay the same, in the same manner as rates are by this Act authorised to be recovered, or in the manner provided by the several sections of "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," numbered from ninety-nine to one hundred and four, both inclusive, for the repayment to the Council of any costs, charges, and expenses incurred or monies expended by them; and all sums of money by this Act directed to be paid to the Council by any owner or other person shall, on default of payment by such owner or other person be recoverable as rates are by this Act directed to be recovered.

184
One-thirtieth
part of
Monies bor-
rowed on
security of
rates, to be
paid off
yearly.

And be it enacted, that in order to discharge the principal money of any such sum or sums of money as shall be borrowed on security of any of the said rates, it shall be lawful for the said Council, and they are hereby authorised and required, yearly and every year, to deduct, appropriate, and set apart and apply, out of such rates respectively, such a sum of money as shall be in proportion to one-thirtieth part of the money borrowed or secured, and which at that time shall remain due and secured as aforesaid upon the said rates respectively, as and for a sinking fund, to be applied in paying off and discharging the principal monies so respectively borrowed or secured; and shall from time to time cause such sinking fund to be

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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invested in the purchase of Exchequer Bills or other Government securities, and to be increased by accumulation in the way of compound interest or otherwise until the same shall be of sufficient amount to pay off the said principal debts, or some one of them, or some part of some one of them respectively, at which time the same shall be so applied in paying off the same in manner hereinafter mentioned.

And be it enacted, that every mortgage of rates authorised to be made under the provisions of this Act shall be by deed duly stamped, in which the consideration shall be truly stated, and every such deed shall be under the common seal of the Mayor, Aldermen and Burgesses, and may be according to the form in the Schedule (C), to this Act annexed, or to the like effect, and the respective mortgagees shall be entitled, one with another, to their respective proportions of the rates and assessments, or other property, comprised in such mortgages according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced with interest, without any preference one above another by reason of priority of advancing such monies, or of the dates of any such mortgage respectively.

185
Form of
mortgage.

Sections 236
to 239 of
Public
Health Act,
1875, made
applicable.

That with respect to mortgages granted after the passing of this Act, under the authority of "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," it shall not be incumbent upon the Mayor, Aldermen and Burgesses, or the Council, to take notice of, nor shall they be affected by the notice of any trust not expressly appearing on the face of any such mortgage; and the receipt of the party or parties to whom any mortgage is granted, or of the survivor or survivors of such parties, or of the executors or administrators of the last of such survivors, shall be a good discharge for all principal or interest secured by such mortgage, and the Mayor, Aldermen and Burgesses, or the Council, or any person acting under them, shall not be required or concerned to see to the application of such monies or any part thereof, or be answerable or accountable for the misapplication or non-application thereof, or of any part thereof.

[A] 35
Mayor, &c.,
not affected
by notice of
trusts of
mortgage
money.

And be it enacted, that the expenses of every mortgage shall from time to time be defrayed by the Council out of the money raised by the same.

186
Expenses of
mortgages.

And be it enacted, that a separate register of mortgages on the sewer rates, a like register of mortgages on the paving rates, and a like register of mortgages on the water rates, shall be kept by the

187
Registers of
mortgages to
be kept, and
to be open to
inspection.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

90

Town Clerk, and within fourteen days after the date of any mortgage, an entry or memorial, specifying the number and date of such mortgage, and the sum secured thereby, and the names of the parties thereto, with their proper additions, shall be made in the proper register, and every such register may be perused at all reasonable times by any mortgaged or by any person interested in any such mortgage, without fee or reward.

[A] 34
Register of
mortgages of
general rate,
and of trans-
fer of such
mortgages.

Whereas by "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," no provision was made for the registry of mortgages granted on the security of the general rate thereby authorised to be levied. The provisions of the said Act with respect to the register of mortgages on "The Sewer Rate," "The Paving Rate," and "The Water Rate," respectively, and with respect to the registry of transfers of such mortgages, shall extend and apply to mortgages on "The General Rate," and transfers of such mortgages.

188
Transfer of
mortgages.

And be it enacted, that from time to time any party entitled to any such mortgage may transfer his right and interest therein to any other person, and every such transfer shall be by deed duly stamped, wherein the consideration shall be truly stated; and every such transfer may be according to the form in Schedule (D) to this Act annexed, or to the like effect.

189
Registers of
transfers to
be kept.

And be it enacted, that within thirty days after the date of every such transfer, if executed within the United Kingdom, or otherwise within thirty days after the arrival thereof in the United Kingdom, it shall be produced to the Town Clerk; and thereupon the Town Clerk shall cause an entry or memorial thereof to be made in the proper registry, in the same manner as in the case of the original mortgage; and after such entry every such transfer shall entitle the transferee, his executors and administrators, to the full benefit of the original mortgage, and the principal and interest thereby secured, and such Assignee may in like manner assign or transfer the same again, and so *toties quoties*, and it shall not be in the power of any person, except the person to whom the same shall have been last transferred, his executors or administrators, to make void, release, or discharge the original mortgage, or the monies due thereon or secured thereby.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

91

And in order that no undue preference may be given in paying off any mortgages: Be it enacted, that whenever the Council shall be enabled to pay off one or more out of the number of mortgages of the sewer rates, the paving rates, or the water rates respectively, or a part of the money secured on any such mortgage, they shall decide the order in which such mortgages shall be paid off by lot or ballot, and shall cause a notice, signed by the Town Clerk, to be given to the person entitled to the money, to be paid off pursuant to such lot or ballot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid, together with the interest due thereon, at a place to be specified at the expiration of six months from the date of giving such notice.

190
Mode of pay-
ing off mort-
gages.

And be it enacted, that the Council may, if they think proper, fix a period for the repayment of all principal monies borrowed on mortgage under the provisions of this Act, with the interest thereof; and in such case the Council shall cause such period to be inserted in the mortgage deed; and upon the expiration of such period the principal sum, together with the arrears of interest thereon, shall on demand be paid to the party entitled to receive such principal money and interest; and if no other place of payment be inserted in such mortgage deed, such principal and interest shall be payable at the office of the Treasurer of the borough.

191
Repayment
of money
borrowed at a
time and
place agreed
upon.

And be it enacted, that if no time be fixed in the mortgage deed for the repayment of the money so borrowed, the party entitled to receive such money may, at the expiration or at any time after the expiration of twelve months from the date of such mortgage, demand payment of the principal money thereby secured, with all arrears of interest, upon giving six months' previous notice for that purpose; and in the like case the Council may at any time pay off the money borrowed, on giving the like notice; and every such notice shall be in writing or print, or both, and if given by a mortgagee or creditor shall be delivered to the Town Clerk, or left at his office; and if given by the Council shall be given either personally to such mortgagee or creditor, or left at his residence; or if such mortgagee or creditor be unknown to the Council, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the *London Gazette* and in one Liverpool newspaper.

192
Repayment
of money
borrowed
when no time
or place has
been agreed
upon.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

92

193

Interest to
cease on ex-
piration of
notice to pay
off a mort-
gage debt.

And be it enacted, that if the Council shall have given notice of their intention to pay off any such mortgage at a time when the same may lawfully be paid off by them, then at the expiration of such notice all further interest shall cease to be payable on such mortgage, unless on demand of payment made pursuant to such notice, or at any time thereafter, the Council shall fail to pay the principal and interest due at the expiration of such notice on such mortgage.

194

Mortgagees
may enforce
payment by
the appoint-
ment of a
Receiver.

And be it enacted, that it shall be lawful for any mortgagee or other person entitled to receive payment of the money secured by any mortgage to enforce the payment of the principal money and interest due on any mortgage authorised by the provisions of this Act, by applying for the appointment of a receiver in the manner hereinafter provided; but in order to authorise the appointment of such receiver, the amount of money owing to the mortgagee or mortgagees, or creditor or creditors, by whom the application is made, shall not be less than one thousand pounds.

195

Receiver may
be appointed
if arrear re-
mains unpaid
for the time
prescribed.

And be it enacted, that if within six months after the principal money or any interest owing upon any such mortgage has become payable, and after demand thereof in writing, the same be not paid, the mortgagee or other creditor as aforesaid, without prejudice to his right to sue for such principal money, together with all arrears of interest, in any of the superior courts of law or equity, may, if his debt amount to the sum of one thousand pounds alone, or if his debt does not amount to that sum, he may, in conjunction with other mortgagees whose debts, being so in arrear, after demand as aforesaid, shall, together with his, amount to the said sum, require the appointment of a receiver, by an application to be made as hereinafter provided.

196

Mode of
appointing
Receiver.

And be it enacted, that every application for a receiver shall be made to two Justices, and on any such application it shall be lawful for such Justices, by order in writing, after hearing the parties, to appoint some person to receive the whole or a competent part of the rates and assessments, liable to the payment of such interest, or principal and interest (as the case may be), until such interest, or until such principal and interest (as the case may be), together with

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

93

all costs, including the charges of receiving the rates and assessments, be fully paid; and upon such appointment being made, all such rates and assessments as aforesaid, shall be paid to and received by the person so to be appointed, who is hereby empowered to give good and sufficient discharges for the same; and the money so to be received shall be so much money received by or to the use of the party to whom such interest, or such principal or interest (as the case may be), shall be then due, and on whose behalf such receiver shall have been appointed; and after such interest and costs, or such principal, interest, and costs, have been so received, the power of such receiver shall cease.

Repealed 1st
Schedule,
Liverpool
Corporation
Act, 1893.

197

Proof of debts
in bankruptcy

And be it enacted, that if any person against whom the said Council shall have any claim or demand become bankrupt, or take the benefit of any Act for the relief of Insolvent Debtors, it shall be lawful for the Town Clerk or Treasurer in all proceedings against the estate of such bankrupt or insolvent, or under any fiat, sequestration, or act of insolvency against such bankrupt or insolvent, to represent the said Council, and act in their behalf in all respects as if such claim or demand had been the claim or demand of such Clerk or Treasurer, and not of the said Council.

198

Tender of
amends.

And be it enacted, that if any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this Act, or by virtue of any power or authority thereby given, and if before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender shall have been made, it shall be lawful for the defendant, by leave of the court where such action shall be pending, at any time before issue joined, to pay into court such sum of money as he shall think fit; and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

199

Provision for
damages not
otherwise
provided for.

And be it enacted, that in all cases where any damages, costs, or expenses, are by this Act directed to be paid, and the method of ascertaining the amount or enforcing the payment thereof is not provided for,

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

94

provided for, such amount, in case of dispute, shall be ascertained and determined by two Justices; and if the amount be not paid, by the person liable to pay the same, within seven days after demand, the amount may be recovered by distress of the goods of such person; and the Justices by whom the same shall have been ordered to be paid, or either of them, on application, shall issue their warrant accordingly.

200

Method of proceeding before Justices in questions of damages, &c.

And be it enacted, that where in this Act any question of compensation, expenses, charges, or damages is referred to the determination of any one Justice or more, it shall be lawful for any Justice, upon the application of either party, to summon the other party to appear before one Justice, or before two Justices, as the case may require, at a time or place to be named in such summons; and upon the appearance of such parties, or in the absence of them, upon proof of due service of the summons, it shall be lawful for such one Justice, or such two Justices (as the case may be), to hear and determine such question; and for that purpose to examine such parties, or any of them, and their witnesses on oath; and the costs of every such inquiry shall be in the discretion of such Justices, and they shall determine the amount thereof.

201

Recovery of monies from the Mayor, Aldermen, and Burgesses

And with respect to any money under the provisions of this Act adjudged to be paid by the Mayor, Aldermen and Burgesses, or by the Council, for which no other mode of proceeding is hereby provided; Be it enacted, that if such money be not paid by the Mayor, Aldermen and Burgesses, or by the Council, to the party entitled to receive the same, within twenty-one days after demand thereof in writing, stating the order of the Justice for the payment of such money, the amount shall be recovered by distress of the goods of the Mayor, Aldermen and Burgesses, and if no sufficient goods of the Mayor, Aldermen and Burgesses can be found, by distress of the goods of the Treasurer of the borough, but no such distress shall issue against the goods of such Treasurer, unless seven days' previous notice in writing, stating the amount so due, and demanding payment thereof, shall have been given to such Treasurer, or left at his usual place of abode.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

95

And be it enacted, that if any such Treasurer pay any money under any such distress as aforesaid, it shall be lawful for him to retain the amount so paid by him, and all costs and expenses occasioned thereby, out of any money belonging to the Mayor, Aldermen and Burgesses coming into his custody or control, or to sue the Mayor, Aldermen and Burgesses for the same, in the same manner as other parties are by this Act enabled to sue the Mayor, Aldermen and Burgesses.

202

Treasurer may reimburse himself.

203

And be it enacted, that it shall be lawful for the said Council, and they are hereby required from time to time to make bye-laws, as they shall think fit, for all or any of the purposes following; (that is to say)

Council may make byelaws for the purposes herein named.

For preventing nuisances and annoyances in any streets, or near thereto, and effecting cleanliness therein:

For making regulations for registering and inspection of slaughter-houses and knackers' yards, and for keeping the same in a cleanly and proper state, and for removing filth therefrom at least once in every twenty-four hours, and for requiring that they shall be provided by the occupier with a sufficient supply of water:

For regulating the manner of keeping swine, and preventing the keeping thereof within any dwelling-house or knacker's yard, and for describing the limits in the said borough within which it shall be lawful to keep the same:

For regulating the duties of scavengers, and for regulating the management of public privies and urinals:

For regulating the removal of the contents of middensteads and privies, and for preventing foul water soaking from any premises whatsoever, to the annoyance of the occupiers of adjoining property, and also for preventing any such middensteads or privies, or any hog-sty, dung-hill, or manure heap from being a nuisance or annoyance to any inhabitant:

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

96

For making regulations for the registering of lodging-houses, and for maintaining cleanliness therein, and keeping them in a wholesome condition:

And to ascertain and fix what pecuniary penalties shall be incurred by persons breaking such laws: Provided always, that no such last-mentioned penalty shall exceed, for any one offence, the sum of forty shillings, and in the case of a continuing nuisance, the sum of five shillings for every day during which such nuisance shall be continued or unremedied.

[A] 33
Power to Council to make bye-laws for certain purposes, and to fix penalties.

That it shall be lawful for the Council, and they are hereby empowered, from time to time to make bye-laws, as they shall think fit, for regulating stage carriages and omnibuses plying in any part of the borough, and the places therein where it shall be lawful for the same to stand and ply for hire, and the drivers and Conductors thereof, and to ascertain and fix what pecuniary penalties shall be incurred by persons breaking such bye-laws: Provided always, that no such last-mentioned penalty shall exceed for any one offence the sum of forty shillings, and in case of a continuing offence the sum of ten shillings for every day during which the same shall be continued or unremedied.

[A] 39
Certain provisions of 9 & 10 Vict. c. cxxvii. as to making bye-laws extended to this Act.

That the several provisions of "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," with regard to the making of bye-laws and to the punishment of offenders, and the recovery and application of penalties, and which are contained in the several sections of the said Act, marked and numbered from two hundred and four to two hundred and twenty-two, both inclusive, shall be held and taken to apply to this Act, and to any offence against the provisions of this Act, or of any bye-law made in pursuance thereof.

204
Bye-laws when approved by Secretary of State, and published in newspapers to be evidence.

Proof of bye-laws.

And be it enacted, that no bye-law made under the powers for that purpose herein contained shall be of any force until the expiration of forty days after a copy of the same, sealed with the seal of the said Mayor, Aldermen and Burgesses, shall have been sent to one of her Majesty's principal Secretaries of State, and shall have been published once in two newspapers circulating within the said borough; and if at any time within the said period of forty days her Majesty, with the advice of her Privy Council, shall disallow the said bye-law, or any part thereof, such bye-law, or the part thereof disallowed, shall not come into operation; and a copy of any such bye-laws, signed by the Town Clerk, shall be received as evidence of such bye-laws in all courts of law and equity, and before all Justices.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

97

And be it enacted, that all bye-laws made in pursuance of this Act shall be printed, and a copy thereof shall be affixed and continued in the office of the said Town Clerk, and copies thereof shall be delivered to any person who may apply for the same, on payment of such sum as the said Council shall think fit, not exceeding sixpence.

205
Bye-laws to be printed and affixed in the Town Clerk's Office.

And be it enacted, that all the provisions hereinafter contained relative to offences against this Act, punishable upon summary conviction, shall be taken to apply to all offences committed in breach of any bye-law made by the said Council by virtue of this Act.

206
How breaches of bye-laws to be punished.

And be it enacted, that it shall be lawful for the said Council to direct any prosecution for any public nuisance whatsoever which shall be permitted or suffered within the borough, and to order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, and to direct and order the expenses of such prosecution or other proceedings to be paid and borne by and out of the general rate authorised to be imposed under the provisions of this Act.

