ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. cix.

An Act for the better Protection of Property in the Borough of *Liverpool* from Fire.

[24th *August* 1843.]

WHEREAS Fires in Warehouses in the Borough of *Liverpool* have of late Years been of frequent and alarming Recurrence, and have been attended with considerable Loss of Life and Property: And whereas an Act was passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for the Improvement, good Government, and Police* 5 & 6 Vict.
Regulation of the Borough of Liverpool, whereby Power was given c. 106.
to the Council of the Borough to establish a Registry for Porters, Warehousemen, Lumpers, and Stevidores, and to make Bye Laws for regulating their Conduct: And whereas by the said recited Act the Council of the said Borough were empowered once in every Year to order a Fire Police Rate, not exceeding One Halfpenny in the Pound, to be made and levied upon all Property within the Borough by Law rateable to the Relief and Employment of the Poor: And whereas it is expedient that Improvements in the Construction of Warehouses, the better to protect such Buildings and the Property stored therein from Fire, should be effected, and that other Provisions should be made for the better Prevention of Fires in the Borough; and that for such Purpose the said Police Rate should be increased, and the said recited Act amended: May it therefore

please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Council shall, within One Month after the Commencement of this Act, and so from Time to Time thereafter as they shall deem expedient, appoint for such Time as they may think proper a sufficient Number of their own Body, who, together with the Mayor for the Time being, shall be a Committee of the Council for the Purposes herein-after mentioned, and shall be called "The Committee for the Preservation of Property from Fire;" and all the Powers herein-after given to such Committee may be executed by the Majority of the Members of the Committee who shall be present at any Meeting, the whole Number present at such Meeting being not less than Five.

Council to appoint a Committee for the Preservation of Property from Fire.

What shall be deemed a Warehouse.

II. And be it enacted, That every Building which, or some Vault, Cellar, or Room of which, shall be used or intended to be used for the Deposit of Merchandize, shall be deemed a Warehouse within the Meaning of this Act, unless it shall fall within any of the Exceptions following; that is to say,

Buildings and Rooms in which Retail Trades only shall be carried on, such Trades not being in the List of dangerous Trades herein-after specified:

Warehouses or Warehouse Rooms attached to or forming Part of Buildings entirely in the same Occupation, and used only for Retail Trades, not in the List of dangerous Trades, for the Purposes of which Retail Trades only Goods shall be deposited in such Warehouses or Warehouse Rooms:

A Building standing by itself, or with any other Building adjoining to it, not being a Warehouse within this Act, detached from any other Building, being a Warehouse within this Act, and in which Building hereby intended to be exempted Manufactures only (not being any of the dangerous Trades herein-after specified) shall be carried on:

Warehouses or Warehouse Rooms attached to or forming Part of Buildings entirely in the same Occupation, and standing by themselves, or with other Buildings adjoining to them, not being Warehouses within this Act, detached from any other Building being a Warehouse within this Act, and which Warehouses or Warehouse Rooms intended to be hereby exempted shall be used only for the Use of Manufactures, to be carried on in the said Buildings in the same Occupation, and not being any of the dangerous Trades herein-after specified, for the Purposes of which Manufactures only Goods shall be deposited in such Warehouse or Warehouse Rooms.

Buildings above certain Cellars exempted.

III. Provided always, and be it enacted, That no Cellar used for the Deposit of Merchandize shall cause the Building above the same to be deemed a Warehouse within the Meaning of this Act if the Doors and Windows be in accordance with the Regulations of this Act, and if such Cellar be also arched with Brick as herein-after required for a Cellar in a Fire-proof Warehouse, or the Ceiling be

lined with Sheet Iron, to the Satisfaction of the Committee for the Preservation of Property from Fire: Provided that if there be any internal Communication between such Cellar and any Part of the Building above, such Communication shall only be by Iron or Stone Stairs and Two Sets of Wrought-iron Doors, without any Wood adjoining to the said Stairs or Doors, and which Doors shall be in all respects in conformity to the Regulation Fourteen of Schedule (A.) herein-after referred to, and shall be fitted and hung as required by the same Regulation.

Counting-houses, being Part of a Warehouse, to be deemed Warehouses in certain Cases.

IV. And be it enacted, That where any Counting-house, Office, Sample or Sale Room shall be formed of a Part of a Room of any Warehouse hereafter to be built or rebuilt, or of any Addition hereafter to be made to any Warehouse, by Partition other than a Wall of Brick or Stone Work extending from the Foundation of the Building, such Counting-house, Office, Sample or Sale Room shall be considered a Warehouse Room.

Future Warehouses to be according to this Act.

