



ANNO UNDECIMO

GEORGIIV. REGIS.

Cap. xv.

An Act for the better Paving and Sewerage of the Town of *Liverpool* in the County Palatine of *Lancaster*; and for settling the Boundaries between the said Town and the Township of *Kirkdale* and Parts of the Townships of *Everton* and *West Derby*. [8th April 1830.]

WHEREAS, owing to the present defective State of the Pavement of several of the Streets in the Town of *Liverpool* in the County Palatine of *Lancaster*, great Inconvenience has arisen to the Inhabitants and to Persons resorting thereto; and in consequence of the improper Disposition of several of the Common Sewers in the said Town, and for Want of additional Common Sewers, the Houses and Buildings therein have been much injured, and are likely to be more so, and there is Reason to apprehend that the Health of the said Inhabitants may be seriously affected: And whereas certain ancient Streets within the said Town have been used and accustomed to be paved and repaired, and to have Sewers made therein, at the Expence of the Mayor, Bailiffs, and Burgesses of the Town of *Liverpool* aforesaid, and certain other Streets have of late Years been also paved and repaired, and had Sewers made therein, at the Expence of the said Mayor, Bailiffs, and Burgesses, and other Streets have been used and accustomed to be paved and repaired, and to have Sewers made therein, at the

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the Expence of the Inhabitants of the said Town; and it would be attended with considerable Benefit and Advantage to the said Inhabitants and to the Public at large if the Paving and Repairs of the Streets and public Passages and Places within the said Town, and the making and disposition of the Common Sewers therein, were placed under the Management and Direction of One Body of Commissioners, and if other Provisions were made respecting the same; but such Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Nine of the Common Council of the Town of *Liverpool* aforesaid for the Time being, to be chosen as herein-after mentioned, together with Fifteen Owners or Occupiers of Property in the said Town, qualified and to be also chosen as herein-after mentioned, shall be and they are hereby appointed Commissioners for putting this Act into execution.

Commis-
sioners.

Appointment
of first Com-
missioners.

II. And be it further enacted, That it shall and may be lawful for the Inhabitants of the said Town, assessed and contributing to the Relief of the Poor within the same, to meet and assemble in the Parish Church of *Saint Peter*, or the Parochial Chapel of *Our Lady and Saint Nicholas*, in the said Town, on the Twenty-fourth Day of *June* next after the passing of this Act, between the Hours of Ten of the Clock in the Morning and Two in the Afternoon, (Seven Days Notice of the Time and Place of such Meeting being given in one of the *Liverpool* Newspapers, and published on the *Sunday* previous thereto in the said Parish Church and Parochial Chapel respectively,) and then and there to nominate and choose Nine of the Common Council of the Town of *Liverpool* aforesaid, and Fifteen other Persons, being Owners or Occupiers of Property in the said Town rated to the Relief of the Poor therein at a Sum not less than Fifty Pounds *per Annum*, to be the first Commissioners for putting this Act into execution.

Appointment
of subse-
quent Com-
missioners.

III. And be it further enacted, That it shall and may be lawful for the Inhabitants of the said Town, assessed and contributing to the Relief of the Poor within the same, to meet and assemble in the said Parish Church of *Saint Peter* or Parochial Chapel of *Our Lady and Saint Nicholas* on the first *Thursday* after the Twenty-fourth Day of *June* One thousand eight hundred and thirty-one, and on the first *Thursday* after the Twenty-fourth Day of *June* in each subsequent Year, between the Hours above mentioned, (Seven Days like Notice having been given and published of such Meetings respectively,) and then and there to nominate and choose such and so many Commissioners as will be requisite to supply the then subsisting Vacancies in the Number of Commissioners according to the Provisions of this Act.

Manner of
voting for
Commission-
ers.

IV. And be it further enacted, That the Manner of voting for any Commissioners to be from Time to Time chosen under and by virtue of this Act shall be the same as is prescribed and specified in an Act
5 passed

passed in the Fifty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act for the Regulation of Parish Vestries.* 58 G.3. c. 69.

V. And be it further enacted, That Notice of such first Meeting to be held on the Twenty-fourth Day of *June* next after the passing of this Act shall be given by the Town Clerk of the said Borough of *Liverpool* for the Time being, and Notice of all other Meetings for the Appointment of Commissioners under and by virtue of this Act shall be given by the Clerk to the Commissioners for the Time being.

Notices of Meetings for Appointment of Commissioners.

VI. And be it further enacted, That no Person shall be capable of acting or of continuing to act as a Commissioner (in conjunction with the said Nine Commissioners chosen out of the said Common Council) unless he shall reside in the said Town, or within the Distance of Eight Miles from the same, and shall be really and *bonâ fide* an Owner or Occupier of Property situated within the said Town, consisting of Houses, Buildings, or Land, rated to the Relief of the Poor therein to the Extent of Fifty Pounds *per Annum*; nor shall any Person who may have been chosen a Commissioner under and by virtue of this Act be capable of acting as such (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed, before One of the said Commissioners (who is hereby empowered to administer the same), an Oath or Affirmation in the Words or to the Effect following; that is to say,

Qualification of Commissioners.

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, do solemnly affirm,*] That I will faithfully, truly, and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities vested and reposed in me as a Commissioner in an Act made in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, intituled [*here insert the Title of this Act*]. So help me GOD.’

Oath to be taken by Commissioners.

VII. And be it further enacted, That One Third Part of the Commissioners first nominated and chosen out of the Common Council, and One Third Part of the other Commissioners first nominated and chosen as herein-before mentioned, and of such as may happen to be elected to supply any of their Vacancies respectively, shall retire from Office on the *Wednesday* next after the Twenty-fourth Day of *June* One thousand eight hundred and thirty-three, and One other Third Part of the said Commissioners respectively shall retire from Office on the *Wednesday* next after the Twenty-fourth Day of *June* One thousand eight hundred and thirty-four, and the remaining One Third Part shall retire from Office on the *Wednesday* next after the Twenty-fourth Day of *June* One thousand eight hundred and thirty-five; and that One Third Part of the said Commissioners of the Common Council, and of the other Commissioners as aforesaid, to be subsequently nominated and chosen under and by virtue of this Act, shall retire from Office on the *Wednesday* next after the Twenty-fourth Day of *June* in each Year.

One Third Part of Commissioners first appointed to retire on the Expiration of Three Years, and One Third Part in each subsequent Year.

VIII. And

Commissioners retiring to be chosen by Ballot, but may be again elected.

VIII. And be it further enacted, That the Mode of ascertaining the Commissioners so to retire from Time to Time as aforesaid shall be by Ballot, and such Ballot shall take place on the Day of Meeting next preceding the Day named and appointed herein for the choosing of Commissioners, or for Want of a sufficient Number of Commissioners to form a Meeting on such Day, then at a Meeting to be summoned by the Chairman for the Time being, or by any Five Commissioners, under the Power herein contained; and it shall be lawful for the said Inhabitants from Time to Time to nominate and choose any Person who may have acted as a Commissioner, and have retired as aforesaid, to be again a Commissioner.

Vacancies may be supplied.

IX. And be it further enacted, That in case any of the Commissioners so chosen out of the Common Council shall cease to be a Member of the same, or shall die, or shall, for the Space of Six Calendar Months, refuse or neglect to act, or in case any other of the Commissioners shall discontinue to reside in the said Town or within the Distance of Eight Miles from the same, or shall cease to be assessed to the Rates for the Relief of the Poor therein to the Extent above specified, or shall die, or shall, for the Space of Six Calendar Months, refuse or neglect to act, it shall and may be lawful for the Inhabitants of the said Town assessed and contributing to the Relief of the Poor within the same, at the next Day of Meeting herein-before specified for the Appointment of Commissioners, to nominate and choose such and so many of the said Common Council and of the said other Persons, qualified as aforesaid, to be Commissioners to fill up the Vacancies so occasioned; and every Person so to be chosen is hereby vested with the same Powers for putting this Act in execution as any other Commissioner.

Commissioners not to act if interested.

X. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act during the Time he shall hold any Office or Place of Profit under the said Commissioners, or during such Time as he shall have any Share or Interest in any Contract to be performed relating to the Execution of any of the Powers of this Act.

Penalty on Commissioners acting, not being qualified.

XI. Provided also, and be it further enacted, That if any Person shall act as a Commissioner in the Execution of this Act without being duly qualified as aforesaid, or being disqualified for any of the Reasons aforesaid, or not having taken and subscribed the Oath, or, being a Quaker, the Affirmation, herein-before mentioned, he shall for every such Offence forfeit and pay the Sum of One hundred Pounds, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by any Person or Persons who shall sue for the same by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager at Law, nor more than One Imparlance, shall be allowed; and any Person so prosecuted or sued shall prove that he is qualified as aforesaid, or shall pay the said Penalty upon Proof being given of his having acted as a Commissioner in the Execution of this Act: Provided nevertheless, that no Act or Proceeding touching the Execution of this Act which shall be done or performed by any such unqualified

fied or disqualified Person previously to his being convicted of the Offence before mentioned, shall be thereby impeached or rendered nugatory; but all such Proceedings shall be as valid and effectual as if such Person had been duly qualified.

XII. And be it further enacted, That the Commissioners to be chosen by virtue of this Act shall meet and assemble within the Court Room in the Sessions House in *Chapel Street* in *Liverpool* aforesaid, upon the *Thursday* next but one after their Appointment, between the Hours of Ten and Eleven in the Forenoon, in order to put this Act into execution, and shall afterwards meet at the Room in *Water Street* in the said Town at present appropriated to the Use of the Surveyors of Highways, between the Hours aforesaid, on the *Thursday* following, for the Purpose of carrying this Act into execution; and that the said Commissioners shall and may from Time to Time, by Adjournment, meet together at the last-mentioned Place, or any other convenient Place to be provided by the said Commissioners within the said Town, between the Hours aforesaid; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be held a sufficient Number of Commissioners to act, then and in every such Case any One of the said Commissioners, or the Clerk to the said Commissioners, shall and may adjourn the Meeting to another Day.

Meetings of
Commis-
sioners.

XIII. Provided always, and be it enacted, That previous to any such Meetings of the said Commissioners in pursuance of this Act, subsequent to such First Meeting as aforesaid, there shall from Time to Time be delivered or sent to each of the said Commissioners, or left at each of their Houses or last Places of Abode or Place of Business, a Notice in Writing signed by the Clerk to the said Commissioners, or by any One of the said Commissioners, of the Time and Place of every such intended Meeting, which Notice shall be so delivered, sent, or left Two Days at least before every such Meeting.

Notices of
Adjourn-
ment, &c.

XIV. And be it further enacted, That at every Meeting of the said Commissioners, One of the Commissioners shall be appointed Chairman, and all Questions shall be decided by the Majority; and in case of an Equality of Votes, such Chairman shall, in addition to his own Vote as a Commissioner, have the decisive or casting Vote; and no Meeting of the said Commissioners under this Act shall be valid or effectual unless Five of the Commissioners be assembled, but which Number shall be competent to act as fully and effectually to all Intents and Purposes as if all the Commissioners were present.

No Act valid
unless at a
Meeting.

XV. Provided always, and be it further enacted, That it shall and may be lawful for the Chairman for the Time being who may have presided at the last Day of Meeting, or for any Five of the Commissioners, to summon the Commissioners to meet upon any Matter which may be requisite to be taken into Consideration and determined upon previous to the next Day of Meeting; and any Act done at such Meeting shall be as valid and effectual to all Intents and

Intermediate
Meetings
may be called,
on Notice.

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Purposes

Purposes as if done at any Meeting, provided Notice of such intended Meeting (written or printed), to which Notice the Name of One of the said Commissioners shall be affixed, shall have been given to or left for the said Commissioners at their respective Places of Abode Two Days at least before every such Meeting.

Proceedings
to be entered
in Books,
which may
be inspected.

XVI. And be it further enacted, That the said Commissioners shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of the Names of all the Commissioners who shall attend the respective Meetings hereby authorized to be held under this Act, and of all their Acts, Orders, and Proceedings relative to the Execution of this Act; and the Chairman of each Meeting of the said Commissioners shall always subscribe his Name at the End of the Proceedings of the said Commissioners at every such Meeting; and all Entries in such Books, being signed as aforesaid, shall be deemed Originals, and shall be allowed to be read in Evidence in all Cases, Suits, and Actions touching any thing done in pursuance or by virtue of this Act; and such Book or Books shall at all reasonable Times be open to the Inspection of all the said Commissioners.

Commis-
sioners may
appoint and
remove Offi-
cers.

XVII. And be it further enacted, That the said Commissioners shall and may from Time to Time, whenever they shall think necessary, appoint and employ a Treasurer and Clerk, and Collector or Collectors of the Rates or Assessments herein-after mentioned, and also a Surveyor or Surveyors, and all such other Officers and Persons for the Execution of this Act as the said Commissioners shall think proper, and shall and may from Time to Time remove such Treasurer, Clerk, Collectors, Surveyors, and other Officers and Persons, and appoint others in the Room of such as shall be so removed, or as may relinquish or discontinue their Offices; and out of the Monies to be raised by virtue of this Act shall and may pay such Salaries, Wages, and Allowances to the said Officers and other Persons to be so appointed respectively, as they the said Commissioners shall think reasonable, the annual Salary of the Treasurer not exceeding Two hundred Pounds, of the Clerk not exceeding One hundred Pounds, of any Collector not exceeding One hundred and twenty Pounds, or of any Surveyor not exceeding One hundred and fifty Pounds; and the said Commissioners shall and they are hereby required to take such Security from such Officers or Persons so to be appointed as aforesaid, for the due Execution of their respective Offices, as they shall think proper; and all such Officers and Persons so to be appointed shall, under their Hands, (at such Time and Times and in such Manner as the said Commissioners shall direct,) deliver to the said Commissioners, or to such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all Monies which shall have been by such Officer and Person respectively received by virtue and for the Purposes of this Act, and of how much thereof hath been paid and disbursed, and for what Purpose, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they shall appoint; and

Officers to
account.

if any such Officer or Person shall neglect or refuse to make and render any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall neglect or refuse to deliver to the said Commissioners, or to such Person as they shall appoint, within Ten Days next after being thereunto required by the said Commissioners, or any Five or more of them, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Commissioners respecting the same, then and in any of the Cases aforesaid the said Commissioners may and are hereby authorized and empowered to cause an Action to be brought against the Officer or Person so neglecting or refusing as aforesaid for the Recovery of the Monies that shall remain due from him, with Costs of Suit; or if Complaint shall be made by the said Commissioners, or by such Person or Persons as they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace of the Borough of *Liverpool* aforesaid, such Justice may and is hereby authorized and required to issue a Warrant under his Hand and Seal for the Officer or Person so neglecting or refusing to be brought before him, and upon his appearing or not being to be found to hear and determine the Matter in a summary Way; and if upon the Complaint of the Party, or upon the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Officer or Person, such Justice may and is hereby authorized and required, upon Nonpayment thereof, by a Warrant under his Hand and Seal, to cause such Monies to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Monies, and the Charges of distraining and selling the same, or if it shall, in manner aforesaid, appear to such Justice that such Officer or Person shall have neglected or refused to render and give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Officer or Person, and he shall have neglected or refused to deliver or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice shall commit such Offender to the Common Gaol of the said Borough, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners for such Monies, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners are hereby empowered to make and receive,) and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners as aforesaid: Provided always, that no such Person who shall be committed for Want of such Distress alone shall be committed by virtue of this Act for any longer Space of Time than Six Calendar Months.

Penalty on Officers refusing to account.

If Balance not paid, it may be levied by Distress.

On Failure of Distress, &c. the Offender to be committed.

Same Person
not to act as
Clerk and
Treasurer.

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

Accounts to
be kept of
Receipts and
Disburse-
ments, which
shall be open
to Inspection.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby required to cause a Book or Books to be provided and kept, and true and regular Accounts to be entered therein of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, or any Person or Persons paying the Rates or Assessments hereby granted, or any Creditor or Creditors on the same, without Fee or Reward; and the said Commissioners and Persons aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and if the Clerk or Clerks to the said Commissioners, or other Person or Persons with whom the Books, Accounts, and Papers belonging to the said Commissioners shall have been deposited, shall on any reasonable Demand refuse to permit or shall not permit the said Commissioners or such Creditors or other Persons as aforesaid, or any of them, to inspect the said Books, Accounts, and Papers, or to take such Copies or Extracts as aforesaid, such Clerk or Clerks or other Person or Persons so refusing shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

XX. And

XX. And be it further enacted, That the said Commissioners may sue and be sued for or concerning any thing which shall be done by virtue or in pursuance of this Act in the Name of their Clerk for the Time being, or in the Name of any One or more of the said Commissioners; and no Action or Suit to be so brought or commenced by or against the said Clerk, Commissioner or Commissioners, shall abate or be discontinued by his or their Death, Removal, or Default, but shall be continued and carried on in his or their Name or Names; and such Clerk or Commissioner or Commissioners shall be deemed Plaintiff or Defendant, Plaintiffs or Defendants, in such Action or Suit (as the Case may require): Provided always, that any such Clerk or Commissioner or Commissioners in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall not, by reason of his or their being such Clerk or Commissioner or Commissioners be rendered incompetent or inadmissible as a Witness or Witnesses in any such Action or Suit as aforesaid, unless such Clerk, Commissioner or Commissioners shall be personally or individually interested or concerned therein.

Commissioners may sue and be sued in the Name of their Clerk or of any Commissioner.

