



ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. xv.

An Act to make further Provision for the Sewerage, Sanitary Regulation, and Improvement of the Borough of *Liverpool*. [12th *May* 1854.]

WHEREAS an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter One hundred and twenty-seven: And whereas an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her Majesty Queen *Victoria*, Chapter One hundred and six: And whereas an Act was passed in the Twenty-first Year of the Reign of His Majesty King *George* the Second, Chapter Twenty-four: And whereas it is expedient to amend the said Acts as herein-after provided, and to make further Provision for the Completion of the Sewerage, and for the sanitary Regulation and Improvement of the Borough of *Liverpool*, but such Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

9 & 10 Vict. c. cxxvii.
5 & 6 Vict. c. 106.
21 G. 2. c. 24.

[*Local.*]

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I. That

The Liverpool Sanitary Amendment Act, 1854.

Short Titles
of Acts.

I. That the first-recited Act shall for all Purposes be sufficiently described or referred to as “The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act, 1846*,” and this Act shall for all Purposes be sufficiently described or referred to as “The *Liverpool Sanitary Amendment Act, 1854*.”

Interpreta-
tion of
Terms.

II. That in this Act and “The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act, 1846*,” the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word “Owner” shall, for the Purposes of this Act and of “The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act, 1846*,” mean the Person for the Time being receiving the Rackrent of the Lands and Premises in connexion with which the said Word is used, whether on his own Account or as Agent or Trustee for any other Person, or who would so receive the same if such Lands or Premises were let at a Rackrent.

Provisions
of 9 & 10 Vict.
c. cxxvii.
extended to
this Act.

III. That the Provisions of “The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act, 1846*,” not repealed or altered by this Act, shall extend to this Act and the Objects and Purposes thereof.

“Borough
Engineer.”

IV. That the Person appointed by the Council to act as Local Surveyor of the Drainage and other Works authorized under the Provisions of “The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act, 1846*,” shall be called and known as “The Borough Engineer.”

Sections 80
and 81 of
9 & 10 Vict.
c. cxxvii.
repealed.

V. That the several Sections of “The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act, 1846*,” numbered Eighty and Eighty-one respectively, shall be and the same are hereby repealed; and in lieu thereof, be it enacted, That before commencing to pave any unadopted Street, or make any Sewer in any adopted Street, where no Common Sewer previously existed, and before abandoning any old Sewer, the Council shall give Notice of their Intention to execute such Work, by affixing and continuing for Fourteen consecutive Days a Notice in a conspicuous Place in the public Office provided under “The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act, 1846*,” and at the Ends of each and every Street through or in which such Work is intended to be undertaken,
which

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which Notice shall set forth in general Terms the Nature of the Work intended to be executed, and the Name of the Street where the same is intended to be carried on, and shall refer to a Plan of the intended Work, which shall be made under the Direction of the Borough Engineer; and in case of the Construction of any such new Sewer to a Section showing the Depth of such Sewer below the Surface of the Ground, and on a Scale not less for the Plan than One Inch to Sixty-six Feet, and for the Section of the Sewer not less than One Inch to Two Feet, and such Plan and Section shall be deposited in the Office of the Engineer, and be open at all reasonable Hours during such Fourteen Days for the Inspection of all Persons interested; and such Notice shall also set forth the Time and Place appointed for holding a Meeting of the Health Committee to consider any Objections made against such intended Work; and all Persons who shall deem themselves interested therein or likely to be aggrieved thereby shall be entitled to be heard before the Health Committee at such Meeting, and thereupon the Health Committee may abandon or make such Alterations in the said intended Work as they shall judge fit.

VI. That for the Purposes of this Act the Words "The Out Townships" shall mean all such Parts of the Borough as are situate in the Townships of *Everton, Kirkdale, and West Derby*, or in the Extra-parochial Place of *Toxteth Park*; and the Words "The Parish of *Liverpool*" shall mean all other Parts of such Borough which were comprised within the Limits of the same as it existed previously to the passing of the Act Second *William* the Fourth, Chapter Forty-five, and the Act Second and Third *William* the Fourth, Chapter Sixty-four.

Borough to be distinguished into "The Out Townships," and "The Parish of Liverpool."

VII. And whereas the Council were, by "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool* Sanitary Act, 1846," required and empowered to make such and so many Main and other Sewers as should be necessary and proper for the effectual draining of the whole of the Borough, and it is expedient to make further Provision in that Behalf: Be it enacted, That if it shall be certified by the Medical Officer of Health that any Street in the Borough is by reason of the Want of Sewerage in a State and Condition prejudicial to Health, the Council shall forthwith cause a Sewer to be constructed sufficient for the Drainage of such Street, or otherwise immediately provide for the efficient Drainage thereof, and of any Houses or Buildings erected or to be erected therein.

If Medical Officer certify any Street to be unhealthy for Want of Sewerage, the Council to cause a Sewer to be constructed.

VIII. And with regard to new Streets to be laid out and made after the passing of this Act, be it enacted, That the several Provisions contained in the Forty-fourth Section of "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool* Sanitary

Persons intending to make new Streets to give Notice

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and submit
Plans there-
of.