V. And be it enacted, That all Warehouses hereafter to be built or rebuilt within the Borough shall be built or rebuilt, and all Additions to any Warehouse within the Borough which shall be hereafter made shall be made, according to the Restrictions and Regulations in this Act contained, save such as expressly apply to Fire-proof Warehouses, or Warehouses for particular Goods or Trades, and also according to the Restrictions and Regulations contained in the Schedule (A.) to this Act annexed, and in full Compliance therewith, and subject thereto, according to the Regulations of an Act passed in the Fifth Year of Her present Majesty's Reign, intituled *An Act for the Promotion of the Health of the Inhabitants of the Borough of* Liverpool, *and the better Regulation of Buildings in the said Borough*, and all such Warehouses shall be built or rebuilt, and all such Aditions to any Warehouse shall be made, with good Materials, of sufficient Strength, and in a substantial and workmanlike Manner; and in case any Default shall take place in such Compliance with the Restrictions and Regulations in this Act and the said Schedule (A.) contained, save as aforesaid, every such Warehouse shall be dealt with and taken down or altered as herein-after provided.

5 & 6 Vict. c. 44.

Area of Warehouses hereafter to be built.

VI. And be it enacted, That no Warehouse shall hereafter be erected within the Borough the Area of which, including and being measured according to Regulation One of the said Schedule (A.), shall exceed Four thousand superficial square Feet.

Present Warehouses to be made conformable with this Act before they can be registered.

VII. And be it enacted, That every Warehouse now built within the said Borough, and not being in accordance with the Provisions of this Act, shall be altered and improved according to the Restrictions and Regulations set forth in the Schedule (B.) to this Act annexed, and in full Compliance therewith, with good Materials, of sufficient Strength, and in a substantial and workmanlike Manner, before such Warehouse shall be entitled to be or shall be entered on the Register of Warehouses herein-after directed to be kept.

VIII. And

Lessee requiring Warehouse to be altered to give Notice to the Owner.

VIII. And be it enacted, That if the Lessee for Years of any existing Warehouse not in accordance with the Provisions of this Act, which shall be in Lease at the Time of the Commencement thereof, shall be desirous that such Warehouse should be altered and improved according to the Restrictions and Regulations set forth in Schedule (B.) to this Act annexed, and shall be willing to pay an additional or increased Rent for such Warehouse, calculated after the Rate of Seven Pounds Ten Shillings *per Centum per Annum* upon the Cost of altering and improving the same, it shall be lawful for such Lessee, at any Time within Three Months from the Commencement of this Act, to give Notice in Writing of such Desire, and of his Willingness to pay such additional or increased Rent, to the Owner of such Warehouse, either personally or by leaving the same for him at his usual or last known Place of Abode in *England*, or by delivering such Notice, or a Copy thereof, to the Person who shall act as the Agent of such Owner in the Receipt of Rent or otherwise in respect of such Warehouse.

Owner, being desirous of Warehouse being altered, to give Notice to Lessees.

IX. And be it enacted, That if the Owner of any existing Warehouse not in accordance with the Provisions of this Act, which shall be in Lease at the Time of the Commencement thereof, shall be desirous that such Warehouse should be altered and improved according to the Restrictions and Regulations set forth in Schedule (B.) to this Act annexed, and shall be willing to make such Alterations and Improvements, upon the Lessee's agreeing to pay an additional or increased Rent for such Warehouse, calculated after the Rate of Seven Pounds Ten Shillings *per Centum per Annum* upon the Cost of altering and improving the same, it shall be lawful for such Owner, at any Time within Three Months from the Commencement of this Act, to give Notice in Writing of such Desire, and of his Willingness to pay the Cost of such Alteration and Improvement, to the Lessee of such Warehouse, either personally or by leaving the same for him at his usual or last known Place of Abode in *England*.

Power for Owner to declare Lease void in a certain Case.

X. And be it enacted, That if the Lessee of any existing Warehouse not being in accordance with the Provisions of this Act, and which shall be in Lease at the Time of the Commencement of this Act, shall not, within Three Months after Notice in Writing for that Purpose shall have been given by the Owner in manner hereinbefore required, agree to pay such additional or increased Rent as aforesaid, by Writing under his Hand delivered to the Owner of such Warehouse, either personally or by leaving the same for him at his usual or last known Place of Abode, it shall be lawful for the Owner of such Warehouse, if he shall think fit so to do, but not otherwise, to declare the Lease thereof to be void.

As to Payment of increased Rent for Warehouse

XI. And be it enacted, That in case the Owner of such Warehouse shall, within the Space of Six Months next after such Notice shall have been so given as aforesaid, or (as the Case may be) after such Agreement of the Lessee to pay such additional or increased Rent shall have been so delivered as aforesaid, make such Alterations and Improvements in such Warehouse, according to the Restrictions

tions and Regulations set forth in Schedule (B.) to this Act annexed, so as to entitle the same to be placed upon the Register herein-after directed to be kept, the additional or increased Rent to be thenceforth paid in respect thereof shall commence from the Day on which such Warehouse shall be placed on such Register, and shall be payable on the same Days and Times and shall be recoverable in the same Manner and by the same Ways and Means as the Rent reserved by the Lease under which such Warehouse may be held, and as if such additional or increased Rent were actually reserved by such Lease, and a proportionable Part of such additional or increased Rent in respect of the Number of Days which shall have elapsed from the Time of the Commencement thereof shall be paid on such of the quarterly Days of Payment of Rent reserved by the said Lease as shall next happen after such Warehouse shall be so placed on such Register as aforesaid.

If Owner do not alter Warehouse Lessee may declare the Lease void.