XXI. And be it further enacted, That all the present and future Pavements, and such of the Sewers as shall not happen to belong to any private Individual or to any Body or Company, of and in the several Streets, Squares, Lanes, and other public Passages and Places within the said Town, (save and except the Quays adjoining to the several Docks or Basins therein,) and the Stones, Gravel, Bricks, and other Materials of which the same do and shall consist, and all Materials, Implements, and other Things which shall be purchased or provided by the said Commissioners for the Purposes of this Act, shall belong to and be the Property of, and the same are hereby vested in, the said Commissioners; and the said Commissioners shall and may cause any Action or Actions to be brought, or direct any Bill or Bills of Indictment to be preferred, as the Case may require, against any Person or Persons who shall steal, take or carry away, detain, spoil, injure, or destroy any of the Monies, Articles, or Things belonging to or vested in them; and in all such Actions and Bills of Indictment respectively it shall be and be deemed and taken to be sufficient to state generally, that the Money, Article, or Thing for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is the Property of the Commissioners for the better paving and Sewerage of the Town of *Liverpool*, without particularly stating or specifying the Name or Names of all or of any of the said Commissioners.

Pavements, &c. vested in the Commissioners.

XXII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break up, injure, destroy, or otherwise damage any of the Flagging or Pavement or the Footways or Carriageways of the said Streets, Squares, Lanes, public Passages or Places, or any of the Sewers, or any of the Articles or Things hereby vested in the said Commissioners, or any of the Works done by the said Commissioners in pursuance of this Act, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Fifty Pounds.

Penalty for damaging Materials.

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XXIII. And

Paviors and Carters to be appointed, and Horses, &c. purchased.

XXIII. And be it further enacted, That it shall and may be lawful for the said Commissioners from Time to Time to appoint and employ such and so many Paviors, Artificers, Workmen, Labourers, Carters, and others, and also to purchase and provide any Horses, Carts, Tools, Implements, and Materials, as they shall judge necessary for the Purpose of carrying this Act into execution.

Land to be provided for depositing Materials.

XXIV. And be it further enacted, That the said Commissioners shall have full Power and Authority to purchase or rent, from any Person or Persons who may be willing to treat for the same, any Building, Office, or Room, for the Purposes of Meetings, or any House, Building, or Land, for depositing of Stone and other Materials for the several Purposes of this Act; and the Purchase Money or Rent for the same shall be paid out of the Money arising by virtue of this Act, and the Property thereof shall be and the same is hereby vested in the said Commissioners for the Purposes of this Act.

Power for the Commissioners to pave the Streets and make Sewers.

XXV. And be it further enacted, That it shall and may be lawful for the said Commissioners from Time to Time and at all Times hereafter, as and when they shall think proper, to order and direct all or any of the several Streets, Squares, Lanes, public Passages and Places in the said Town so vested in them as aforesaid, or any Part or Parts thereof, to be paved, flagged, repaired, and amended in such Manner and with such Materials as they shall think fit, and the Pavement and Flagging thereof to be taken up and relaid, and the Ground thereof to be raised, lowered, or altered from Time to Time as they may deem expedient and requisite, and to cause any Sewers or Drains to be cut and made in, through, or under such Streets, Squares, Lanes, public Passages or Places, and to be opened, cleansed, and repaired from Time to Time as Occasion shall require, and also to cause any of the present Sewers or Drains to be removed or stopped up, opened, or widened, and the Form thereof to be altered, turned, varied, or changed in such Manner as they shall think fit.

Alterations of Steps, &c. to be made by Commissioners.

XXVI. Provided always, and be it further enacted, That in case it shall happen that, in consequence of carrying any of the Powers or Authorities of this Act into execution, any Alteration 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 Alteration shall be made by the said Commissioners by and out of the Rates to be raised by virtue of this Act.

Commissioners may contract.

XXVII. And be it further enacted, That it shall and may be lawful for the said Commissioners to enter into any Contract or Contracts for the paving, flagging, or repairing of any of the Streets in the said Town, or making of Sewers therein, under and by virtue of this Act, or for furnishing Materials or any other Matters or Things whatsoever necessary for the Purposes of this Act; but before any such Contract or Contracts shall be entered into Ten Days Notice at the least shall be given in some or One of the Newspapers published

lished in the said Town of *Liverpool*, expressing the Purpose or Purposes of such Contract or Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered to the said Commissioners at a certain Time and Place in such Notice to be mentioned; and the said Commissioners shall and they are hereby required to take Security from every Contractor for the due Performance of the Contract.

XXVIII. And be it further enacted, That no such Contract or Contracts shall be deemed good or valid if the same shall have been made for a longer Space or Term than Five Years from the Time of entering into the same. Duration of Contracts.

XXIX. And be it further enacted, That it shall and may be lawful for the said Commissioners from Time to Time to compound and agree with any Person or Persons on account of any Breach or Non-performance of such Contract or Contracts for such Sum or Sums of Money, or upon such Terms and Conditions, as they the said Commissioners shall think proper. Commissioners may compound for Breach of Contract.

XXX. And be it further enacted, That every such Contract or Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Works are to be completed, and the Penalties to be suffered in case of Non-performance thereof, and shall be signed by the said Commissioners, or any Five or more of them, and also by the Person or Persons contracting to perform such Works respectively; which Contract or Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Commissioners. Contracts to be signed by the Commissioners.

XXXI. And whereas, for the Purpose of a straighter and better Course or Direction of some of the Sewers or Drains to be made by virtue of this Act, it may be requisite to carry and construct the same in, through, and under certain private Lands or Grounds in the said Town of *Liverpool*, and of the adjoining Townships of *Everton* and *Kirkdale*; be it therefore enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, by themselves, their Agents, Workmen, and Servants, to make and construct any Sewers or Drains in, through, and under any Lands, Grounds, Tenements, or Hereditaments in the said Town of *Liverpool*, and in the adjoining Townships of *Everton* and *Kirkdale*, or either of them, to the Extent and within the Distance herein-after specified, as shall by them the said Commissioners be deemed necessary for the Purposes of this Act; and the said Commissioners, their Agents, Workmen, and Servants, are hereby authorized and empowered to enter into and upon the Lands, Grounds, Tenements, or Hereditaments of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, in the said Town of *Liverpool*, and the said adjoining Townships of *Everton* and *Kirkdale*, or either of them, to the Extent and within the Distance aforesaid, and to survey and take Levels of the same, and set out such Parts thereof as shall be requisite or necessary for making and constructing any Sewers or Drains therein, and also from Time to Time to Power to make Sewers in certain private Lands.

to open, cleanse, and repair such Sewers or Drains; and it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, for the Purposes aforesaid or any of them, to dig, cut, trench, and remove any Earth, Clay, Bricks, Stones, Soil, Rubbish, or other Material which may be deemed requisite or necessary, they the said Commissioners, their Agents, Workmen, and Servants, replacing the same, and doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and also making Satisfaction, in the Manner herein-after mentioned, to the Owners and Proprietors of and all Persons interested in the Lands, Grounds, Tenements, or Hereditaments which shall be used for the Purposes of this Act.

Limitation
as to making
Sewers.

XXXII. Provided always, and be it enacted, That nothing herein contained shall authorize or empower the said Commissioners, their Agents, Workmen, or Servants, or any Person or Persons by or under their Authority, to enter into any Part of any Lands or Grounds in the said Townships of *Everton* and *Kirkdale*, or either of them, beyond the Eastern or Northern Side of the proposed Boundary Streets herein described between the said Town of *Liverpool* and the said Townships respectively, or into any Houses or Buildings already erected, except those under which Part of any public Sewer or Drain is at present constructed.

Sewers under
Leeds and
Liverpool
Canal, and
across the
Railway
Tunnel, to
be made to
the Satisfac-
tion of En-
gineers of
respective
Companies.

XXXIII. Provided also, and be it further enacted, That in the carrying, making, and constructing of any Sewers or Drains under the Canal leading from *Leeds* to *Liverpool* in the said Town of *Liverpool*, or across and over or under the Tunnel in the said Town, belonging to the *Liverpool* and *Manchester* Railway Company, such Sewers or Drains shall be carried, made, and constructed under the said Canal and the Banks thereof, and across and over or under the said Tunnel, in such Manner and according to such Directions as the Company of Proprietors of the said *Leeds* and *Liverpool* Canal, or the Company of Proprietors of the said Railway, as the Case may be, shall respectively judge fit and proper, so as to prevent any Injury or Damage to the said Canal or the Banks thereof, or to the said Tunnel.

Sewers and
Drains under
or over Rail-
way to be
kept in re-
pair.

XXXIV. Provided also, and be it further enacted, That the said Sewers or Drains so authorized to be made and constructed across and over or under the said Tunnel belonging to the said *Liverpool* and *Manchester* 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 Commissioners, in case of any Want of Repair to the same or any of them; if the said Commissioners shall not, on receiving Twenty-four Hours Notice in Writing from or on behalf of the said Company, repair and make good, or begin and proceed with all due Dispatch to make good, the said Sewers or Drains, it shall be lawful for the said Company, their Agents, Servants, or Workmen, and they are hereby authorized 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 the

said Tunnel, and all the Expences thereof shall be repaid to the said Company by the said Commissioners, on Demand; and in default of such Payment, any Two or more of His Majesty's Justices of the Peace for the said Borough of *Liverpool* shall and they are hereby required, on Application of the said Company, by Warrant under their Hands and Seals, to cause the Amount of such Expences to be levied by Distress and Sale of the Goods and Chattels of the said Commissioners, 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 Commissioners; or otherwise the said Company shall and may sue for and recover the same against the said Commissioners by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Common Pleas for the County Palatine of *Lancaster*.

XXXV. Provided always, and be it further enacted, That the said Commissioners shall not in or by the Execution of any of the Powers hereby granted occasion any Injury to the said 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 of the said Tunnel, save only so far as shall be unavoidable in carrying the same Powers into execution. Tunnel not to be obstructed.

XXXVI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required from Time to Time to make Satisfaction and Compensation to the Owners and Occupiers of and all Persons interested in any Lands, Grounds, Tenements, or Hereditaments used by them the said Commissioners for the Purposes of this Act, and not being Part of any Street or proposed Street, and for any Injury or Damage done to the same. Compensation for Use of Lands.

XXXVII. And be it further enacted, That it shall and may be lawful for all Bodies Politic or Corporate, Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, who are or shall be seised or possessed of or interested in their own Right, and all and every Person and Persons whomsoever, who are or shall be seised or possessed of or interested in any Lands, Grounds, Tenements, or Hereditaments as aforesaid, which the said Commissioners are by this Act enabled to purchase and make use of for the Purposes of this Act, to treat, contract, and agree with the said Commissioners for the Right and Privilege of entering into and using the same, or any Part thereof, and to sell and convey any Right and Privilege of Way or User therein to the said Commissioners for the Purposes of this Act; and all Contracts, Bargains, Sales, and Conveyances which shall be so made by virtue and in pursuance of this Act shall, without any Fine or Fines, Recovery

[*Local.*]

4 M

or

or Recoveries, or other Conveyance or Assurance in the Law whatsoever, be good, valid, and effectual to all Intents and Purposes, not only to convey the Right and Interest of the Person and Persons conveying, but also of their said several and respective Cestuique Trusts, and all Persons whomsoever claiming or to claim by, from, or under them, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all Bodies Politic or Corporate, and all Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all and every other Person and Persons is and are and shall be hereby indemnified for what he, she, or they shall do by virtue and in pursuance of this Act.

Application
of Compen-
sation Money
when above
200*l*.

XXXVIII. And be it further enacted, That if any Money shall be contracted and agreed to be paid by the said Commissioners for any Right and Privilege of Way or User of, in, through, or under any Lands, Grounds, Tenements, or Hereditaments, by virtue of the Powers of this Act, or for any Satisfaction or Compensation for any Injury or Damage done to the same, which shall belong to any Bodies Politic or Corporate, Corporations Aggregate or Sole, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall exceed or amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Commissioners for the better Paving and Sewerage of the Town of *Liverpool*, pursuant to the Method prescribed by an Act made in the First Year of the Reign of King George the Fourth, intituled

1 G. 4. c. 35. *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Grounds, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Grounds, Tenements, or Hereditaments, or affecting other Lands, Grounds, Tenements, or Hereditaments standing and being settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the said Lands, Grounds, Tenements, or Hereditaments which shall be taken*

or

or used for the Purposes of this Act stood and were settled and limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer, upon Application made thereto as aforesaid, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Grounds, Tenements, or Hereditaments so authorized to be purchased, in case such Purchase or Title were made.

XXXIX. Provided always, and be it further enacted, That if any Money so contracted and agreed to be paid to the said Commissioners for any Lands, Grounds, Tenements, or Hereditaments used for the Purposes aforesaid, and belonging to any Bodies Politic or Corporate, Corporations Aggregate or Sole, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Grounds, Tenements, or Hereditaments so used, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, to be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be named by the Person or Persons making such Option, and approved by the said Court, in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

When less than 200*l.* and more than 20*l.*

XL. Provided always, and be it further enacted, That when such Money so contracted and agreed to be paid to the said Commissioners as last-before mentioned shall not exceed the Sum of Twenty Pounds, then and in such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents or Profits of the Lands, Grounds, Tenements, or Hereditaments so used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit; or in Cases of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

When less than 20*l.*

XLI. Pro-

In case of
questionable
Title to the
Money.

XLI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to the Monies to be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, for the Right of User of any Lands, Grounds, Tenements, or Hereditaments, in pursuance of this Act, or to any Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Grounds, Tenements, or Hereditaments at the Time of the passing of this Act, shall be deemed and taken to have been lawfully entitled to such Lands, Grounds, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer, and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Grounds, Tenements, or Hereditaments, or to some Estate or Interest therein.

Expences of
Purchases
may be allow-
ed by the
Court.

XLII. Provided also, and be it further enacted, That when, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Grounds, Tenements, or Hereditaments to be used by the said Commissioners under the Authority of this Act, the Compensation Money for which shall be required to be paid into the Bank, and to be applied in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Exchequer to order the Expences, or so much of the same as the said Court shall deem reasonable, to be paid by the said Commissioners, who shall from Time to Time pay such Expences accordingly as the said Court shall direct.

If Parties re-
fuse to treat,
a Jury to be
impannelled.

XLIII. And be it further enacted, That if it shall happen that any Person or Persons, Body or Bodies Politic or Corporate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or any other Person or Persons as aforesaid, shall decline or refuse to treat or agree or shall not agree with the said Commissioners for the Sale of any such Right or Privilege of User in, through, and under such Lands, Grounds, Tenements, or Hereditaments as aforesaid, or shall not produce a clear Title to the Premises to the Satisfaction of the said Commissioners, or if the Person or Persons so entitled to any of such Lands, Grounds, Tenements, or Hereditaments required to be used, shall not be known or discovered, then and in every such Case it shall and may be lawful for the said Commissioners, or any Five or more of them, and they are hereby authorized and empowered, from Time to Time to issue out their Warrant or Warrants under their Hands and Seals, directed to the Sheriff of the County of *Lancaster* for the Time being, or in case such Sheriff shall be interested in such Lands, Grounds, Tenements, or Hereditaments, to any One of the Coroners of the said County, for impannelling, summoning, and returning a Jury, and such Sheriff or Coroner is hereby required accordingly to impanel, summon, and return a Jury of Twenty-four able and sufficient Men, qualified according to the Laws and Statutes of the Realm

shall be set down in Writing under the Hand and Seal of the said Sheriff or Coroner who shall make the same; and the same or examined Copies thereof shall be taken, adjudged, and deemed good and sufficient Evidence in Proof in any Court of Law or Equity whatsoever.

By whom
Expences of
Juries shall
be paid.

XLIV. And be it further enacted, That in every Case where a Verdict shall be given by any Jury for more Money than shall have been previously offered for or on behalf of the Commissioners as a Compensation or Satisfaction for the Use of any Lands, Grounds, Tenements, or Hereditaments for the Purposes of this Act, all the Costs and Charges incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Commissioners out of the Monies to be raised by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Twenty-one Days after Demand made thereof from the said Commissioners, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Commissioners, or of any Goods or Chattels of the Treasurer of the said Commissioners, (unless such Treasurer shall pay such Costs and Charges out of any Monies received by him by virtue of this Act, which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the County of *Lancaster*, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for the Purpose by the Party or Person entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Commissioners, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Person refusing or neglecting to treat or agree, and by the said Commissioners; but in every Case where any Party or Person shall have been prevented by Absence from entering into any Treaty with the said Commissioners, the Costs and Charges so incurred shall be borne by the said Commissioners in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges, the same shall be ascertained and settled by any Justice of the Peace for the said County, not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where the Costs shall be payable by the Party or Person having had any such Disagreement or Dispute with the said Commissioners, the Amount thereof, having been first paid by the said Commissioners, may be deducted by them out of the Monies awarded to be paid to such Party or Person, as so much advanced for his, her, or their Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded to such Person or Persons; or otherwise if such Costs and Charges be not paid, upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Commissioners from the Party or Person liable

to the Payment thereof by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

XLV. And be it further enacted, That every Sum of Money to be agreed for or awarded or assessed as aforesaid shall be paid, out of the Rate or Assessment herein authorized to be raised and levied, to the Party or Persons respectively entitled to such Monies, or their Agents; and upon Payment thereof, or on placing the same in the Bank of *England* in manner by this Act directed, within One Calendar Month after the same shall have been so agreed for, awarded, or assessed, whether any Conveyance shall or shall not be made, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons respectively (unto or to whose Credit or Use the same shall have been paid) of or in any such Right or Privilege of User of, in, through, or under any Messuages, Lands, Grounds, Tenements, or Hereditaments, shall vest in the said Commissioners and their Successors respectively, in Trust for effecting the Purposes of this Act, and they shall be deemed in Law to be in the actual Seisin or Possession thereof to all Intents and Purposes whatsoever; and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand to the Person or Persons unto or to whose Use or Credit such Payment shall have been made as aforesaid, but also shall extend to and be deemed and construed to bar the Dower and Dowens, and all Right and Title thereto, of the Wife and Wives of such Person or Persons, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons, and every Person claiming under them.