207
Council to order costs of prosecutions.

And be it enacted, that every penalty or forfeiture imposed by this Act, or by any bye-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceedings before two Justices; and on complaint being made to any Justice, he shall issue a summons, requiring the party complained against to appear before two Justices at a time and place to be named in such summons; and every such summons shall be served on the party offending, either in person or by leaving the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for two Justices to proceed to the hearing of the complaint, and that although no information in writing or in print shall have been exhibited before them, and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, it shall be lawful for such Justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction, as such Justices shall think fit.

208
Penalties to be summarily recovered before two Justices.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

98

209

Power to
mitigate pen-
alties and
costs.

And be it enacted, that it shall be lawful for any Justice, or two Justices, in all cases where persons shall be convicted before him or them of any offence under this Act, or under any bye-law made by virtue of this Act, to mitigate the penalty and the costs payable in all such cases to one-half or any less proportion thereof, if such Justice or two Justices shall think it right so to do.

210

Penalties may
be levied by
distress.

And be it enacted, that if upon any such adjudication as aforesaid, the amount of the penalty or forfeiture, and of such costs as aforesaid be not forthwith paid, the amount of such penalty and costs may be levied by distress; and such Justices, or either of them, may issue their or his warrant of distress accordingly.

211

In default of
distress
offenders may
be imprisoned

And be it enacted, that it shall be lawful for any such Justice to order any offender, so convicted as aforesaid, to be detained and kept in safe custody until return can be conveniently made to the warrant of distress to be issued for levying such penalty or forfeiture, and costs, unless the offender give sufficient security, by way of recognizance or otherwise, to the satisfaction of the Justice, for his appearance before him on the day appointed for such return, such day not being more than eight days from the time of taking such security; but if before issuing such warrant of distress it shall appear to the Justice, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such Justice whereon to levy such penalty or forfeiture and costs, he may, if he thinks fit, refrain from issuing such warrant of distress; and in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the Justice, then such Justice may, by warrant, cause such offender to be committed to gaol, there to remain without bail for any term not exceeding three months, unless such penalty or forfeiture and costs be sooner paid and satisfied.

212

Distress, how
to be levied.

And be it enacted, that where in this Act any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the person liable to pay the same, and the overplus arising from the sale of such goods and chattels,

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

99

after satisfying such sum of money, and the expenses of the distress and sale, shall be returned, on demand, to the person whose goods shall have been distrained.

213

And be it enacted, that no distress levied by virtue of this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such person be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action upon the case.

Distress not
unlawful for
want of form.

214

And be it enacted, that the Justices by whom any such penalty or forfeiture shall be imposed shall, where the application thereof is not otherwise provided for, award the same to the said Council, to be by them used and applied to the purposes of this Act as to them shall appear fit, and shall order the same to be paid over to the proper officer for that purpose.

Application
of penalties.

215

And be it enacted, that no person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this Act, for any offence made cognizable before a Justice, unless the complaint respecting such offence shall have been made before such Justice within six months next after the commission of such offence.

Penalties to
be sued for
within six
months.

216

And be it enacted, that if, through any act, neglect, or default on account whereof any person shall have incurred any penalty imposed by this Act, any damage to the property of the said Mayor, Aldermen and Burgesses shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty: and the amount of such damages shall, in case of dispute, be determined by the Justices by whom the party incurring such penalty shall have been convicted: and on nonpayment of such damages on demand, the same may be levied by distress, and such Justices, or one of them, may issue their or his warrant accordingly.

Damage to be
made good in
addition to
the penalty.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

100

217

Penalty on
witnesses
making de-
fault.

And be it enacted, that it shall be lawful for any Justice to summon any person to appear before him as a witness in any matter in which such Justice shall have jurisdiction under the provisions of this Act, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such manner; and if any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, or if any person appearing shall refuse to be examined upon oath, or to give evidence before such Justice, every such person shall forfeit a sum not exceeding five pounds for every such offence.

218

Transient
offenders.

And be it enacted, that it shall be lawful for any officer or agent of the said Mayor, Aldermen and Burgesses, or of the said Council, and for any constable of the said borough, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of this Act, and whose name and residence shall be unknown to such officer or agent, and convey him with all convenient despatch before some Justice, without any warrant or other authority than this Act; and such Justice shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

219

Form of con-
viction.

And be it enacted, that the Justices before whom any person shall be convicted of any offence against this Act, may cause the conviction to be drawn up according to the form in the Schedule (B) to this Act annexed.

220

Proceedings
not to be
quashed for
want of form.

And be it enacted, that no proceeding in pursuance of this Act shall be quashed or vacated for want of form, nor shall the same be removed by certiorari, or otherwise, into any of the superior courts, except as hereinbefore specially provided.

221

Parties may
appeal to
quarter ses-
sions on
giving secur-
ity.

And be it enacted, that if any person shall feel aggrieved by any determination or adjudication of any Justice with respect to any penalty or forfeiture under the provisions of this Act, such person may appeal to the General Quarter Sessions for the borough; but no such appeal shall be entertained unless it be made within four

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

101

months next after the making of such determination or adjudication, nor unless ten days' notice in writing of such appeal, stating the nature and grounds thereof be given to the person against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a Justice conditioned duly to prosecute such appeal and to abide the order of the Court thereon.

222

And be it enacted that at the Quarter Sessions for which such notice shall be given the Court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such appeal the Court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the person injured as they may judge reasonable and they may make such order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

223

Provided always, and be it enacted, that nothing in this Act contained shall extend, or be construed to extend, to take away, lessen, prejudice or affect any of the rights, franchises, powers, and authorities of, or vested in, the Grand Junction Railway Company under and by virtue of any Act or Acts of Parliament of the present or of any former Sessions; but all such rights, franchises, powers, and authorities are hereby respectively saved and reserved out of and from the operation of this Act.

224

And be it enacted that, notwithstanding anything in this Act contained, the docks, quays, or estate of the Trustees of the Liverpool Docks, or any part thereof, except the warehouses erected on the Albert Dock Quays, shall not be rated to any rate whatever made in pursuance of this Act; and that, save as herein is expressly provided, nothing in this Act shall be construed in anywise to injure, prejudice, or effect any rights, powers, or privileges now vested in the said trustees.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

102

[A] 41
Saving rights
of Dock
trustees.

That, notwithstanding anything in this Act contained, the docks, quays, or estate of the trustees of the Liverpool Docks, or any part thereof (except the warehouses erected on the Albert Dock quays, or to be hereafter erected by the same trustees on their said estate, under the provisions of the several Acts of Parliament relating to the docks and harbour of Liverpool), shall not be rated to any rate whatever made in pursuance of "The Act ninth and tenth Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," and that, save as herein is expressly provided, nothing in this Act shall be construed in anywise to injure, prejudice, or affect any rights, powers, or privileges now vested in the said trustees.

225
Saving the
rights of the
Liverpool
Gaslight Com-
pany and the
Liverpool Gas
and Coke
Company.

And be it enacted, that nothing in this Act, or in the said recited Acts, contained shall extend, or be construed to extend, to abridge, alter, prejudice, or take away any of the rights, privileges, franchises, powers or authorities of or belonging to or vested in the Liverpool Gas-Light Company and the Liverpool New Gas and Coke Company, or either of them; but all the same rights, privileges, franchises, powers, and authorities (whether under the several Acts of Parliament incorporating or otherwise relating to the said companies respectively or otherwise) are hereby expressly saved and reserved to the said companies.

226
Saving rights
of the Liver-
pool and
Harrington
Water Com-
pany.

Provided always and be it enacted, that save as herein is expressly enacted, nothing in this Act contained shall extend to take away, lessen, prejudice, or affect any of the rights, privileges, powers, and authorities of or vested in the Company of Proprietors of the Liverpool and Harrington Water Works, under or by virtue of any Act or Acts of Parliament of the present or of any former Session; but all such rights, privileges, powers, and authorities are hereby respectively saved and reserved out of and from the operation of this Act.

227
Interpreta-
tion of Act.

And be it enacted, that in this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

Number.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

103

Words importing the masculine gender only shall include Gender.
females.

The word "month" shall mean calendar month. Month.

The word "person" shall include corporations, whether Person.
aggregate or sole.

The words "superior courts" shall mean Her Majesty's superior Superior
Courts of Record at Westminster, and shall include the Court
of Common Pleas at Lancaster.

The words "General or Quarter Sessions of the Peace" shall General or
mean the General or Quarter Sessions for the borough of Quarter Ses-
Liverpool. sions of the
Peace.

The word "Justice" shall mean Justice of the Peace acting for Justice.
the borough of Liverpool.

The expression "Two Justices" shall be understood to mean Two Justices.
two Justices assembled and acting together in Petty Sessions,
or one Stipendiary or Police Magistrate.

The word "oath" shall include affirmation in the case of Oath.
Quakers, or other declaration lawfully substituted for an oath
in the case of any other persons exempted by law from the
necessity of taking an oath.

The word "borough" shall mean the borough of Liverpool as Borough.
enlarged and extended by the Act for the regulation of
Municipal Corporations in England and Wales.

The word "street" shall include any square, street, court, alley, Street,
footpath, footway, highway, lane, road, thoroughfare, public
passage, or other place within the borough of Liverpool:

The word "court" shall mean any street not being a carriage- Court.
way, and having the principal or only entrance of any
dwelling-house therein:

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

104

Passage.

The word "passage" shall mean any alley, way, or other place not being a carriage-way, nor having the principal or only entrance of any dwelling-house therein.

Cattle.

The word "cattle" shall include sheep and pigs.

[A] 2

Interpretation of terms.

That in this Act and "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say),

The word "Owner" shall, for the purposes of this Act and of "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," mean the person for the time being receiving the rack-rent of the lands and premises in connection with which the said word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rack-rent.

228

Act may be amended.

And be it enacted, that this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

229

Commencement of Act.

And be it enacted, that this Act shall come into operation and take effect on and after the First day of January in the year of our Lord one thousand eight hundred and forty-seven.

230

Costs of the Act.

And be it enacted, that the costs, charges, and expenses attending or incident to the obtaining and passing this Act, shall be paid by the Council out of the borough fund of the said borough.

[A] 42

Expenses of Act.

That the costs, charges, and expenses attending or incident to the obtaining and passing of this Act shall be paid by the Council out of the general rates levied under "The Act ninth and tenth of Victoria, chapter one hundred and twenty-seven, Liverpool Sanitary Act, 1846," and shall be apportioned amongst the several districts in the said Act mentioned in such manner as the Council shall determine.

231

Public Act.

And be it enacted, that this Act shall be a Public Act, and shall be judicially taken notice of as such.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

105

SCHEDULES REFERRED TO BY THE FOREGOING ACT.

SCHEDULE (A).

Form of Warrant of Distress.

BOROUGH OF LIVERPOOL, } To
(to wit). } one of the Collectors of the rates under
an Act passed, &c., intituled, &c., and to all Constables:

WHEREAS the undermentioned persons, now or late owners or occupiers of premises within the Borough of Liverpool, have been duly rated in or are liable to the payment of a rate [*or rates, as the case may be*] made on the day of and there are now due from them respectively the several sums of money against their names hereinafter respectively set down, which they have not paid, as appeareth upon oath to me, one [*or us, or two*] of Her Majesty's Justices of the Peace in and for the said Borough; and the said several persons having been duly summoned to appear before me [*or us*] to answer the premises, and not having shown sufficient cause why such several sums of money should not be paid: These are therefore, in Her Majesty's name, to require you or any of you forthwith to levy the said several sums due as hereinbefore mentioned, by distress and sale of the respective goods and chattels of the persons aforesaid, rendering to them respectively the overplus (if any), the reasonable charges of such summons, warrant, distress, and sale being first deducted; and if no sufficient distress can be had and taken, then that you certify the same to me [*or us*], to the end that such further proceedings may be had as the law doth authorise and direct. And I [*or we*] do hereby strictly charge and command all and singular the constables of the said borough to be aiding and assisting in all things relating to the premises.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

106

Given under my hand and seal [*or our hands and seals*] this
day of in the year of our Lord
one thousand eight hundred and

Sums due.
£ s. d.

A. B. - - - - -
C. D. - - - - -

SCHEDULE (B).

Form of Conviction.

(to wit). } Be it remembered that on the
day of
in the year of our Lord

A. B. is convicted before me C. D., one [*or us, E. F., and G. H.,
two*] of Her Majesty's Justices of the Peace for the Borough of
Liverpool (*or as the case may be*) [*here describe the offence generally
and the time and place, when and where committed,*] contrary to an Act
passed, &c., intituled, &c., [*here insert the title of this Act*].

Given under my hand and seal [*or, our hands and seals*] the
day and year first above written.

C. D.

SCHEDULE (C).

Form of Mortgage Deed.

BY virtue of an Act passed, &c., we, the Mayor, Aldermen and
Burgesses of the Borough of Liverpool by virtue of the said Act, in
consideration of the sum of pounds paid to us
by A. B., of for the purposes of the
said Act, Do grant and assign unto the said A. B., his executors, ad-
ministrators, and assigns, such proportion of the [*here specify which
rate the money borrowed is charged upon*] vested in us by virtue of
the said Act, as the said sum of pounds doth
or shall bear to the whole sum which is or shall be borrowed upon
the credit of the said rate; To hold to the said A. B., his executors,

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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administrators, and assigns, from this day until the said sum of
pounds, with interest at pounds
per centum per annum for the same, shall be fully paid and satisfied.
In witness whereof we have hereunto set the common seal of the
said Mayor, Aldermen and Burgesses, this day of
one thousand eight hundred and

SCHEDULE (D).

Form of Transfer of Mortgage.

I, A. B., of in consideration of the
sum of pounds, to me paid by C. D., of
do hereby transfer to the said C. D., his
executors, administrators, and assigns, a certain mortgage, number
made by the Mayor, Aldermen and Burgesses of the
Borough of Liverpool, under the powers of the [*title of the Act*] to
bearing date the day
of for securing the sum of
pounds and pounds interest [*or, if such transfer
be by indorsement, the within security*], and all my right, estate,
and interest in and to the money thereby secured, and in and to the
rates thereby assigned. In witness whereof I have hereunto set my
hand and seal, this day of
one thousand eight hundred and

THE
LIVERPOOL SANITARY AMENDMENT ACT,
1864.

(27 and 28 Victoria, Cap. 73.)

Preamble.

THE PREAMBLE recites the following Acts, viz.:—Fifth and sixth Victoria, chapter forty-four; ninth and tenth Victoria, chapter one hundred and twenty-seven; and the Liverpool Sanitary Amendment Act, 1854.

1
Short title.

This Act may for all purposes be cited as “The Liverpool Sanitary Amendment Act, 1864.”

2
8 & 9 Vict. c.
18, and 23 &
24 Vict. c.
106, incor-
porated.

“The Land Clauses Consolidation Act, 1845,” and “The Lands Clauses Consolidation Acts Amendment Act, 1860,” save so far as any of the sections and provisions of those Acts respectively are expressly varied or excepted by or are inconsistent with the provisions of this Act, are incorporated with this Act.*

3
Interpreta-
tion of terms.

The following words and expressions have in this Act the following meanings, unless excluded by the subject or context; (that is to say)

The word “court” and the word “alley” means and includes any court, alley, street, lane, highway, road, thoroughfare, passage, or place having the principal or only entrance of any house therein, and not being a carriageway, or if a carriageway having the entrance thereto less than forty feet in width:

* As to limitation of time for compulsory purchase of land under this Act. See L. I. W. A., 1871, sec. 90.

The word “premises” means and includes any dwelling house or other inhabited building, and also any building or erection, whether inhabited or not, situated in or abutting upon, or contiguous to, or at the entrance of any court or alley in the Borough:

The word “lessee” means any person being a lessee of the premises for any term of which not less than twenty-one years shall remain unexpired; and whenever in this Act the word “owner”* is used the same comprises the lessee (if any) as well as the owner of the premises:

The word “borough” means the Borough of *Liverpool*:

The words “the Court of Chancery” include the Court of Chancery of the County Palatine of *Lancaster*:

The word “Corporation” means the Mayor, Aldermen and Burgesses of the Borough of *Liverpool* acting by the Council of that Borough:

The words “the Council” mean the Council of that Borough:

The words “the Town Clerk” mean the Town Clerk of that Borough, and include any Deputy appointed or to be appointed by him in writing under seal:

The words “the Borough Engineer” mean the Borough Engineer mentioned in the Act of 1854: *See Sec. 36, L'pool Corp'n Act, 1898.*

The words “the Medical Officer of Health” mean the Medical Officer of Health mentioned in the Act of 1846:

The words “Clerk of the Peace” mean the Clerk of the Peace for the Borough of *Liverpool*:

The word “Justice” and the word “Justices” mean a Justice or Justices of the Borough of *Liverpool*, or a Stipendiary Magistrate thereof:

* See L. I. A., 1867, sec. 55.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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The word "land" and the word "lands" mean any premises subject to the provisions of this Act, and shall have the meaning attached to the word "lands" by "The Lands Clauses Consolidation Act, 1845:"

The words "Superior Court" and "Court of competent Jurisdiction," or any other like expression in this Act, shall be read and have effect as if the debt or demand in respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

4
Medical
Officer of
Health to
report as to
condition of
courts, alleys,
&c.

If the Medical Officer of Health shall find that any court or alley or any premises is or are unfit for human habitation, or in a condition, state, or situation injurious, dangerous, or prejudicial to health, he shall report the same, and that the powers of this Act ought to be put in force in respect to such court, alley, or premises, and whether the ascertained defects can be remedied by structural alterations and improvements or otherwise, or whether such court, alley, or premises, or any and what part thereof, ought to be demolished.