XII. And be it enacted, That if the Owner of any existing Warehouse not being in accordance with the Provisions of this Act, and which shall be in Lease at the Time of the Commencement of this Act, shall not alter and improve the same according to the Restrictions and Regulations set forth in Schedule (B.) to this Act annexed, within Six Months after Notice in Writing for that Purpose shall have been given by the Lessee thereof in Manner herein-before required, or (as the Case may be) after such Agreement in Writing shall have been delivered by the Lessee to the Owner of the Warehouse in manner herein-before required, it shall be lawful for the Lessee of such Warehouse, if he shall think fit so to do, but not otherwise, to declare the Lease thereof to be void; provided that the Owner, being willing to make such Alteration and Improvement, shall for the Purpose thereof have had free Access to the Warehouse allowed or procured by the Lessee.

On Lease being declared void the Rent to cease.

XIII. And be it enacted, That in case either the Lessee or the Owner of any Warehouse shall under the Powers herein-before contained declare the Lease of such Warehouse to be void, and shall give Notice thereof in Writing under his Hand to the other of them, either personally or by leaving the same for him at his usual or last known Place of Abode in *England*, such Lease shall end and determine on the Day appointed for Payment of the Rent reserved by such Lease which shall happen next after the giving of such Notice, without Prejudice, nevertheless, to the Remedies of the respective Parties for the Breach or Nonperformance of all or any of the Covenants therein contained at any Time before such Determination of the said Lease.

What shall be deemed present and future Warehouses.

XIV. And be it enacted, That all the Provisions of this Act applicable to existing Warehouses shall apply to Warehouses the Erection of which has actually and *bonâ fide* been commenced on or before the Eleventh Day of *July* One thousand eight hundred and forty-three, and the Provisions thereof applicable to Warehouses hereafter to be built shall apply to Warehouses the Erection of which shall have been so commenced after the Eleventh Day of *July* One thousand eight hundred and forty-three.

Arrangement of Expences between Parties interested.

XV. And whereas there may be Landlords and intermediate Lessors and Lessees, and also other Persons, besides the Owner, or Person upon whom the Expence of making such Alterations and Improvements as aforesaid may have fallen, who are more or less interested in such Alterations and Improvements, and who ought to contribute towards the same in proportion to the Value of their several and respective Interests in the Warehouses thereby altered and improved; be it therefore enacted, That when the Expence of altering and improving any Warehouse according to the Provisions of this Act shall have been ascertained and paid by the Owner or Person upon whom the Payment thereof may have fallen, it shall be lawful for such Owner or Person to call upon all other Parties interested in such Warehouse to contribute in proportion to the Value of their respective Interests therein a due Proportion of such Expences; and if the Owner or Person upon whom the Payment thereof may in the first instance have fallen, and such other Persons, cannot agree upon an equitable Division and Arrangement of such Expences between themselves, or if the fair Amount of such Expences shall be in difference between them, then the fair Amount thereof, and the Shares and Proportions in which such Expences shall be borne and contributed between the respective Parties, shall be settled and awarded by any Two Justices: Provided always, that no Ground Landlord, in respect of his reversionary Interest in any Warehouse depending upon any Building or Repairing Lease thereof, shall be called upon to contribute towards the Expence of altering and improving the same: Provided also, that no Lessee, who shall be so liable as aforesaid to pay such additional or increased Rent, shall be called upon to contribute to the Expence of altering and improving any Warehouse otherwise than by such additional or increased Rent as aforesaid.

Justices may take the Opinion of competent Persons as to the Value of respective Shares of Parties interested.

XVI. And be it enacted, That for the Purpose of enabling such Justices to make a fair and equitable Adjustment of such Expences between the said Parties it shall be lawful for such Justices, upon the Application of any of the Parties interested, or without such Application, if they shall think proper so to do, to take the Opinion of any Actuary, Surveyor, Valuer, or other competent Person or Persons, either in Writing or upon an Examination *vivâ voce*, as such Justices shall think proper, as to the fair Amount of such Expences, and Value of the respective Estates and Interests of the several Parties interested in such Warehouse, and as to the Shares and Proportions in which they ought to contribute towards the Expences of altering and improving the same; and all Expences attendant upon any such Award of the said Justices, including the Costs of taking the Opinion of any Actuary, Valuer, or Surveyor as aforesaid, shall be defrayed by the said Parties, or some of them, in such Shares and Proportions as the said Justices shall direct.

Appeal to Quarter Sessions.

XVII. And be it enacted, That after such Award shall have been made by such Justices a Copy thereof shall be delivered to the several Parties interested therein, or left at the Warehouse which shall be so altered or improved, and such Award shall be immediately filed at the Office of the Clerk of the Peace of the Borough, such Clerk

Clerk being paid One Shilling for the filing thereof, and no more; and any Party interested in or affected by any such Award shall and may (if he think fit) appeal from the same to the next General or Quarter Sessions of the Borough, and the Court to which such Appeal shall be made shall examine into the Matter by the Oaths of the Witnesses, and upon such Examination the Court shall make such Order or Orders in the Premises as in its Discretion it shall think reasonable, which Order or Orders shall be entered and filed of Record by the Clerk of the Peace for the said Borough, for entering and filing whereof, and for any Order of Court and Copy thereof, such Clerk shall be paid after the Rate of One Shilling for every One hundred Words; and the Determination of the said Court shall be final and conclusive against all Parties.