For Payment of Purchase Money, &c., and for vesting Property in the Commissioners.

XLVI. And be it further enacted, That all Sales, Conveyances, and Assurances of any Right or Privilege of User of, in, through, or under any Lands, Grounds, Tenements, or Hereditaments required to be used by the said Commissioners, shall be made in the Form and to the Effect following; (that is to say,)

Form of Conveyance to the Company.

‘ I [or We, *as the Case may be,*] of
 ‘ in consideration of the Sum of to me [or us] paid
 ‘ by the Commissioners for the better Pavement and Sewerage of the
 ‘ Town of *Liverpool*, under and by virtue of an Act passed in the
 ‘ Eleventh Year of the Reign of King *George* the Fourth, intituled
 ‘ *An Act [here insert the Title of this Act]*, do hereby grant and
 ‘ release unto the said Commissioners and their Successors all that
 ‘ Right or Privilege of User, for the Purposes of the said Act, of, in,
 ‘ through, and under all [*here describe the Premises*], to hold to the
 ‘ said Commissioners and their Successors for ever. In witness whereof
 ‘ I [or we] have hereunto set my Hand and Seal [or our Hands
 ‘ and Seals] this Day of in the
 ‘ Year of our Lord

And every such Sale, Conveyance, and Assurance so made shall be good, effectual, and valid, to all Intents and Purposes whatsoever, as to and against the Person and Persons making the same, and his, her, or their Cestuique Trusts, and all other Persons claiming
 or

or to claim by, from, under, or in Trust for him, her, or them respectively, or in Remainder, Reversion, or Expectancy; any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

No Person to alter the Pavement or Sewers without the Consent of the Commissioners.

XLVII. And be it further enacted, That if any Person or Persons shall take up or cause to be taken up, or make or cause to be made any Alteration in the Pavement or Flagging or in any of the Sewers or Drains so vested in the said Commissioners, or authorized to be made by virtue of this Act, without the Consent in Writing of the said Commissioners, to be signified under the Hand of their Surveyor for the Time being, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds; and in case the Person or Persons so taking up or altering any such Pavement or Flagging, or any such Sewer or Drain, or causing the same to be taken up or altered, shall not, within Seven Days after Notice in Writing by the Surveyor of the said Commissioners given to or left at the last or the usual Place or Places of Abode of such Person or Persons, cause the said Pavement or Flagging, Sewers or Drains respectively, which shall have been so taken up or altered, to be reinstated and put into their former State, then and in every such Case the Surveyor of the said Commissioners shall cause the same to be so done, and the Costs and Charges thereof shall be borne and paid by the Person or Persons who shall have taken up or altered, or caused such Pavement or Flagging and Sewers or Drains to have been taken up or altered; and in case of Nonpayment thereof, on Demand, to the Treasurer of the said Commissioners, such Costs and Charges shall and may be levied and recovered in such and the like Manner as any Penalty is by this Act directed to be levied and recovered.

Private Sewers may be branched into Sewers constructed by Commissioners, under certain Regulations.

XLVIII. And be it further enacted, That it shall and may be lawful for any Person or Persons, at his, her, or their own Expence, to make or branch any private Sewer or Drain into any of the Sewers or Drains vested in the said Commissioners, or authorized to be made by virtue of this Act, of such a Size and in such Manner and Form of Communication in all respects as the said Commissioners shall direct or appoint; and in case any Person or Persons shall make or branch any private Sewer or Drain into any of the said Sewers or Drains so vested in the said Commissioners, or authorized 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 Commissioners, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding One hundred Pounds, and it shall also be lawful for the said Commissioners to cut off, stop up, or prevent the Communication of such private Sewer or Drain with the Sewers or Drains so vested in the said Commissioners.

Branch Sewers to be cleansed.

XLIX. And be it further enacted, That all such private Sewers or Drains as shall be permitted as aforesaid to be branched into any of the said Sewers or Drains vested in or authorized to be made by the said Commissioners by virtue of this Act shall from Time to Time

Time be repaired and cleansed, under the Inspection and Direction of the Surveyor for the Time being of the said Commissioners, at the Costs and Charges of the Occupiers of the Houses, Buildings, Lands, or Premises to which the said private Sewers or Drains do or shall respectively belong; and in case any Person or Persons shall neglect to repair and cleanse, or cause any Sewer or Drain so permitted to be branched into any Sewer or Drain so vested in or made by the said Commissioners under the Authority of this Act to be repaired and cleansed, according to the Directions of the Surveyor of the said Commissioners, he, she, or they shall forfeit and pay for every such Offence a Sum not exceeding Fifty Pounds; and it shall also be lawful for the said Commissioners to cause any such private Sewer or Drain to be repaired and cleansed by and at the Expence of the Owner thereof, and the said Expence shall, upon Nonpayment thereof upon Demand, be recoverable in such and the same Manner as the Rates hereby imposed may be recovered.

L. And be it further enacted, That it shall be lawful for the said Commissioners, when any of the said Streets, Squares, Lanes, or other public Passages and Places within the said Town, or the Sewers or Drains therein respectively, shall be under Repair, 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, Squares, Lanes, or other public Passages and Places, to prevent the passing and repassing of 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 Commissioners shall cause any Sewer or Drain or other Works constructing or repairing 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 Commissioners, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Bars to be erected across the Streets, &c. while Repairs or Alterations are making, and Lights placed at Night.

LI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered to cause any of the said Streets, Squares, Lanes, and other public Passages and Places, the Pavement whereof is so vested in them as aforesaid, to be watered as often as they shall think fit, and also to cause any Wells to be sunk and any Pumps to be erected for the Purpose of watering the same; and all the Expences incident thereto shall and may be defrayed by and out of the Rates to be raised under and by virtue of this Act.

Watering Streets, &c.

LII. Provided always, and be it further enacted, That the Wells so authorized to be sunk by the said Commissioners shall not be sunk within the Distance of Three hundred Yards from any of the Springs belonging to the Company of Proprietors of the *Liverpool and Harrington* Waterworks, on the North, South, and East Sides thereof, or within Four hundred Yards on the West Side thereof, nor shall any such Wells be sunk or bored deeper than Twenty-two Yards from the

Wells not to be sunk within 300 Yards of Springs of Waterworks Company.

[*Local.*]

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Surface,

Surface, nor shall the Water to be obtained from such Wells be applied by the said Commissioners to any other Purposes than those of watering the Streets, (except in Cases of Fire).

Private
Sewers or
Drains not to
be enlarged
so as to in-
jure other
Sewers.

LIII. And be it further enacted, That no Person shall cause or permit any private Sewer or Drain to be altered or enlarged which shall branch into or communicate with any Sewer or Drain vested in the said Commissioners, or made under and by virtue of this Act, without the Consent of the said Commissioners, to be signified under the Hand of their Surveyor; and in all Cases whatever of altering or enlarging any private Sewer or Drain which may branch into or communicate as aforesaid, Three Days Notice at least shall be given to the said Commissioners or their Surveyor of the Intention to enlarge or alter such private Sewer or Drain; and all such Enlargements and Alterations, if acquiesced in, shall be made and done under the Direction of the Surveyor of the said Commissioners; and if any Person or Persons shall alter or enlarge, or cause any private Sewer or Drain which shall be permitted to branch into or communicate as aforesaid to be altered or enlarged, without such Notice as aforesaid, or contrary to the Directions of the Surveyor of the said Commissioners to be given respecting the same, he, she, or they shall forfeit and pay a Sum not exceeding Fifty Pounds; and it shall be lawful for the Surveyor of the said Commissioners to cause the Communication of any such private Sewer or Drain so altered or enlarged without such Consent or such Notice, or contrary to such Directions as aforesaid, to be cut off and prevented.

Regulations
as to new
Streets.

LIV. And whereas, from the increased Population and Commerce of the said Town of *Liverpool* for a Number of Years past, various Persons have been induced to lay out Streets in Lands belonging to them situate within the said Town, and have neglected to have such Streets properly levelled and paved; and from the still increasing Population and Commerce of the said Town, it is probable that other Streets will be laid out by private Persons, and the levelling and paving of the same in like Manner neglected, to the great Inconvenience of the Public and Injury of the Inhabitants of the said Town; for Remedy whereof be it enacted, That whenever any Person or Persons shall intend to make or lay out any new Street to be used as a public Street within the said Town, such Person or Persons shall give or cause Notice to be given of such Intention to the said Commissioners by Writing delivered to their Clerk or left at the Office of the said Commissioners; and it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, if they shall think proper, to appoint a Surveyor to adjust, settle, and fix the Level of such intended Street, and the same shall for ever thereafter be conformed to by all Persons erecting any House or other Building in such Street: Provided nevertheless, that in case the said Commissioners shall not cause such Level to be fixed within the Space of Fourteen Days from the Time of the Delivery of such Notice as aforesaid, it shall be lawful for the Person or Persons causing such Street to be made or laid out to proceed with the same as if such Level had been fixed; and then and in such Case any subsequent Alteration of the said Level which the Commissioners may deem requisite,

requisite, and of the Works consequent thereon, shall be made by the said Commissioners, and the Expences paid out of the Monies authorized to be raised by this Act; but in case such Person or Persons so intending to make or lay out any new Street as aforesaid shall neglect to cause such Notice to be given to the said Commissioners as herein-before mentioned, then and in such Case all the Expences consequent upon the Alteration of any Level of the said Street which may be considered requisite by the said Commissioners shall be defrayed by the Person or Persons causing such new Street to be made or laid out, and which Expences shall and may be recovered and levied by Distress and Sale of the Goods and Chattels of such Person or Persons as aforesaid, in like Manner as the Rates hereby authorized to be raised are directed to be recovered and levied.

LV. And be it further enacted, That the Carriageways of the several Streets which have been already laid out by private Persons as public Streets within the said Town for the Period of Twelve Months previous to the passing of this Act, and which are not yet paved, shall, upon Notice in Writing to be given by or by the Order of the said Commissioners to the Person or Persons by whom the said Streets or any Part or Parts thereof may have been so laid out, or to the Owners for the Time being of the Land adjoining, be well and sufficiently and in a substantial and workmanlike Manner paved by and at the Expence of such Person or Persons or Owners of Land as aforesaid respectively, within Three Calendar Months from the Time of Service of such Notice, and that to the Satisfaction of the said Commissioners; and in case the Person or Persons to whom such Notice shall be given shall neglect to comply with the same, and to pave the said Streets, or such Part or Parts thereof respecting which such Notice as aforesaid may be given, within the Time required by such Notice, or in case any new Streets intended to be used as public Streets shall at any Time or Times hereafter be laid out by any private Person or Persons within the said Town, and the Carriageways of the same shall not, within Twelve Months after the laying out of such Streets respectively, be in like Manner well and sufficiently and in a substantial and workmanlike Manner paved, and respecting which a Certificate of Two Justices of the Peace, as herein-after mentioned, shall be produced, that then and in such Case it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, forthwith, by and out of the Monies to be raised by virtue of this Act, to cause the Carriageways of such Streets to be properly paved in such Way as to them the said Commissioners shall seem proper and expedient; and the whole of the Costs and Expences attending the same shall be paid and reimbursed to the said Commissioners in manner following; that is to say, where the same Person or Persons is or are Owner or Owners of the Land and Premises on both Sides of such Streets, then he, she, or they shall pay and reimburse to the said Commissioners the whole of such Costs and Expences; but where the Land and Premises on both Sides of such Streets do not belong to the same Person or Persons, then the Person or Persons to whom the same may respectively belong shall pay and reimburse to the said Commissioners the Amount of the Costs and Expences incurred, in proportion and according to the Length of the Frontage

Carriage-ways not yet paved, to be paved upon Notice being given.

of

of his, her, or their said Land and Premises in each such Street, such Proportion to be ascertained by the Surveyor of the said Commissioners for the Time being; and in case of Nonpayment by any such Person or Persons, on Demand of the Money so hereby made payable by him, her, or them, to the said Commissioners, the same shall and may be recovered and levied by Distress and Sale of the Goods and Chattels of such Owner or Owners respectively, in like Manner as the Rates hereby authorized to be raised are directed to be recovered and levied: Provided always, that every such Owner or Owners as aforesaid who shall have well and substantially paved, or who shall well and substantially pave, any Part of such Street or Streets to be certified as aforesaid, within the Time herein-before specified, and according to the true Intent and Meaning of this Act, shall stand discharged from making any such Reimbursement to the said Commissioners as aforesaid in regard to such Pavement respectively; any thing herein contained to the contrary notwithstanding.

Streets to be public Highways when properly paved and certified by Justices.

LVI. And be it further enacted, That when any such Streets already laid out or hereafter to be laid out by any private Person or Persons within the said Town shall be levelled in conformity with the Provisions of this Act, and the Carriageways of the same well and sufficiently and in a substantial and workmanlike Manner paved, it shall be lawful for any Two of His Majesty's Justices of the Peace for the said County of *Lancaster*, and they are hereby required, upon the Application of the Person or Persons by whom such Streets may have been laid out, or of his, her, or their Representatives or Assigns, to view the same, and to declare and certify by Writing under their Hands (if they shall so find) that the said Streets have been so levelled as aforesaid, and are in good and sufficient Repair, and likely so to continue; and from and after such Declaration and Certificate made and signed, and published in One of the Newspapers circulated in the said Town of *Liverpool*, the said Streets shall be deemed and taken to be public Highways to all Intents and Purposes, and thenceforth repaired and kept in repair by the said Commissioners as the other Streets and Highways within the said Town, according to the Provisions of this Act.

Footways in Streets to be paved.

LVII. And be it further enacted, That the Footways of the said several Streets which have been already laid out or which shall hereafter be laid out by any Person or Persons as public Streets within the said Town shall be well and sufficiently and in a substantial and workmanlike Manner paved or flagged by and at the Expence of such Person or Persons, or the Owners of the Land adjoining as aforesaid, to the Satisfaction of the said Commissioners, within Three Calendar Months from the Time of the Inclosure of the Land by any House or Building or Wall or other Fence, if required by the said Commissioners, under the Penalty of Three Shillings for each and every Square Yard which shall not be so paved or flagged, to be recovered and levied in like Manner as the Rates hereby authorized to be raised are directed to be recovered and levied; and after the said Footways shall have been so originally paved or flagged, the same shall be repaired and repairable by the said Commissioners as the other Parts of the

the Streets and Highways within the said Town, according to the Provisions of this Act.

LVIII. Provided always, and be it further enacted, That if it shall happen, from the Want of Funds or from any other Circumstance, that any Persons being Trustees, or under any Inability or Incapacity, are prevented from complying with the Provisions of this Act as far as regards the paving of the Carriageways of the said Streets so laid out or to be laid out as public Streets as aforesaid within the Time herein-before specified, it shall and may be lawful for the said Commissioners to enter into an Agreement with such Persons for the Payment of the Charges and Expences incurred by the paving of the same by the said Commissioners, under the Authority herein-before given, at such Time and Times and in such Manner as to them the said Commissioners may seem expedient and proper; and all such Persons, being Trustees or under any such Disability or Incapacity as aforesaid, shall and may and they are hereby authorized and empowered to make and enter into such Agreement with the said Commissioners accordingly.

Commissioners may enter into Agreements respecting the paving of new Streets;

LIX. Provided also, and be it further enacted, That in case any Street shall be laid out by any Person or Persons which from any Reservation of Right or Property, or the occasional Prevention and Interruption of the Passage thereon, shall not be fully opened and become a public Street under the Provisions of this Act, it shall and may be lawful for the said Commissioners to enter into such an Agreement with the Person or Persons by whom such Street may have been laid out, or with the Owners of the Land adjoining the same, relative to the Time and Manner and Extent of the Paving and Repairs of such Street, or any Part or Parts thereof, as to them the said Commissioners may seem proper.

and the paving of certain Streets not become public.

LX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to appoint such a Number of Persons as they shall consider necessary to be employed for the Purpose of preventing the Commission of any Offences against this Act, and of seeing that the Regulations of the same are properly conformed to, and also from Time to Time, at their Discretion, to remove and displace such Persons, and appoint others in their Stead; and all such Persons so to be appointed as aforesaid shall and may, if approved of, be sworn in as Constables by the Mayor or any Justice of the Peace of the said Borough.

Commissioners may appoint Persons to see Regulations of Act conformed to;

who may be sworn in as Constables.

LXI. And for defraying the several Charges and Expences to be incurred by the said Commissioners in carrying this Act into execution, be it further enacted, That the said Commissioners shall and they are hereby authorized and required, for such Length of Time as herein-after specified, once or oftener in every Year, as they shall see Occasion, to cause such Sums of Money to be raised by a Rate or Assessment upon the several Tenants or Occupiers of Houses, Warehouses, Mills, Shops, Offices, Countinghouses, Cellars, Vaults, Stables, Coach-houses, and other Buildings which are already erected or built

Rates to be raised for defraying Expences.