5
On represen-
tation by
four house-
holders that
disease exists
in a house
Officer of
Health to
inspect and
report.

If and whenever any four or more householders, living in or near to any court or alley, by writing under their hands represent to the Medical Officer of Health that disease exists in any premises in or near to the court or alley, he shall forthwith inspect the premises and report thereon; but the absence of any such representation shall not excuse him from inspecting any premises and reporting thereon.

6
Officer of
Health to
deliver copies
of report to
Town Clerk
and Clerk of
Peace.

Every report made under this Act by the Medical Officer of Health shall be made and signed by him in duplicate, and he shall forthwith deliver one of such reports to the Town Clerk, and the other to the Clerk of the Peace. (Amended. See p. 78 Liverpool Improvement Act, 1882.)

7
Town Clerk
to lay report
before
Council.

The Town Clerk shall lay the report so delivered to him before the Council at their then next meeting, and the same shall be recorded on their minutes, and the Town Clerk shall transmit a copy thereof to the owner of the premises comprised in the said

*See Secs 78,
79 + 80, L'pool
Sanit. Act, 1882.*

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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report, and shall give notice to the owner that the report will be taken into consideration by the grand jury at the then next court of general or quarter or intermediate sessions for the borough.

The Clerk of the Peace shall lay the report so delivered to him before the grand jury at the then next court of general or quarter or intermediate sessions for the Borough, and the grand jury shall at that court take the report into consideration, and after (if they think fit) viewing by members of their body the premises specified in the report shall make a presentment thereon according to what they consider the requirements of the case.

Every presentment made under this Act shall be preserved by the Clerk of the Peace among the records of his office, and he shall forthwith send a copy thereof certified under his hand to the Town Clerk, and the Town Clerk shall lay such copy before the Council at their then next meeting, and the Council shall forthwith order the Borough Engineer to proceed thereon in execution of this Act, and the Borough Engineer shall proceed thereon accordingly.

Upon receipt of such order of the Council the Borough Engineer shall forthwith make or cause to be made a survey of the premises mentioned therein, and prepare or cause to be prepared a plan and specification of the works (if any) required to be executed, and shall give notice to the Town Clerk that such plan and specification are prepared and are ready for inspection at the office of the Borough Engineer.

The Town Clerk shall thereupon forthwith give notice to the owner of the premises of the presentment of the grand jury by forwarding to such owner a copy thereof, and informing him that the borough Engineer has prepared a plan and specification of such works as are required in reference thereto, and that such plan and specification may, if such owner think fit, be inspected and transcribed by him or his agent at the office of the Borough Engineer without charge; and any such owner may at any time within fourteen

8
Clerk of Peace
to lay report
before grand
jury.

9
Presentment
to be pre-
served by
Clerk of the
Peace, and
certified copy
to be sent to
Town Clerk to
be laid before
Council

10
On order, the
Borough
Engineer to
prepare plan
and specifica-
tion of re-
quired works.

11
Town Clerk
give notice
to owner of
presentment
of grand jury.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

112

days after the receipt of such notice state in writing to the Borough Engineer any objection which he may entertain to the said plan and specification, or either of them; and if within ten days thereafter such owner and the Borough Engineer cannot agree as to such plan and specification, any matter in difference between them shall be settled by two Justices upon the application of either party, and the said Justices may make such order in relation thereto as they may think fit; and if they shall decide that any alteration shall be made in the said plan and specification the Borough Engineer shall make such alteration accordingly, and the plan and specification so amended shall be the plan and specification according to which the works shall be executed.

12

Owner may
appeal
against pre-
sentment.

Any owner of premises included in any presentment may, if he think fit, appeal against the same to the court of general or quarter or intermediate sessions for the borough held next after the making of the presentment, but the appellant shall not be heard in support of the appeal unless, within fourteen days after receipt by him of notice of the presentment appealed against, he give to the Town Clerk notice in writing stating his intention to bring such appeal, together with a statement in writing of the grounds of appeal, and shall, within two days of giving such notice, enter into a recognisance before some Justice of the Peace, with sufficient securities, conditioned to try such appeal at the said court, and to abide the order of and pay such costs as shall be awarded by the court or any adjournment thereof; and the court, upon hearing and finally determining the matter of the appeal, may, either with or without the consent of the respective parties, vary the presentment, and may, according to its discretion, award such costs to the party appealing or appealed against as they shall think proper, and its determination in or concerning the premises shall be conclusive and binding on all persons to all intents or purposes whatsoever: Provided always, that if there be not time to give such notice and enter into such recognisance as aforesaid, then such appeal may be made to, and such notice, statement, and recognisance be given and entered into for the next sessions at which the appeal can be heard: Provided also, that on the hearing of the appeal no grounds of appeal shall be gone into or entertained other than those set forth in such

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

113

statement as aforesaid: Provided also, that in any case of appeal the court may, if it thinks fit, state the facts specially for the determination of Her Majesty's Court of Queen's Bench, in which case it shall be lawful to remove the proceedings, by writ of certiorari or otherwise, into the said Court of Queen's Bench: Provided also, that pending such appeal no work shall be done nor proceedings taken under such presentment until after the determination of such appeal, unless such appeal cease to be prosecuted.

13

Within three calendar months after the service of such notice by the Town Clerk the owner shall signify in writing to the Town Clerk whether he is willing to effect the works required to be executed, or whether he requires the Corporation to purchase the premises specified in the presentment.

Owner to execute specified works, or sell premises to the Corporation.

14

Where the owner of the premises and his residence or place of business are known to the Corporation, it shall be the duty of the Town Clerk, if the owner be residing or have a place of business in the borough, to give any notice by this Act required to be served on him to the owner, or for him, to some inmate of his place of residence or business within the borough; and if he be not residing in the borough, or has no place of business therein, then to send the notice by post in a registered letter addressed to the owner at his place of residence.

Service of notice on owner whose name and residence are known.

See Sec. 55, Sanit. Act, 1867, p. 129.

15

Where the owner of the premises or his residence or place of business is not known to, or after diligent inquiry cannot be found by, the Corporation, then the Town Clerk may serve the notice by leaving it, addressed to the owner, with some occupier of the premises, or if there be not an occupier, then by putting it up on some conspicuous part of the premises.

Service of notice on owner whose name or residence is not known.

16

Every notice required to be given by the Town Clerk by this Act or by the Acts of 1846 and 1854 respectively may be in writing or print, or partly in writing and partly in print, and shall be signed by the Town Clerk or any Deputy appointed by him.

Notices to be signed by the Town Clerk.

17

If the owner shall within the time limited by this Act for that purpose elect to effect the works required to be executed, such owner shall within two months thereafter commence the works shown on the plan and described in the specification, and proceed

If owner do not execute the works. Corporation to execute them

See Sec. 90, Sanit. + Works Act, 1871, p. 159.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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with and complete the same with all reasonable despatch; and if such owner shall fail therein in any respect the Corporation shall execute the works, and may for that purpose by themselves, their contractors, servants, agents, and workmen, enter upon the premises, and the Corporation may reimburse themselves all costs and charges incident to the execution of such works by the sale of the old materials, so far as the same may extend, or otherwise, as they may see fit, recover the amount of such costs and charges as a debt due from such owner by action in any court of competent jurisdiction.

18

If owner fail to require Corporation to purchase they shall tender valuation of premises to be taken down.

If the owner shall not within the period herein specified and as herein prescribed elect to effect the works required to be executed, or shall have required the Corporation to purchase the premises, then and in either of such cases (if the amount of the purchase money or compensation be not previously agreed upon between the owner and the Corporation) the Corporation shall cause a valuation of the premises (including the site thereof) to be made by two able practical surveyors, not being officers of the Corporation, and the Town Clerk shall send a copy of such valuation to the owner, and notify to him that the Corporation are willing to purchase the same at the amount of such valuation.

19

If valuation accepted, premises to be conveyed.

If the owner agree to accept the amount of such valuation, he shall forthwith convey his interest in the premises and in the site thereof to the Corporation.

20

If valuation not accepted, amount to be assessed by a jury.

If for ten days after the receipt of a copy of such valuation such owner do not signify in writing to the Town Clerk his willingness to receive the amount of such valuation, or if after diligent inquiry he cannot be found, the Corporation shall as early as may be proceed to cause the amount to be paid to such owner in respect of his interest in the premises and in the site thereof to be assessed by the verdict of a jury in the manner prescribed by "The Lands Clauses Consolidation Act, 1845."

Further power to deal with houses unfit for human habitation.

Liverpool Corporation Act, 1880, Section 8.

Where a court of summary jurisdiction have under the powers of the Public Health Act, 1875, prohibited the using of a house or building for the purpose of human habitation, and the Town Clerk or the Medical Officer of Health or the City Engineer reports to the Corporation that two months have elapsed since the date of such order without such house or building having been rendered fit for such purpose, and that such house or building is in a condition, state, or situation injurious, dangerous, or prejudicial to health, the Corporation may by themselves, their contractors, servants, agents, and workmen enter and take down and remove such house or building and may remove and sell the materials as they think fit and reimburse themselves all costs and charges incident to such proceeding by the sale of the materials so far as the same may extend, rendering the balance (if any) to the owner: Provided, that the Corporation shall give at least thirty days' notice to the owner (unless he is not known or cannot be found) of their intention to proceed under this section.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

PROVISIONAL ORDER, dated 2nd MAY, 1879.

Liverpool Sanitary Amendment Act, 1864.

By Provisional Order, dated the 2nd May, 1879, and confirmed by the Local Government Board's Provisional Orders Confirmation (Axminster Union, &c.) Act, 1879, the Local Government Board ordered that the following provisions shall take effect, viz.:—

Art. 1. Sections 18 to 21 (both inclusive) of the Liverpool Sanitary Amendment Act, 1864 (hereinafter called the Act of 1864), and so much of Section 23 of that Act as prescribes the mode of ascertaining or awarding any compensation are hereby repealed, without prejudice to anything done or suffered thereunder, or to any proceedings pending at the time of the confirmation of this Order, and any such proceedings may be carried on and completed as if this Order had not been made and confirmed.

Art. 2. In place of the provisions of the Act of 1864 repealed by this Order, the following enactments are hereby substituted; (that is to say)

- (i.) If the owner shall not within the period specified in the Act of 1864, and in the manner prescribed by that Act, elect to effect the works required to be executed, or shall have required the Corporation to purchase the premises, then and in either of such cases (if the amount of the purchase money or compensation be not previously agreed on between the owner and the Corporation) the amount of the compensation to be paid by the Corporation for the premises (including the site thereof) shall be settled by arbitration.

Section to 21 by Provisional Order, 2nd May 1879.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1851.
Provisional Order, 2nd May, 1879.*

- (ii.) Where the amount of any compensation is by this Order to be settled by arbitration, such amount shall be settled by an arbitrator, who shall be from time to time appointed and removable by the Local Government Board.
- (iii.) In settling the amount of any compensation—
 - (a) the estimate of the value of the premises (including the site thereof) shall be based on the fair market value as estimated at the time of the valuation being made of such premises and of the several interests in such premises, due regard being had to the nature and then condition of the property, and the probable duration of the buildings in their existing state, and to the state of repair thereof, and all circumstances affecting such value, without any additional allowance in respect of the compulsory purchase of such premises; and
 - (b) the arbitrator shall have regard to and make an allowance in respect of any increased value which, in his opinion, will be given to other premises of the same owner by the alteration or demolition by the Corporation of the premises altered or demolished.
- (iv.) On payment or tender to the person entitled to receive the same of the amount of compensation agreed or awarded to be paid in respect of the premises, or on payment thereof in manner prescribed by the Lands Clauses Consolidation Act, 1845, the owner shall, when required by the Corporation, convey such premises (including the site thereof) to them, or as they may direct; and in default thereof, or if the owner fails to adduce a good title to such premises to the satisfaction of the Corporation, it shall be lawful for the Corporation, if they think fit, to execute a deed poll in such manner and with such consequences as are mentioned in the Lands Clauses Consolidation Act, 1845.
- (v.) Sections 32, 33, 35, 36, and 37 of the Lands Clauses Consolidation Act, 1845, shall apply with any necessary modifications to an arbitration, and to an arbitrator appointed under this Order.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.
Provisional Order, 2nd May, 1879.*

- (vi.) The arbitrator may, by one award, settle the amount or amounts of compensation payable in respect of all or any of the premises included in one or more presentments.
- (vii.) In the event of the death, resignation, or incapacity, refusal or neglect to act, of any arbitrator before he shall have made his award, the Local Government Board may appoint another arbitrator, to whom all documents relating to the matter of the arbitration which were in the possession of the former arbitrator shall be delivered.
- (viii.) The arbitrator may, where he thinks fit, upon the request of any party by whom any claim has been made before him, certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the Corporation; and if within seven days after demand the amount so certified be not paid to the party entitled to receive the same, such amount shall be recoverable as a debt from the Corporation, with interest at the rate of five per centum per annum for any time during which the same remains unpaid after such seven days as aforesaid, but no such certificate shall be given where the arbitrator has awarded the same or a less sum than has been offered by the Corporation in respect of such claim before the appointment of the arbitrator.
- (ix.) The amount of any compensation payable by the Corporation under Section 23 of the Act of 1864 shall be settled by arbitration in manner hereinbefore provided.
- (x.) Subject, as aforesaid, the Local Government Board may from time to time, on the application of the Corporation, by Order make, alter, and repeal rules with respect to the procedure in and conduct of an arbitration and matters incident thereto.
- (xi.) The award of an arbitrator shall be final and binding on all parties.

Art. 3. The word "forty" is hereby substituted for the word "thirty" in paragraph one of Section 3 of the Act of 1864.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.
Provisional Order, 2nd May, 1879.*

Art. 4. Section 25 of the Act of 1864 shall extend to cases where the owner has elected to retain the site of premises taken down and removed under the provisions of Section 23 of the said Act.

Art. 5. This Order shall be read and construed as part of the Act of 1864, and words and expressions defined by that Act have in this Order, subject as hereinbefore provided, the same respective meanings.

Liverpool Improvement and Waterworks Act, 1871.

90

Limitation of time for compulsory purchase of land under Sanitary Amendment Act, 1864.

The powers of the Corporation for the compulsory purchase of land under the provisions contained in the Sanitary Act, 1864, may, for the purposes of any presentment already made under that Act, be exercised at any time not exceeding one year from the passing of this Act, and, for the purposes of any presentment to be hereafter made, may be exercised at any time not exceeding one year from the date of such presentment.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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Upon payment or tender to the party entitled to receive the same of the amount awarded by the jury, or upon payment thereof into the Bank of England in the manner prescribed by "The Lands Clauses Consolidation Act, 1845," the Corporation may enter upon the premises and do and execute all works required by the plan and specification.*

21

Upon payment or tender of purchase money, Corporation may enter into possession.
Repeated.

22

Provided, That in any case in which there shall be two or more owners of any premises, or of any houses in any court, and all such parties do not concur in electing to effect the works required to be executed, then such of those parties as shall make such election may, if they think fit, arrange for the purchase of the interest of the other or others of them in the premises or in the other houses in the court, and the other or others of them shall sell the same at such price as shall be agreed upon between them or settled by arbitration, and thereupon the person making such purchase shall be deemed the owner for the purposes of this Act: Provided, that if for ten days after notice in writing from the Town Clerk requiring him so to do the party electing to effect the works do not signify in writing to the Town Clerk his willingness to make such purchase, or fails to make arrangement for such purchase, then the Corporation shall proceed in the execution of this Act in the same manner as if all of such owners and lessees had failed to elect to execute the works required.

Provision in case of disagreement between owners.

23

If the requirements of the presentment shall involve the total demolition and not the improvement of the premises specified therein, the owner shall, within three months after notice of the presentment, proceed to take down and remove the premises, and if such owner fail therein, then the Corporation shall proceed to take down and remove the same; and in either case the Corporation shall pay compensation for the damage which may be sustained by such taking down and removal, including the value of the premises and the site thereof (unless the owner shall desire to retain the site, subject to the provisions of this Act with reference to the use thereof), ~~such compensation to be ascertained and applied as in this Act provided in the case of the purchase of any premises by the Corpora-~~

Corporation to pay compensation when total demolition required.

See Secs. 58, 59, L'pool Corp. Act, 1902.

* See L. I. W. A., 1871, sec. 109.