Remedies in case of Non-payment of Expence of Alteration.

XVIII. And be it enacted, That if any Person interested in any Warehouse which may be altered and improved according to the Directions of this Act shall not pay the Sum which shall have been agreed or awarded or ordered to be paid by him as and for his Share or Proportion of the Expence of altering and improving the same, upon Demand, to the Owner or Person upon whom the Payment of such Expences may in the first instance have fallen, it shall be lawful for such Owner or Person to recover the same, together with lawful Interest thereon, to be computed from the Day on which the same ought to have been paid, by Action at Law in any of Her Majesty's Superior Courts; or such Sum of Money and Interest may, upon the Application of such Owner or Person, be levied by Warran. under the Hand and Seal of any Justice, by Distress and Sale of the Goods and Chattels of the Person who may have agreed or been awarded or ordered to pay the same, if any such Goods and Chattels can be found in the Borough; and if no sufficient Distress can be made it shall be lawful for such Owner or Person to receive the Rents and Profits, or, as the Case may be, the Share or Proportion of the Rents and Profits payable to such Person in respect of such Warehouse, or of his Share or Interest therein, until thereby or otherwise such Owner or Person shall be repaid such Sum of Money and Interest, together with the Costs, Charges, and Expences of recovering the same; and the Demand in Writing of such Owner or Person shall be a sufficient Authority to the Tenant or Person by whom such Rents or Profits shall be payable to pay the same to him; and the Receipt of such Owner or Person shall be an effectual Discharge for the Rents or Profits so paid to him, and shall exonerate the Tenant or Person paying the same from seeing to the Application thereof.

Differences between Owners and Tenants to be settled by Justices.

XIX. And be it enacted, That if any Difference shall arise between the Lessee of any Warehouse and the Owner thereof who may have altered and improved the same at the Request or with the Consent of such Lessee, concerning the Costs of such Alteration and Improvement, and the Amount of the additional or increased Rent to be paid in respect thereof, the same may, at the Instance of either Party, be determined by the Justices, in like Manner as herein-before provided with reference to the Differences concerning the Shares and Proportions of Expences herein-before mentioned, and the Determination thereof shall be subject to Appeal, and the

Cost

Cost and Expence so determined may be recovered by Distress and Sale under the Warrant of the Justice, in like Manner as hereinbefore is provided as to the Shares and Proportions aforesaid.

Persons interested in Terms of Years may charge their Share of Expences by way of Annuity during the Term.

XX. And whereas it may happen that Warehouses altered and improved according to the Provisions of this Act, or some Part or Share of such Warehouses, may be held for Terms of Years, which Terms of Years may, under the Trusts of Settlement or Wills, be held in Trust for Persons under Disability, or having limited Interests therein, and it is expedient that the Share or Proportion of the Expences of altering and improving such Warehouses, which the Trustees or Persons interested in such Term may have agreed or been awarded or ordered to pay, should be so charged thereon as that all Persons entitled to or interested in such Term may contribute their due Proportions of such Charge; be it therefore enacted, That it shall be lawful for every Trustee in whom any Term of Years in any Warehouse altered and improved according to the Provisions of this Act, or any Share or Interest therein, shall be vested, in Trust for any Persons under Disability, or having limited Interests therein, to charge such Warehouse, or Share or Interest therein, during the Remainder of such Term, with the Payment of such annual Sum by way of Annuity as shall be sufficient to enable such Trustee to raise the Share or Proportion of the Expences of altering and improving such Warehouse which such Trustee or Persons interested in such Term may have agreed or been awarded or ordered to pay, together with the Costs, Charges, and Expences of raising the same, and also to mortgage or sell such Annuity, when so charged, upon such Terms and in such Manner as such Trustee shall think proper, and to give such Powers and Remedies for securing the Payment thereof as shall be requisite or necessary, and the Parties shall mutually agree upon.

Tenants for Life and incapacitated Persons may raise their Share of Expences by Mortgages in Fee or for Years.

XXI. And whereas it may happen that the Parties interested in Warehouses altered and improved according to the Provisions of this Act, or some of such Parties, may be Tenants for Life or in Tail, or Women under Coverture, or Infants, Idiots, Lunatics, or Persons beyond the Seas, or otherwise incapacitated, or be Trustees or Feoffees for charitable, parochial, or other Uses, and who may have no Power to raise and pay the Expences of altering and improving such Warehouses, or their Share or Proportion thereof; be it therefore enacted, That it shall be lawful for all Persons interested in any Warehouse which may be altered and improved according to the Provisions of this Act, such Persons being Tenants for Life or in Tail, and also for the Husbands, Guardians, Trustees, Committees, or Attornies of any of such Persons, being under Coverture, Infants, Idiots, Lunatics, or beyond the Seas, or otherwise incapacitated, and for the Trustees or Feoffees for charitable, parochial, or other Uses, or a competent Number of them, in respect of any Warehouse, or any Share or Interest therein, held by them in Trust for any charitable, parochial, or other Uses, from Time to Time to charge such Warehouse, or their Share or Interest therein, with the Expences of altering and improving the same, according to the Provisions of this Act, or, as the Case may be, with their Share