[*Local.*]

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or

or shall hereafter be erected or built in the said Town of *Liverpool*, and of the several Gardens, Yards, or Lands thereto respectively belonging, and of all other Lands, Tenements, and Hereditaments within the said Town, (save and except any Houses, Buildings, or Lands used or occupied for the Purpose of any public Charity, and any Churches or Chapels,) according to the usual annual Rent or Value of the same respectively, not exceeding in any one Year the Sum of One Shilling in the Pound upon such annual Rent or Value, such annual Rent or Value to be from Time to Time taken and fixed according to the Rents which such Houses, Warehouses, Buildings, Lands, Tenements, and Premises respectively are or shall be rated or assessed at for the Relief of the Poor in the Year preceding; but if in any such Poor Rates any Person or Persons shall be omitted to be rated, then the Name or Names of such Person or Persons so omitted shall be added by the said Commissioners to the Rate or Assessment hereby directed to be made, and he, she, or they shall be rated and assessed accordingly.

Regulations
as to the
Sewerage
Rates.

LXII. Provided always, and be it enacted, That during the Term of Ten Years from the passing of this Act the Sum of Four-pence in the Pound, Part of the said Sum of One Shilling in the Pound so to be raised as aforesaid, shall be applied by the said Commissioners to the Purpose of Sewerage only; and from and after the Expiration of the said Term of Ten Years from the passing of this Act, it shall only be lawful for the said Commissioners to make a Rate or Assessment to the Extent of Eight-pence in the Pound upon the annual Rent or Value of any such Houses, Warehouses, Buildings, Shops, Offices, Countinghouses, Vaults, Cellars, Stables, Lands, Tenements, and Hereditaments as aforesaid; the Monies arising from which Rate or Assessment shall and may be applied by the said Commissioners to the Purposes as well of Paving as of Sewerage, and the general Purposes of this Act, in such Way as they shall from Time to Time direct (including therein the Repayment of any Portion of the Monies authorized to be borrowed as herein-after mentioned, and the Interest thereof).

Three
Fourths of
Sewerage
Rates to be
paid by
Landlord.

LXIII. And be it further enacted, That it shall and may be lawful for the several Tenants or Occupiers of all Houses, Warehouses, Buildings, Shops, Offices, Countinghouses, Vaults, Cellars, Stables, Lands, Tenements, or Hereditaments, who shall during the said Term of Ten Years be rated for the Purposes of Sewerage as herein-before mentioned, to deduct out of their respective Rents Three Fourths of the Amount of such Sewerage Rate as may from Time to Time be assessed on them, and which Amount all Landlords, both mediate and intermediate, (and including therein the Mayor, Bailiffs, and Burgesses of *Liverpool* aforesaid, notwithstanding the Contribution by them as herein-after specified,) are hereby required to allow upon Receipt of the Residue of their Rents; and the Tenants paying such Three Fourths of the said Rate shall be acquitted and discharged of so much Money as if the same had been actually paid to such Person or Persons to whom their Rents shall have been due and payable.

Commission-
ers to issue
Warrants to

LXIV. And be it further enacted, That the said Commissioners shall and may and they are hereby required yearly and every Year,

or as often as there shall be Occasion, to grant and issue their Warrants, under the Hands and Seals of any Five or more of them, thereby to authorize and require such Person or Persons as the said Commissioners shall appoint to be Collector or Collectors of the Rates and Assessments to be made by virtue of this Act, all which Rates and Assessments shall be paid to the said Collectors by the respective Tenants or Occupiers of the said Houses, Buildings, Lands, Tenements, or Hereditaments rateable by virtue of this Act; and if any Neglect or Refusal of Payment of any Rate or Assessment as aforesaid shall be made to any such Collector or Collectors, upon Demand made by any such Collector or Collectors on the Tenants or Occupiers of such Houses, Buildings, Lands, Tenements, or Hereditaments as aforesaid, either in Person or by Writing left at the usual Place of Abode of such Tenants or Occupiers, by the Space of Seven Days, it shall be lawful for any Justice of the Peace of the said Borough of *Liverpool*, upon Proof on Oath of such Demand and Nonpayment, by Warrant under his Hand and Seal (which he is hereby empowered to grant) to authorize and direct the said Collector or Collectors to levy such Rate or Money so in arrear (together with the Costs and Charges, to be ascertained by such Justice,) by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay as aforesaid, and to sell and dispose of the Goods and Chattels so distrained towards Payment of the said Rates and Assessments, and the Costs and Charges attending the same, rendering the Overplus (if any) to the Owner or Owners thereof, on Demand.

Collectors of Rates authorized by this Act.

LXV. And be it further enacted, That every Warrant of Distress for Nonpayment of any Monies authorized to be raised by any Rates or Assessments under this Act may include One or more Person or Persons, and shall or may be in the Form or to the Effect following; (that is to say,)

Form of Warrant of Distress, &c.

‘ *Liverpool*, } To the Collectors of the Paving and Sewerage Rates
 ‘ to wit. } of the Town of *Liverpool* in the County of *Lancaster*, and to all Constables and other Peace Officers of the
 ‘ said Town :

‘ **WHEREAS** the under-mentioned Person [or Persons, *if more than One*], now or late an Owner or Occupier [or Owners or Occupiers, *if more than One*,] of a Tenement [or Tenements, *if more than One Person be included in the Warrant*,] and other Hereditaments within the said Town, was and is [or were and are, *as the Case may be*,] liable to the Payment of the Sum or Sums of Money set opposite to his [her or their respective] Name [or Names, *as the Case may be*,] herein-after written, by virtue of a Rate or Rates duly made under and by virtue of an Act passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act [here set forth the Title of this Act]*: And whereas it duly appears upon Oath unto me, One of His Majesty’s Justices of the Peace for the said Borough and Town of *Liverpool*, that the said Person [or Persons, *as the Case may be*,] has [or have] neglected or refused to pay the Sum or several Sums of Money set opposite to his [her or their] Name [or Names, *as the Case may be*,] herein-after written, due from him [her or them] by virtue of such Rate [or Rates, *as the Case*

‘ *Case may be*], and that the said Sum [*or Sums*] of Money [*as the*
 ‘ *Case may be*] still remains [*or remain*] due and unpaid : And
 ‘ whereas it also duly appears unto me the said Justice, upon Oath,
 ‘ that the said Person [*or Persons, as the Case may be,*] hath [*or have*]
 ‘ been duly summoned to appear to answer the Premises, and they
 ‘ nor any of them [*as the Case may be*] having shewn sufficient Cause
 ‘ why such Sum or Sums of Money should not be paid by them
 ‘ respectively [*as the Case may be*] : These are therefore, in His
 ‘ Majesty’s Name, to will and require you, or any of you, forthwith
 ‘ to levy the said Sum [*or several Sums*] of Money [*as the Case may*
 ‘ *be*] due from the said Person [*or Persons*] and hereunder set
 ‘ opposite to his [*her or their*] Name [*or Names respectively, as the*
 ‘ *Case may be*], and also such further Sum or Sums of Money for
 ‘ Costs as is or are also set opposite to his [*her or their*] Name [*or*
 ‘ Names respectively, *as the Case may be*], by Distress and Sale of his
 ‘ [*her or their respective*] Goods and Chattels [*as the Case may be*],
 ‘ such Goods and Chattels being kept for the Space of _____ Days
 ‘ before the same are sold, rendering to him [*her or them respectively,*
 ‘ *as the Case may be,*] the Overplus (if any), on Demand, the reason-
 ‘ able Charges of such Distress, and of any Removal or keeping Pos-
 ‘ session, Appraisalment, and Sale, being first deducted ; and if no
 ‘ sufficient Distress can be had or taken, then that you certify the
 ‘ same to me, to the end that such Proceedings may be had therein as
 ‘ to Law doth appertain : And I do hereby charge and require all and
 ‘ singular the Constables and other His Majesty’s Peace Officers for
 ‘ the said Borough [*as the Case may be*] to be aiding and assisting in
 ‘ all Things relating to the Premises. Given under my Hand and
 ‘ Seal the _____ Day of _____ in the Year of
 ‘ our Lord _____

	Sums due.	Costs.	Total.
‘ <i>A. B.</i> Occupier - - - -	—	—	—
‘ <i>C. D.</i> Owner - - - -	—	—	—
‘ <i>E. F.</i> For a House let or offered ‘ to be let in separate Tene- ‘ ments - - - -	}		
‘ <i>G. H.</i> For a House let or offered ‘ to be let ready-furnished			
‘ <i>I. K.</i> - - - -			

Power for
 Commis-
 sioners to in-
 spect Parish
 Rate Books.

LXVI. And in order to ascertain the Rates and Assessments to be made by virtue of this Act, be it further enacted, That the said Commissioners shall and may and they are hereby authorized and empowered to cause all or any of the Books or Assessments of Rates towards the Relief of the Poor within the said Parish of *Liverpool* to be produced before them, and to cause a Copy or Copies of such Books or Assessments, or of any Part or Parts thereof, to be taken, without Fee or Reward ; and if any Person in whose Custody or Power any of the said Books or Assessments shall be shall refuse or neglect to attend the said Commissioners with such Books or Assessments, or to permit or suffer the said Commissioners to take or cause a Copy or Copies thereof to be taken, then and in every such Case such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds.

LXVII. And

LXVII. And be it further enacted, That whenever it shall appear to the said Commissioners that there has been any Omission or Error in any Rate or Assessment hereby authorized to be made, and to which any Person or Property may have been liable to be rated, it shall and may be lawful for the said Commissioners to rate and assess in the said Rate or Assessment such Person or Property so omitted to be rated and assessed; and it shall and may be lawful for the said Commissioners and they are hereby empowered to strike out the Name or Names of any Person or Persons not liable to the Payment of the Rates hereby authorized to be made; and all such Additions to or Alterations or Amendments in such Rates or Assessments shall be as valid and effectual as if the same had been Part of the Rates or Assessments originally made.

Commis-
sioners may
amend Rates,
if improper,
&c.

LXVIII. And be it further enacted, That in all Cases in which any House, Warehouse, or other Building or Tenement now or hereafter to be erected, built, or situate within the said Town, shall be let out, either wholly or in part, in Lodgings or in separate Rooms or Apartments, whether furnished or unfurnished, then and in every such Case it shall be lawful for the said Commissioners, in or by any Rate or Rates, Assessment or Assessments to be made by virtue of this Act, at their Discretion, to rate and assess the Landlord or Landlords, Owner or Owners of every or any such House, Warehouse, or other Building or Tenement, for the Purpose of this Act, for or in respect of such House, Warehouse, or other Building or Tenement, instead of the actual Occupier or Occupiers thereof; and upon Non-payment of the Sum or Sums so to be assessed, the same may and shall be levied upon and the Payment thereof be enforced against the Landlord or Landlords, Owner or Owners, so to be assessed, and his and their Goods and Chattels, in like Manner as any Rate made for the Purposes of this Act may be recovered and levied and Payment thereof enforced under the Authority of this Act upon and against any actual Occupier to whom the same is charged; and the Person or Persons receiving or claiming to be entitled to the Rents of any such House, Warehouse, or other Building or Tenement, immediately payable by such Occupier or Occupiers thereof, shall, for the Purposes of this Act, be deemed and taken to be the Landlord or Landlords or Owner or Owners thereof.

Power to
rate the
Owners of
Houses in
certain Cases.

LXIX. And be it further enacted, That it shall and may be lawful for the said Commissioners to summon before them by Summons, signed by any One Commissioner, any Person or Persons who may be in arrear in Payment of any Monies due on any Rates or Assessments made by virtue of this Act; and in case it shall be made to appear to the Satisfaction of any Three of the said Commissioners that any Person rated or assessed is unable through Poverty to pay the Amount of the Rate or Assessment made upon him or her, it shall and may be lawful for such Three Commissioners to order and direct that such Person shall be wholly excused from the Payment of such Rate or Assessment, or from such proportionate Part thereof as to them may seem proper; and the Sum at which such Person may have been so rated or assessed, or such proportionate Part of the same from the Payment of which such Person may be so excused as

Certain Per-
sons to be
excused from
Payment of
Rates, or a
Proportion
thereof.

[*Local.*]

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aforesaid,

aforesaid, shall not be collected, nor shall any Person be charged therewith, or in any Manner called upon or liable to account for the same.

For recovering of Tenant's Proportion of Rates in case of Removal.

LXX. And be it further enacted, That in case any Tenant or Occupier shall remove out of or cease to occupy any House, Building, Land, or Premises rateable by virtue of this Act, before the Rate or Assessment thereon shall have been paid, and shall not reside within the said Town, then and in every such Case, if such Tenant or Occupier shall neglect or refuse to pay the same for the Space of Ten Days next after Demand made thereof by the Collector or by any Person authorized by the said Commissioners for that Purpose, the Amount of such Rate or Assessment shall and may be levied by Distress and Sale of the Goods and Chattels of such Tenant or Occupier, by Warrant under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace for the County or Place where such Tenant or Occupier shall reside, which Warrant such Justice or Justices is and are hereby empowered to grant, (upon Proof made before him or them, upon Oath, of such Demand and Nonpayment,) together with the Costs and Charges attending the same, such Costs and Charges to be ascertained by such Justice or Justices; and the Goods and Chattels so distrained shall and may be sold and disposed of towards the Payment of the said Rates and Assessments, Costs and Charges, rendering the Overplus (if any) to the Owner or Owners thereof, on Demand.

Persons removing or coming in to pay in proportion.

LXXI. And be it further enacted, That in all Cases where any Person or Persons shall remove from or quit or cease to occupy any House, Building, Land, or Premises liable to be rated or assessed by virtue of this Act, every such Person or Persons shall be liable only to pay the Rate or Assessment thereon in proportion to the Time that he, she, or they may have occupied the said Premises respectively; and in all Cases where any Person or Persons shall come into, use, or occupy any House, Building, Land, or Premises liable to be rated or assessed as aforesaid, out of or from which any other Person or Persons shall have removed or shall have ceased to occupy, or which at the Time of making any such Rate or Assessment shall have been empty and unoccupied, the Person or Persons coming in, using, or occupying the same, shall be liable to pay the Rate or Assessment thereon, although his, her, or their Name or Names may not be inserted in such Rate or Assessment, in proportion only to the Time that such Person or Persons shall use or occupy the same respectively, and in like Manner as if such Person or Persons had been originally rated or assessed by Name; and which said Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners.

No Highway Rates to be raised.

LXXII. And be it further enacted, That from and after the passing of this Act all Persons liable to the Performance of Statute Duty, or to the Payment of Composition Money in lieu thereof, in the said Town of *Liverpool*, shall be and they are hereby exonerated and released for ever therefrom; and it shall not be lawful for the Surveyors of the Highways for the said Town for the Time being to charge, assess, collect, or levy any Highway Rate whatsoever, save and

and except so much and such Sum and Sums of Money as shall remain in arrear and unpaid of any Rate or Rates made by the Surveyors previous to the passing of this Act, and which Sum and Sums of Money so in arrear and unpaid shall and may be collected, levied, and recovered by the same Ways and Means and in such and the same Manner in all respects as if this Act had not been made.

LXXIII. And for the Purposes of enabling the said Commissioners the better to carry into execution the Sewerage of the said Town, and to complete the same within the said Term of Ten Years, be it further enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, from Time to Time to borrow and take up at Interest upon the Credit of the said Rates, Assessments, and Monies to be made, levied, and collected by virtue of this Act for the Purposes of Sewerage, any Sum or Sums of Money (so as that the Sum borrowed shall not at any Time exceed in the whole the Sum of Thirty thousand Pounds) to be applied by them the said Commissioners in the making and constructing of Sewers or Drains, and by Writing under their Hands and Seals to assign all or any Part of the said Sewerage Rates, Assessments, or Monies to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with legal Interest for the same; and the Charges and Expences of such Assignment (to be made as herein-after mentioned) shall be from Time to Time defrayed by the said Commissioners out of the Monies so borrowed; and every such Assignment shall be in the Words or to the Effect following:

Power to borrow Money for Purposes of Sewerage.

‘ WE of the Commis-
 ‘ sioners acting in execution of an Act made in the Eleventh Form of
 ‘ Year of the Reign of His Majesty King *George* the Fourth, Assignment
 ‘ intituled [*here set forth the Title of this Act*], in consideration of the of Rates.
 ‘ Sum of advanced and lent by *A. B.*
 ‘ upon the Credit and for certain Purposes of the said Act, do hereby
 ‘ grant and assign unto the said *A. B.* [*or to his or her Trustee or*
 ‘ Trustees, *as the Case may require*], his or her Executors, Adminis-
 ‘ trators, and Assigns, such Proportion of the Sewerage Rates, Assess-
 ‘ ments, and Monies to be raised, levied, and collected by virtue of
 ‘ the said Act, as the said Sum of doth or shall
 ‘ bear to the whole Sum which may at any Time be borrowed or
 ‘ become due or owing or be charged upon the Credit of the said
 ‘ Sewerage Rates, Assessments, or Monies; to be had and holden from
 ‘ this Day of until the said Sum of
 ‘ with Interest at
 ‘ *per Centum per Annum* for the same, shall be repaid and satisfied.
 ‘ In witness whereof we the said Commissioners have hereunto set
 ‘ our Hands and Seals the Day of
 ‘ in the Year .’

And all such Assignments shall be numbered, commencing with the Number One, and so proceeding in an arithmetical Progression ascending, whereof the common Excess or Difference shall always be One;

One; and every such Security shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payment thereof, and to all Profit and Advantage thereof, according to the true Intent and Meaning of this Act.