† See L. I. A., 1867, sec. 38.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

116

See Pro-
visional
Order
annexed,
dated 2nd
May, 1879.

tion; and the site of the said premises (unless the owner shall have elected to retain the site) shall, on payment or tender to the party entitled to receive the same of the compensation agreed upon or awarded ~~by the verdict of a jury, or upon payment thereof into the Bank of England in the manner prescribed by "The Lands Clauses Consolidation Act, 1845,"~~ absolutely vest in the Corporation: Provided, that if by reason of the demolition or alteration of any premises any damage or any deterioration in value shall be occasioned to any adjoining premises, the Corporation shall make good such damage, or shall pay compensation to the owner of such adjoining premises in respect of such damage, and shall also make compensation for any such deterioration in value, ~~the amount of compensation in each case to be ascertained in manner aforesaid.~~

24
Determina-
tion of
tenancies.

Where at the time of making the presentment the premises specified therein or any part thereof are or is subject to any lease of which less than twenty-one years remain unexpired, or to any tenancy from year to year, or for a year or for any less term, the Corporation shall give notice to every such lessee or tenant, stating the time at which such lease or tenancy shall be determined; and if such lessee or tenant, if the premises had been purchased by the Corporation under the provisions of "The Lands Clauses Consolidation Act, 1845," would have been entitled to compensation by reason of the determining of his lease or tenancy, the Corporation shall make such compensation to such lessee or tenant for the determining of his lease or tenancy as, in case of difference, shall be settled by two Justices.

25
Houses to be
improved
may be taken
down.

If the presentment be that the premises shall be improved, the owner, if he think fit, may, instead of effecting the works required by the plan and specification, take down the premises; but in every such case no house or other building or erection shall at any time thereafter be erected on all or any part of the site of the premises so taken down without the previous consent of the Corporation, and in accordance with plans and elevations previously approved by them; and they may at any time, at the expense of the owner thereof, abate any house or other building or erection at any time wholly or partly erected contrary to the provisions of this section.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

117

Any land or premises acquired by the Corporation under this Act may from time to time be sold, exchanged, mortgaged, charged, demised, leased, or otherwise dealt with and disposed of in like manner as any other land or premises part of their corporate estate; ~~but in cases where the approbation of the Commissioners of Her Majesty's Treasury or any of them is requisite for any such disposal, then only with that approbation.~~ (Repealed by Section 30, Improve-
ment Act, 1887.)

26
Land ac-
quired by
Corporation
to be part of
Corporate
Estates, and
disposable
accordingly.

27
The Corporation may, where they so think fit, dedicate any land acquired by them under the authority of this Act as a highway or other public place. Corporation
may dedicate
land to public

28
The Corporation from time to time may raise as part of the "General Rate" authorised by the Act of 1846 the monies which they require for the purposes of this Act: Provided, that the Corporation shall not, for the purposes of this Act, increase the general rate in any one year by a greater amount than one penny in the pound on the rateable value of the property liable thereto under the provisions of that Act; and that such increase shall be of one uniform amount throughout the whole borough.* Power to
Corporation
to raise
money for
execution of
Act by
"General
Rate" under
9 & 10 Vict. c.
cxxxvii.

29
For the purposes of this Act the Corporation from time to time may borrow and reborrow by mortgage of the rate, or monies authorised to be raised by this Act, such sums as they think fit, not exceeding in the whole one hundred thousand pounds; and the powers as to borrowing contained in the Acts of 1846 and 1854 respectively shall extend and apply to the monies to be borrowed under this Act, as if the same had been expressly re-enacted in this Act, save that the mortgages under this Act shall extend to the rate or monies to be raised throughout the whole borough, and not in any district thereof only.† Power for
Corporation
to borrow on
mortgage of
General Rate.
See Section
73. p. 132.

30
The provisions of the Act of 1846, in relation to the creation of a sinking fund in respect of any monies borrowed on the credit of any of the rates by that Act authorised, shall apply and extend to the monies to be borrowed under this Act. Provisions of
9 & 10 Vict. c.
cxxxvii. as to
Sinking Fund
to apply to
this Act.

* See L. I. A., 1867, secs., 65 and 66.

† See L. I. A., 1867, sec. 73.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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31

Monies received by Corporation under Act to be carried to a separate fund.

All the monies produced by the sale or other alienation of land or premises acquired by the Corporation under this Act, and the rents, issues, and profits of the land or premises so acquired, and not sold or aliened, and the monies raised by the Corporation by the general rate for the purposes of this Act, and the monies borrowed by the Corporation for the purposes of this Act, and all other monies received by or for the use of the Corporation under this Act, or in carrying this Act into execution, shall forthwith after receipt thereof be paid to the Treasurer of the borough and carried by him to the credit of one separate fund for the whole borough, which shall be applied in defraying all the expenditure and liabilities of the Corporation under this Act, including the formation of the sinking fund for paying off monies borrowed for the purposes of this Act; and in the event of there being at any time any surplus of those monies, such surplus shall be carried to the sinking fund, or be otherwise applied for paying off monies borrowed for the purposes of this Act, and the ultimate surplus (if any) of the monies shall be carried to the credit of the general rate.

32

Separate account to be kept.

The Corporation shall keep for the purposes of this Act a distinct account of all their receipts, credits, payments, and liabilities under this Act, and the accounts so kept shall be audited with their other accounts.

33

As to regulation for construction of future courts.

And whereas provisions are made by the Act of 1846 for the laying out of courts and the construction of houses therein subsequently to the passing of that Act, but those provisions have been found insufficient for remedying the evils of this Act proposed to be removed: Therefore it shall not be lawful after the passing of this Act to lay out any court or to construct any house therein unless such court be at least the width prescribed by the Act of 1846, and be open upwards at each end thereof for the full width thereof, and shall at each end thereof abut upon and open into a public street, or otherwise be so laid out as that the width of every such court shall for the whole length thereof, including the entrance thereto, be not less than twenty-five feet wide; and it shall not be lawful to add to or otherwise increase the height of any house in any such court after the same has been laid out: Provided, nevertheless,

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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that nothing in this Act contained shall effect the provisions of the Act of 1846 in reference to the increased width of courts consequent upon the number of houses to be erected therein; and any house in any court erected or altered contrary to the provisions of this Act may be dealt with as if the same were a building erected contrary in any respect to the Act of 1842.

See Sec. 38, Imp. Act 1867, p. 125. Houses erected contrary to Act may be abated.

34

Any summons, notice, writ, or other proceeding at law or in equity, or otherwise in relation to carrying into effect the objects and purposes of this Act required to be served upon the Corporation, may be lawfully served by delivering the same to the Town Clerk, or leaving the same at his office with some person employed there by him.

Service of notice on the Corporation.

35

Any notice, demand, or other written document served by the Corporation for the purposes of this Act may be signed by the Town Clerk, and need not have the corporate seal of the Corporation affixed thereto.

Authentication of notices served by the Corporation.

36

The several forms set forth in the schedule to this Act annexed, with such modification (if any) thereof respectively as the parties using the forms respectively think expedient, may be used for the several purposes of this Act for which the same are applicable, and shall accordingly be sufficient for the purposes of this Act.

Forms in Schedule to Act may be used.

37

No Justice nor any Member of the Council shall be incapable of acting in execution in any respect of this Act, or be disqualified therefrom by reason of his being interested in any contract under this Act for the sale or purchase of land, or for a loan of money, or being liable to the general rate.

Contracts for sale or purchase of land, &c., not to disqualify parties.

38

Where any person at any time obstructs the Medical Officer of Health, Borough Engineer, or other person acting in the performance of anything which the Corporation or their officers respectively are by this Act required or authorised to do, every person so offending shall for every such offence forfeit not exceeding twenty pounds.

Penalty for obstructing Officer of Health, &c., in execution of Act.

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

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39

Penalty for
preventing
execution of
Act.

If the occupier of any premises prevents the owner thereof, or if the owner or occupier of any premises prevents the Medical Officer of Health, or the Borough Engineer, or the Corporation, or their contractors, agents, servants, or workmen, from carrying into effect with respect to the premises any of the provisions of this Act, after notice of the intention so to do has been given to the occupier, or, as the case shall be, to the owner, any Justice on proof thereof may make an order in writing requiring the occupier to permit the owner, or, as the case shall be, requiring the owner or occupier or both to permit the Medical Officer of Health, or the Borough Engineer, or the Corporation, their contractors, agents, servants, and workmen, to do all things requisite for carrying into effect with respect to the premises the provisions of this Act; and if at the expiration of ten days after the service of such order of the Justice the occupier or owner fails to comply therewith, every person so offending shall for every day during which the failure continues forfeit not exceeding twenty pounds: Provided, that during any such failure by the occupier, the owner, unless assenting thereto, shall not be liable to the forfeiture.

40

Imposition
and applica-
tion of
penalties.

Every penalty by this Act imposed, and every reference to Justices in relation to any question in dispute, shall respectively be imposed, settled, and determined in the manner prescribed by the Act of 1846 and the Act of 1854; and such penalties shall be applied in aid of the separate fund by this Act required to be kept.

41

Expenses of
Act.

All the costs, charges, and expenses of and incident to the preparing and applying for, obtaining, and passing of this Act shall be paid by the Corporation.

*[47 and 48 Vic.] Local Government Board's Provisional
Orders Confirmation (No. 7) Act, 1884.*

CITY OF LIVERPOOL.

Provisional Order for altering certain Local Acts.

To the Mayor, Aldermen, and Citizens of the City of Liverpool, A.D. 1884.
in the County of Lancaster, being the Urban Sanitary ^{Liverpool} Authority for that City;—
Order.

And to all others whom it may concern.

WHEREAS the City of Liverpool, in the County of Lancaster (herein-after referred to as "the City") is an Urban Sanitary District, of which the Mayor, Aldermen, and Citizens, acting by the Council (herein-after referred to as "the Corporation"), are the Urban Sanitary Authority;

And whereas the Liverpool Sanitary Amendment Act, 1864 (herein-after referred to as "the Act of 1864"); except so far as the same has been repealed by a Provisional Order of the Local Government Board dated the Second day of May, One thousand eight hundred and seventy-nine, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Axminster Union, &c., Act, 1879, (which Order and Act are herein-after respectively referred to as "the Order of 1879," and "the Confirming Act of 1879"), the Liverpool Improvement Act, 1867 (herein-after referred to as "the Act of 1867"), the Liverpool Corporation Loans Act, 1880 (herein-after referred to as "the Act of 1880"), and the Liverpool Improvement Act, 1882 (herein-after referred to as "the Act of 1882"), are in force in the City;

And whereas by Section 29 of the Act of 1864 the Corporation were for the purposes of that Act empowered from time to time to borrow and reborrow by mortgage of the rate or moneys authorised to be raised by that Act such sums as they thought fit, not exceeding in the whole One hundred thousand pounds;

And whereas by Section 73 of the Act of 1867 the Corporation were empowered to borrow and reborrow on mortgage of the general rate any sums not exceeding the further sum of One hundred thousand pounds, for the purposes of the Act of 1864;

And whereas by Section 4 of the Act of 1880, it is enacted that, subject to the provisions of that Act, the Corporation may from time to time by resolution determine to create capital stock, to be called "Liverpool Corporation Stock," for (inter alia) raising any sum (to be specified in such resolution) on account of any moneys which they have authority to raise by borrowing under the powers conferred upon them by any of the Corporation Acts (which Acts included the Act of 1864 and the Act of 1867), for any of the purposes of the same, and which they have not then raised;

And whereas by Section 43 of the Act of 1880, it is enacted that where by any Act or Provisional Order passed or confirmed in the

[47 and 48 Vic.] *Local Government Board's Provisional Orders Confirmation (No. 7) Act, 1884.*

A.D. 1884.

Liverpool
Order.

then present or any future session of Parliament, the Corporation are empowered to borrow any moneys for the purposes in such Act or Order mentioned, and it is by such Act or Order provided that for the purpose of raising or securing the moneys thereby authorised to be borrowed, the Corporation may create and issue capital stock, then and in every such case any further capital stock created and issued under the authority of such Act or Order shall be deemed to be Corporation stock created and issued under the authority of the Act of 1880, and shall rank *pari passu* therewith, and all the provisions of that Act shall extend and apply to the creation and issue of such further stock and to the security for the same, and otherwise in relation thereto in every respect as if such Act or Order were mentioned in the First Schedule to the Act of 1880, and such Act or Order were included in the expression "the Corporation Acts," as used in the Act of 1880; and that the Act of 1880, and all deeds, securities, instruments, and documents in which that Act is mentioned or referred to shall be construed accordingly;

And whereas by Section 79 of the Act of 1882 it is (*inter alia*) provided that any moneys which the Corporation are for the time being authorised to borrow or apply for the purposes of the Act of 1864, may be borrowed or applied by the Corporation for the execution of that Section:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that from and after the date of the Act of Parliament confirming this Order, the Act of 1864, and the Act of 1867, shall be altered so as to provide as follows, *viz.*—

- (1.) The Corporation may, with the sanction of the Local Government Board, borrow under and for the purposes of the Act of 1864 and in addition to the sums mentioned in Section 29 of the Act of 1864 and Section 73 of the Act of 1867, any sum or sums not exceeding in the whole the sum of Two hundred thousand pounds.
- (2.) For the purpose of raising or securing any moneys, by this Order authorised to be borrowed, the Corporation may create and issue capital stock.
- (3.) Any moneys borrowed by the Corporation under the powers conferred by this Order may be borrowed or applied by the Corporation for the execution of Section 79 of the Act of 1882.

Given under the Seal of Office of the Local Government Board, this Thirty-first day of May, One thousand eight hundred and eighty-four.

CHARLES W. DILKE, President.

HUGH OWEN, Secretary.

(L.S.)

*The Liverpool Sanitary Act, 1846, as amended by
The Liverpool Sanitary Amendment Act, 1854.*

121

SCHEDULE REFERRED TO IN THE FOREGOING ACT.

I.—Form of Presentment by Grand Jury.

BOROUGH OF LIVERPOOL,) The jurors for our Lady the Queen upon
(to wit).) their oath present that
(*or as the case may be*) one or more house or houses or buildings
situate in, or abutting upon, or contiguous to, or at the entrance of
a certain court or alley within the Borough, known or designated as
court or alley (*or otherwise distinguishing the
premises*), and specified in the report of the Medical Officer of Health
for the Borough dated the day of 18
is or are unfit for human habitation, and ought to be improved or
demolished (*as the case may be*) in pursuance of "The Liverpool
Sanitary Amendment Act, 1864."

II.—Form of Notice by Clerk of the Peace to Town Clerk.

"Liverpool Sanitary Amendment Act, 1864."

I, A. B., Clerk of the Peace for the Borough of Liverpool, do hereby
certify, that on the day of 18, the grand
jury at the General or Quarter or intermediate Sessions for the
Borough (*as the case may be*) made a presentment, of which the
following is a true copy.

[*Here give a copy of the Presentment Form I.*]

As witness my hand this day of in the
year of our Lord 18 .

(Signed) (A. B.) Clerk of the Peace for the Borough.

To the Town Clerk of the
Borough of Liverpool.

LIVERPOOL IMPROVEMENT ACT, 1867.

Preamble.

THE PREAMBLE recites the following Acts, viz.:—Twenty-six George the Third, chapter twelve; first George the Fourth, chapter thirteen; fifth and sixth Victoria, chapter one hundred and six; sixth and seventh Victoria, chapter one hundred and nine; eighth and ninth Victoria, chapter one hundred and twenty-seven; “The Sanitary Act of 1846;” “The Liverpool Library and Museum Act, 1852;” “The Liverpool Sanitary Amendment Act, 1854;” “The Liverpool Improvement Act, 1855;” “The Liverpool Improvement Act, 1858;” “The Liverpool Improvement Act, 1864;” “The Liverpool Sanitary Amendment Act, 1864;” and “The Liverpool Improvement Act, 1865.”

1
Short title.

This Act may for all purposes be cited as “Liverpool Improvement Act, 1867.”

2
8 and 9 Vict.
c. 18, and 23
and 24 Vict.c.
106, incorpor-
ated.

“The Lands Clauses Consolidation Act, 1845,” and the “Lands Clauses Consolidation Acts Amendment Act, 1860,” are (except where expressly varied by this Act) incorporated with and form part of this Act.

3
Interpreta-
tion of terms.

The several words and expressions to which by the Acts incorporated with this Act meanings are assigned have in this Act the same respective meanings, unless excluded by the subject or context: and the words and expressions following in this Act, and the Acts incorporated with this Act, have for the purposes of this Act the meanings following, unless so excluded; (that is to say)

(A) “Court of Chancery” includes the Court of Chancery of the County Palatine of *Lancaster*:

- (B) “The Corporation” means the Mayor, Aldermen and Burgesses of the Borough of *Liverpool*:
- (C) “*Liverpool*” means the Borough of *Liverpool*:
- (D) “Street” means and includes streets, highways, roads, lanes, alleys, passages, squares, courts, thoroughfares, and other public places:
- (E) “Premises” means and includes houses, buildings, and erections, and parts thereof respectively, and land with or without houses, buildings, or erections thereon:
- (F) “Cattle” means and includes bull, cow, heifer, ox, calf, ram, wether, ewe, lamb, and swine:
- (G) “Horse” means and includes horse, gelding, mare, colt, filly, foal, mule, and ass:
- (H) “Superior Courts” or “court of competent jurisdiction,” or any other like expression in this Act or any Act incorporated with this Act, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute:
- (I) “Net annual rental” has the meaning assigned to it by the Act to regulate parochial assessments.