or Proportion thereof, and for securing the Repayment of such Money, with Interest, to mortgage, either in Fee or for a Term of Years, such Warehouse, or Part or Share thereof, unto or in Trust for any Person who shall advance such Money; but so that every such Mortgage be made with a Condition to cease and be void or with an express Trust to be surrendered or re-assigned when the Money thereby to be secured, with all Interest thereon, shall have been fully paid and satisfied; and so that in every such Mortgage which shall be made by or on behalf of any Person entitled to or interested in such Warehouse, or any Part or Share thereof, for the Term of his natural Life, there be contained a Covenant to pay and keep down the Interest of the Money to be secured during his Life, in such Manner that no Person afterwards becoming possessed of such Warehouse, or Share or Interest therein, shall be subject or liable to pay any larger Arrear of Interest than for Six Months previous to the Time when the Title of such Person shall accrue or commence; and every such Mortgage shall be valid in the Law for the Purposes thereby intended, and shall have Priority over all previous Charges or Incumbrances on the Property therein comprised; and every such Mortgagee, and his Representatives and Assigns, shall have the like Remedies in case of Nonpayment of the Monies thereby secured as in the Case of other Mortgages of the like Nature.

Warehouses only to be erected at certain Distances from other Buildings.

XXII. And be it enacted, That it shall not hereafter be lawful to build any Warehouse within the Borough, except in some Street, Square, or Court which for the whole Front of such Warehouse shall, in case of a Street, be Twelve Yards, and in the Case of a Square or Court shall be Sixteen Yards in Width between such Warehouse and any Building opposite to the same; nor shall it be lawful to build any Line or Row of Warehouses, or any Part of such Line or Row, unless the same shall be built in some Street, Square, or Court which for the whole Length of such Line or Row shall, in case of a Street, be Twelve Yards, and in case of a Square or Court shall be Sixteen Yards wide between such Line or Row and any Building opposite the same; nor shall it be lawful to build in any such Street, Square, or Court any Warehouse, or Line or Row of Warehouses, or any Part thereof, unless there shall be an Approach to the Front of the same by an open Street, Square, or Court of at least Ten Yards wide for the Length of One hundred Yards from the said Front, save only as to any immediate Approach to the Street, Square, or Court in which such Warehouse, Line or Row of Warehouses shall be, by means of a covered Carriageway under a Fire-proof Warehouse of at least Fifteen Feet in Width, and which Carriageway shall be covered over for the whole Length and Breadth thereof in manner herein-after provided as to Cellars, Vaults, and Rooms in Fire-proof Warehouses: Provided that this Enactment shall not extend to any Warehouses to be built hereafter in any Street which shall have been laid out and distinguished as such on or prior to the Eleventh Day of *July* One thousand eight hundred and forty-three, or to Warehouses which shall hereafter be built upon Sites of Warehouses now existing, or upon Sites intended for, and which on or prior to the Eleventh Day of *July* One thousand eight

hundred and forty-three shall have been appropriated to, the Erection of Warehouses in any such Street laid out as last aforesaid.

Regulations as to Warehouses.

XXIII. And be it enacted, That every Cellar, Vault, and Room of every Warehouse hereafter to be constructed within the Borough, and intended to be used as a Fire-proof Warehouse, including such Carriageway as aforesaid, but excepting the Room immediately under the Roof thereof, shall be entirely covered with an Arching of Brick and Mortar of Nine Inches thick at the least, to prevent, so far as practicable, the Communication of Fire, or otherwise with Flags and Stones, and with sufficient Iron Girder Beams supporting the same, to the Satisfaction of the said Committee; and such Warehouse shall have the Roof belonging to it of Iron Principals and Spars, with Slates fastened without Wood in or about the same; and every Floor of such Warehouse, except the lowest Cellar or Vault, shall be of Concrete, Flag, or Brickwork, resting upon Brick Arching as aforesaid; and such Warehouse shall be built with Iron Girder Beams, and the Doors and Door Frames or Jambs, whether external or in Staircases, and the Door Sills and Heads and Window Shutters and Frames, shall be of Wrought Iron, except that the Door Frames and Door Sills and Heads may be of Wrought or Cast Iron, and there shall be no Wood in the Construction of any Part of such Warehouse.

What shall be deemed a Fire-proof Warehouse.

XXIV. And be it enacted, That every Warehouse constructed in all respects in accordance with the Provisions of this Act, and the Schedule (A.) hereunto annexed, and, subject thereto, also in full Compliance with the Regulations of the said Act of the Fifth Year of Her present Majesty's Reign, for (amongst other things) the better Regulation of Buildings in the said Borough, shall be deemed to be a Fire-proof Warehouse within the Meaning of this Act.

As to Arrangement of Expences between Insurers and Assured.