Penalty on obstructing Commissioners, &c.

LXXIV. And be it further enacted, That if any Person or Persons shall at any Time or Times hereafter obstruct, hinder, or molest the said Commissioners, or their Collector or Collectors, Treasurer, Surveyor, or other Officer or Officers, or any Workman or other Person who shall be employed by virtue of this Act, in the Performance or Execution of his or her Duty or Work, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Commissioners invested with the Power of Surveyors of Highways.

LXXV. And be it further enacted, That from and after the passing of this Act the said Commissioners shall be and they are hereby declared to be Surveyors of the Highways within the said Town of *Liverpool*, and shall have and they are hereby invested with 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.

Corporation to pay an annual Sum in lieu of paving and repairing certain Streets and Sewers.

LXXVI. And whereas, for the better facilitating the Execution of this Act, and vesting the Direction and Management of the Paving and Sewerage of the Town of *Liverpool* aforesaid in the said Commissioners, the Mayor, Bailiffs, and Burgesses of the Town of *Liverpool* aforesaid have proposed to discontinue the Paving and Sewerage of certain ancient Streets heretofore used and accustomed to be done by them, and of certain other Streets, the Pavement and Sewerage of which have of late Years been also done by the said Mayor, Bailiffs, and Burgesses, and to contribute a certain annual Sum in lieu thereof; be it therefore enacted, That from and after the passing of this Act the Treasurer for the Time being of the said Mayor, Bailiffs, and Burgesses, and their Successors, shall and he is hereby authorized and required to pay to the said Commissioners, or to such Person or Persons as they or any Five or more of them shall authorize and appoint to receive the same, the Sum of Five thousand Pounds yearly and every Year for ever hereafter, to be applied in aid of and for carrying the several Purposes of this Act into execution, in such Way as the Commissioners shall from Time to Time direct or appoint, and the Sum of Seven hundred and fifty Pounds yearly and every Year for and during the Term of Ten Years (to be computed from the passing of this Act), to be applied to the Purposes of Sewerage only, the said several Sums of Five thousand Pounds and Seven hundred and fifty Pounds to be paid and payable by Two equal half-yearly Payments in each Year, the first Payment thereof to commence and be made on the First Day of *January* next; and in case of Nonpayment of the said Sums, or any half-yearly Payment thereof, upon Demand by the Person or Persons so appointed by the said Commissioners or any Five or more of them to receive the same, it shall and may be lawful for the said Commissioners to recover the same by Distress and

and Sale of the Goods and Chattels of the said Mayor, Bailiffs, and Burgesses, and their Successors, in the same Way as the said Commissioners are hereby authorized and empowered to recover any Rate or Assessment by virtue of this Act; and in consideration of such Contribution as aforesaid the said Mayor, Bailiffs, and Burgesses shall be, and they are hereby declared to be, for ever hereafter released and discharged from all Liability to the paving and repairing of any ancient or other Streets or Highways within the said Town of *Liverpool*, or of making Common Sewers therein, or repairing the same, any Law, Usage, or Custom to the contrary thereof notwithstanding; and such of the said Streets and Highways as were heretofore repaired or repairable by the said Mayor, Bailiffs, and Burgesses, shall, from and after the passing of this Act, be repaired and repairable, and have Sewers made therein and kept in repair, by the said Commissioners.

LXXVII. And be it further enacted, That it shall and may be lawful for the said Commissioners and they are hereby authorized to enter into such Contract or Agreement or to make such Arrangement with the Trustees of the *Liverpool* Docks, for any Term or Terms of Years, or other Period, relative to the Paving and Repairs of the Quays surrounding or adjoining the Docks and Basins in the said Town, or any Part of the same, as to them the said Commissioners shall seem advisable; and until such Contract or Agreement or Arrangement shall be made and entered into, the Quays of the said Docks and Basins shall be repaired and repairable in the same Manner and by the same Persons and Parties as they were at the Time of the passing of this Act.

Commissioners to make Arrangement with Trustees of Docks relative to paving Dock Quays.

LXXVIII. And be it further enacted, That 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 they 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 the Sewers or Drains made by the said Commissioners; and the said Commissioners shall from Time to Time have Liberty to carry and construct any Sewer or Drain made by them under and by virtue of this Act into any Sewer or Drain already made or hereafter to be made by the said Trustees in and under the Quays of the said Docks or Basins.

Sewers to be made in Dock Quays.

LXXIX. Provided always, and be it further 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, or to enlarge or alter the Sewer as agreed to be made by the said Trustees from the South-east Corner of the Site of the old Dock, and on the East Side of the *Salthouse* Dock, to communicate with the River through *Gower Street*, when the same shall have been completed; and that if any Question shall at any Time hereafter arise between the said Commissioners and the said Trustees relative to the Capacity or Sufficiency of any of the Sewers or Drains

Trustees of Docks not to be required to enlarge or make other Sewers than as stated in Act.

[*Local.*]

4 R

hereafter

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 Commissioners, 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 Commissioners and Trustees, and they are hereby required, to nominate and appoint an indifferent Person on each Side, with Authority to such Two Persons so nominated and appointed to choose a Third; and the Award and Determination of the Three, or of any Two of them, under their Hands, relative to the Matter in question, shall be binding, final, and conclusive upon the Parties, and shall be acted upon and conformed to accordingly; and upon the Completion of the Sewers or Drains by the said Trustees, in compliance with the said Award and Determination, all further Liability of the said Trustees in respect to 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.

1 G. 4. c. 13.

LXXX. And whereas the said Borough and Parish of *Liverpool* adjoin on the South Side thereof to the Township of *Toxteth Park*, on the East Side in Part to the Township of *West Derby*, and in another Part to the Township of *Everton*, and on the North Side to the Township of *Kirkdale*: And whereas by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for reviving, extending, and varying the Powers of an Act passed in the Twenty-sixth Year of His late Majesty King George the Third, for making and widening certain Streets, Passages, and Places in the Town of Liverpool in the County Palatine of Lancaster, and for several other Purposes in the said Act mentioned, and also for further improving the said Town*, it was amongst other Things enacted, that from and after the passing of the said Act the Eastern Boundary between the said Borough and Parish of *Liverpool* and the Township of *West Derby* aforesaid should be and be considered as the East Side of a certain Street called *Crown Street*, running between *Upper Parliament Street* and *Pembroke Place*, the Line of a certain ancient Ditch or Watercourse between *Pembroke Place* and *London Road*, at the Distance of Six Feet eastwardly from the then Walls of the Yards or Inclosures of the Houses there, and the East Side of a certain Street called *Moss Street*, running between the *London Road* and *Upper Islington*: And whereas it is intended to open a Street through a certain Piece of Land adjoining on the East to the Line of the said ancient Ditch or Watercourse, between *Pembroke Place* and *London Road* aforesaid, from North to South to range in a Line, or nearly in a Line, with the said Street called *Crown Street*; and inasmuch as Boundary Streets have been already made between the said Borough and Parish and the other Part of the said Township of *West Derby*, the Boundary between the same in that Part which is situate between *Pembroke Place* and *London Road* aforesaid would be rendered straighter and more uniform, and greater Convenience would be afforded to the Public, if the same were extended to the East Side of the said intended Street: And whereas between the said Borough and Parish and the said Township of *Everton* the said Boundary Streets have, under and by virtue of the said recited Act, been continued as far as the Western Extremity of a Street called *Carver Street*, and the South End of a Garden

Garden of *John Lightbody* Esquire, situate at the Back of a certain Place called *Birchfield*, in *Liverpool* aforesaid; but the actual Division between the said Borough and Parish and the other Part of the said Township of *Everton*, and also between the said Borough and Parish and the said Township of *Kirkdale*, runs in many Places in very irregular Lines, and in some Places through Houses and Buildings which have been erected, so that Parts of such Houses and Buildings are at present situate in the said Borough and Parish of *Liverpool*, and Parts out of the same; and it is very desirable and would tend much to the Prevention of Litigation if the Boundaries between the said Borough and Parish of *Liverpool* and such Part of the said Township of *Everton* as aforesaid, and also between the said Borough and Parish and the said Township of *Kirkdale*, were defined and ascertained, and in some Places straightened, changed, and altered, and if such Boundaries were precisely declared and specified in this present Act: And whereas a Map or Plan describing the said several new Boundary Streets and Boundary has been deposited with the Town Clerk of the Borough of *Liverpool*, to be kept among the Records of the said Corporation of *Liverpool*; and Duplicates of the same, signed by the Mayor and Bailiffs of the said Borough of *Liverpool*, by the Surveyors of the Highways of the Parish of *Liverpool*, and by the respective Surveyors of the Highways of the said Townships of *West Derby*, *Everton*, and *Kirkdale*, have been deposited in the said Parochial Chapel of *Our Lady and Saint Nicholas*, and in the Parish Church of *Walton on the Hill*; be it therefore enacted, That from and after the making and Completion of the Carriageway of the said intended Street to the Eastward of the Line of the said ancient Ditch or Watercourse on the East Side of the said Walls or Inclosures of the Houses between *Pembroke Place* and *London Road* aforesaid, and the Signing and Publication of such Certificate of Two of His Majesty's Justices of the Peace as is herein-after mentioned respecting the same, the Boundary between the said Borough and Parish of *Liverpool* and the said Township of *West Derby*, between *Pembroke Place* and *London Road* aforesaid, shall be the East Side of such intended Street; and that from and after the making and Completion of the Carriageway of the other intended Streets herein-after specified, and the Signing and Publication of such Certificate of the said Justices as is herein-after mentioned respecting the same, the Boundary between the said Borough and Parish and that Part of the said Township of *Everton* which is situate to the Northward of *Carver Street* aforesaid shall be the East Side of Part of the said intended Streets to be made through certain Land in the several Occupations of the said *John Lightbody*, *John Ewart*, and *Henry Williams Ross*, the North Side of Part of another intended Street recently laid out by the said *John Ewart*, communicating with *Soho Street*, the East Side of *Soho Street*, and from thence across *Richmond Row*, the North Side of *Richmond Row*, as far as *Fox Street*, the East Side of the improved Line of *Fox Street*, and the East Side of *Great Homer Street*, as far as its present Termination at the Land in the Occupation of *William Earle* Esquire, and the East Side of another intended Street herein-after also authorized and directed to be made, which is to form the Continuation of *Great Homer Street*, as far as its ultimate Termination at the Township of *Kirkdale*.

Future Boundary between *Liverpool* and Part of *West Derby* and Part of *Everton*.

Future Boundary between Liverpool and Kirkdale.

LXXXI. And be it further enacted, That from and after the making and Completion of such intended Streets, and the Signing and Publication of such Certificate of the said Justices as is herein-after mentioned respecting the same, the Boundary between the said Borough and Parish and the said Township of *Kirkdale* shall be and be considered as commencing at the Termination of the Boundary herein-before specified between the said Borough and Parish and the Township of *Everton* aforesaid, and running from thence westwardly in a straight Line on the North Side of Part of such intended Streets, as far as *New Scotland Road*, then crossing the said Road, and running further westwardly on the North Side of the Continuation of such intended Streets, as far as *Vauxhall Road*, then crossing *Vauxhall Road* in an oblique Direction, and running further westwardly, past a House late in the Occupation of Mrs. *Whitby*, but now unoccupied, and across the *Leeds and Liverpool Canal*, for the Space of Four hundred and sixty Yards, and then turning off at a Right Angle, and running northwardly on the East Side of the further Continuation of such intended Streets for the Space of Two hundred and forty-eight Yards, and then turning off at another Right Angle, and running further westwardly on the North Side of the further Continuation of such intended Streets, as far as a certain other intended Street to form the Continuation of *Regent Road*, for the Space of Two hundred Yards, and then running still further westwardly, in a straight Line, on the Shore of the River *Mersey*, along a certain Brook called *Beacon's Gutter*, to the Low-water Mark of the said River; which said Boundaries are more particularly delineated on the said Plans; and which said Plans, or any of them, shall and may be produced upon all Occasions as Evidence of the respective Boundaries herein-before defined between the said Borough and Parish of *Liverpool* and the said Townships of *West Derby*, *Everton*, and *Kirkdale* respectively.

Corporation of Liverpool to make Boundary Streets between Liverpool, Kirkdale, and Everton.

LXXXII. And whereas the several Owners of the Lands situate in the said Borough and Parish of *Liverpool* and the said Township of *Everton* respectively, through which the said Boundary Streets are intended to be made, have consented and agreed to the making of the same through their respective Lands, upon the Terms and Conditions mentioned and expressed in this present Act, so that one continued Line or Boundary may be formed from the Low-water Mark of the said River *Mersey* at the said Place called *Beacon's Gutter*, to the West End of *Carver Street* aforesaid; and it has been also agreed that a Continuation of that Part of the said Boundary Streets which leads northwardly from *Great Homer Street* aforesaid should be made so as to form a Junction with the *Liverpool and Preston Turnpike Road*, as herein-after mentioned; be it therefore enacted, That within the Period of Five Years from the passing of this Act the Mayor, Bailiffs, and Common Council of the Town of *Liverpool* aforesaid shall and they are hereby required to make and open, or cause to be made and opened, between the said Borough and Parish of *Liverpool* and the said Townships of *Kirkdale*, *Everton*, and *West Derby* respectively, Boundary Streets in the Line and Direction herein-before specified, and delineated on the said Plans so deposited as aforesaid, Part of which said Streets, from the Shore of the said River to the present Northern Termination of *Great Homer*

Homer Street aforesaid, (except where the same may cross the said *Leeds* and *Liverpool Canal*,) shall be of the Width of Twenty Yards, and the further Continuation of the same, from the East Side of *Soho Street* to *Carver Street* aforesaid, and between *London Road* and *Pembroke Place* aforesaid, shall not be less than Sixteen Yards.

LXXXIII. And be it further enacted, That the Expences of making and paving the Footways and of making the requisite Fences on each Side of the said intended Boundary Streets shall be defrayed by the Owners of the Lands respectively adjoining thereto, and which Footways shall be made and paved to the Satisfaction of the Commissioners appointed under and by virtue of this Act, within Twelve Months after the Completion of the Carriageway; and the Expences of making the Carriageway of the said Streets shall be defrayed by and out of the corporate Funds of the said Mayor, Bailiffs, and Burgesses, and the same shall be laid out according to and upon such Levels as the said Commissioners shall think most convenient and proper and shall fix and direct, and which Carriageway shall be either paved or otherwise covered with Stone at the Option of the said Mayor, Bailiffs, and Common Council.

Expences
of making
Boundary
Streets.

LXXXIV. Provided also, and be it further enacted, That the Level of that Part of the said intended Boundary Streets which runs through the Land in the several Occupations of *John Shaw Leigh Esquire*, *Edward Holweed*, and *Richard Urmson*, in a parallel Direction with the Continuation of a certain Street called *Great Howard Street*, shall be laid out upon the same Level as the Continuation of *Great Howard Street* aforesaid, or as near thereto as practicable.

As to Level
of Part of
Boundary
Streets.

LXXXV. And whereas, for the Purpose of the Continuation of Part of the said intended Boundary Streets, it will be requisite to erect a Bridge, with proper Approaches to the same, across the said *Leeds* and *Liverpool Canal*, which is situate to the Westward of *Vauxhall Road*, and which Canal at present intersects certain Lands in the Occupation of the said *John Shaw Leigh* there, and to the Erection of which Bridge the said *John Shaw Leigh* hath therefore consented to contribute to a certain Extent, which has been agreed upon with the said Mayor, Bailiffs, and Common Council; be it therefore further enacted, That it shall and may be lawful for the said Mayor, Bailiffs, and Common Council, and they are hereby required, within the said Period of Five Years from the passing of this Act, to cause such Bridge, with a Towing Path under and through the same, to be erected and made across the said Canal, the Breadth of which from North to South shall not exceed Twelve Yards, and which Bridge shall be made and erected with an Arch of such Height above the Level of the Water, and of such Width of Arch, under such Directions as shall be given and in such Manner and Form as shall be approved of by the Engineer for the Time being of the said Company of Proprietors of the *Leeds* and *Liverpool Canal*, and shall be kept in repair from Time to Time by the Parties by whom that Part of the said intended Boundary Streets which is connected by the said Bridge is herein-after directed to be repaired.

A Bridge to
be erected
across the
Leeds and
Liverpool
Canal.

Passage on
Canal not
to be ob-
structed.

LXXXVI. Provided always, and be it further enacted, That in making and keeping in repair the Culverts under the said Canal Navigation from *Leeds* to *Liverpool*, and in the making and repairing the said Bridge over the same Canal, no unnecessary Damage or Injury shall be done to the said Canal, or the Towing Path and Banks thereof, nor shall any Stoppage or Interruption be given or occasioned to the Navigation and Passage upon the same.

Land to be
entered for
the Purpose
of making
Streets.

LXXXVII. And be it further enacted, That it shall and may be lawful for the Surveyor of the said Mayor, Bailiffs, and Burgesses, and any Workmen, Servants, and Assistants, with Carts and Carriages, under his Direction, at any Time after the passing of this Act, within the said Period of Five Years, upon Three Calendar Months Notice in Writing being given to the respective Owners and Occupiers of the Lands required for the said intended Boundary Streets, by or by the Order of the said Mayor, Bailiffs, and Common Council, to enter into and upon such Part and Parts of the same Lands as may be so required, and to make and open such Streets accordingly.

Certain
Portions of
Boundary
Streets to be
repaired by
Inhabitants
of *Liverpool*,
Kirkdale, and
Everton.