[Note.—Sections 4 to 33 refer to Works authorised by the Act.]

The Corporation from time to time may prescribe the line in which any house, building, or erection, or any addition thereto respectively to be hereafter erected, fronting on or towards any street shall be erected, and the same shall be erected only in accordance with the line so prescribed, and where the Corporation so require all or any part of the land between the line so prescribed and the street shall be added to the street, and if the owner or any other person interested in the house, building, erection, or addition sustain any loss or damage by reason of the house, building, or erection being erected in accordance with the line so prescribed, or by any of his land being so added to the street, the Corporation shall make

34
Corporation
may prescribe
line of build-
ing.

compensation in that behalf, and, failing agreement, the compensation shall be ascertained, apportioned, and recovered under "The Lands Clauses Consolidation Act, 1845," as in cases of disputed compensation for lands.

35

Order for demolition of building erected without requisite consent of Corporation, &c.

In case any house, building, erection, or addition be made or begun without or not in accordance with the consent of the Corporation, where their consent is by this Act required, or contrary to any requirement by the Corporation made in accordance with the provisions of this Act, the Corporation may make complaint thereof before a Justice, who shall thereupon issue a summons requiring the owner or occupier of the premises, or the builder or person engaged on the work, to appear at a place and time stated in the summons to answer the complaint, and if at the time and place appointed in the summons, and whether the persons summoned appear or not, the complaint be proved to the satisfaction of the Justice before whom it is heard, the Justice shall make an order in writing on the person summoned directing the demolition, within such time as the Justice deems reasonable, of the house, building, erection, or addition, or so much thereof as is made not in accordance with the consent or contrary to the requirements of the Corporation, and also directing payment of the costs up to and including the costs of the order.

36

Precautions during demolition.

During the demolition of any house, building, erection, addition, or part thereof, directed by a Justice to be demolished, the owner or occupier of the premises, or the builder or person engaged on the work, shall take all such precautions as the Corporation or their Borough Engineer shall think requisite and direct for preventing all avoidable injury or damage being by or in consequence of the demolition occasioned to any adjoining premises, and where any such owner, occupier, builder, or person fails to comply with the requirements in that behalf of the Corporation or their Borough Engineer, every person so offending shall for every such offence forfeit not exceeding five pounds, and an additional penalty not exceeding forty shillings for every day the offence continues after notice thereof from the Corporation, and shall in addition be liable to make full compensation for all damage or injury so occasioned.

If any house, building, erection, or addition, or part thereof, so ordered to be demolished be not demolished within the time limited by the order, the Corporation may forthwith enter the premises to which the order relates, and demolish the house, building, erection, or addition, or part thereof, so ordered to be demolished, and do whatever is necessary for obeying the order, and may remove the materials to a convenient place, and afterwards sell the same as they think fit, and all expenses incurred by the Corporation in obeying the order, and in removing, depositing, and selling the materials, may be recovered in a summary way before a Justice from the person against whom the order is made; provided that the Corporation shall apply the proceeds of the sale in or towards payment of their expenses, and if there be any surplus shall on demand pay it to the person against whom the order is made.

After the passing of this Act no building or erection shall be made on any part of any site from which under "The Sanitary Act of 1864" any building or erection is already or hereafter removed, except with the previous consent of the Corporation and in accordance with plans and elevations previously approved by them, and they may at any time at the expense of the owner thereof, the expense to be recovered in a summary manner before two Justices, abate any building or erection at any time after the passing of this Act in whole or in part made contrary to this section, and the compensation to be made to the owner under section twenty-three of "The Sanitary Act of 1864" shall include compensation for all damage, if any, occasioned to the owner by reason of the rebuilding on the site being subject to the consent of the Corporation.

Where the Corporation are required by this Act to make any compensation to owners or occupiers of or persons interested in any premises, the Corporation by agreement may, if they think fit, make the compensation in whole or in part in land or in works.

The buildings from time to time erected by the Corporation for the purposes of their Public Library, Museum, and Gallery of Art, and whether erected under the Library Act of 1852, or the Improvement Act of 1855, or this Act, shall be deemed one block of

37

Demolition by Corporation of the building.

38

Building on sites from which buildings removed under "Sanitary Act, 1864," to be with consent of Corporation.

39

Compensation by Corporation under Act may be in land or in works.

40

Acts of 1852 and 1855 and this Act apply to Public

buildings erected for those purposes, and the several provisions of those Acts and this Act respectively which from time to time are so applicable shall apply to the same and every part thereof accordingly.

41

Power to regulate the leading and driving of cattle through Liverpool.

The Corporation may from time to time by notice to be published in three successive weeks in three or more Liverpool newspapers, direct and prescribe the streets in Liverpool in or through which the leading or driving of cattle shall be permitted, and no persons shall thereafter lead or drive, or cause to be led or driven, any cattle through any other street than the streets specified in the notice, and every person so offending shall for every such offence forfeit not exceeding five pounds; provided that the streets which it shall be lawful for the Corporation so to prescribe shall not be such as would prevent the passage of cattle between any steamboat or other vessel in any dock, basin, quay, wharf, or other landing place and the Stanley Cattle Market or any railway station in Liverpool, or any place beyond the boundary of Liverpool, when such cattle are merely passing between such dock, basin, quay, wharf, or other landing place and such cattle market, railway station, or other place as aforesaid, and that the Corporation shall be bound to keep open at all times a reasonably short and efficient route or routes for the passage of such cattle; provided also, that such directions shall only operate between the hours of eight in the morning and nine in the evening; and provided also that nothing herein contained shall authorise the Corporation to interfere with the driving of cattle to or from any slaughter-house so long as the slaughtering of cattle therein shall be lawful.

42

Penalty for keeping cattle, &c., on unlicensed premises, &c.

From and after the thirty-first day of December one thousand eight hundred and sixty-seven, if any person, not having a license for the purpose under this Act from the Corporation, keep on any premises in Liverpool not so licensed for the purpose any cattle, every person so offending shall for every such offence forfeit not exceeding twenty shillings with respect to every animal so kept; Provided that nothing herein contained shall apply to sheds, lairs, or pens attached to slaughter-houses so long as the slaughtering of cattle therein shall be lawful.

Note.—The Liverpool Improvement and Waterworks Act, 1871, sec. 57, imposes a penalty of twenty shillings in respect of every head of cattle kept in excess of the number specified in the license, with a continuing daily penalty of ten shillings.

43

Licenses of places for keeping cattle, &c.

When any person is desirous of keeping on any premises in Liverpool any cattle, an officer from time to time appointed for the purpose by the Corporation shall, on being thereunto requested by the person, inspect and examine the premises with respect to the fitness of their being used for the purpose, and on the premises being found or made fit for the purpose the Corporation shall grant to the person a license to use the premises (to be specified in the license) for the keeping therein of such cattle as are specified in the license, and every such license, unless forfeited, shall be in force until the then next thirty-first day of December only.

44

Register of licenses.

The Corporation shall keep a register of the licenses so granted, and of the particulars of the premises and cattle in respect of which they are granted, and shall not charge any sum exceeding one shilling for a license, and the register shall at all reasonable times be opened at the Town Clerk's Office gratis for the inspection of all persons interested.

45

Notice on licensed premises.

Every person having any such license shall at all times, while the premises specified in the license are used for the keeping of any cattle, have placed and kept over or near to the principal entrance thereto, or some other conspicuous part thereof approved by the Corporation, a conspicuous notice in large and legible letters, "Licensed for keeping (two cows or three swine, or otherwise, as the case happens)," and where, except during necessary repairs or unavoidable accident, the notice is not so placed and kept, the license shall thereupon become forfeited and absolutely void,

46

Inspection of licensed premises.

All premises so licensed shall at all times be open to the inspection and examination of the officers appointed by the Corporation for the purpose, and who from time to time shall ascertain whether the provisions of the license with respect to the premises are duly complied with.

47

Licensed premises to be kept in good order, &c.

All premises so licensed shall at all times be kept in cleanly and wholesome order and condition, and properly drained, ventilated, and supplied with water, and no animal shall at any one time be kept in any licensed premises other than the animals of the kind specified in the license, or greater in number than the number specified in the license.

48

Forfeiture of license if premises not properly kept

If at any time any premises so licensed be kept or used contrary to the requirements of the license, or so as in any way to be prejudicial to the health or to occasion any annoyance to any of the inhabitants of Liverpool, an officer of the Corporation appointed for the purpose may give notice in writing to the person licensed, or his agent, or to any occupier of or person in charge of or employed at the premises, requiring the premises to be forthwith put in proper order and condition, and if the same be not done within forty-eight hours next after the service of the notice the license shall thereupon be forfeited and absolutely void.

49

Forfeiture not to free from penalties.

The forfeiture of the license shall not free any person to whom the license is given from liability to any penalty for any offence incurred before the time of the forfeiture.

50

Notice to occupiers of adjoining premises before license granted.

Where the Corporation so think fit they may, before they grant or renew any license for keeping any cattle, require the applicant for the license to give to the occupiers of such of the premises adjoining or near to the premises proposed to be licensed, as the Corporation think fit, notice of the application, and all objections with respect to the granting of any such license made to the Corporation, whether any such notice be given or not, shall be heard and considered by them.

51

Licensing Committee of Council.

The Corporation from time to time, if and when they think fit, may delegate to any committee of the Council all or any part of the powers, authorities, and discretions of the Corporation with respect to licenses for keeping cattle and premises licensed for the purpose, and may prescribe the quorum, duties, and procedure of any such committee, and in what cases and how far their proceedings shall be final, or shall be subject to review by the Corporation.

52

For the purposes of such of the provisions of the recited Acts and this Act and any public General Act respectively as from time to time are in force in Liverpool with respect to dealers in marine stores, all persons who from time to time after the thirty-first day of December one thousand eight hundred and sixty-seven in any way deal by retail in raw cotton wool or in damaged raw cotton wool in a less quantity upon any one transaction than one hundred and twelve pounds in weight shall be deemed marine store dealers, and those provisions shall be read and have effect accordingly.

Retail dealers in cotton wool to be deemed marine store dealers.

53

Section 73 of the Fire Prevention Act* is by this Act repealed, and instead thereof if any warehouseman, porter, lumper, or stevedore, when in or going into or coming out from any warehouse or warehouse room, conceal or secrete, or have in his custody or possession whilst in any warehouse or warehouse room, any tobacco, tobacco pipe, match, or combustible article or thing, or any matter capable of being used in producing combustion, every person so offending shall for every such offence forfeit not exceeding five pounds.

Prohibition against having combustibles in warehouses.

54

Any person brought before any Justice charged with having in his possession, custody, or control, in any premises or otherwise, any money or thing which there is reasonable ground to believe has been stolen or unlawfully acquired or detained, and who does not account to the satisfaction of the Justice for his possession, custody, or control of the same, shall for every such offence be deemed guilty of a misdemeanor, and either forfeit not exceeding five pounds, or, in the discretion of the Justice, be imprisoned, with or without hard labour, in the common gaol for not exceeding two months.

Penalty on persons having property suspected to have been stolen.

55

The word "owner" in the Sanitary Act of 1864 includes for the purposes of any notice, presentment, or other document relating to the premises to be dealt with under that Act the person receiving, whether on his own account or as trustee or agent for any other person, the rents from the occupier of the premises.

Extension of meaning of "Owner" in Sanitary Act, 1864.

56

The Corporation from time to time may appoint and employ such officers and servants as they think requisite for the purposes of this Act, and may direct any of their officers and servants otherwise employed to perform any duties of officers or servants under this Act,

Power for Corporation to appoint officers or employ existing officers for the purposes of Act.

and in any such case may pay out of monies received under this Act such salaries and allowances as the Corporation think fit.

57

Power for Corporation to make bye-laws.

The Corporation from time to time may make, alter, and repeal, and may enforce bye-laws for all or any of the purposes following, and all matters incidental or accessory thereto; (that is to say,)

(A.) For the management and regulation of their Public Library, Museum, and Gallery of Art from time to time erected under the Library Act of 1852, and the Improvement Act of 1855, and this Act respectively:

(B.) For the regulation of the persons from time to time resorting to the Public Library, Museum, and Gallery of Art:

(C.) For the regulation of the transit and mode of conveyance of cattle in or through any part of *Liverpool*:

(D.) For the regulation of places for the keeping of cattle and of the persons using the same.

58

Making, &c., bye-laws.

All bye-laws made under this Act shall be made, confirmed, and published in like manner as bye-laws are by the Improvement Act of 1842 directed to be made, confirmed, and published.

59

Pecalty for breach of bye-laws.

Every person who offends against any Bye-law made under this Act shall for every such offence forfeit not exceeding forty shillings.

60

Time for payment of penalties for breach of bye-laws.

The Justice by whom any person is convicted and adjudged to pay any sum of money for any offence against any bye-law under this Act may adjudge that the person shall pay the same either immediately or within such period as the Justice thinks fit.

65

Power for Corporation to raise money for purposes of Act (L.S.A.A. 1864) by increased General Rate.

[Note.—Sections 61 to 64 refer to the Rate to be levied under the Act.]

The Corporation from time to time may raise by and as part of the General Rate authorised by the Sanitary Act of 1846 the monies which they require for the purposes of the Sanitary Act of 1864: Provided that the Corporation shall not for the purposes of the

Sanitary Act of 1864 increase the General Rate in any one year by a greater amount than twopence in the pound on the rateable value of the property liable thereto under the provisions of that Act, and the increase shall be of one uniform amount throughout *Liverpool*.

66

When and so soon as the several purposes to which by this Act monies raised by the General Rate are made applicable are effected, and the principal monies secured under this Act by mortgages of that rate, and all interest thereon, and all expenses incurred by the Corporation in carrying those purposes into effect, are repaid, the increase of that rate by this Act authorised shall cease, and thenceforth that rate shall not be of a greater amount than is authorised by the Sanitary Act of 1846, the Sanitary Act of 1854, and the Sanitary Act of 1864.

67

Section twenty-nine of the Sanitary Act of 1854, and section twenty-three of the Improvement Act of 1858, are by this Act repealed, but the repeal thereof shall not have any retroactive operation, and shall be without prejudice to any composition in force at the time of the passing of this Act.

68

Where the nett yearly rateable value of any premises does not exceed thirteen pounds, the owner shall from time to time, by way of composition for payment of the several rates under the recited Acts and this Act respectively, be rated upon a reduced estimate of one half of the nett yearly rateable value of the premises, whether the same be occupied or not.

69

The occupiers of any premises in respect whereof the owner is liable to pay rates or composition for rates shall be liable to pay the composition or rates which during his occupancy become due in respect of the premises, but shall never be liable to pay any greater sum than the amount of the rent actually due from him for the premises, and he may deduct any amount paid by or recovered from him in respect of the composition or rates from the rent due or from time to time becoming due from him, unless there be an agreement to the contrary, and the receipt for the amount so paid by or

recovered from him shall to that extent be as against the owner in default a sufficient discharge of rent.

70

Recovery of composition or rates.

The amount of the composition or rates so payable by any owner if in default may be recovered by action or distress in the manner provided by the Sanitary Acts of 1846 and 1854, and all the provisions of those Acts with respect to the recovery by action or distress of composition or rates under those Acts shall apply to the recovery by action or distress of composition or rates under this Act.

Note.—Secs. 71 and 72 and Secs. 74 to 85 inclusive, refer to the borrowing and application of monies for the purposes of the L.I.A., 1864, and L.I.A., 1867.

73

Power to Corporation to borrow 100,000l. on Mortgage of General Rate.

The Corporation from time to time, under the authority of this Act, may borrow and reborrow on mortgage of the general rate any sums not exceeding the further sum of one hundred thousand pounds for the purposes of the Sanitary Act of 1864, and all the provisions of the Sanitary Acts of 1846, 1854, and 1864 respectively with respect to money thereby authorised to be borrowed on mortgage of that rate, and the interest thereon, and the securities for the same, and all incidental matters, shall from and after the passing of this Act, and except only as is by this Act otherwise expressly provided, be read and have effect as if the monies so borrowed and reborrowed were by those Acts respectively authorised to be borrowed and reborrowed on mortgage of that rate; provided that the mortgages under this Act of the general rate shall extend to the general rate to be raised throughout *Liverpool*, and not in any district thereof only.

86

Recovery of penalties and forfeitures.

All penalties and forfeitures imposed by or under this Act shall be recoverable and applied in like manner as penalties and forfeitures are by the Improvement Act of 1842 made recoverable, and sections three hundred and thirty to three hundred and forty-nine, both inclusive, of that Act are accordingly, *mutatis mutandis*, extended to and incorporated with this Act.*

87

Authentication of Notices served by Corporation.