XXV. And whereas it is just that the relative Rights and Positions of Insurers and the Assured should not be disturbed by this Act, to the Prejudice of either: And whereas it is the Practice for such Parties to contract with each other that in the event of Loss under their Policies Insurers shall have the Option of reinstating the Property damaged or destroyed; be it therefore enacted, That in such Cases, with respect to any such Warehouse as shall be damaged or destroyed by Fire, and in respect of which any Insurer by whom it may be insured shall, pursuant to his Contract, elect to rebuild, repair, or reinstate the same, it shall and may be lawful for the Assured under any Policy of Insurance, and the Insurers therein, to ascertain by and between themselves the Amount of the Difference between the Cost of rebuilding or repairing (as the Case may be) such Warehouse, according to the Provisions of this Act, on the one hand, and on the other of reinstating it as if this Act had not been passed; and in case of Difference between them on this Point for Twenty-one Days after the Claim under the Policy has been put in or furnished by the Assured, then, upon Request of either, and after Seven Days Notice in Writing to the other given by him, the Amount of such Difference shall be settled and awarded by any Two Justices of

of the Peace in the Manner and subject to the like Appeal as herein-before provided for arranging between Parties interested the Expences of altering and improving Warehouses, and until such Assured shall pay or tender or to the Satisfaction of such Justices secure to such Insurers the Amount of Difference so ascertained or determined such Insurers shall not be liable to be called upon or rebuild, repair, or reinstate such Warehouse so damaged or destroyed by Fire, or to account for or make good the Damage done thereto, or to pay the Sum insured thereon, or any Part thereof.

Certain Goods not to be stored except in Fire-proof Warehouses or Rooms.

XXVI. And be it enacted, That it shall not be lawful for any of the Merchandize hereunder mentioned to be received into any Warehouse, Building, or Place other than a Fire-proof Warehouse, or a Cellar or Vault entirely covered with an Arching, as herein-before required for a Cellar or Vault in a Fire-proof Warehouse, and having Doors and Door Frames or Jambs, and Shutters and Shutter Frames, as required for a Fire-proof Warehouse, or in a Room on the Ground Floor, with the Ceiling thereof lined with Sheet Iron, and approved of for the Time being by the Committee for the Preservation of Property from Fire, and having such Doors, Door Frames, or Jambs, and Shutters and Shutter Frames as aforesaid, and not having any Cellar or Vault under the same, unless such Cellar or Vault be covered with an Arching as herein-before required for a Cellar or Vault in a Fire-proof Warehouse, or in some detached Building or Place approved of for the Time being by the said Committee; *videlicet*,

Ardent Spirits and Preparations thereof, Oil of any Kind (Palm or Cocoa Nut Oil excepted), Turpentine, Rosin, Tar, Pitch, Naptha, Varnish, Fireworks, Matches, Brimstone, Sulphuric and other Mineral Acids, and all Chemicals of an inflammable Nature:

And if any Person shall receive any such Merchandize into any Warehouse, Building, or Place other than a Fire-proof Warehouse, or a Vault or Cellar constructed as aforesaid, contrary to this Enactment, such Person shall for every such Offence forfeit any Sum not exceeding Ten Pounds, and a further Sum not exceeding Ten Pounds for every Week during which such Offence shall be continued: Provided that this Enactment shall not extend to a reasonable Quantity of any of the said Articles being in the Warehouse or Building of a Retail Dealer therein for the Purpose of his Trade, or to Samples of any of the said Articles in the Warehouse, Building, Counting-house, Office, or Room of any Merchant, Dealer, Broker, or Salesman, in the Way of his Trade or Business: Provided also, that this Enactment shall not extend to any of the said Articles received into a Manufactory, or any Place or Yard immediately adjoining thereto, and in the same Occupation, such Articles *bonâ fide* being received and held therein for the Purposes of Manufacture in the said Manufactory, Place, or Yard, or, having been manufactured therein, held therein for Sale, or for Delivery after Sale thereof: Provided also, that Turpentine, Rosin, Tar, or Pitch may be received into any Yard, such Yard being to the Satisfaction of the Committee inclosed by sufficient Brick or Stone Walls not less than Ten Feet in Height above the Ground, with such Gates and Doors only as shall be approved by the Committee, but without any other Aperture whatever

ever in such Walls, whatever the Height thereof may be, and such Yard being so situated with regard to any other Buildings having Windows or other Openings towards the same as shall be approved by the Committee, and such Yard being in all other respects approved by the said Committee for the Reception of the said Goods.

Certain Trades not to be carried on except in Fire-proof Warehouses.