LXXXVIII. And whereas the Inhabitants of the said Townships of *Kirkdale* and *Everton* would be liable to the Repairs and Paving of certain Parts of one Side only of the said Boundary Streets so to be made as aforesaid, and the Inhabitants of the said Borough and Parish of *Liverpool* would in like Manner be liable to the Repairs and Paving of certain Parts of the other Side only of the said Streets, and it would be much more convenient and advantageous, and the Repairs and Pavement of the said Streets would be much better and more effectually done, if the Liability of the said Inhabitants respectively to the Repairs and Paving of the same were extended so as to comprise both Sides of the said Streets within certain porportionate Limits; be it therefore enacted, That such Part of the said Boundary Streets so to be made as aforesaid between the said Borough and Parish and the Township of *Kirkdale* aforesaid as lies to the Westward of *Vauxhall Road* (including therein the said Bridge so to be erected across the said *Leeds* and *Liverpool* Canal) shall, from and after the Signing and Publication of the said Certificate of Two of His Majesty's Justices of the Peace of the said County respecting the Completion of the said Streets, as herein-after mentioned, be for ever repaired and repairable by the Inhabitants of the Parish of *Liverpool* aforesaid; and that such Part of the said Boundary Streets as lies to the Eastward of *Vauxhall Road* shall, from and after the Signing and Publication of such Certificate as aforesaid, be for ever repaired and repairable by the Inhabitants of the said Township of *Kirkdale*, notwithstanding the same is situate within the said Borough and Parish of *Liverpool*; and that such Part of the said Boundary Streets so to be made between the said Borough and Parish of *Liverpool* and the Township of *Everton* aforesaid as lies to the Northward of *Roscommon Street*, including therein Part of *Great Homer Street*, shall, from and after the Signing and Publication of such Certificate as aforesaid, be for ever repaired and repairable by the Inhabitants of the said Township of *Everton*, notwithstanding the same is situate within the said Borough and Parish of *Liverpool*; and that the Continuation of the said Boundary Streets to *Carver Street* aforesaid (including therein the

the Remainder of *Great Homer Street* and *Fox Street*, Part of *Richmond Row*, and *Soho Street*,) shall, from and after the Signing and Publication of such Certificate as aforesaid, be for ever repaired and repairable by the Inhabitants of the said Parish of *Liverpool*; and from and after the Signing and Publication of such Certificate as herein-after mentioned, relative to the Completion of the said intended Street between *London Road* and *Pembroke Place*, the Northern Half of such Street, being in Length One hundred and thirty-eight Yards, shall be for ever repaired and repairable by the Inhabitants of the said Township of *West Derby*, notwithstanding the same is situate within the said Borough and Parish of *Liverpool*; and the Southern Half, being also in Length One hundred and thirty-eight Yards, shall be for ever repaired and repairable by the Inhabitants of the said Parish of *Liverpool*; and that all Proceedings at Law touching or concerning the Repairs of the respective Parts of the said intended Boundary Streets above specified by the Inhabitants of the said Borough and Parish, and the said Townships of *Kirkdale*, *Everton*, and *West Derby*, may be had and prosecuted against such Inhabitants respectively, in the same Manner, to all Intents and Purposes, as if such Parts were situate within the said Borough and Parish and Townships respectively; and that in all such legal Proceedings as aforesaid, in anywise relating to the Repairs of the Parts of such Streets respectively, such Parts may, for the Purposes of such Proceedings, be stated and laid to be situate within the said Borough and Parish of *Liverpool*, or the said Townships respectively, as the Case may be, the Inhabitants of which are hereby declared to be liable to the Repairs thereof; any thing herein contained to the contrary notwithstanding.

LXXXIX. And be it further enacted, That from and after the making and Completion of the said Boundary Streets, and the Signing and Publication of such Certificate as aforesaid, the Borough and Parish of *Liverpool* aforesaid on the North, and that Part of the East Side thereof as is herein-before described, shall be and be considered as comprised within the Limits and Boundaries herein-before specified; and that the Justices of the Peace and Coroners of the said Borough of *Liverpool* shall have Jurisdiction, Power, and Authority over all Offences, Matters, and Things cognizable before them, which may happen or occur within such Limits or Boundaries; and that Birth or Servitude within such Limits or Boundaries shall be and be considered as entitling Persons to the Freedom of the said Borough, if otherwise legally entitled thereto; and that for all Matters and Things which may so happen or occur within the said Limits or Boundaries, and for which the Inhabitants of the said Parish of *Liverpool* were heretofore answerable or liable, the said Inhabitants shall be answerable and liable, save only as far as relates to the Liability of the said Inhabitants to the Repair of certain Parts or Portions only of the said Boundary Streets herein-before specified.

Jurisdiction
of Justices
and Coroners
of Borough of
Liverpool.

XC. And whereas, for the better Formation of Part of the said intended Boundary Streets, it may be requisite to purchase certain Land, Houses, and Buildings which are particularly mentioned and described in Schedule (A.) annexed to this Act, and it would be of

Power to the
Corporation
to purchase
Premises de-
scribed in
great

Schedules
(A.) and (B.)
for the Pur-
poses of this
Act.

great Advantage to the Public if the Mayor, Bailiffs, and Common Council of the said Town were therefore authorized to purchase the same, and if the said Mayor, Bailiffs, and Common Council were also authorized to purchase certain Land and Buildings between *Richmond Row* and *Saint Ann Street*, for the Purpose of further improving the Communication with the said Boundary Streets, and also the Communication between the North and South Ends of the said Town, and which last-mentioned Land and Buildings are particularly mentioned and described in Schedule (B.) annexed to this Act; be it therefore enacted, That the said Mayor, Bailiffs, and Common Council shall have full Power and Authority to contract and agree with the several Owners and Occupiers of, and all Persons whomsoever interested in, the Premises, for the Purchase of and to purchase all the Houses, Buildings, Lands, Tenements, and Hereditaments mentioned and described in Schedules (A.) and (B.) annexed to this Act, and to pay for the same out of the corporate Funds of the said Mayor, Bailiffs, and Burgesses; and that it shall be lawful for all Bodies Politic or Corporate, Corporations Aggregate or Sole, and for all Husbands, Femes Covert, Guardians, Trustees, Committees, Executors, or Administrators, and all other Persons whomsoever interested in the said Premises, not only on behalf of themselves and their respective Executors, Administrators, and Successors, but also on behalf of all Persons entitled in Reversion or Remainder expectant on an Estate for Life, or other Life Estate, or by way of Executory Devise, in case such Persons should be incapacitated or decline to treat, to sell and convey to the said Mayor, Bailiffs, and Burgesses, for such valuable Considerations as shall be agreed upon, such Houses, Buildings, Lands, Tenements, or Hereditaments as shall be judged necessary for the Purposes aforesaid; and if it shall happen that any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, Executors, Administrators, or other Person or Persons as aforesaid, shall decline or refuse to treat or agree, or shall not agree, with the said Mayor, Bailiffs, and Common Council for the Sale of any of the said Premises, or shall not produce and evince a clear Title to the Premises, to the Satisfaction of the said Mayor, Bailiffs, and Common Council, or if the Person or Persons entitled to any such Houses, Buildings, Lands, Tenements, or Hereditaments shall not be known, that then and in every such Case the Value of the Premises in question, and of the respective Estates and Interests of every Person seised or possessed thereof, and the Price and Recompence to be awarded for the same, shall be inquired into and assessed and apportioned between the Parties by a Jury to be impannelled and summoned by and before the Sheriff of the said County of *Lancaster* in manner directed by an Act passed in the Seventh Year of His present Majesty's Reign, intituled *An Act for widening and improving certain Streets in the Town of Liverpool in the County Palatine of Lancaster, for the further Prevention of Nuisances and Annoyances in the said Town, for the Regulation of Weighing Machines, Weights, and Measures, and the Establishment of a Fire Police therein.*

7 G. 4. c. 57.

Extending
Powers of

XCI. And be it further enacted, That for the Purposes aforesaid, for and during the said Term of Five Years from the passing of this Act,

Act, all the Powers, Clauses, Limitations, and Provisions contained in the said last-mentioned Act of the Seventh Year of the Reign of His present Majesty, which in any way relate to or concern the several Streets in the said Act particularly specified, or the Means to be used in order to carry into effect the opening and widening of the same Streets, shall extend to those Parts of the Streets by this Act authorized to be opened and widened, and to the Lands, Houses, Buildings, and Hereditaments particularly mentioned and described in the said Schedules (A.) and (B.) annexed to this Act, in all respects and to all Intents and Purposes, in as full and ample a Manner as if the same Powers, Clauses, Limitations, and Provisions had been in this present Act particularly re-enacted and made Part of the same, save only and except as herein-after mentioned.

7 G. 4. c. 57.
to Lands, &c.
to be pur-
chased.

XCII. Provided always, and be it enacted, That in the Purchases to be made of any Land in *Richmond Row*, between *Fox Street* aforesaid and *Saint Ann Street*, upon which no House is erected, the said Mayor, Bailiffs, and Common Council shall not be compellable to purchase more of such Land than will be requisite for the widening of *Richmond Row* to the Extent delineated on the said Plans so deposited as herein-before mentioned.

Certain Land
in Richmond
Row only to
be purchased.

XCIII. Provided also, and be it further enacted, That if any of the Premises mentioned and described in the said Schedules (A.) and (B.) hereunto annexed, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, or the Owner or Owners thereof, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act, provided it shall appear to any Two Justices of the Peace of the said Borough of *Liverpool* that such Misnomer or inaccurate Description has proceeded from Mistake; but the same Premises so authorized to be taken as aforesaid shall and may be sold, conveyed, disposed of, and applied to and for the Purposes of this Act as fully and effectually, to all Intents and Purposes, as if the same, or any Part thereof, or the Tenant or Owner thereof, had not been misnamed or inaccurately described; any thing herein contained to the contrary notwithstanding.

Misnomers
or wrong De-
scription of
Premises not
to prevent
the Execu-
tion of this
Act.

XCIV. Provided also, and be it further enacted, That nothing in this Act contained shall be construed to require the said Mayor, Bailiffs, and Burgesses to pay any Sum or Sums of Money for the Relinquishment of any Portion of the Land wanted for the actual Purpose of opening and forming those Parts of the said intended Boundary Streets which run between *London Road* and *Pembroke Place*, or to the Northward of *Carver Street* aforesaid, or of those Parts of the said Boundary Streets which are situated to the Northward of the present Termination of *Great Homer Street* aforesaid, or of the Continuation of the said Boundary Streets to the Shore of the said River.

Land re-
quired for
Formation of
Boundary
Streets not to
be paid for.

XCV. And be it further enacted, That from and after the Signing and Publication of the Certificate of Two of His Majesty's Justices

Transfer of
Properties in

[Local.]

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of

Liverpool, West Derby, Kirkdale, and Everton, in consequence of straightening of Boundaries.

of the Peace of the said County of *Lancaster*, relative to the Completion of the said intended Boundary Streets as herein-after mentioned, the several Lands, Houses, Buildings, and Hereditaments inclosed in a Line and coloured Blue on the said Plans herein-before referred to, and so deposited as aforesaid, shall be and the same are hereby declared to be situate within the said Borough and Parish of *Liverpool*; and that the several Lands, Houses, Buildings, and Hereditaments, also inclosed in a Line and coloured Yellow on the said Plans, shall be and the same are hereby declared to be situate within the said Township of *Everton*; and that the Two Pieces of Land, also inclosed in a Line and coloured Red on the said Plans, shall be and the same are hereby declared to be situate within the said Township of *Kirkdale*.

Two Justices of the County to certify the Completion of Boundary Streets.

XCVI. And be it further enacted, That it shall and may be lawful for any Two of His Majesty's Justices of the Peace for the said County of *Lancaster*, and they are hereby required, upon the Application of the Surveyor for the Time being of the said Mayor, Bailiffs, and Burgesses, to view the said Boundary Streets, and to certify (if they shall so find) that the Carriageway of the said Streets has been made and completed according to the Provisions of this Act, and that the same is in good Order and Condition, and likely so to continue; and until such Certificate, so signed, shall have been obtained, and published in One of the Newspapers circulated in the said Town of *Liverpool*, the present Boundaries of the said Borough and Parish of *Liverpool*, and of the said Townships of *West Derby*, *Everton*, and *Kirkdale* respectively, shall continue to be the Boundaries of the same; but from and after the Signing and Publication of such Certificate, the Boundaries shall be as herein-before specified.

Tenure of certain Lands not to be affected.

XCVII. Provided always, and be it enacted, That nothing in this Act contained shall in any respect alter or be construed to alter the Tenure of any of the Lands, Houses, Buildings, or Hereditaments so transferred as aforesaid from the said Borough and Parish of *Liverpool* into the said Township of *Kirkdale*, or from the said Township of *Kirkdale* into the said Borough and Parish of *Liverpool*; or of any Lands, Houses, Buildings, or Hereditaments situate on the West Side of that Part of *Great Homer Street* aforesaid which is at present completed, or to the Eastward of *Soho Street* aforesaid, notwithstanding the Change and Transfer of the same into the said Borough and Parish of *Liverpool* and the said Townships of *Everton* and *Kirkdale* respectively; or in anywise to affect or prejudice the Rights or Privileges of the present Lord of the Manors of *West Derby* and *Everton* in the said County of *Lancaster*, or the future Lords or Ladies of such Manors, or their Heirs, in regard to such of the said Lands, Houses, Buildings, or Hereditaments on the West Side of that Part of *Great Homer Street* aforesaid as are Copyhold and held of the said Manors, or to take away, lessen, or abridge any of the Rents, Fines, or Services due or to become due to the said Lords or Ladies in respect of the same.

Tenure of certain small

XCVIII. And whereas, in consequence of the making of Part of the said intended Boundary Streets situate between *Vauxhall Road* and

and the present Northern Termination of *Great Homer Street* aforesaid, several narrow Slips or small Portions of Land, which are specified in the said Schedule (A.) annexed to this Act, will be formed, and which will not only be of insufficient Depth for the Purposes of building thereon, but will be separated from other Land and become possessed by other Owners, and will be also transferred into the said Borough and Parish of *Liverpool* or the said Township of *Everton* respectively, and such Slips or Portions of Land may consequently be adjoined to Property of a different Tenure to that by which the same may have been previously held; be it therefore enacted, That such last-mentioned Slips or Portions of Land as shall be so formed and become separated from the other Land, and transferred either into the said Borough and Parish of *Liverpool* or the said Township of *Everton*, as the Case may be, shall be by the said Mayor, Bailiffs, and Common Council sold and disposed of to the several Person or Persons who may be the Owner or Owners of the Lands to which such Slips or Portions of Land may, by the making of the said Boundary Streets as aforesaid, be adjoined; and such Slips or Portions of Land shall, from and after the respective Conveyances of the same, be and become of the same Tenure, and subject to the same Uses, Trusts, Powers, Provisions, Limitations, Charges, and Incumbrances, as the Lands in respect of which the same shall have been sold or disposed; and the said Slips or Portions of Land shall for ever after be conveyed, assigned, surrendered, and disposed of accordingly, freed and discharged from all Uses, Trusts, Powers, Provisions, Limitations, Charges, and Incumbrances to which the same may have been previously subject or liable.

Portions of Land exchanged, &c., how to be altered.

XCIX. And be it further enacted, That all Conveyances to be made by the said Mayor, Bailiffs, and Burgesses of any Pieces or Parcels of Land not wanted for the Purposes of the said Boundary Streets, may be made according to the following Form; and all such Conveyances shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever:

Form of Conveyance.

‘ WE, the Mayor, Bailiffs, and Burgesses of the Town of *Liverpool*
 ‘ in the County of *Lancaster*, in consideration of the Sum of
 ‘ of lawful Money of *Great Britain* to us paid by
 ‘ of do hereby, by virtue of the Powers
 ‘ contained in an Act passed in the Eleventh Year of the Reign of
 ‘ His Majesty King *George* the Fourth, intituled *An Act* [*here set*
 ‘ *forth the Title of this Act*], grant and release to the said
 ‘ all [*describing the Premises to be conveyed*], and all our Right,
 ‘ Title, and Interest in and to the same and every Part thereof,
 ‘ to hold to the said his or her Heirs and Assigns
 ‘ for ever [*or his or her Executors, Administrators, and Assigns,*] for
 ‘ such Estate and Interest as we the said Mayor, Bailiffs, and Bur-
 ‘ gesses have therein [*to such Uses as the Case may require*]. In
 ‘ witness whereof we, the said Mayor, Bailiffs, and Burgesses, have
 ‘ hereunto set and affixed our Common Seal this
 Day of in the Year of our Lord

C. And

Nuisances
and Steam
Engines not
to be erected
in certain
Parts.

C. And be it further enacted, That no Erections or Buildings, except Dwelling Houses, shall be erected or built to the Front on either Side of the said Boundary Streets, which Dwelling Houses shall not be less in Front than Six Yards each; and it shall not be lawful for any Person or Persons, from and after the passing of this Act, to erect or set up any Steam Engine within the Distance of Two hundred Yards from the said Boundary Streets, except as herein-after mentioned, either in the said Borough and Parish of *Liverpool* or the said Townships of *Everton* or *West Derby*, or on the Land between Part of the said Boundary Streets and *Netherfield Lane North*, or on the Land between Part of the said Boundary Streets and the East Side of the *Liverpool* and *Preston Turnpike Road*.

Not to pre-
vent Steam
Engines from
being erected
Westward of
the *Liverpool*
and *Preston*
Road.