Any notice, demand, or other document served by the Corporation for any of the purposes of this Act shall be sufficiently authenticated

* The 830th section of the Improvement Act of 1842 provides that penalties be summarily recovered before one Justice.

if it be signed by the Town Clerk or his Deputy from time to time appointed by the Corporation or the Town Clerk, and need not have the seal of the Corporation affixed thereto.

Any summons, notice, writ, or other proceeding at law or in equity or otherwise in relation to any of the purposes of this Act required to be served upon the Corporation may be served by delivering the same to the Town Clerk, or leaving the same at his office on any week day between the hours of nine o'clock in the forenoon and five o'clock in the afternoon, except on *Saturday*, and then between nine o'clock in the forenoon and one o'clock in the afternoon, with some person employed there by him.

88

Service of Notices, &c., on Corporation.

Note.—Sec. 89 requires yearly abstract of accounts to be published.

Note.—Secs. 90 and 91 save the respective rights of the Duchy of Lancaster and of the Corporation.

LIVERPOOL IMPROVEMENT AND WATERWORKS ACT, 1871.

Preamble.

THE PREAMBLE recites the following Acts which are referred to as the "former Acts":—The Building Act, 1842; The Liverpool Improvement Act, 1842; The Sanitary Act, 1846; The Liverpool Corporation Waterworks Act, 1847; The Liverpool Corporation Waterworks Amendment Act, 1850; The Liverpool Corporation Waterworks (Deviations) Act, 1852; The Liverpool Library and Museum Act, 1852; The Liverpool Sanitary Amendment Act, 1854; The Liverpool Improvement Act, 1855; The Liverpool Improvement Act, 1858; The Liverpool Improvement Act, 1861; The Liverpool Corporation Waterworks Act, 1862; The Liverpool Improvement Act, 1864; The Liverpool Sanitary Amendment Act, 1864; The Liverpool Improvement Act, 1865; The Liverpool Corporation Waterworks Act, 1866; The Liverpool Improvement Act, 1867.

TITLE OF ACT, INTERPRETATION OF WORDS, &c.

1
Short title.

This Act may for all purposes be cited as "Liverpool Improvement and Waterworks Act, 1871."

2
Incorporation
of general
Acts.

The following Acts and portions of Acts, namely:—"The Lands Clauses Consolidation Act, 1845," except sections 134 to 148, both inclusive; "The Lands Clauses Consolidation Acts Amendment Act, 1860; "The Lands Clauses Consolidation Act, 1869;" The Waterworks Clauses Act, 1847," except sections 35 to 53, and 68 to 89, all inclusive, so far as the provisions of those Acts respectively are applicable for the purposes and not inconsistent with the provisions of this Act, are hereby incorporated with this Act.

3
Same meanings
to words
in this Act as
in incorpo-
rated Acts.

In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith, or rendered applicable hereto, shall have the same respective meanings, unless the same be varied by this Act, or unless there be something in the subject or context repugnant to such construction.

Liverpool Improvement and Waterworks Act, 1871.

In this Act, and for the purposes of this Act in any Act<sup>Interpreta-
tion.</sup> incorporated herewith or rendered applicable hereto:

The expressions "the promoters," "the undertakers," and "the Company," shall respectively mean the Corporation;

The expression "the Borough" shall mean the Borough of Liverpool;

The expression "the Corporation" shall mean the Mayor, Aldermen, and Burgesses of the Borough of Liverpool;

The expressions "the Mayor," "the Council," "the Town Clerk," and "the Treasurer," shall mean respectively the Mayor, the Council, the Town Clerk, and the Treasurer for the time being of the borough;

The expression "the Borough Engineer," shall mean the person appointed by the Council to act as local Surveyor of drainage and other works authorised under the provisions of "The Sanitary Act, 1846;"

The expression "the Medical Officer of Health" shall mean the Medical Officer of Health appointed under "The Sanitary Act, 1846;"

The expression "the Collector" shall mean any person appointed by the Corporation for the collecting rates, rents, and tolls leviable by or payable to the Corporation;

The expression "the Borough Fund" shall mean the Borough Fund of the borough;

The term "Municipal Corporations Act" shall mean the Act of the Session of the fifth and sixth years of King William the fourth (chapter seventy-six) "To provide for the regulation of Municipal Corporations in England and Wales," and all Acts for the time being in force amending the same, or otherwise relating to Municipal Corporations in England;

The word "person" shall include Company and also a corporation, whether aggregate or sole;

The word "Justice" shall mean a Justice of the Peace for the borough and also a Justice of the Peace for the county of Lancaster or one police magistrate;

The expression "two Justices" shall mean two or more Justices assembled and acting together in petty sessions, or one police or stipendiary magistrate;

The expressions "the deposited plans," "the deposited sections," "the book of reference;" shall respectively mean the plans, sections, and book of reference deposited for the purposes of the application for this Act with the Clerk of the Peace for the County of Lancaster;

The expressions "Court of Quarter Sessions" and "Quarter Sessions" shall mean the general or quarter sessions for the Borough of Liverpool;

The expressions "the superior courts" and "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute;

The word "land" or "lands" shall respectively include messuages, lands, tenements, and hereditaments of any tenure;

The word "owner" shall mean the person for the time being receiving the rack-rent of the lands and premises in connection with which the said word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rack-rent;

The word "occupier" shall mean the person for the time being in the actual occupation or possession of the land with reference to which that expression is used;

The expression "rack-rent" shall mean rent which is not less than two-thirds of the net annual value of the land out of which the rent arises;

"Net annual value" shall have the meaning assigned to it by the Act to regulate parochial assessments;

The expression "water-rate" shall include "water-rent;"

The word "street" shall include the whole or any part of any public square, street, court, alley, footpath, footway, highway, lane, road, thoroughfare, passage, or other public place within the Borough of Liverpool;

The word "court" shall mean the whole or any part of any street not being a carriage-way, and having the principal or only entrance of any dwelling-house therein;

The word "passage" shall mean the whole or any part of any alley, way, or other place not being a carriage-way, nor having the principal or only entrance of any dwelling-house therein;

The word "building" shall include all dwelling-houses, houses, messuages, warehouses, mills, manufactories, walls, chimney shafts, and erections;

The word "premises" shall include houses, buildings, and erections, and parts thereof respectively, and land with or without houses, buildings, or erections thereon;

The expression "outer wall" (where used in the Schedule to this Act) shall mean every existing or future wall which shall not be used, or shall not at the time of the building thereof

have been intended to be used, as a separation of one building from another, or of one part of a building from another part of the same building;

The word "cart" shall include any vehicle made or used for the conveyance of goods or chattels in any street;

The word "carriage" shall include any vehicle, of what nature soever, made or used for the conveyance of persons in any street, and shall include a hearse;

The word "cattle" shall include bulls, cows, oxen, heifers, calves, rams, wethers, ewes, lambs, goats, and swine.

AS TO EXECUTION OF ACTS, &c.

5
Limits of the
Act.

This Act, except where otherwise hereby expressly provided, shall apply exclusively within the borough:

6
Execution of
Act by Cor-
poration.

This Act shall (subject to the provisions herein contained) be carried into execution by the Corporation acting by their Council, and in accordance with the public general statutes and local Acts and laws from time to time in force and relating to the Corporation and their Council, and their Committees, agents, officers, and servants, and applicable for the purposes of this Act, and as nearly as possible as if the purposes of this Act were purposes of the Act for the regulation of Municipal Corporations in England and Wales, so far as that Act is in force in Liverpool.

7
Regulations
as to
Committees
of Council.

Where, under the authority of the Municipal Corporations Act, or any public or local Act for the time being in force within the borough, the Council appoint any committee for the execution of any of the purposes of this Act, or any other Act for the time being in force within the borough, every act and proceeding of any such committee shall, after approval by the Council, relate back to and take effect from the day of the date of such act and proceeding respectively, unless at the time of such approval the Council otherwise order.

The day on which the Council shall appoint new trustees (not being such trustees as may be required to fill extraordinary vacancies) under the provisions in that behalf contained in section seventy-three of the fifth and sixth of William the Fourth, chapter seventy-six, shall be the first day of the first meeting of the Council to be held in the month of January in every year instead of the first day of January as mentioned in that section; and any trustees appointed under those provisions shall continue in office until the appointment of their successors.

The Corporation from time to time may, if they think fit, contract with any person for performing or doing any of the works or things by this Act authorised, and all such contracts shall be in writing, sealed with the common seal of the Corporation, or signed by the Town Clerk and executed by the person contracting, and shall specify the works and things so to be done, and the prices at and the times within which they are to be done; and the Corporation may take such bond or other security from every contractor, and his surety or sureties (if any), for the due performance of his contract, as they may think sufficient.

The Corporation may from time to time compound with any person having entered into any contract with the Corporation under this Act for any penalty contained in such contract, or in any bond or other security for the performance thereof, or on account of any breach or non-performance of such contract, bond, or security for such sum of money or other recompense as the Corporation think proper.

Secs. 11 to 23, both inclusive, refer to new streets authorised by the Act.

AS TO COSTS OF CLEANSING STREETS, &c.

Section twenty-two of "The Sanitary Act, 1854," shall be repealed, as and from the first day of January one thousand eight hundred and seventy-two, and all monies received by the Corporation from the sale of the dirt, dust, night-soil, ashes, rubbish, and filth collected within the Borough shall, from and after the said first day of

Time for
appointing
new trustees.

Power to
contract for
works.

Power to
compound
with
contractors.

Proceeds of
sale of dirt,
&c., to be
paid to credit
of general
rate. Section
22 of Sanitary
Act 1854
repealed.

The Liverpool Improvement and Waterworks Act, 1871.

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January one thousand eight hundred and seventy-two, be paid to the credit of the "General Rate" which is levied under section one hundred and fifty-one of "The Sanitary Act, 1846."

25

Costs of cleansing, &c., streets to be paid out of general rate. Part of Section 151 of Sanitary Act 1846 repealed

So much of section one hundred and fifty-one of "The Sanitary Act, 1846," as provides that the costs of sweeping, cleansing, and watering the streets shall be paid out of the Paving Rate shall be repealed as and from the first day of January one thousand eight hundred and seventy-two, and thereafter such costs (including therein the costs of providing the necessary horses, carts, machines, and implements) shall be paid out of the said "General Rate."

26

Costs of and connected with public conveniences, &c., to be paid out of general rate. Section 116 of Sanitary Act 1846 altered.

The moneys to be defrayed under the provisions of section one hundred and sixteen of "The Sanitary Act, 1846," out of the Paving Rate shall, from and after the first day of January one thousand eight hundred and seventy-two, be paid out of the said "General Rate," and that section shall be read and construed as though the said "General Rate" were inserted therein in place of the Paving Rate.

AS TO UNFENCED LAND ADJOINING PUBLIC HIGHWAYS, &c.

27

Corporation may require land adjoining public highways, &c., to be fenced.

If any land adjoining any public street or public place be not fenced, or fenced imperfectly, so that by reason of the same being unfenced, or being imperfectly fenced, a nuisance is created, or likely to be created, or danger arises to the public, or is likely to arise, the following provisions shall have effect (namely):—

The Corporation may, if they think it desirable, order the owner, within the period prescribed in the order, to fence the same in a manner sufficient to prevent or remove such danger or nuisance.

If the owner feel himself aggrieved by such order, he may within six days after service of such notice, upon giving two days' notice in writing of his intention in that behalf to the Borough Engineer, apply to any police Magistrate of the Borough to determine whether there be any necessity for the fencing so ordered to be done, and if there be such necessity,

The Liverpool Improvement and Waterworks Act, 1871.

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then whether the fence required to be constructed by the said order be proper in its nature, and sufficient, or more than sufficient, for the purpose; and the said police Magistrate may hear any evidence adduced, and require the attendance of such witnesses touching the matters before him as he may think fit, and his decision in such matters shall be final and conclusive;

If after service of such order on the owner or (in case of such application to the police Magistrate) after the confirmation of such order, the directions of the order be not complied with within the prescribed period, the owner shall be liable to a penalty not exceeding twenty pounds; and in that case, or if the owner be not known or cannot be found within the Borough after due inquiry, the Corporation may execute such works as may be requisite for such fencing, and the expenses thereof shall be payable by and recoverable from the owner;

If such owner cannot be found, or if sufficient distress cannot be made of his goods and chattels within the Borough as is hereinafter provided for with respect to the mode of recovering expenses from owners, the Corporation, after giving three months' notice of their intention so to do by a notice set up on the said land (provided such expenses be not paid or tendered at the offices of the Corporation within the said three months), may enter into receipt of and demand and receive the rents and profits of such land from tenants and occupiers and persons liable to pay the same, and in case of nonpayment may use all or any such lawful remedies, by way of distress, ejectment, or otherwise, for recovering and obtaining payment of the same, or any part thereof as may be used by landlords in ordinary cases, and may do all things necessary or expedient for recovering and receiving the rents and profits as if they were the owners of the land, and the tenants and occupiers and persons liable as aforesaid shall pay the rents and profits aforesaid to the Corporation and the receipt of the treasurer or of any officer of the Corporation appointed in that behalf shall be and shall alone be an effectual discharge for the same;

The Liverpool Improvement and Waterworks Act, 1871.

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Where any such land is unoccupied or unproductive at the time when the Corporation would be entitled under this Act to enter into the receipt of the rents and profits thereof (if any), or at any time afterwards while the claim of the Corporation is unsatisfied, then and in every such case and as often as the same happens the Corporation may enter into possession of such land, and may occupy, inclose, fence, and use the same or any part thereof;

The Corporation may from time to time let, for any period not exceeding seven years, or from year to year, or for any shorter period, any such unoccupied or unproductive land, or any part thereof, and receive the rents and profits thereof, as if they were the owners thereof.

28

Application
of rents and
profits
received.

All rents and profits received in respect of any such land as aforesaid shall be applied in the manner and in the order following (namely):

There shall be paid thereout any chief rent payable in respect of the land;

There shall be paid thereout all taxes, rates, assessments, expenses of repairs, and other outgoings (including a commission for the collecting of such rents and profits, not exceeding the rate of five pounds for every one hundred pounds collected), properly payable by the owner in respect of the land (except any chief rent), and all expenses incurred by the Corporation in relation thereto, by reason or in consequence of the failure of the owner thereof to pay any such expenses as aforesaid;

There shall be retained on behalf of the Corporation the amount which the owner is at the time of the commencement of such receipt by the Corporation liable to pay on account of such expenses and interest in respect of the same or any other land in the same or any other street;

The surplus (if any) shall be paid to the owner, his representatives or assigns, on demand.

The Liverpool Improvement and Waterworks Act, 1871.

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Whenever the Corporation so enter into the receipts of the rents and profits, or into possession of any such land, then for and in respect of the period during which their claim against the owner for such expenses is unsatisfied, as well after the termination of that period as during its continuance, the owner of the land and the owner of any chief rent issuing thereout shall not have any right to receive any rents or profits of the land, nor shall he have any interest therein except under the provisions of this Act directing the application of rents and profits received by the Corporation, and for and in respect of the period aforesaid, as well after its termination as during its continuance, every or any such right shall as against any lessee of the land or other person taking through or under the Corporation be by virtue of this Act absolutely extinguished.

As soon as such claim of the Corporation is satisfied the Corporation shall at the request of the owner of the land, endorse on any such lease, or a counterpart thereof, made by them as aforesaid a memorandum under their common seal of the satisfaction of their claim, and thereupon and thenceforth, but no sooner, the owner shall have the like rights and powers under and in respect of the lease as if the same had been made by him instead of by the Corporation.

AS TO CELLAR-DWELLINGS.

Sections one hundred and seventeen and one hundred and eighteen of "The Sanitary Act, 1846," and sections eighteen, nineteen, and twenty of "The Sanitary Act, 1854," are hereby repealed, and from and after the passing of this Act no cellar-dwelling within the Borough shall be let or occupied which does not conform in all respects to the requirements contained in that behalf in the Schedule to this Act annexed (except that as regards any cellar built before the passing of this Act, the area at the rear thereof in the Schedule mentioned shall not be required, and that as regards any back cellar built before the passing of this Act a window of larger dimensions than is now required by law shall not be required) and any person who shall let or suffer to be occupied any cellar-dwelling which does not so conform shall be liable to a penalty not exceeding ten pounds, and to a further penalty not

29

Right of Corporation to
rents to
exclude that
of owner, &c.

30

On claim of
Corporation
being satisfied
owner to be
reinstated.

31

Sections 117
and 118 of
Sanitary Act
1846, and
sections 18,
19, and 20 of
Sanitary Act
1854, repealed

exceeding ten pounds for every day during which such offence shall be continued after conviction therefor, and for the purpose of this enactment every room the surface of the floor of which is more than four feet below the level of the nearest street shall, if intended to be used as a separate dwelling, be deemed a cellar-dwelling; and every cellar which any person shall at any time apparently inhabit, or in which any person shall be found between the hours of eleven o'clock in the evening and five o'clock in the morning, shall be held and taken to be occupied as a separate dwelling.