Sanitary Act, 1846," relating to the fixing of the Levels of new Streets, shall be and the same are hereby repealed; and that every Person who shall intend to make or lay out any new Street in the Borough, whether the same shall be intended to be used as a public Way or not, shall give Notice to the Council of such Intention, by Writing delivered to the Borough Engineer, or left at his Office, and shall at the same Time leave or cause to be left at the said Office a Plan of such intended new Street, drawn to a Scale of not less than One Inch to every Forty Feet; and every such Plan shall show thereon the Name of the Owner of the Land through or over which such Street shall be intended to pass, and the Size, Width, and Direction of such intended Street, and its Position relatively to the Streets nearest thereto; and the Council shall thereupon cause the Level of such Street to be fixed by the Borough Engineer, and when the Level shall have been so fixed the Council shall, if required by such Owner, or without being so required if the Council shall see fit so to do, with all convenient Speed, and before such intended new Street shall be paved or flagged, proceed to sewer the same, or otherwise effectually provide for the Drainage of all Houses and Buildings to be erected therein; and immediately upon the Construction of such Sewerage or Drainage the Owner shall pay to the Council a Sum after the Rate of Six Shillings for every lineal Yard, and a proportionate Sum for every fractional Part of a Yard, of the Frontage of his Land on each Side of such intended Street, to be recovered as herein-after provided; and the Sum so paid or recovered shall be applied by the Council to the Purposes of the Sewer Rate in the District in which such House, Building, or Land is situate; and the Level so fixed shall thereafter be kept and observed by all Persons erecting any House or other Building, or making any Drain in such Street; and any Person so intending to make or lay out any such new Street as aforesaid who shall neglect to deposit such Plan as aforesaid, or who shall begin to erect any House or other Building, or to make any Drain in such Street before such Level shall have been so fixed as aforesaid, and every Person who shall not keep the Level so fixed as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds, and a like Sum for every Day during which such Default shall continue; and the Council may cause any such Street or Drain to be altered so as to conform to the Level so fixed, and may recover the Costs and Expenses of such Alteration from the Person who shall be guilty of such Offence, which Costs and Expenses shall be recovered as any Penalty under the Provisions of this Act: Provided always, that in case the Council shall fail to cause such Level to be fixed within the Space of Sixty Days from the Time of the Delivery of such Notice as aforesaid, it shall be lawful for the Person giving such Notice to proceed with the making and laying out of such new Street or Drain as if such Level had been fixed under the Provisions of this Act; and in every such Case every Change of the Level which
the

Penalty on
Persons neg-
lecting to
deposit Plan,
&c.

Power to
Council to
order Streets
to be altered
at Expense
of Person
making the
same.

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the Council shall afterwards deem requisite, and the Works consequent thereon, shall be made by the Council, and the Expense thereof shall be defrayed out of the Paving Rate.

IX. And with regard to Houses and Buildings to be erected after the passing of this Act on any Land situate in any adopted Street in the Parish of *Liverpool*, and which Land has not previously to the passing of this Act paid any Sewerage Rates, be it enacted, That when and so soon as any such House or Building shall drain into or communicate with any Sewer vested in the Mayor, Aldermen, and Burgesses, the Owner of such House or Building shall pay to the Council a Sum after the Rate of Six Shillings for every lineal Yard, and a proportionate Sum for every fractional Part of a Yard, of the Frontage of such House or Building towards the principal Street in which the same shall be situate, such Sum to be recoverable by the Council from such Owner as herein-after provided, and the Sum so paid or recovered shall be applied by the Council to the Purposes of the Sewer Rate for the said Parish.

Owners of Houses erected on vacant Ground in the Parish to contribute to Sewerage Rates.

X. And with regard to the Drainage of any unadopted Street in the Parish of *Liverpool*, or of any House, Building, or Land situate in any such Street, or of any Street whether adopted or unadopted in any of the Out Townships, or of any House, Building, or Land situate in any such last-mentioned Street, be it enacted, That if the Council shall, in pursuance of the Powers vested in them in that Behalf, by underground Sewerage effectually provide or have effectually provided for the Sewerage or Drainage of any such Street, and of any House or Building erected or to be erected therein, and whether the Course of such Sewerage or Drainage shall be under or along such Street or otherwise, every Owner of any House, Building, or Land which shall drain into and communicate with the Sewers made or provided by the Council for the Purposes aforesaid, shall pay to the Council a Sum after the Rate of Six Shillings for every lineal Yard, and a proportionate Sum for every fractional Part of a Yard, of the Frontage of such House, Building, or Land towards the principal Street in which such House, Building, or Land shall be situate, such Sum to be payable so soon as the Owner of any such House, Building, or Land shall avail himself of the Sewerage or Drainage so provided, by causing or being required under the Provisions of "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act, 1846*," to cause the same Premises to drain into and communicate by underground Communication with the Sewers made and provided by the Council as aforesaid, provided the same shall be sufficient in Depth and Capacity for the effectual Sewerage or Drainage of all Houses or Buildings erected and to be erected upon such Land, and the Amount so payable shall be

As to Sewerage of unadopted Streets.