XXVII. And be it enacted, That it shall not be lawful for any Person to carry on in any Part of any Warehouse any of the following Trades, Businesses, or Employments; (that is to say,)

Ship Chandler, Marine Store Dealer, Painter, Plumber, Glazier, Oilman, Colourman, Anchorsmith, Blacksmith, Whitesmith, Ship Bread Baker, Sailmaker, Blockmaker, Joiner, Cabinet-maker, or Cooper, or the bottling of Wines, Spirits, Beer, or other Liquor, unless such Warehouse shall, from the Foundation up to and inclusive of the Arching over any Room used for any such Trade, be built according to the Regulations in this Act and in Schedule (A.) contained with regard to a Cellar or Room (not being the Room immediately under the Roof) in Fire-proof Warehouses; nor shall it be lawful for any Person to carry on, in any Place other than a Building detached by Seventy-five Feet from any other Building, the Trade, Business, or Employment of the boiling of Oil, Blubber, or Tar, or the distilling of Turpentine, or the manufacturing of Vegetable or Mineral Naptha or of Varnish:

And if any Person shall carry on any Trade, Business, or Employment contrary to this Enactment he shall for every Offence forfeit any Sum not exceeding Ten Pounds, and any Sum not exceeding Ten Pounds for every Week during which such Default shall in anywise continue unamended: Provided always, that nothing in this Enactment contained shall prevent any of the said Trades, Businesses, or Employments being severally carried on in any existing Building or Place in which the same respectively were carried on previously to the Eleventh Day of *July* last.

Certain dangerous Trades not to be carried on in Buildings within 20 Yards of Warehouses, unless Chimneys of Buildings be carried up Five Feet above the Roof of every Warehouse within 20 Yards.

XXVIII. And be it enacted, That it shall not be lawful to carry on the Trade or Business of

Ironfounders or Engine Manufacturers; Chain or Anchor Smiths; Brass or Copper Smiths or Founders; Smiths or Nailmakers; Ore Smelters; Metal Refiners; Casters of Sheet Lead; Manufacturing Chemists; Lucifer, Congreve, Promethean, or other Match Makers; Colour Manufacturers; Distillers or Rectifiers; Vitriol Makers; Tallow Melters or Candle Makers; Tobacco Pipe Makers; Potters; Timber Stovers; Ship Bread Bakers; Sugar Refiners; Herring, Bacon, or Ham Curers; Soapmakers; Sulphur Refiners; Tinworkers; Glass Manufacturers; Varnish Makers or Tar Boilers; or the drying of Cotton in Kilns,

in any Building or Place situate within the Distance of Twenty Yards from any Warehouse, and in which Building or Place such Trade or Business was not carried on previously to the Eleventh Day of *July* One thousand eight hundred and forty-three, unless there shall be erected, to the Satisfaction of the Committee for the Preservation of Property from Fire, a sufficient Chimney, extending not less

than Five Feet in Height above the Ridge of the Roof of every Warehouse within the Distance of Twenty Yards from such Chimney, and into which Chimney every Flue of such Building or Place shall be well and sufficiently brought, in order that all Flame, Fire, and Smoke from every such Flue may be effectually brought into such Chimney, and discharged at the Mouth thereof; and if any Person shall carry on any such Trade or Business in any Building or Place within the Distance of Twenty Yards from any Warehouse, in which Building or Place such Trade or Business was not carried on before the Eleventh Day of *July* One thousand eight hundred and forty-three, without having a Chimney of such Height as aforesaid, with every Flue of such Building or Place well and sufficiently carried into such Chimney, or shall permit any Flame, Fire, or Smoke to be discharged otherwise than at the Mouth of such Chimney, he shall for every Offence forfeit a Sum not exceeding Two hundred Pounds, and a further Sum not exceeding Ten Pounds for every Week during which such Default shall in anywise continue.

Fire Committee may direct Chimneys of Buildings in which dangerous Trades are carried on to be heightened.

XXIX. And be it enacted, That it shall be lawful for the Committee for the Preservation of Property from Fire, on the Application of Six Persons, being respectively Householders or Owners or Part Owners of a Warehouse within the Borough, and not being Partners, or any one of them the Partner of another of them, to require the Owner of any Building or Place situated within the Distance of Twenty Yards from any Warehouse, in which Building or Place there shall be carried on, on the Eleventh Day of *July* One thousand eight hundred and forty-three, any of the Trades last aforesaid, to erect a Chimney of the Height of Five Feet at the least above the Ridge of the Roof of any Warehouse situate within Twenty Yards from such Chimney, and of sufficient Dimensions and Strength for every Flue of such Building or Place where such Trade shall be carried on to be brought into such Chimney, and to require such Owner to cause every such Flue to be well and sufficiently brought into such Chimney, in order that all Flame, Fire, and Smoke from every such Flue may be effectually discharged at the Mouth of such Chimney.

Amount to be deposited by Persons requiring Chimney to be heightened.

XXX. Provided always, and be it enacted, That before the Committee for the Preservation of Property from Fire shall require the Owner of any such Building or Place as last aforesaid to erect or heighten the Chimney thereof in the Manner and to the Extent herein-before directed, the Persons making Application to have such Chimney erected or heightened shall deposit with the said Committee, or with such Person as they shall appoint to receive the same, such Sum of Money as any Surveyor of the Mayor, Aldermen, and Burgesses to be named by such Committee shall estimate to be the Amount of the Expences of erecting or heightening such Chimney, and also a further Sum equal to Ten *per Centum* on such estimated Expence.