CI. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to prevent the Erection of any Steam Engine on any Part of the Land, either in the said Township of *Kirkdale* or on the Land in the said Borough and Parish of *Liverpool*, which is situate to the Westward of the said *Liverpool* and *Preston Turnpike Road*: Provided also, that nothing herein contained shall be construed to render legal the Erection of any Steam Engine in any Case where by the Common Law such Steam Engine shall be a public or private Nuisance.

Continuation
of Boundary
Streets
through cer-
tain Land in
Kirkdale.

CII. And be it further enacted, That from and after the making and Completion of the Carriageway of that Part of the said intended Boundary Streets which is situate between the said Northern Termination of *Great Homer Street* aforesaid and the said Township of *Kirkdale*, the Proprietors of the Lands between the Northern Termination of that Part of the said Boundary Street and the said *Liverpool* and *Preston Turnpike Road*, their respective Heirs or Assigns, shall and they are hereby required, upon Three Calendar Months Notice in Writing to them given by the Surveyor for the Time being of the said Township of *Everton*, to open and make or cause a Continuation of such Part of the said Streets, and of the same Width, to be opened and made through such Lands in the said Township of *Kirkdale*, so as to form a Junction with the said *Liverpool* and *Preston Turnpike Road*, as delineated and laid down in the said Plans so deposited as aforesaid, the Carriageway of which Street or Road so to be made and completed by such Proprietors shall be made and completed by them, or other the Owners and Proprietors of such Lands for the Time being, where the same runs through their respective Lands; and from and after the making and Completion of such Street or Road, and the obtaining of a Certificate of any Two of His Majesty's Justices of the Peace of the said County of *Lancaster*, that the same is in good Repair and Condition, and likely so to continue, the same shall be repaired and repairable by the Inhabitants of the said Township of *Kirkdale*, as the other Roads in the said Township.

Definition of
the Words
"Owner or
Proprietor."

CIII. And be it further enacted, That the Word "Owner or Proprietor" shall throughout this Act be construed to mean not only a Person seised in Fee, but also a Person holding as Lessee for any Life

Life or Lives, or for Years determinable upon a Life or Lives, or for any Number of Years, not being less than Twenty-one Years.

CIV. And be it further enacted, That whenever any Gas shall be found to escape from any Pipes which shall have been laid down or set up in any of the said Streets, public Passages or Places, the Pavement whereof is by this Act vested in the said Commissioners, by any Body or Bodies Politic or Corporate, or by any Person or Persons whomsoever, making, furnishing, or supplying any Gas burnt or consumed within the said Town of *Liverpool*, the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall, immediately after Notice of any such Escape of Gas given to them, or any or either of them, either verbally, or in Writing under the Hand of any One of the said Commissioners appointed under and by virtue of this Act, or by any Inhabitant or Inhabitants within the said Town of *Liverpool*, or any other Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and further prevent the Escape of such Gas; and in case the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours next after such Notice given, effectually stop and prevent any further Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid (as the Case may be), shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day, after the Expiration of Twenty-four Hours from the Time of giving such Notice, during which the said Gas shall be suffered to escape, which Penalty or Penalties shall from Time to Time be recoverable in a summary Way, on the Oath or Affirmation of any credible Witness or Witnesses, by Information to be laid before any Justice or Justices of the Peace of the said Borough, and shall and may be levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid (as the Case may be).

Commissioners to prevent the Escape of Gas.

CV. And be it further enacted, That if any Body or Bodies Politic or Corporate, or Company or Companies, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town, shall at any Time empty, carry, or convey, or cause or suffer to be emptied, carried, or conveyed, or to run or flow, any Washings, or other waste Liquids, Substances, or Things whatsoever, which shall be used, made, or produced from the Manufacture of Gas or in the Prosecution of any Gas Works, into any River, Brook, running Stream, Reservoir, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Canal, Dock, or Basin, or any Sewer or Drain communicating therewith, or shall commit or cause to be committed any Annoyance, Act, or Thing whatsoever to the Water contained in such River, Brook, running Stream, Reservoir, Aqueduct, Feeder, Pond, Springhead, or Well, Canal, Dock, or Basin, Sewer or Drain communicating therewith, whereby the said Water shall or may be soiled, damaged, or corrupted, then and in every such Case the said Body

Penalty on suffering Liquids produced by Manufacture of Gas to flow in any Stream, &c.

[*Local.*]

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or

or Bodies Politic or Corporate, or Company or Companies, or such other Person or Persons, as the Case may be, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds, with full Costs of Suit, to any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, or more than One Imparlance shall be allowed: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Three Calendar Months after the Time when such Annoyance, Act, and Thing shall have ceased or determined: Provided also, that in addition to the said Penalty or Forfeiture of Two hundred Pounds, and whether such Penalty shall or shall not be sued for or recovered, in case any of the said Washings, or other waste Liquids, Substances, or Things, shall be emptied, drained, conducted, or conveyed, or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Aqueduct, Feeder, Pond, Springhead, or Well, Canal, Dock, or Basin, or any Sewer or Drain communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons to the said Body or Bodies Politic or Corporate, or Company or Companies, or such other Person or Persons as aforesaid, and the said Body or Bodies Politic or Corporate, or Company or Companies, or such other Person or Persons as aforesaid, shall not, within Twenty-four Hours after such Notice, stop and prevent the further Continuance of such of the Causes of Complaint as shall be expressed in such Notice, then and in every such Case the said Body or Bodies Politic or Corporate, or Company or Companies, or such other Person or Persons as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for each Day such Cause or Matter of Complaint shall continue; and any Justice of the Peace of the said Borough, upon Conviction of the Offender or Offenders before him, upon the Oath or Affirmation of any credible Witness (which Oath or Affirmation the said Justice is hereby authorized and empowered to administer and take), shall and may, by Warrant under his Hand and Seal, cause the said Penalty or Forfeiture, and also the Costs attending such Conviction, to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders; which Penalty, when recovered, shall, at the Discretion of the said Justice, either be paid to the Informer or to the Person or Persons who in the Judgment of the said Justice shall have sustained any Annoyance, Injury, or Damage by any such Cause or Matter of Complaint as aforesaid.

Gas Pipes to be laid in Streets at a Distance from Water Pipes.

CVI. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round the said Streets, public Passages or Places, so vested in the said Commissioners under and by virtue of this Act, shall be so laid at the greatest practicable Distance, and (whenever the Width of the Carriageway in any Street or Place will allow thereof) at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down

or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, public Passages or Places (except in Cases where it shall be unavoidably necessary to lay the said Gas Pipes across any of the said Water Pipes, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and in such Cases the said Gas Pipes so crossing the said Water Pipes shall always exceed Nine Feet in Length, in order that no Joint of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least); and in laying down the said Gas Pipes the Party or Person laying the same shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench, and not before, properly form and complete, with proper and sufficient Materials, the Jointing with the other Pipe or Pipes to be connected therewith, and shall also make and keep air-tight all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, and in all and every respect prevent the said Gas from escaping therefrom or from any Part thereof, upon pain of Forfeiture for every Default, the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*.

CVII. And be it further enacted, That whenever the Water of any Company of Proprietors of Waterworks, or other Owners or Proprietors of any Waterworks, within the said Town, or the Water in any Reservoir, Well, or Pond belonging to or used by any Party or Person in the said Town, shall be contaminated or affected by any Gas of any Body or Bodies Politic or Corporate, Company or Companies, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town, by or through the Means, Neglect, or Default of the said Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, or by or through any Defect, Failure, or Insufficiency of their Mains, Pipes, Works, or Apparatus, the said Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and the same shall be applied to and for the Use and Benefit of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or Party or Person using such Water and suing for the same; and in case any such Water shall be contaminated or affected by Gas by or through such Means, Neglect, or Default, Defect, Failure, or Insufficiency as aforesaid, then and in every such Case the said Body or Bodies, Company or Companies, or other Person or Persons as aforesaid shall, within Twenty-four Hours next after Notice thereof in Writing, signed by any One of the said Commissioners appointed under and by virtue of this Act, or by the Clerk of any of the said Waterworks Companies, or by the Owners or Proprietors of any Waterworks, or
by

Commissioners to prevent the Contamination of Water.

by any other Party or Person whomsoever interested in or using such Water, to be left at the usual Office or Place of transacting Business of the said Body or Bodies or Company or Companies, or at the last or usual Place of Abode of such other Person or Persons as aforesaid, cause Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes so contaminating or affecting any such Water; and in case the said Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Body or Bodies, Company or Companies, or other Person or Persons as aforesaid shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to such Company of Proprietors of Waterworks, or the Owners or Proprietors of any Waterworks, or other Parties or Persons aforesaid, for the Use and Benefit of the same Company of Proprietors, or Owners, Parties, or Persons, over and above the before-mentioned Penalty of Twenty Pounds, to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which any such Water shall be and remain contaminated, tainted, or affected by any such Gas; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath of One credible Witness, by and in the Name of any One of the said Commissioners, or the Treasurer or Clerk for the Time being to such Company of Proprietors of Waterworks, or by and in the Name of any One or more of the Members of such Company, or by others the Owners or Proprietors of any Waterworks, or by any such other Parties or Persons as aforesaid, at the Option of the Parties prosecuting such Information against the said Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, before any Justice of the Peace of the said Borough, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties and Costs, when so levied, shall be paid to the Treasurer for the Time being of the said Commissioners, or the Treasurer for the Time being of such Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or to such other Parties or Persons as aforesaid, for their Use.

For ascertaining if the Water be contaminated.

CVIII. And whereas it may be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Body or Bodies, Company or Companies, or other Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town; be it therefore enacted, That in every such Case it shall and may be lawful for the Owners or Proprietors of any Waterworks to dig to and about and search and examine the Mains, Pipes, Conduits,

Conduits, and Apparatus of the said Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by the Gas of the said Body or Bodies, Company or Companies, or other Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, the Costs and Expences of the said Digging, Search, and Examination and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Body or Bodies, Company or Companies, or other Person or Persons as aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the said Mains, Pipes, or Conduits of the said Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, then and in such Case the said Company, or other the Owners or Proprietors of any Waterworks, or other Party or Persons making Complaint of such Contamination, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, and Apparatus of the said Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavement of the said Streets and Places so broken up or disturbed in such Search or Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice or Justices of the Peace as aforesaid.

CIX. Provided always, and be it further enacted, That the Powers and Provisions in this Act contained shall not extend or be construed to extend to protect any Body or Bodies Politic or Corporate, or any Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burned, or consumed within the said Town of *Liverpool*, or any of the Servants or Officers or Workmen of the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, from any Indictment or Prosecution for a public or private Nuisance in respect of any Gas Works, or the Means which shall be employed in making such Gas and using the same, nor for any Action or Actions for any Injury or Damage sustained by reason of any such Gas Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury or Damage shall proceed from the Preparation or the Use of the same Gas, or the Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Act not to protect Persons, &c. making Gas from being indicted for a Nuisance.

CX. Provided always, and be it further enacted, That if any Company, Body or Bodies Politic or Corporate, or Person or Persons authorized under any Act or Acts of Parliament to supply the said
 [Local.] 4 X Town

Commissioners to reinstate Pavement, if not

done by
Companies.

Town of *Liverpool* with Gas or Water, and for such Purposes to take up any of the Pavement or Flagging of the said Streets, Squares, public Passages or Places so vested in the said Commissioners as aforesaid, shall not cause the Ground and Rubbish to be filled in, and the Pavement and Flagging to be reinstated in a proper and substantial Manner, and shall not in the meantime fence or guard and affix Lights during the Night near to the Place or Places where any Ground shall be opened, so as to prevent Accidents to Passengers, Cattle, and Carriages, it shall be lawful for the said Commissioners to fill in such Ground, and to remove such Rubbish, and to repair and make good the Pavement or Flagging of any such Street, Square, public Passage or Place so broken up, and properly to fence or guard any such Excavation, and to place and maintain a Light or Lights during the Night to prevent Accidents, as to them shall seem necessary; and the reasonable Costs and Charges thereof shall be paid by the said Companies, Bodies, or Persons respectively; and in default of Payment thereof for Thirty Days next after Demand made for the Payment thereof, Proof of such Demand being made by the Oath of One or more credible Witness or Witnesses before One or more Justice or Justices of the Peace for the said Borough of *Liverpool*, all such reasonable Costs, together with any Sum, not exceeding Five Pounds, by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Companies, Bodies, or Persons respectively, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices, and which Warrant such Justice or Justices is and are hereby empowered to grant; and such Penalties, Costs, Charges, and Expences shall be paid to the Treasurer of the said Commissioners.

Justices to
settle Dis-
putes as to
Reinstatement of
Pavement.

CXI. Provided also, and be it further enacted, That if any Question shall arise between any of the said Companies, or any Body or Bodies Politic or Corporate, or any Person or Persons, and the said Commissioners, relative to the proper Reinstatement, sufficient or insufficient Repair of the Pavement or Flagging, under the Provisions of this Act, of any of the said Streets, Squares, public Passages or Places, it shall and may be lawful for any Justice of the Peace of the said Borough of *Liverpool*, upon Information and Complaint before him, to summon the Clerk or Engineer or other Officer of the said Companies, Bodies, or Persons respectively, and to hear and determine the Matter in a summary Way, and to award and adjudge such Sum of Money, by way of Damages, against such Company, Body or Bodies Politic or Corporate, or Person or Persons respectively, together with such Costs and Charges, as to such Justice shall seem proper; and the Amount of such Damages so awarded and adjudged shall and may be recovered from such Companies, or Body or Bodies Politic or Corporate, or Person or Persons respectively, by Distress and Sale of the Goods and Chattels of the said Companies, Body or Bodies Politic or Corporate, or Person or Persons respectively, as any other Penalty is recoverable under this Act: Provided always, that it shall not be competent for any Justice of the Peace to hear and determine any such Question as aforesaid, unless Two full Days Notice by the complaining Party shall have been given to the

the other Party of the intended Application to such Justice, with the Grounds of such Complaint.

CXII. And be it further enacted, That it shall and may be lawful for the said Commissioners to contract and agree with the said several Companies, Bodies Politic or Corporate, and Persons respectively, for any Term or Terms of Years, or otherwise, not exceeding Ten Years in any One Contract, for the filling in, paving, flagging, and repairing of such Parts of the said Streets, Squares, public Passages and Places as shall be from Time to Time taken up or opened for the Purpose of laying or repairing of any Mains or Branches as aforesaid.

Power for
Commis-
sioners to
contract for
Repair of
Streets, &c.

CXIII. And be it further enacted, That all Penalties, Fines, and Forfeitures inflicted or imposed by this Act shall and may be recovered in a summary Way, upon Complaint to any One or more Justice or Justices of the Peace for the said Borough of *Liverpool*, within Six Calendar Months next after the Offence committed; and the said Justice or Justices shall summon the Party or Parties complained against to answer the said Complaint, and upon his, her, or their Attendance in pursuance of such Summons, or in case the Party or Parties complained against shall not appear in pursuance of such Summons, the said Justice or Justices shall proceed to examine into the Matter; and if upon the Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses, the said Party or Parties accused shall be convicted of having committed any Offence or Offences against this Act, then and in every such Case the Penalties, Fines, and Forfeitures hereby made payable in respect of such Offence or Offences, together with the Costs of Conviction, to be ascertained by such Justice or Justices, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case such Party or Parties so convicted shall refuse or neglect to pay the same forthwith, then the said Penalties, Fines, or Forfeitures shall and may, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any such Justice or Justices (which he and they is and are hereby empowered and required to grant), be levied and recovered, together with the Costs of Conviction and Recovery thereof (to be ascertained by such Justice or Justices), by Distress and Sale of the Goods and Chattels of such Offender or Offenders, wherever such Goods and Chattels can be found, rendering the Overplus of the Money arising by such Sale (if any) to the Party or Parties whose Goods and Chattels shall be so distrained; and which Penalties, Fines, or Forfeitures shall be paid as follows, *videlicet*, One Half to the Informer, and the other Half to the Treasurer of the said Commissioners for the Time being, to be applied to the general Purposes of this Act; and it shall be lawful for the said Justice or Justices respectively to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress (such Day or Days

Recovery of
Penalties.

not

not being more than Seven Days from the Time of taking any such Security), and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if, upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress or Distresses can be had whereupon to levy the said Penalties, Fines, or Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to such Justice or Justices, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Fines, or Forfeitures, and Costs, may be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justice or Justices to commit such Offender or Offenders to the Common Gaol of the said Borough, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, or until such Offender or Offenders shall have fully paid such Penalties, Fines, or Forfeitures, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices respectively.

Justices may proceed by Summons in the Recovery of Penalties.

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

Distress not unlawful for Want of Form.

CXV. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant, or Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity that shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for the special Damage in an Action on the Case.

Plaintiff not to recover after Tender of Amends in any Action, &c.

CXVI. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Twenty-one Days before such Action shall be commenced, of such intended

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

CXVII. And be it further enacted, That all and every Justice and Justices before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause such Conviction to be drawn up in the Form or to the Effect following; *videlicet*, Form of Conviction.

‘ **B**E it remembered, That on the Day of
 ‘ in the Year of our Lord
 ‘ *P. Q.* is convicted before One
 ‘ of His Majesty’s Justices of the Peace for the Borough of *Liverpool*,
 ‘ of having [*here state the Offence*], and I [*or we*] the said Justice
 ‘ [*or Justices*] do adjudge him [*her or them*] to forfeit and pay
 ‘ the Sum of . Given under
 ‘ my Hand and Seal [*or our Hands and Seals*] the Day and Year
 ‘ aforesaid.’