[Local.]

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recoverable

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recoverable by the Council from such Owner as herein-after provided, and the Sum so paid or recovered shall be applied by the Council for the Purpose of the Sewer Rate in the District in which such House, Building, or Land is situate.

When House Drainage effected, the Council may require Cess-pools to be closed.

XI. That so soon as under "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act*, 1846," or this Act, Provision shall be made for the Drainage of any House within the Borough, and such House shall be drained thereby, it shall be lawful for the Council, if they think fit, to require the Owner thereof, by Notice under the Hand of the Town Clerk or Borough Engineer, to cause any Cesspool theretofore used as a Receptacle for the whole or any Part of the Drainage of such House to be filled up, and any Drain communicating therewith to be effectually destroyed; and in case such Owner shall refuse or neglect to fill up every such Cesspool, or to destroy any Drain communicating therewith, within the Time specified in such Notice, such Owner shall, for every such Refusal or Neglect, forfeit and pay a Sum not exceeding Five Pounds, and a further Sum not exceeding Five Pounds for every Day during which such Neglect shall continue; and it shall be lawful for the Council to cause such Cesspool to be filled up, and every such Drain to be destroyed, and to recover the Costs and Expenses of any such Work from such Owner.

Council to pay 375*l.* per Annum towards Sewerage of the Parish of *Liverpool* until it is completed.

XII. That whereas by the Provisions of "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act*, 1846," the Mayor, Aldermen, and Burgesses were authorized and required to pay the Sum of Three hundred and seventy-five Pounds yearly and every Year until the Determination of the Term of Ten Years, to be computed as therein mentioned, such yearly Sum of Three hundred and seventy-five Pounds to be applied to the Purposes of Sewerage only within the Parish of *Liverpool*: And whereas it was contemplated at the Time of the passing of the said last-mentioned Act that the Sewerage of the Parish of *Liverpool* would be completed in the said Term of Ten Years: And whereas the Construction of the necessary Works connected with such Sewerage will extend over a longer Period than the said Term of Ten Years: The Mayor, Aldermen, and Burgesses shall pay the Sum of Three hundred and seventy-five Pounds yearly and every Year, to be applied to the Purposes of Sewerage only within the Parish of *Liverpool*, such Payment to commence from the Determination of the said Term of Ten Years, and to continue until the Sewerage of the Parish shall be completed.

Borough Engineer to cause ruinous Buildings,

XIII. That when and so often as any Vault, Arch, Cellar, or other Excavation, or any Part of the Works connected therewith, or any Part thereof respectively, shall be or become ruinous, decayed, or in any

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any Manner dangerous, it shall be lawful for the Borough Engineer or Building Surveyor to give Notice to the Owner thereof, requiring him forthwith sufficiently to fence, stay, shore, or otherwise protect the same, and within such Time as shall be specified in such Notice to reconstruct, arch over, or otherwise well and sufficiently to repair the same to the Satisfaction of such Engineer; and in case such Owner shall refuse or neglect forthwith sufficiently to fence, stay, shore, or otherwise protect the same, or shall refuse or neglect to reconstruct, arch over, or otherwise well and sufficiently repair such Vault, Arch, Cellar, or other Excavation or Works connected therewith within the Time specified in such Notice, such Owner shall for such Refusal or Neglect respectively forfeit and pay any Sum not exceeding Twenty Pounds, and such further Sum as shall not exceed Ten Pounds for each and every Day during which such Refusal or Neglect shall continue; and it shall be lawful for the Council to cause such Vault, Arch, Cellar, or other Excavation to be fenced and protected, and to be taken down, reconstructed, arched over, or otherwise well and sufficiently secured and repaired, and to recover the Costs and Expenses of such taking down, reconstruction, arching over, securing, fencing, protecting, and repairing from the Owner.

Vaults, &c.
to be pro-
tected and
repaired by
Owners.

XIV. That in measuring or computing the Width of any Street being a Carriage Road for any Purpose under "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act, 1846*," or this Act, instead of measuring the same from the Buildings or intended Buildings therein, or at each Side thereof, as in the said Act provided, the Width of such Street shall be taken and construed to mean the whole Space dedicated to the Public, or intended to be used for Carriage and Foot Ways, exclusive of any Steps or Projections, other than architectural Dressings authorized and lawfully constructed, and measuring at Right Angles to the Course or Direction of such Street; and it shall be lawful for the Council, if they think fit, to order and direct what Proportion and how much of such Street shall be laid out as Carriageway, and what Proportion and how much of such Street shall be laid out as Footway, and if the Council make no such Order, the same shall be laid out as provided in "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act, 1846*."

Mode of
measuring
Width of
Streets.