AS TO BUILDINGS.

32

Corporation may relax certain provisions of former Acts, &c., in favour of labourers' dwellings.

In any case of a block of labourers' dwellings, with or without openings through the same, and consisting of more than fifty separate dwellings, the Corporation may, notwithstanding anything contained in any Act or bye-law now in force within the borough by order under their common seal relax or modify in such manner as they may deem expedient all or any of the provisions with respect to height of buildings, courts, and open spaces contained in any such Act or by-law; Provided, That the Borough Engineer and Medical Officer of Health shall jointly certify that in such relaxations or modifications adequate provision is made for the proper circulation of air and ventilation.

33

Corporation may make bye-laws as to buildings, &c.

The Corporation may make bye-laws with respect to all or any of the following matters (that is to say):—

With respect to the structure or alteration of new buildings of public resort, for securing efficient means of egress therefrom in case of fire or accident;

For regulating the mode of securing balconies and other projections from buildings and the construction of temporary or permanent galleries or platforms.

34

Corporation may make additional bye-laws for regulating street traffic.

ADDITIONAL BYE-LAWS AS TO STREET TRAFFIC.*

The Corporation may from time to time make bye-laws for all or any of the following purposes, namely:—

* The 17th section of the L. I. A., 1865, empowers the Corporation to make bye-laws for regulating the Streets to be used and the routes to be followed by Omnibuses, Stage Carriages, Vans, and other Carriages for the conveyance of passengers at separate fares, and by vehicles laden with articles of great length or bulk, and for preventing obstruction in such streets.

For the prohibiting at certain times, and subject to such exceptions as to the Corporation may seem fit, any cart or carriage from coming into, standing in, or passing along any street except Regent Road, Waterloo Road, Bath Street, New Quay, the Goree, Strand Street, Wapping and Sefton Street, and all streets westward of any of the said streets;

For prescribing the line to be kept by persons riding or driving, and the distances to be preserved between vehicles whilst traversing any crossing;

and such power to make bye-laws shall be in addition to any existing power of the Corporation to make bye-laws for the regulation of traffic.

Sections 35 to 47 refer to new Waterworks authorised by the Act.

And with respect to the composition for Water Rates payable under the recited Waterworks Acts, the following provisions shall apply (that is to say):—

47

Assimilating provisions as to composition for water rates to provisions as to composition for other rates.

1. Where the nett yearly rateable value of any premises within the limits of the supply of water by the Corporation does not exceed thirteen pounds the owner shall from time to time, by way of composition for payment of the several rates under the recited Waterworks Acts, be rated upon a reduced estimate of three-fourths of the nett yearly rateable value of the premises, whether the same be occupied or not;
2. The amount of composition so payable by any owner, if in default, may be recovered by action or distress in the manner provided by the Sanitary Acts 1846 and 1854, and all the provisions of those Acts with respect to the recovery by action or distress of composition or rates under those Acts shall apply to the recovery by action or distress of composition under this Act;
3. The occupier of any premises in respect whereof the owner is liable to pay composition for rates shall be liable to pay

the composition due in respect of the premises either at the date of his entry thereon or during his occupation thereof, but shall never be liable to pay any greater sum than the amount of the rent actually due from him for the premises, and he may deduct any amount paid by or recovered from him in respect of the composition from the rent due or from time to time becoming due from him, unless there be an agreement to the contrary, and the receipt for the amount so paid by or recovered from him shall, to that extent, be as against the owner in default a sufficient discharge of rent.

48

Corporation may supply water in bulk to any other Corporation, &c., situate within limits of water supply.

The Corporation may contract with the municipal corporation of any borough situate within the limits of the supply of water by the Liverpool Corporation Waterworks or with any local board constituted under "The Public Health Act, 1848," or "The Local Government Act, 1858," or any Act amending or extending those Acts respectively, and situate within the same limits, for a supply to such corporation or local board of water in bulk for domestic or other purposes for the whole or any part or parts of such borough, or of the district of such local board, upon such terms and conditions in all respects and for such periods as the Corporation and such other corporation or local board, as the case may be, may from time to time agree upon, and such supply may be respectively afforded and taken accordingly,

49

Exemptions from liability to supply water.

Nothing in this Act contained shall render the Corporation liable to supply water at any time when or under circumstances in which they are exempted from such liability under the provisions of the thirty-second section of "The Waterworks Act, 1866."

AS TO PARKS.

50

Power to acquire lands for additional or improved approaches, &c., to parks.

The Corporation from time to time, as they think fit, may appropriate any lands vested in them, and purchase by agreement the fee simple, whether in possession or reversion of and in any lands either within or without the limits of the Borough which they may think suitable for the making of additional or improved approaches and boundary roads to any park which the Corporation have already

provided, or are authorised to provide under the powers in that behalf contained in "The Improvement Act, 1865," and any such purchase, and the making of any such additional or improved approach, and of any such boundary road, shall be respectively considered to be within the purposes of the said Act.

51

If for any of the purposes mentioned in the last section the Corporation shall deem it expedient to purchase any lands beyond the limits of the Borough, or to enter into any contract or agreement with any local board touching the same purposes, or any or either of them, it shall be lawful for the Corporation and such local board from time to time mutually to enter into any agreements for all, any, or either of the said purposes, and to do such acts and things and execute such conveyances and assurances, and to use such funds belonging to them respectively and not otherwise specially appropriated, as may be requisite for the carrying into effect such agreements or the effecting such purposes.

52

The Corporation may make bye-laws for all or any of the following purposes relating to any park or place of public resort or recreation under their control, whether within or beyond the limits of the Borough (namely):—

For appointing and regulating keepers or servants employed therein;

For regulating the days and hours on or during which any footpath into or through the park or place may be closed, and during which the park or place is to be open or shut, and the terms of and prices for admission to the park or place on any special occasion: Provided, That the days on which the park shall be shut shall not exceed seven days in the whole in any one year, and that on all other days no footpath shown upon the deposited plans as substituted footpaths for the public footpaths respectively authorised to be stopped up shall be closed between five o'clock in the morning and seven o'clock in the evening from the thirtieth of September to the first of April, or between five o'clock

See Section 19, Improvement Act, 1886.

See Section 10, Liverpool Corporation Act, 1905.

in the morning and ten o'clock in the evening on any other days except as aforesaid;

For regulating the conduct of persons frequenting the park or place, and for prohibiting therein any preaching, religious service, lecture, or public discussion, and the holding of any meeting for religious or political purposes;

For prohibiting the beating, shaking, or cleaning of carpets;

For regulating the days on and hours during which and parts in which games and gymnastics are to be permitted therein;

For regulating the days on and hours during which and parts in which bands of music or other music are or is to be permitted therein;

For regulating refreshment rooms therein, and the days on and hours during which they are to be opened or shut, and the nature and price of the articles and things to be sold therein;

For regulating or preventing the admission of dogs therein;

For preventing males from intruding on or using playgrounds or other places therein set apart for the use of females, and vice versa;

For regulating or preventing the admission of horses and vehicles therein;

For regulating the traffic, and, if thought necessary, prohibiting any particular kind of traffic in any road within or forming an approach to or boundary roads of the park or place, and not being a public highway;

For protecting from injury buildings, terraces, fountains, bridges, walks, seats, fences, and other parts of or things

belonging to the park or place, and for preventing the destruction or injury of aquatic or other birds, animals, trees, plants, shrubs, or flowers, and plucking of flowers and leaves therein;

For enabling the servants of the Corporation to exclude therefrom persons intoxicated or attired otherwise than in a decent manner, and to remove therefrom persons guilty of a breach of any bye-law relative thereto, or of any public law.

AS TO CORONER.

The Corporation may, if they think fit, pay to the Coroner, for the performance of the several duties from time to time attaching to the office of the Coroner, and in lieu of all fees and allowances from time to time payable to him by law for the performance of such duties, any clear annual sum by way of salary not being less in any one year than the sums following (that is to say):—

Eight hundred pounds, so long as the duties of the Coroner are those now imposed on him by law;

One thousand pounds, if and so long as the duties of the Coroner are increased or extended beyond those now imposed on him by law;

One thousand pounds, if the Corporation require him to devote his whole time to the duties for the time being attached to the office of the Coroner as hereinafter provided;

and such salary shall be paid by equal monthly payments out of the Borough Fund, and whenever from death, removal, or any other cause the Coroner shall not be entitled to salary for the whole of a month, a proportionate part of the salary shall be paid to him, or in case of his death, to his personal representatives.

From and after the commencement of such salary the Corporation may from time to time, out of the Borough Fund, pay the salary of any clerks, the costs and expenses of any office, and all other disbursements which are requisite for, or legally or reasonably incident to, the performance of the duties of the Coroner.

53

Power to Corporation to pay Coroner by a fixed salary.

54

Costs of Coroner's inquisition, &c., to be paid by Corporation if Coroner paid by salary

The Liverpool Improvement and Waterworks Act, 1871.

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55

The Corporation may require the Coroner to devote his whole time.

The Corporation may, if they think fit, require the present or any future Coroner of the Borough to devote the whole of his time to the duties for the time being attached to his office, and in that event shall pay to such Coroner the annual salary of not less than one thousand pounds in lieu of fees and allowances, as hereinbefore provided; but nothing in this enactment contained shall prevent such Coroner from discharging the duty of a Justice of the Peace, provided such discharge shall not interfere with the discharge of the duties of or for the time being attached to his office as such Coroner.

AS TO THE KEEPING OF CATTLE.

56

License to keep cattle to specify the number to be kept.

Every license to use any premises for the keeping therein of any cattle granted to any person under the provisions of "The Improvement Act, 1867," after the thirty-first day of December, one thousand eight hundred and seventy-one, shall specify the number of each description of animal included by this Act in the word cattle, which may be kept on such premises.

57

Penalty for keeping a greater number of cattle than is specified in license.

Every person who shall keep on any premises so as aforesaid licensed for the keeping therein of cattle, a greater number of any description of animals by this Act included in the word cattle than is specified in such license, shall for every such offence forfeit any sum not exceeding twenty shillings in respect of every head of cattle so kept in excess of the number specified in such license, and a further penalty of ten shillings in respect of every such head of cattle for every day the offence continues after conviction therefor.

AS TO MARINE STORE DEALERS, &c.

58

Retail dealers in metal to be deemed marine store dealers.

For the purposes of such of the provisions of the recited Acts and this Act, and any public General Act respectively, as from time to time are in force in the Borough with respect to dealers in marine stores, all persons who, from time to time after the thirty-first day of December one thousand eight hundred and seventy-one, in any way deal by retail by way of purchase in any metal in a less quantity upon any one transaction than one hundred and twelve pounds in weight, except by way of exchange for manufactured goods or for

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the purpose of themselves manufacturing or using such metal, shall be deemed marine store dealers, and those provisions shall be read and have effect accordingly.

The Corporation may make bye-laws for all or any of the following purposes with respect to any person who shall carry on the business of a dealer in marine stores (namely):—

59

Corporation may make bye-laws as to marine store dealers, &c.

For requiring every person carrying on such business to enter in a book the description and the price of all articles purchased or acquired by him, whether the same be second-hand goods or articles, or marine stores or not, and the date and time when, and the name, address, and occupation of the person from whom the same is purchased or otherwise acquired, and any other particulars they think fit;

For securing free access to every such book to the Corporation, their officers and servants, and persons authorised by the Corporation to inspect the same;

For securing to the Corporation, their officers and servants, free access to all places in which any person shall carry on such business as aforesaid;

For preventing any person carrying on such business as aforesaid from purchasing any new or second-hand goods or article or marine stores from any person apparently under the age of sixteen years;

For fixing the times during which such places of business shall remain open or closed.

AS TO OFFENCES.

Every person who shall within the Borough commit any of the following offences (namely):—

60

Penalty for certain offences.

Every person who shall negligently steer or direct any timber carriage or any vehicle whereon is conveyed any tree, timber, or iron beam;

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Every person who shall wilfully throw or place in any street, or on any unenclosed public or private place, any poisonous substance, or any substance deleterious to health, or dangerous to life or limb;

Every person who shall erect any crane, hoist, or lift, or other appliance for lifting or lowering any goods or thing in such a position on his own land as shall be dangerous to the public, without providing to the satisfaction of the Corporation a screen or fence for the protection of the public;

shall be liable to a penalty not exceeding forty shillings, and a penalty not exceeding twenty shillings for every day during which the offence shall continue.

61
Extending
the provisions
of section 154
of Improve-
ment Act,
1842, to
persons who
wilfully
extinguish
any public
lamp.

The provisions as to the inflicting of a penalty, and making satisfaction for damage, and the application of such penalty contained in section one hundred and fifty-four of the Improvement Act, 1842, shall extend and be applicable to every person convicted under the provisions of that section of wilfully extinguishing the light of any public lamp.

REGULATIONS AS TO DOGS.

62
Regulations
as to dogs.

The following regulations as to dogs shall have effect within the borough (namely):—

The police may take possession of any dog found in any street, and not under the control of any person, and may detain such dog until the owner has claimed the same, and paid all reasonable expenses incurred by reason of such detention;

The Mayor of the Borough, if he see fit, may from time to time issue a notice or order requiring (during a period to be specified in such notice or order) any dog while in the streets, and not led by some person, to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction; and the police may take possession of any dog found loose in any streets without such muzzle during the

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currency of such notice or order, and may detain such dog until the owner has claimed it, has provided a proper muzzle, and has paid all reasonable expenses connected with such detention;

Where any dog, taken possession of by the police, wears a collar with the address of any person inscribed thereon, a letter stating the fact of such dog having been taken possession of shall be sent by post to the address inscribed on the collar;

The Head Constable of the borough may cause any dog which has remained in the possession of the police for at least three clear days, without the owners claiming the same, and paying all expenses incurred by its detention, to be sold, destroyed, or disposed of;

Any moneys arising from the sale of any dogs in pursuance of this section shall be applied in the manner in which penalties under this Act are applicable;

When, upon complaint to any Justice that any dog has bitten or attempted to bite any person within the borough, it appears to the said Justice having cognizance of such complaint that such dog ought to be destroyed, the said Justice may direct the dog to be destroyed, and any police constable may destroy the same accordingly;

All dogs detained by the police under this section shall be properly fed.

Sections 63 to 68 refer to the making of Improvement Rates,

The Council may charge the Health Committee of the borough such annual rent as they think equitable for the use of that portion of the municipal offices situate in Dale Street, in the borough, which is occupied for sanitary purposes, and such annual rent shall be paid out of the "General Rate" levied under section one hundred and fifty-one of "The Sanitary Act, 1846."

69
Rent of portion
of municipal
offices used for
sanitary pur-
poses to be paid
out of General
Rate levied
under section
151 of Sanitary
Act, 1846.

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154

Sections 70 to 99 refer to the Borrowing of Money, &c., and the acquisition and sale of Lands.

90

Limitation of time for compulsory purchase of land under Sanitary Amendment, Act, 1864.

The powers of the Corporation for the compulsory purchase of land under the provisions contained in the Sanitary Act, 1864, may, for the purposes of any presentment already made under that Act, be exercised at any time not exceeding one year from the passing of this Act, and, for the purposes of any presentment to be hereafter made, may be exercised at any time not exceeding one year from the date of such presentment.

AS TO THE LICENSING OF EASEMENTS BY CORPORATION, &c

100

Power to Corporation to grant licenses of easements.

The Corporation may grant to the owner, or with consent of the owner to the lessee or occupier of any premises abutting on any street, a license to use a way (exclusive or otherwise) for himself, his servants and agents at all times, with or without cattle, horses, carts, and carriages, by means of a bridge over, or a tramway across such street, and for such term as shall be co-extensive with or less than the interest of such owner, lessee, or occupier in the premises in respect of which such license shall be given, but not exceeding twenty-one years, on such terms or at such rent, and with, under, and subject to such covenants, conditions, and agreements as to the Corporation may seem fit: Provided, That no such tramway shall be constructed at such an angle across any such street as that the length of such tramway within such street shall exceed twice the width of the street at the point where the tramway so crosses: Provided also, That any license given under this power shall not in any way interfere with the convenience of persons using such street, or affect the rights of the owners of the property adjoining and up to the line of the street.

101

Monies in respect of rights of way may be recovered by action or distress.

If any person fails to pay to the collector, after seven days' notice, the moneys due by him to the Corporation in respect of any such right of way, the Corporation may recover such moneys, with the costs and expenses, by proceeding in any court of competent jurisdiction, or any Justice may, on the application of the Corporation, summon such person to appear before him or any other Justice, at the time mentioned in the summons, to show cause why the moneys so due from him should not be paid, and in case sufficient cause for non-payment thereof be not shown, the same, with such costs as to the Justice seem reasonable, may be levied by distress, and such Justice may issue his warrant accordingly.

AS TO EXECUTION OF CERTAIN PROVISIONS OF THE ACT WITH RESPECT TO WORKS.

102

Power to enter and inspect.