CXVIII. And be it further enacted, That in all Cases where Cognizance is given to any Justice or Justices of the Peace by this Act, it shall and may be lawful for such Justice or Justices of the Peace to administer an Oath to any Person for his or their more certain Information in the Matter then depending; and if any Person or Persons shall, upon his, her, or their Examination on Oath before any Justice or Justices, wilfully and corruptly give false Evidence, such Person and Persons so offending, and being thereof duly convicted, shall be and is and are hereby declared to be subject and liable to such Pains and Penalties as by any Law in force and effect Persons convicted of wilful and corrupt Perjury are subject and liable to. Justices empowered to administer Oaths.

CXIX. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Commissioners or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made from the said Commissioners in pursuance of the Direction or Order made by such Justice or Justices, Manner of proceeding in case of Nonpayment of Compensation for Damages, &c.

[*Local.*] 4 Y tices,

tices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices (which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid); and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Commissioners, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Appeal.

CXX. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment which shall be made or be demanded in pursuance of this Act, such Person or Persons may appeal to the said Commissioners at their first Meeting which shall be holden after the Expiration of Seven Days from the Time of demanding such Rate or Assessment; and the said Commissioners at their first Meeting are hereby authorized and empowered, if they shall think such Person or Persons aggrieved, to give such Relief in the Premises as to them the said Commissioners shall seem reasonable; and if any Person or Persons shall be dissatisfied with the Determination of the Commissioners therein, or if any Person or Persons shall think himself, herself, or themselves aggrieved by any other Order, Judgment, or Determination of the said Commissioners, or by any Penalty imposed, or by any Conviction made, or by any other Thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden at *Kirkdale* for the County of *Lancaster* within Three Calendar Months next after the Cause of Complaint shall have arisen, the Person or Persons appealing first giving or causing to be given to the Person or Persons appealed against, and to the Clerk to the said Commissioners, Fourteen Days Notice in Writing of his, her, or their Intention to bring such Appeal, and the Cause or Matter thereof; and within Seven Days next after such Notice entering into a Recognizance before some Justice of the Peace of the said County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order of and to pay such Costs as shall be awarded by the Justices at such Sessions; and the Justices of the Peace of the said County at the said Sessions, upon due Proof of such Notice having been given,

and of such Recognizance having been entered into as aforesaid, shall hear and finally determine every such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as the said Justices shall think proper; and the Determination of the said Justices shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

CXXI. Provided always, and be it enacted, That in any Appeal from the said Rates or Assessments to be made for the Purposes of this Act, the Justices of the Peace at the said General Quarter Sessions to be holden at *Kirkdale* for the County of *Lancaster* shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rates or Assessments with respect to other Persons mentioned therein.

Justices may relieve on Appeal from Rates, without quashing the whole Rates, &c.

CXXII. And be it further enacted, That no Person shall, in any Action, Prosecution, Information, or other Proceeding whatsoever relating to or concerning the Execution of this Act, be deemed an incompetent Witness on account of his, her, or their being charged with or liable to pay any Rate or Assessment to be raised, levied, and collected by virtue of this Act.

Inhabitants may be Witnesses.

CXXIII. And be it further enacted, That no Order, Rate, or Assessment, Judgment or other Proceeding, made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Writ of Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law, Statute, or Usage to the contrary in anywise notwithstanding.

No Proceeding to be removed by Certiorari.

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

Limitation of Actions.

may recover his, her, or their Costs, and have such Remedy for the same as any other Defendant or Defendants hath or have by Law in any other Case.

For securing
unknown
Offenders.

CXXV. And whereas Offences may be committed against this Act by Persons unknown to the said Commissioners or their Officers, be it therefore further enacted, That it shall be lawful for any of the said Commissioners, or any Officer to be appointed by them respectively under this Act, and also for such other Person or Persons as he or they respectively shall call to his or their Assistance, without any Warrant or other Authority than is herein contained, to apprehend and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and to take and convey him, her, or them before any Justice of the Peace for the said Borough of *Liverpool*, to be dealt with according to this Act.

Witnesses
may be sum-
moned.

CXXVI. And be it further enacted, That if any Person shall be summoned as a Witness to give Evidence before any Justice or Justices of the Peace touching any Matter contained in any Information for any Offence against this Act, either on behalf of the Prosecution or on behalf of the Person or Persons accused, and shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum of Money for his or her Costs and Expences, without a satisfactory Excuse being given for such Nonappearance, or appearing shall refuse to be examined upon Oath, and which Oath any Justice or Justices of the Peace is and are hereby expressly authorized and required to administer in all Cases whatsoever where the Provisions of this Act require the Oath of any Witness or Witnesses to be had in any Proceedings before such Justice or Justices, and to give Evidence touching the Matters in question before such Justice or Justices, then and in every such Case such Person so offending shall forfeit and pay for every Offence any Sum not exceeding Ten Pounds.

Act not to
prejudice the
Powers of
certain
Companies.

39 G. 3. c. 36.

50 G. 3. c. 165.

53 G. 3. c. 20.

CXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, prejudice, lessen, or affect any of the Powers, Privileges, or Authorities now belonging to the Company of Proprietors of the *Liverpool Waterworks*, granted by Three several Acts passed in the Thirty-ninth, Fiftieth, and Fifty-third Years of the Reign of His late Majesty King *George the Third*, the first intituled *An Act for better supplying the Town and Port of Liverpool with Water from certain Springs in the Township of Bootle in the County Palatine of Lancaster*; the second intituled *An Act to alter, amend, and enlarge the Powers of an Act passed in the Thirty-ninth Year of His present Majesty, for better supplying the Town and Port of Liverpool with Water from certain Springs in the Township of Bootle in the County Palatine of Lancaster*; and the third intituled *An Act for the better enlarging the Powers of Two Acts of His present Majesty, for supplying the Town and Port of Liverpool with Water*; and to the Company of Proprietors of the *Liverpool Corporation Waterworks*, and the *Liverpool and Harrington Waterworks*, granted by Two several Acts made in the Third and Seventh and Eighth Years of

of

of the Reign of His present Majesty, the first intituled *An Act to repeal so much of an Act of the Twenty-sixth Year of His late Majesty as relates to the supplying the Town of Liverpool with Water, and to grant other Powers for supplying the said Town and Port, and the Shipping resorting thereto, with Water*; and the second, intituled *An Act to extend the Powers of an Act of His present Majesty, for supplying the Town of Liverpool in the County Palatine of Lancaster with Water, to Harrington and Toxteth Park in the said County*; and to the *Liverpool Gas Light Company*, granted by an Act made in the Fifty-eighth Year of the Reign of His late Majesty, intituled *An Act for lighting with Gas the Port and Town of Liverpool and Township of Toxteth Park in the County of Lancaster*; and to the *Oil Gas Light Company*, granted by an Act made in the Fourth Year of the Reign of His present Majesty, intituled *An Act for lighting with Oil Gas the Town of Liverpool and certain Places adjacent thereto*; and that in case of the carrying of any of the Powers and Authorities of this Act into execution, in consequence of which the Pipes or other Works of the said Companies or Proprietors, or any of them, shall be obliged to be taken up, altered, raised, relaid, or removed, the said Commissioners shall, previous to commencing any of the Works hereby authorized, give or cause to be given to the respective Surveyors for the Time being of the said Companies or Proprietors One Calendar Month's Notice in Writing, in order that full Time and Opportunity may be afforded to the said Company or Proprietors to take up, alter, raise, relay, or remove their said Pipes or Works as aforesaid, and which said Pipes or Works shall be taken up, altered, raised, relaid, or removed by the said respective Companies or Proprietors, or their Surveyor for the Time being, at the Costs, Charges, and Expences of the said Commissioners, out of the Monies raised by virtue of this Act; respecting which Costs, Charges, and Expences, if there shall be any Dispute between the said Commissioners and the said Companies or Proprietors, or any of them, then the same shall from Time to Time be ascertained and settled by a Justice of the Peace for the said County of *Lancaster*, upon the Application of either Party (and such Justice not being one of the Common Council or one of the said Companies or Proprietors); and in case such Costs, Charges, and Expences shall remain unpaid for the Space of Forty Days next after the Day on which the same shall have been so ascertained and settled as aforesaid, and Demand made thereof by and on behalf of the said Companies or Proprietors respectively from the Treasurer for the Time being of the said Commissioners, the same shall and may be recovered from the said Commissioners as any other Debt or Demand; and the Signature of the said Justice to the Amount so by him ascertained and settled as aforesaid shall be conclusive Evidence of the Amount of the said Debt or Demand.

CXXVIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, lessen, prejudice, or affect any of the Powers and Authorities of the said *Liverpool and Manchester Railway Company*, under and

[*Local.*]

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by

Not to affect the Liverpool and Manchester Railway Company.

by virtue of any Act or Acts now in force respecting the said Company, or the Works to be constructed by them.

Restriction
as to Con-
struction of
Sewers.

CXXIX. Provided also, and be it further enacted, That nothing in this Act contained shall be construed to authorize the said Commissioners to carry, make, or construct any Sewer or Drain in, through, or under any Part of the Property of the Devisees in Trust of the late Duke of *Bridgewater*, situate on the West Side of *Wapping* in the said Town of *Liverpool*.

Trustees of
Roads not
to repair
Streets.

CXXX. And be it further enacted, That it shall not be lawful for the Trustees of any Turnpike Road to collect any Tolls or to expend any Money in paving, repairing, or improving any of the Streets or public Places within the Limits of this Act.

Act not to
interfere with
Powers of
Improvement
Acts.

CXXXI. Provided also, and be it further enacted, That nothing in this Act contained shall be construed to take away, lessen, abridge, or interfere with the Powers or Authorities of the said Mayor, Bailiffs, and Common Council, under the several Acts passed for the Improvement of the Town of *Liverpool* aforesaid in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, and the First and Seventh Years of His present Majesty, to purchase any Lands, Tenements, or Hereditaments in the said Town, and to widen or improve any Street or Streets therein, the Paving of any such Street or Streets so widened or improved by the said Mayor, Bailiffs, and Common Council, being first done at the Expence of the said Mayor, Bailiffs, and Burgesses, and to the Satisfaction of the said Commissioners appointed under and by virtue of this Act.

Accounts to
be laid before
Inhabitants,
&c.

CXXXII. And be it further enacted, That the said Commissioners shall and they are hereby required to cause a Summary or Report of their Receipts and Expenditures to be made out and printed, and laid before the Inhabitants assembled at any annual Meeting appointed for the Election of Commissioners by virtue of this Act, for the Information of the said Inhabitants; and also to cause a Copy of such Summary or Report to be at the same Time transmitted to the Mayor of *Liverpool* for the Time being, for the Information of the said Common Council, and which Summary and Report shall be entered in a Book, and kept and preserved from Time to Time with the other Books and Papers of the said Commissioners.

Saving
Clause.

CXXXIII. And be it further enacted, That nothing herein contained shall extend or be construed to extend to alter, prejudice, lessen, defeat, or affect the Rights and Privileges of the King's most Excellent Majesty, or of any other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate whatsoever, his, her, or their Heirs, Executors, Administrators, or Assigns, in any respect whatsoever, save and except as is by this Act enacted and declared.

Expences of
Act.

CXXXIV. And be it further enacted, That one Moiety of the Costs and Expences of applying for and obtaining this Act shall be borne

borne and paid by the said Commissioners out of the first Monies which shall come to their Hands, and the other Moiety shall be borne and paid out of the corporate Funds of the said Mayor, Bailiffs, and Burgesses of the Town of *Liverpool* aforesaid.

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

SCHEDULES.

SCHEDULE (A.) referred to by the foregoing Act.

STREET.	OWNER.	OCCUPIER.	PREMISES.
Richmond Row	Thomas Lowry	Thomas O'Hara	House and Shop.
Fox Street	Ditto	Samuel Heap	Workshop and Yard.
Ditto	— Horrocks	Nancy Arkwright	Public House.
Ditto	- - -	- - -	Vacant Land, used as a Passage.
Ditto	Ditto	Elizabeth Maylor	House and Shop.
Ditto	Thomas Smith	Thomas Smith	House.
Ditto	James Rushton	Samuel Heap	Ditto.
Ditto	Mary Jones	Peter Charles	Ditto.
Saint John's Place	Ditto	John Lowey	Ditto.
Ditto	Ditto	Henry Appleton	Ditto.
Ditto	Ditto	John Denton	Ditto.
Fox Street	Ditto	Thomas Sparkes	Ditto and Shop.
Ditto	Ditto	Mary Leonard	Ditto and Shop.
Ditto	Ditto	Mary Jones	Ditto.
Webster Street	Ditto	John Brett	Ditto.
Ditto	Ditto	Unoccupied	Ditto.
Ditto	Mrs. Swainson	James Tate	Workshop and Yard.
Fox Street	Ditto	Miss Wraith	House and Garden.
Ditto	Joshua Allen	Joshua Allen	Vacant Land, used as a Road.
Fox Street	John Barton	Unoccupied	House and Garden.
Upper Beau Street	Peter and Robert Holgrave	} Ditto	} Vacant Land.
	John Hughes		
	— Humphrey's Executors		
	John Barton		
	Thomas Webster		
Fox Street	Benjamin Cope	Benjamin Cope	House and Garden.
Great Homer Street, East Side.	Dr. Penswick and others.	- - -	Vacant Land.
Ditto	Whitehead's Executors.	- - -	Vacant Land.
Boundary Place, East Side.	Mr. Harrison	C. J. Brass	House.
Ditto	Marquis of Salisbury.	- - -	Vacant Land.
Fairclough Lane and Boundary Place.	Commissioners of Waste Land, West Derby.	Leased to Marquis of Salisbury.	Ditto.
Fairclough Lane and West Derby Street.	William Comer	William Comer	A Piece of Land.
Boundary Place, North-west Side.	Henry Yates	Henry Yates	House and Shop.

SCHEDULE (B.) referred to by the foregoing Act.

STREET.	OWNER.	OCCUPIER.	PREMISES.
Richmond Row (South Side).	Henry Griffiths -	Thomas Parkinson	House and Shop.
Ditto - -	Ditto - -	Jane Glendining -	Ditto.
Ditto - -	Ditto - -	Joseph Baines -	Ditto.
Ditto - -	Ditto - -	John Richmond -	Ditto.
Ditto - -	Ditto - -	Hannah Sudlow -	Public House.
Ditto - -	Ditto - -	John Peers - -	House and Shop.
Ditto - -	John Hicks - -	John Hicks - -	Area in front of House.
Ditto - -	Jacob Fletcher -	Jacob Fletcher -	Ditto.
Ditto - -	Executors of Mary Hardcastle.	Samuel Stokes -	Ditto.
Ditto - -	John Pritt - -	John Pritt - -	Ditto.
Ditto - -	Ditto - -	James Smith -	Ditto.
Ditto - -	Henry Jenkins -	Mary Chorley -	Ditto.
Ditto - -	Ditto - -	Henry Jenkins -	Ditto.
Ditto - -	Arthur Ellison -	James Rosson -	Ditto.
Ditto - -	Ditto - -	Arthur Ellison -	Ditto.
Ditto - -	— Fisher - -	Samuel Bristowe -	Ditto.
Ditto and Saint Anne Street.	John Johnson -	J. R. Greaves -	Garden.
Richmond Row (North Side).	Catherine Ward -	Catherine Ward -	House and Garden.
Ditto - -	— Dennison -	Henry Anderton -	Brewery and House.
Ditto - -	Wilson's Executors	Thomas Forshaw -	House and Shop.
Ditto - -	John Pritt - -	Thomas Gaskill -	Garden.
Ditto - -	Thomas Ball -	William Woodward	Garden.
Ditto - -	Margaret Kitchen -	Margaret Kitchen -	Garden.

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STREET.	OWNER.	OCCUPIER.	PREMISES.
Boundary Place, North-east Side.	Margaret Clarkson	James Simpson -	House and Brewery.
West Side of Part of intended Boundary Street to the Northward of present Termination of Great Homer Street.	William Earle, Esq.	William Earle, Esq.	Slip of Land adjoining to Land of the Earl of Derby and the Earl of Sefton and — Cross, Esquire.
Ditto - -	John Cropper, Esq.	John Cropper, Esq.	Slip of Land adjoining to Land of Mr. Edward Eyes.
Ditto - -	Rev. Johnson Tatlock's Executors.	William Balshaw -	Slip of Land adjoining to Land of the Earl of Derby and Reverend J. Tatlock's Executors.
Ditto - -	Mr. Seacome's Executors.	Joseph Burroughs -	Slip of Land adjoining to Land of the Earl of Derby.
Ditto - -	Charles Horsfall, Esquire.	Charles Horsfall, Esq.	Two Slips of Land adjoining to Land of Mr. John Whitley and Charles Horsfall, Esq.
East Side of Part of intended Boundary Street to the Northward of present Termination of Great Homer Street.	Mr. John Whitley -	Mr. John Whitley -	Slip of Land adjoining to Land of John Cropper, Esquire, and Mrs. Mather.
Ditto - -	Reverend Johnson Tatlock's Executors.	- - - -	Slip of Land adjoining to Land of Mrs. Mather and Miss Tarlton.
South Side of Part of intended Boundary Street to the Westward of New Scotland Road.	Richard Johnson -	Richard Johnson -	Slip of Land adjoining to Land of the Trustees of the late William Lightbody, Esq.
Ditto - -	Trustees of the late William Lightbody, Esq.	- - - -	Land adjoining to that of Richard Johnson, and to the Front of Vauxhall Road.