XV. That when and so often as it shall be certified to the Council by the Medical Officer of Health, under his Hand, that any Privy, Drain, or Cesspool is in a Condition, State, or Situation injurious, dangerous, or prejudicial to the Health of any of the Inhabitants of the Borough, it shall be lawful for the Council, if they think fit, to require the Owner thereof, by Notice in Writing for that Purpose, signed by the Town Clerk, forthwith or within such reasonable Time

Power to
enforce
Abatement
of Nuisances
injurious to
Health.

as

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as shall be specified in such Notice, effectually to abate and remedy the same in such Manner so as to avoid any Injury, Danger, or Prejudice to the Health of any Inhabitant; and if such Owner shall refuse or neglect so to abate and remedy the same, it shall be lawful for the Council to cause the same to be abated and remedied, and to do and execute all Acts and Works necessary for that Purpose, and to recover the Costs and Expenses thereof from such Owner; and any Owner so neglecting after such Notice as aforesaid to provide an effectual Remedy for any of the Cases aforesaid to the Satisfaction of the Council shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for each and every Day during which such Neglect shall continue.

Penalty in case of Default.

Power to Council to order Privies, &c. to be provided in Manufactories, &c.

Penalty for Neglect.

XVI. That if at any Time it shall appear to the Council, upon the Report of the Medical Officer of Health, that any Manufactory or Workshop has no sufficient Watercloset, Privy, or Urinal for the Use of the Workpeople employed therein, it shall be lawful for the Council, if they shall think fit, to require the Owner thereof forthwith to erect, construct, or otherwise provide such and so many sufficient Waterclosets, Privies, and Urinals for the Use of such Workpeople, and in such Position as the Council shall think fit; and any such Owner who shall refuse, omit, or neglect for the Space of One Month after being so required as aforesaid to erect, construct, or provide such sufficient Waterclosets, Privies, or Urinals, shall forfeit and pay a Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for every Day during which such Default is continued.

Penalty on building Houses contrary to Provisions of 9 & 10 Vict. c. cxxvii.

XVII. Whereas certain Provisions were made in and by "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act, 1846*," for the better Regulation of Habitations in the said Borough, which said several Provisions are comprised in the several Sections of the said Act marked and numbered Eighty-four, One hundred and twenty, and One hundred and twenty-one respectively, but no Penalty is provided by the said Act for the Punishment of Persons offending against the said Provisions: Any Person who shall build or cause to be built any House in the Borough in any way contrary to the said Provisions shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for each and every Day during which such House shall continue or remain contrary to the said Provisions.

Penalty on Persons letting or occupying Cellars in Courts for Habitations.

XVIII. And with regard to the Occupation of Cellars as Dwellings in the said Borough, be it enacted, That every Person who shall let separately for Habitation, or who shall occupy or suffer to be occupied as a separate Dwelling Place, any Cellar under any House in any Court, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds,

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Pounds, and a further Sum not exceeding Forty Shillings for every Day during which such Offence shall be continued.

XIX. That for the Purposes of this Act and of "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act, 1846*," and notwithstanding anything therein contained, any Cellar, whether in any Court or other Place, in which any Person shall at any Time apparently inhabit, shall be held and taken to be occupied as a separate Dwelling.

When a Cellar shall be considered as a separate Dwelling.

XX. That so much of "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act, 1846*," as requires that there shall be a clear Space of Six Inches wide between the Steps and external Wall of any Cellar, shall be and the same is hereby repealed.

So much of 9 & 10 Vict. c. cxxvii. as relates to Space between Steps and Walls of Cellars repealed.

XXI. That it shall not be lawful to convert any Building into a Dwelling House, or to permit any Building or any Part thereof to be occupied as a Dwelling, unless the same shall be in all respects conformable to the Requirements of "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act, 1846*," and of this Act, in respect to a Dwelling House; and any Person who shall commit any such Offence shall forfeit and pay a Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for every Day during which such Offence shall be continued: Provided that this Enactment shall not extend to prevent the Occupation as a Dwelling House of any House which on the First Day of *November* One thousand eight hundred and fifty-three might be lawfully occupied as such.

No Building to be converted or used as a Dwelling House unless conformable to Provisions of 9 & 10 Vict. c. cxxvii.

XXII. That so much of "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act, 1846*," as provides that the Monies arising from the Sale of the Dirt, Dust, Nightsoil, and Filth collected from the Streets, Privies, Sewers, and Cesspools, and all the Dust, Ashes, and Rubbish to be collected, taken, and carried away from all and every of the Houses or elsewhere within the Borough, shall be applied for the Purposes of the Paving Rate of the District within which the same shall be collected, shall be and the same is hereby repealed; and all Monies arising and received from such Sales shall be applied in such Manner as the Council shall from Time to Time appoint or direct in aid of the Rates which under "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act, 1846*," or this Act, shall be chargeable with or liable to the Cost of collecting or removing the Matters so sold or disposed of.

Proceeds of Sale of Dirt, &c. to be applied in aid of Rates charged with the Cost of collecting the same.

[*Local.*]

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XXIII. That

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Power to
Mayor, Aldermen, and
Burgesses
to hold
Lands for
certain Pur-
poses.