The Corporation, by their officers and servants, may (but, unless by this Act otherwise permitted, only at reasonable times in the

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daytime and after twenty-four hours' notice to the occupier of the premises, or, if there is no occupier, to the owner), from time to time enter any lands for the purpose of inspecting any works or buildings in progress of construction or alteration, or of making such examination as may be necessary to ascertain whether the provisions of this Act, or of any bye-law thereunder, have been complied with, or of carrying into execution any of the powers contained in this Act, or in any such bye-law, without being deemed trespassers, or liable to any action, indictment, or other proceeding on account thereof.

103

Penalty on occupiers opposing execution of Act.

In case the occupier of any building or lands prevents the owner thereof from carrying into effect in respect thereof any of the provisions of this Act, or of any bye-laws thereunder, or any order of the Corporation, then, after notice of this provision given by the owner to the occupier, any Justice, upon proof thereof, may make an order in writing requiring the occupier to permit the owner to execute all such works with respect to such building or lands as may be necessary for carrying into effect the provisions of this Act, or of any such bye-law or order, and if after the expiration of ten days from the service of such order of such Justice, the occupier continues to refuse to permit the owner to execute any such work, he shall for every day during which he so continues to refuse be liable to a penalty not exceeding five pounds, and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

AS TO THE RECOVERY OF EXPENSES FOR WORKS, &c.

104

Recovery of expenses of works from owners and others.

All expenses by this Act, or any bye-law thereunder, made payable by or recoverable from the owner of any building or lands, or from the occupier of any building or lands, or from any other person, shall, if not paid on demand, be recoverable by the Corporation, and if not paid within one calendar month after demand, then with interest thereon from the expiration of such month, at the rate of five pounds per centum per annum, either as a debt from such owner, or from such occupier, or from such other person (as the case

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may be), in any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner, or of such occupier, or of such other person (as the case may be), and any Justice may issue his warrant accordingly.

105

Provisions of Sanitary Acts 1846 and 1854 as to recovery of expenses for works extended to this Act.

Sections 99 to 104, both inclusive, of the Sanitary Act, 1846, and sections 30 and 32 of the Sanitary Act, 1854, shall extend and apply, *mutatis mutandis*, to the costs, charges, and expenses recoverable from owners and occupiers (as the case may be) in respect of works executed by the Corporation, under the provisions of this Act, or any bye-law thereunder, and those sections are accordingly incorporated with this Act.

106

Unpaid frontage charges for sewerage, &c., to be paid by subsequent owners of property in respect of which they arise.

Any moneys payable by the owner of any house, building, or land, in respect of sewerage or drainage, under the provisions of this Act or of sections 8, 9, and 10 of the Sanitary Act, 1854, and not so paid, shall be payable by such owner or any subsequent owner of such house, building, or land, and shall be recoverable in the manner provided in the Sanitary Act, 1854, for the recovery of rates, or in the manner provided by the several sections of the Sanitary Act, 1846, numbered from 99 to 104, both inclusive.

GENERAL PROVISIONS AS TO BYE-LAWS.

107

Regulations as to bye-laws.

With respect to bye-laws to be made by the Corporation under the express provisions of this Act, the following provisions shall take effect (namely):—

1. The Corporation may from time to time repeal, alter, or amend any such bye-law;
2. Nothing in this Act shall authorise the Corporation to make any bye-law repugnant to law or to this Act;
3. All bye-laws shall be reduced into writing and be under the common seal of the Corporation;
4. The Corporation may by any bye-law impose penalties for offences against the same, not exceeding in respect of any

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offence five pounds, so that all bye-laws be so framed as to allow of part only of the maximum penalty being inflicted;

5. The Corporation may by any bye-law impose, in addition to such last-mentioned penalties, a daily penalty not exceeding ten shillings for every day during which any offence shall continue after notice shall have been given by the Corporation to the person offending against such bye-laws;
6. Penalties under bye-laws shall be recoverable as penalties for offences under this Act are recoverable;
7. Any bye-law shall not take effect until it is allowed by one of Her Majesty's principal Secretaries of State (who may allow or disallow the same as he thinks proper, and from time to time repeal or vary the same); and any such bye-law shall not be allowed unless notice of intention to apply for allowance of the same is given by placards posted outside the Town Hall, and by advertisement in the *London Gazette*, and in two at least of the newspapers published in Liverpool weekly for three successive weeks, not less than one month before the making of such application; and for one month at least before such application a copy of the proposed bye-law shall be kept at the office of the Town Clerk and be open during office hours thereat to the inspection of the ratepayers of the Borough and persons affected by the same without payment, and the Town Clerk shall furnish a copy thereof, or of any part thereof, to every ratepayer or person affected by and applying for the same on payment of sixpence for every hundred words in such copy, or if the proposed bye-law has been printed by the Corporation, then at such reasonable price, not exceeding twopence for each copy, as the Corporation direct;
8. All bye-laws when allowed shall be printed with the date at which they are made, and the Town Clerk shall keep a printed copy thereof at his office, and all persons may at all reasonable times inspect such copy without payment; and the Corporation shall cause a printed copy, signed or

purporting to be signed by the Town Clerk, of all bye-laws for the time being in force to be supplied to every person applying for the same on payment by him of any sum not exceeding sixpence for every such copy, and a printed copy, signed or purporting to be signed by the Town Clerk, of the bye-laws for the time being in force, relative to any particular subject, to every person applying for the same, on payment by him of any sum not exceeding threepence for every such copy;

9. Proper extracts from the bye-laws, painted, printed, or placed on boards, may be set up and kept exhibited in places to which such extracts relate, or in such conspicuous or suitable places as the Corporation think fit;
10. A printed copy of bye-laws, dated and purporting to be allowed as aforesaid, and to be signed by the Town Clerk, shall be *prima facie* evidence of the existence and of the due making and allowance of such bye-laws, without proof of the signature of the Town Clerk, or of such making and allowance.

AS TO NOTICES, SUMMONSES, &c.

108

Form, authentication, and service of notices, &c., by Corporation.

This Section is made applicable to all summonses for rates or water rent by 82nd Section Liverpool Corporation Act, 1893.

Any notice, order, resolution, declaration, requisition, demand, license, summons, or other instrument, made, given, delivered, or served under this Act, or any of the former Acts, or any bye-law, by the Corporation, may be either in print or in writing, or partly in print and partly in writing, and shall be sufficiently authenticated by the name of the Town Clerk, or of the Borough Engineer, or other proper officer, according to the subject of the particular document being affixed thereto, in print or in writing, on behalf of the Corporation; and it shall be sufficient in all cases where any such notice, order, resolution, declaration, requisition, demand, license, summons, or other instrument is required to be given to or served upon the owner or occupier of any property, to address such notice, order, resolution, declaration, requisition, demand, license, summons, or other instrument to such owner or occupier, by his description as owner or occupier (as the case may be) of the property (naming it)

in respect of which the notice, order, resolution, declaration, requisition, demand, license, summons, or other instrument is given or served, without further name or description; and any such notice, order, resolution, declaration, requisition, demand, license, summons, or other instrument may be served upon any owner, occupier, or other person, either personally or by sending the same through the post in a registered letter addressed to him by name, at his last place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or, in case of an occupier, to any inmate of the building in respect of which such notice, order, resolution, declaration, requisition, demand, license, summons, or instrument is given or served, or if the property is unoccupied, and the place of abode or business of the person to be served is, after due inquiry, unknown, it shall be sufficient to affix such notice, order, resolution, declaration, requisition, demand, license, summons, or instrument, or a copy thereof, upon some conspicuous part of such property.

AS TO COMPENSATION, &c.

109

The compensation to be ascertained under section twenty-one of the Sanitary Act, 1864, for buildings required to be demolished under the provisions of that section, shall, for all purposes whatsoever with respect to the payment, receipt, and application thereof, be deemed to be purchase money for such buildings, whether the site thereof be or be not retained by the owner, and shall be applied accordingly.

Compensation for buildings demolished under the Sanitary Act, 1864, to be applied as though it were purchase money for such buildings

110

When any compensation, damages, costs, charges, or expenses is or are by this Act directed to be paid, and no method is herein provided for the ascertaining, determining, and recovering the same respectively, they shall respectively be ascertained, determined, and recovered as compensation, damages, costs, charges, and expenses are, by the Improvement Act, 1842, to be ascertained, determined, and recovered, and sections three hundred and twenty-six and three hundred and twenty-seven of that Act are accordingly, *mutatis mutandis*, extended to and incorporated with this Act.

Compensation, &c., not otherwise provided for, to be ascertained and recovered in mode prescribed in Improvement Act, 1842.

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111 Damages and charges in cases of dispute to be settled by Justice. When any damages or charges are by this Act directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned, the amount of such damages or charges may be settled and determined by the Justice before whom the offender is convicted, and may be levied by distress.

AS TO PENALTIES AND LEGAL PROCEEDINGS.

112 Recovery and application of penalties, &c. All penalties and forfeitures imposed by this Act or any bye-law thereunder shall be recoverable and applied in like manner as penalties and forfeitures are by the Improvement Act, 1842, made recoverable and applicable, and sections three hundred and thirty to three hundred and forty-nine, both inclusive, of that Act, are accordingly, *mutatis mutandis*, extended to and incorporated with this Act.

113 Power to order prosecutions, &c. The Corporation may direct any prosecution or proceeding against any person for any offence against this Act, or any matter arising under this Act.

114 Punishment of abettors, &c. Where the doing of any act or thing is made punishable by this Act, or by any bye-law thereunder, the causing or procuring such act or thing to be done, or the aiding or abetting the doing thereof, shall be punishable in like manner, if the nature of the case permits, and if an intention to the contrary does not appear in this Act.

115 Penalties on repetition of offences. Where by this Act any pecuniary penalty or other punishment is imposed in respect of any offence described in this Act, then, and in every such case, if the nature of the case permits, and if an intention to the contrary does not appear in this Act, such penalty or punishment may be inflicted for every repetition of such offence.

116 Evidence of previous conviction. The Justice before whom any person is convicted of any offence may transmit the conviction to the next court of quarter sessions, there to be kept by the proper officer among the records of the court; and on the prosecution of any person for any subsequent offence a copy of such conviction, certified by the proper officer of the court or proved to be a true copy, shall be sufficient evidence to

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prove conviction for the former offence, and such conviction shall be presumed not to have been quashed on appeal until the contrary is shown.

117 Warrant of commitment not to be void from defect, &c. A warrant of commitment on any conviction shall not be held void by reason of any defect therein, if it be therein alleged that the person therein named has been convicted, and there be a good conviction to sustain the same.

118 Justices not disqualified from acting. Except as expressly otherwise provided, any person shall not be disqualified or disabled to act as a justice of the peace, coroner, juror, or otherwise in any matter arising under or in relation to this Act, by reason of his being a ratepayer in the Borough, or liable to any payments under this Act, or a member of the Council, or of any committee thereof.

119 As to proceedings under this Act and incorporated Acts, where lands belong to private tenants, partnership firms, &c. In any proceeding under this Act, or the several Acts in this Act incorporated, recited, or mentioned, in which it is requisite to name the owner of any lands, and such lands belong to any joint tenants, tenants in common, co-partners or persons carrying on trade or business in partnership, it shall be sufficient to mention or name any one of such joint tenants, tenants in common, co-partners, or partners, or to describe such persons by the ordinary name or firm under which they carry on trade or business.

120 Saving for indictments, &c. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings, or shall relieve any person in respect of any such matter from any action or suit or penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act.

REGULATIONS AS TO DISTRESS.

121 Regulations as to distress. With respect to distress the following provisions shall take effect, namely:—

1. Any number of names and sums may be included in any warrant of distress obtained by the Corporation for any of

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the purposes of this Act, or of any bye-law thereunder, and may be stated either in the body of the warrant or in a schedule thereto;

2. Any Justice who issues a warrant of distress may order that the cost of the proceedings for the recovery of the sum or sums for which the distress is ordered shall be paid by the person or persons liable to pay such sum or sums, and such costs shall be ascertained, and, where there are more persons than one, shall be apportioned by the Justice, and shall be included in the warrant of distress for the recovery of such sum or sums;
3. Every constable shall, upon being required by a collector or other officer of the Corporation, aid in making a distress or sale pursuant to any such warrant, and in default of so doing shall be liable to a penalty not exceeding five pounds;
4. Any distress under this Act shall not be deemed unlawful, nor shall the party making the same be deemed a trespasser, on the ground of any defect or want of forming the summons, conviction, warrant of distress, or other proceedings relating thereto, nor shall such party be deemed a trespasser, *ab initio*, on account of any subsequent irregularity in the prosecuting of such distress.

MISCELLANEOUS.

122

Power for Corporation to appoint officers or employ existing officers for the purposes of Act.

The Corporation, from time to time, may appoint and employ such officers and servants as they think requisite for the purpose of this Act, and may direct any of their officers and servants otherwise employed to perform any duties of officers or servants under this Act, and in any such case may pay out of moneys received under this Act such salaries and allowances as the Corporation think fit.

123

Books and papers, &c., of the Corporation, on death or bankruptcy of officers, not to pass to representatives, &c.

In case of the death of any officer or servant of the Corporation, or of his becoming bankrupt before he has delivered up all books, papers, writings, accounts, plans, and other documents and things concerning his office or employment, or relating to the execution of this Act or the property of the Corporation, no interest whatever

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in such books, papers, writings, accounts, plans, or other documents and things, or any of them, shall pass to or vest in his representatives or assigns as the case may be.

124

Every demand by the Corporation of any money to be paid to them under this Act may be made by their collector or any other person from time to time authorised in that behalf by the Corporation.

Demand of payment by Corporation or their officers.

125

The Schedule to this Act shall be deemed and construed to be a part of this Act.

Schedule authorised.

126

All moneys from time to time received under this Act, or for any of the purposes thereof by or for the use of the Corporation, or in carrying this Act into execution, shall forthwith, after receipt thereof, be paid to the treasurer, and be carried by him to the proper accounts.

Monies received for Corporation under Act to be paid to Treasurer and carried to proper accounts.

127

The Corporation shall enter into proper and sufficient books kept for the purpose true accounts of all the receipts, payments, credits, and liabilities under this Act, and the several matters for which, under or by virtue of this Act they receive or pay, or are entitled to receive, or are liable to pay any moneys; and the books shall at all reasonable times be open to the inspection of any of the Aldermen and Councillors of the borough, and all the accounts so kept, with all vouchers and papers relating thereto, shall be submitted to the auditors of the Corporation accounts, and the accounts shall be audited with the other accounts of the Corporation.

Accounts to be kept and audited.

128

Where any expenditure under this Act is incurred for purposes common to two or more accounts, the Corporation, as they think fit, may apportion the same between such accounts.

Apportionment between accounts of expenditure.

129

Before or in the month of May in every year a full abstract of the accounts kept under this Act for the year ended with the then last thirty-first day of August shall be made in writing by some officer appointed for the purpose by the Corporation, and a copy thereof

Yearly Abstract of Accounts to be published.

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shall be deposited with the Town Clerk, and shall be open at his office gratis to all persons interested.

130

Greenwich
time to be
legal time
within the
Borough.

The time, as ascertained from day to day at the Royal Observatory at Greenwich, and commonly known as Greenwich time, shall for all purposes whatsoever be deemed to be the legal and actual time within the borough.

Note.—Sections 131 and 132 save the respective rights of the Duchy of Lancaster and of the Corporation, and section 133 provides for the expenses of the Act.

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SCHEDULE REFERRED TO IN THE FOREGOING ACT.

CELLAR DWELLINGS.

No cellar dwelling shall be allowed in any court.

Every cellar dwelling shall have a height from the floor to the ceiling in every part of such dwelling of not less than seven feet.

No cellar dwelling shall have any part of its floor more than four feet below the surface of the footway of the adjoining street.

Every cellar dwelling shall have, both at the front and rear thereof, and for the full extent thereof respectively, an area not less than two feet six inches wide in every part thereof from six inches below the floor of the cellar to the surface of the ground adjoining the front and rear thereof respectively.

If the cellar dwelling consists of two cellars back to back, it shall suffice if there be one area in front and one behind such two cellars.

Every area shall be protected by railings or gratings to the satisfaction of the Corporation.

The steps for access to the cellar dwelling may be in the area, but shall not be opposite the window of the cellar.

The steps for access to the house above the cellar door may be across or over but not in such area, and shall not be over or opposite the window of the cellar.

Save as aforesaid, the areas in front and rear respectively shall be open and free from obstruction.

Every cellar or room in any cellar dwelling shall have an open fireplace with a proper flue therefrom.

Every cellar dwelling shall have a privy, earth-closet, water-closet, or other like convenience, and (if required by the Corporation) an ash-pit or dust-bin, to be built or placed in such situation as the Corporation think fit and to their satisfaction.

Every cellar dwelling shall have at least one window in an outer wall, and not less than three feet square, or nine square feet clear of the sash frame, and if such cellar dwelling consists of two or more cellars, each of such cellars shall have one such window.

Every such window shall either be a casement window opening on hinges or pivots, or a sash window with double sashes opening at top and bottom.

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