XXIII. That the Mayor, Aldermen, and Burgesses may contract with any Person for, and purchase and hold any Lands, Tenements, or Hereditaments, or any Easement or Privilege in, through, over, or upon the same, and whether within or beyond the Limits and Boundary of the Borough, as the Council shall think fit, for the Purpose of more conveniently constructing any Sewer or Drain, or of conveying away, depositing, or otherwise disposing of the Refuse of the Borough, or otherwise carrying into effect the Powers and Authorities of "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act*, 1846," and this Act, and all Persons by the "Lands Clauses Consolidation Act, 1845," authorized to sell and convey Lands shall have full Power and Authority to sell and convey Lands, Tenements, and Hereditaments, or Easements, or Privileges in or over the same for the Purposes aforesaid; and the Costs, Charges, and Expenses thereby incurred shall be apportioned by the Council equitably upon the several Sewer Rates or other Rates applicable thereto of the Parts of the said Borough benefited thereby.

Furnaces to
consume
their own
Smoke.

XXIV. And whereas it is expedient to make further Provision for the Prevention of Nuisances arising from the Emission of Smoke: Be it enacted, That the Section of the said "Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act*, 1846," Number One hundred and twenty-six, shall be and the same is hereby repealed; and in lieu thereof be it enacted, That all Furnaces employed or to be employed in the working of Engines by Steam, and all Furnaces employed or to be employed in any Mill, Factory, Forge, Foundry, Sugar Refinery, Pottery, Distillery, Chemical Works, Dyehouse, Brewery, Bakehouse, Gasworks, Waterworks, and other Buildings used for the Purpose of any Trade or Manufacture whatsoever within the said Borough (whether a Steam Engine be used or employed therein or not), and all Furnaces employed in working the Engines of any Steamboat plying on the River *Mersey* between the said Borough and any Place in the Counties Palatine of *Chester* and *Lancaster*, and of any Steam Tug or Boat employed for the Purpose of towing or haling any Ship or Vessel in the said River, or plying for such Employment, or of any Steamboat plying for Hire between the Port of *Liverpool* and any Place in the United Kingdom of *Great Britain* and *Ireland*, shall in all Cases be constructed or altered so as to consume or burn the Smoke arising from such Furnace; and if any Person shall use any such Furnace which shall not be constructed so as to consume or burn its own Smoke, or shall so negligently use any such Furnace as that the Smoke arising therefrom shall not be effectually consumed or burnt, or so that an unnecessary or excessive Quantity of Smoke shall be emitted, or shall carry on any Trade or Business which shall occasion any noxious or offensive
Effluvia

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Effluvia or otherwise annoy the Neighbourhood or Inhabitants without using the best practicable Means for preventing or counteracting such Smoke or other Annoyance, every Person so offending, and the Owner or Occupier of the Furnace from which such Smoke is emitted, or of the Place where such Trade or Business is carried on, and the Owner of such Steamboat, and the Master or other Person in command or charge of the same, shall forfeit and pay a Sum of not more than Five Pounds for and in respect of every Day during which or any Part of which such Furnace or Annoyance shall be so used or continued: Provided always, that the Words "consume or burn the Smoke" shall not be held in all Cases to mean "consume or burn all the Smoke;" and the Justice or Justices before whom any Person shall be summoned may remit the Penalties enacted by this Act if he or they shall be of opinion that such Person has so constructed or altered his Furnace as to consume or burn as far as possible all the Smoke arising from such Furnace, and has carefully attended to the same, and consumed or burned as far as possible the Smoke arising from such Furnace: Provided also, that no Information or other Proceeding for the Recovery of any Penalty under this Enactment shall be laid or taken except by some Officer of the Council duly authorized by the Health Committee in that Behalf; provided also, that the Penalty for any such Offence committed on the River *Mersey* may be recovered in the same Manner as other Penalties imposed by this Act are directed to be recovered, or before any Two Justices acting for the Counties Palatine of *Lancaster* or *Chester* respectively.

XXV. That it shall be lawful for any Justice, upon Complaint made to him by the Medical Officer of Health or the Inspector of Nuisances that any Smoke, Gas, or Vapour from any Chimney is a Nuisance to any of the Inhabitants of the Borough, to issue his Summons calling upon the Owner of such Chimney to appear at a Time and Place named therein to answer such Complaint; and if upon the hearing of such Complaint the Justice shall think fit so to do he may make an Order requiring such Owner to cause such Chimney to be raised, or a Funnel or Pipe to be placed thereon for conveying away such Smoke, Gas, or Vapour, or such other Means to be adopted as may seem fitting to such Justice for preventing or mitigating such Nuisance, within such Time as shall be specified in such Order; and any such Owner as aforesaid who shall neglect or refuse to obey such Order shall for such Offence forfeit and pay a Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for every Day during which such Neglect or Refusal shall continue.

Justices to have Power to order Alteration of Chimnies.

XXVI. That every Owner or Occupier of Land or Premises which shall abut upon any Street within the Borough, and who shall, with

Carriage Crossings to be made the across Foot-

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walks of Street where Access to Premises abutting on Street is to be made across such Footwalk.

the Permission of the Council, make an Opening or Means of Access for Horses, Cattle, or Vehicles from or between such Land or Premises and the Street, shall, prior to using or permitting the Use of the same Opening or Means of Access, lay down, construct, and complete, or cause to be laid down, constructed, and completed, a Carriage-crossing over the Footwalk or Side Path of the Street of Materials and in Manner and Form to the Satisfaction of the Council; and any Owner or Occupier making Default herein, or making such Opening or Means of Access without the Consent of the Council first obtained, and every Person using such Opening or Means of Access for Horses, Cattle, or Vehicles before such Crossing shall have been constructed and completed to such Satisfaction as aforesaid, shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds.

Penalty on Persons driving across Footwalks.

XXVII. That any Person who shall drive or cause to be driven any Cart, Waggon, Carriage, or other Vehicle across, over, along, or upon any Footway or Side Path, whether flagged or not, except over the Part thereof on which a Carriage-crossing has then been constructed and completed, with the Consent and to the Satisfaction of the Council as herein-before provided, or who shall thereby or otherwise break, damage, or injure the Materials of which any Footway or Side Path may be formed, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, in addition to the Amount of Damage, if any, thereby occasioned, such Amount to be recovered in like Manner as Penalties under this Act may be recovered.

Carts, &c. not to be driven in the Borough exceeding Seven Feet Six Inches in Breadth. Penalty.

XXVIII. That it shall not be lawful to drive through or along any Street in the Borough any Carriage, Cart, Waggon, Lorry, Float, or other Vehicle which shall, in the widest Part thereof, including the Wheels thereof, measure more than Seven Feet Six Inches in Breadth; and any Person who shall drive, lead, or conduct any Carriage, Cart, Waggon, Lorry, Float, or other Vehicle which shall exceed such Width, and the Owner of any such Carriage, Cart, Waggon, Lorry, Float, or other Vehicle who shall permit the same to be driven in or along any Street in any Part of the said Borough, shall forfeit and pay a Sum not exceeding Five Pounds for every Day on which such Offence shall be committed: Provided, that until the First Day of *June* One thousand eight hundred and fifty-nine no such Penalty shall be imposed, or shall accrue or become payable in respect of any Carriage, Cart, Waggon, Lorry, Float, or other Vehicle which has been duly registered at the Office of the Town Clerk before the passing of this Act under any Law now in force: Provided also, that it shall be lawful for the Mayor, by any written Order, to grant Permission for the Use of any Carriage, Cart, Waggon, Lorry, Float, or other Vehicle exceeding the Dimensions herein-before prescribed for

Exception in respect of Vehicles registered before passing of this Act.

Vehicles may be allowed of greater Width in certain Cases.

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for the Conveyance of Boilers or other Machinery, or for or upon any special or extraordinary Purpose or Occasion.

XXIX. That when the net annual Value of any Premises liable to Assessment under the said recited Acts or this Act does not exceed the Sum of Ten Pounds, the Council shall from Time to Time compound with the Owner of such Premises for the Payment of all or any of the Rates to be made under such Acts or any of them, upon a reduced Estimate of One Half of the net annual Value at which the Premises are then assessed; and any Owner who shall refuse to enter into such Composition shall be rated to and pay the Rates assessed upon such Premises in respect of which the Composition is offered, and if at any Time the Amount of Composition, or any Rate to which an Owner is assessed as last aforesaid, be due and unpaid, the same may be levied by Distress and Sale of the Goods and Chattels of the Owner in default in the Manner herein-after provided: Provided always, that no such Owner shall be assessed in respect of any increased Rent which may become payable to him by reason of his so compounding for or becoming liable to any Rates as aforesaid; provided also, that the Occupier or Occupiers of any such Premises as last aforesaid shall be liable to Distress and Sale of his or their Goods and Chattels for the Nonpayment of such Amount of Composition or Rates as may become due in respect of the Premises occupied by him or them during his or their Tenancy, but shall never be liable to pay any greater Sum than the Amount of the Rent actually due from him or them for such Premises; and he or they may deduct any Amount paid by him or them from the Rent due, or from Time to Time becoming due from him or them, unless there be an Agreement to the contrary, and the Receipt for the Amount paid by him or them shall to that Extent be as against the Owner in default a sufficient Discharge for Rent: Provided also, that when the net annual Value of any Premises liable to Assessment as aforesaid exceeds the Sum of Ten Pounds, but does not exceed the Sum of Thirteen Pounds, or when any Premises liable to Assessment, and being above the annual Value of Ten Pounds, are let to weekly or monthly Tenants, or in separate Apartments, or the Rents become payable, or are collected at any shorter Period than quarterly, the Owner of such Premises may from Time to Time, if he thinks fit, compound with the Council for the Payment of such Rates upon a reduced Estimate of One Half of the net annual Value at which the Premises are then assessed, the Amount of such Composition, in case of the Nonpayment thereof at the Time agreed upon between the Council and any such Owner, to be recovered as Rates are by this Act directed to be recovered; and every Composition under this Proviso shall be entered into and completed within One Month next after the Time at which the Rate in

Rates on Premises under 10*l.* to be compounded.

Owners of Premises exceeding 10*l.* and not exceeding 13*l.*, annual Value, may compound if they think fit;

but such Compositions to be entered into within One

[Local.]

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respect

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Month after
making the
Rate.

respect of which the same is made shall have been laid by the Council.

Recovery of
Rates.

XXX. That if any Person who shall be liable to the Payment of any of the Rates made or levied by virtue of the Provisions of the said several recited Acts, or any of them respectively, or of any Composition made or entered into by virtue of this Act, shall refuse or neglect to pay the Amount of such Rates or Composition for the Space of Fourteen Days after Demand, it shall be lawful for any Justice having Jurisdiction where such Person shall then reside, or where the Property in respect of which the said Rates or Composition shall be due and payable is situate, to issue his Summons, which Summons may include all the Sums due from any such Person in respect of all or any of the said Rates or Compositions respectively, to such Person, requiring him to appear at a Time and Place named therein, and then and there to show Cause why the Sum or Sums so demanded should not be paid; and if, on the Appearance of such Person, or in default of Appearance after Proof of the Service of such Summons, either personally or by leaving the same at the last known Place of Abode or of Business of such Person, or upon the Premises in which the said Rates or Composition are due and payable, no sufficient Cause shall be shown to the contrary, it shall be lawful for any Justice having Jurisdiction as aforesaid to issue his Warrant of Distress for the Seizure and Sale of the Goods and Chattels of such Person, for Recovery of the Amount which may be proved before such Justice to be due from such Person in respect of all or any of the said Rates or Compositions, together with such Costs as to such Justice shall seem just and reasonable; and in case it shall be returned to such Warrant of Distress that no sufficient Goods of the Party against whom such Warrant shall have been issued can be found, it shall be lawful for the Justice to whom such Return is made, or for any other Justice of the Peace having Jurisdiction as aforesaid, if he shall think fit, to commit the Person from whom the said Rates or Compositions, or any of them, or any Part thereof, shall be due and unpaid, to the House of Correction or Common Gaol for the District in which such Person shall then reside, for any Term not exceeding Three Calendar Months, unless the Sum or Sums for which such Warrant of Distress shall have been issued, and all Costs and Charges of the Distress, and of the Commitment and conveying of such Person to Prison (the Amount thereof being ascertained and stated in such Commitment), shall be sooner paid; provided that no Imprisonment under this Act shall in anywise operate as a Satisfaction or Extinguishment of any Sum due from any such Person in respect of all or any of the said Rates or Compositions respectively, or of any Sum or Sums for which such Warrant of Distress shall have been issued, or of such

Costs

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Costs and Charges respectively, or protect such Person from being anew summoned for any such Rates or Compositions respectively, or Execution being taken out against the Goods and Chattels of such Person, in the same Manner as if such Imprisonment had not taken place.

XXXI. That the Occupier of any Land used as a Railway constructed under the Powers of any Act of Parliament for public Conveyance shall be assessed to any Rate made for Purposes which might have been executed within the Borough of *Liverpool* under the Provisions of "The Public Health Act, 1848," if that Act had been applied to the said Borough, in the same Proportion as such Occupier would have been assessed for the like Purposes under the Provisions of that Act.

Railways to be assessed as under the Provisions of 11 & 12 Vict. c. 63.

XXXII. That whenever by this Act or "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool* Sanitary Act, 1846," the Council are empowered to perform or execute any Work, and to recover the Costs and Expenses of such Work from any Person, it shall be lawful for the Council in the first instance to pay the necessary Costs and Expenses of such Work out of any Funds in their Hands by virtue of "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool* Sanitary Act, 1846," or this Act, and to recover the Amount expended from the Person liable under "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool* Sanitary Act, 1846," or this Act, to pay the same, in the same Manner as Rates are by this Act authorized to be recovered, or in the Manner provided by the several Sections of "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool* Sanitary Act, 1846," numbered from Ninety-nine to One hundred and four, both inclusive, for the Repayment to the Council of any Costs, Charges, and Expenses incurred or Monies expended by them; and all Sums of Money by this Act directed to be paid to the Council by any Owner or other Person shall, on default of Payment by such Owner or other Person, be recoverable as Rates are by this Act directed to be recovered.

Power to Council to advance Money from Rates to execute certain Works.

XXXIII. That in any Case where it shall appear to the Council to be desirable for the Convenience of the Inhabitants of the Borough that any unadopted or new Street should be paved in a Mode more substantial and more costly than it appears to the Council reasonable to require the Person laying out, forming, or paving such Street to pave the same, it shall be lawful for the Council to pay the additional Cost of such more substantial and more costly Mode of paving, or any Part of such additional Cost as they shall think fit, from and out of the

Part of Cost of paving unadopted or new Streets to be paid out of the Paving Rate in certain Cases.

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the Funds to be raised by means of the Paving Rate for the District in which such Street is situate.

Register of Mortgages of General Rate, and of Transfer of such Mortgages.

XXXIV. Whereas by "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act, 1846*," no Provision was made for the Registry of Mortgages granted on the Security of the General Rate thereby authorized to be levied, the Provisions of the said Act with respect to the Register of Mortgages on "The Sewer Rate," "The Paving Rate," and "The Water Rate," respectively, and with respect to the Registry of Transfers of such Mortgages, shall extend and apply to Mortgages on "The General Rate," and Transfers of such Mortgages.

Mayor, &c. not affected by Notice of Trusts of Mortgage Money.

XXXV. That with respect to Mortgages granted after the passing of this Act under the Authority of "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act, 1846*," it shall not be incumbent upon the Mayor, Aldermen, and Burgesses, or the Council, to take notice of, nor shall they be affected by Notice of any Trust not expressly appearing on the Face of any such Mortgage; and the Receipt of the Party or Parties to whom any Mortgage is granted, or of the Survivor or Survivors of such Parties, or of the Executors or Administrators of the last of such Survivors, shall be a good Discharge for all Principal or Interest secured by such Mortgage, and the Mayor, Aldermen, and Burgesses, or the Council, or any Person acting under them, shall not be required or concerned to see to the Application of such Monies or any Part thereof, or be answerable or accountable for the Misapplication or Nonapplication thereof or of any Part thereof.

For preventing the filling up or Embankment upon Ground with offensive or unwholesome Matter.

XXXVI. That it shall not be lawful to raise, fill, or embank upon any Ground in the Borough with any offensive or unwholesome Matter; and every Person who shall offend contrary to this Enactment shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for every Day during which such offensive or unwholesome Matter shall continue unremoved, after Notice shall have been given by the Borough Engineer for the Removal thereof.

For preventing Danger in cleaning Windows, &c.

XXXVII. That every Occupier of any House or other Building, or other Person who orders or permits any Person in his Service to stand on the Sill of any Window in order to clean, paint, or perform any other Operation upon the Outside of such Window, or upon any House or other Building within the Borough, unless such Window be in the sunk or Basement Story, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

XXXVIII. That

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XXXVIII. That it shall be lawful for the Council, and they are hereby empowered, from Time to Time to make Byelaws, as they shall think fit, for regulating Stage Carriages and Omnibuses plying in any Part of the Borough, and the Places therein where it shall be lawful for the same to stand and ply for Hire, and the Drivers and Conductors thereof, and to ascertain and fix what pecuniary Penalties shall be incurred by Persons breaking such Byelaws: Provided always, that no such last-mentioned Penalty shall exceed for any One Offence the Sum of Forty Shillings, and in case of a continuing Offence the Sum of Ten Shillings for every Day during which the same shall be continued or unremedied.

Power to Council to make Byelaws for certain Purposes, and to fix Penalties.

XXXIX. That the several Provisions of "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act, 1846*," with regard to the making of Byelaws and to the Punishment of Offenders, and the Recovery and Application of Penalties, and which are contained in the several Sections of the said Act, marked and numbered from Two hundred and four to Two hundred and twenty-two, both inclusive, shall be held and taken to apply to this Act, and to any Offence against the Provisions of this Act, or of any Byelaw made in pursuance thereof.

Certain Provisions of 9 & 10 Vict. c. cxxvii. as to making Byelaws extended to this Act.

XL. That whenever, by the recited Acts or this Act, any Notice by or on behalf of the Council, or of the Mayor, Aldermen, and Burgesses is required to be given to any Person, it shall be sufficient if such Notice be in Writing or Print, or partly in Writing and partly in Print, and be signed by the Town Clerk or by the Borough Engineer, and to leave the same with some Inmate at the ordinary Residence of the Person to whom the same is addressed, or to leave the same at his ordinary Place of Business, or, if such Person has no known ordinary Residence or Place of Business within the Borough, then it shall be sufficient to send such Notice by Post, addressed to such Person at his ordinary Residence or Place of Business; or, in case of a Notice to any Occupier to leave the same at or affix the same upon any House, Building, Land, or Tenement to which the same may apply; and when it shall be required to give Notice to the Council, or to the Mayor, Aldermen, and Burgesses, and no particular Mode of giving such Notice is provided, it shall be sufficient to deliver the same to the Town Clerk, or to deliver and leave the same at the Office of the Town Clerk with some Person employed by him.

How Notices may be given.

XLI. That, notwithstanding anything in this Act contained, the Docks, Quays, or Estate of the Trustees of the *Liverpool Docks*, or any Part thereof (except the Warehouses erected on the *Albert Dock* Quays, or to be hereafter erected by the same Trustees on their said Estate, under the Provisions of the several Acts of Parliament relating

Saving Rights of Dock Trustees.

[*Local.*]

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to

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to the Docks and Harbour of *Liverpool*), shall not be rated to any Rate whatever made in pursuance of "The Act Ninth and Tenth " *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act, 1846*," and that, save as herein is expressly provided, nothing in this Act shall be construed in anywise to injure, prejudice, or affect any Rights, Powers, or Privileges now vested in the said Trustees.

Expenses of
Act.

XLII. That the Costs, Charges, and Expenses attending or incident to the obtaining and passing of this Act shall be paid by the Council out of the General Rates levied under "The Act Ninth and Tenth of " *Victoria*, Chapter One hundred and twenty-seven, *Liverpool Sanitary Act, 1846*," and shall be apportioned amongst the several Districts in the said Act mentioned in such Manner as the Council shall determine.

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