Money deposited to be returned if Chimney

XXXI. And be it enacted, That if the Owner of any Building or Place situated within the Distance of Twenty Yards from any Warehouse, in which Building or Place there shall be carried on any of the

heightened within Three Months.

the Trades last aforesaid, shall, within the Space of Three Months after he shall have been required so to do by the said Committee, erect or heighten the Chimney of such Building or Place to the Extent and in the Manner herein-before directed, and to the Satisfaction of the Surveyor named by the said Committee to superintend the same, and shall obtain from such Surveyor a Certificate that such Chimney has been erected or heightened to the Extent required, and constructed or altered in all respects in conformity with the Provisions of this Act, such Owner shall, on delivering such Certificate to the said Committee, be entitled to receive from them the Amount of the Sum which shall have been deposited with them or their Nominee, by the Persons applying to have such Chimney erected or heightened.

If Chimney not heightened within the limited Time Owner to be subject to a Penalty.

XXXII. And be it enacted, That if the Owner of any Building or Place situated within the Distance of Twenty Yards from any Warehouse, in which Building or Place there shall be carried on any of the Trades last aforesaid, shall not, within the Space of Three Months after he shall have been required so to do by the said Committee, erect or heighten the Chimney of such Building or Place to the Extent and in the Manner herein-before directed, and to the Satisfaction of the Surveyor named by the said Committee to superintend the same, it shall not be lawful for such Owner or any other Person, after the Expiration of such Period of Three Months, to carry on in such Building or Place any of the Trades last aforesaid, until the Chimney of such Building or Place shall have been erected or heightened in the Manner and to the Extent herein-before directed, and to the Satisfaction of the Surveyor named by the said Committee to superintend the same; and if the Owner of such Building or Place, or any other Person, shall, after the Expiration of the said Period of Three Months, and before the Chimney of such Building or Place shall have been so erected or heightened as aforesaid, use such Building or Place for any of the Trades last aforesaid, or carry on any of such Trades therein, the Owner or Person so carrying on such Trade shall for every Day on which he shall so carry on the same forfeit and pay any Sum not exceeding Ten Pounds.

Future Warehouses not to be erected within 20 Yards of certain Buildings.

XXXIII. And be it enacted, That it shall not be lawful hereafter to build any Warehouse within the Distance of Twenty Yards from any Building or Place in which any of the Trades or Businesses last aforesaid shall be carried on, unless such Warehouse shall be a Fire-proof Warehouse within the Provisions of this Act, and be so constructed as not to have any Door, Window, or Aperture opening towards the Building or Place in which such Trade or Business shall be carried on, or unless at the Time of erecting such Warehouse a Chimney as herein-before required shall be made to such Building or Place.

Saltpetre and Nitrate of Soda not to be stored, except in certain Warehouses.

XXXIV. And be it enacted, That it shall not be lawful for any Quantity of Saltpetre or of Nitrate of Soda exceeding together Half a Ton to be received into any Warehouse, Building, or Place, other than into a Warehouse or Shed under the Regulations of Schedule (A.) hereto,

hereto, such Warehouse or Shed being detached from any other Building, and into which Warehouse or Shed no other Goods than such Saltpetre or Nitrate of Soda shall be received; and if any Person shall deposit any Quantity of Saltpetre or Nitrate of Soda exceeding together Half a Ton in any Warehouse, Building, or Place, contrary to this Enactment, such Person shall for every such Offence forfeit any Sum not exceeding Fifty Pounds.

Parapet Walls, Doors, and Windows to be repaired on Notice.

XXXV. And be it enacted, That if at any Time the Parapet Wall of any Warehouse, or any of the Doors, Door Frames, Window Shutters, Window Frames, Penthouses, or Catheads of any Warehouse which shall have been entered upon the said Register hereinafter directed, in any of the Classes thereof, shall not be maintained and kept in good Order and Repair in the Manner and with the Materials prescribed by this Act and in the said Schedules (A.) and (B.) hereunto annexed, and the same shall not be sufficiently amended and repaired within Three Months after Notice in Writing of such Want of Repair shall have been given by One of the Surveyors under this Act to the Owner or Occupier of such Warehouse, or left at or affixed upon such Warehouse, it shall not, after the Expiration of such Three Months, be lawful for the Owner or Occupier of such Warehouse to receive into the same any Merchandize whatsoever until such Warehouse shall have been sufficiently amended or repaired to the Satisfaction of such Surveyor; and if the Owner or Occupier of such Warehouse shall, after the Expiration of such Three Months, and before such Warehouse shall have been so sufficiently amended and repaired as aforesaid, receive into such Warehouse any Merchandize whatsoever, such Owner or Occupier so receiving such Merchandize shall for every Bale, Package, or other separate Quantity thereof forfeit and pay any Sum not exceeding the Sum of Twenty Pounds.

Occupier to transmit Notice to Owner.

XXXVI. And be it enacted, That if any Occupier, on being served with any such Notice as aforesaid, shall not within One Month after Service thereof transmit the same, or a Copy thereof, to the Owner of the Warehouse whereof he is the Occupier, every such Occupier shall for every such Default forfeit a Sum not exceeding Ten Pounds: Provided always, that delivering such Notice, or a Copy thereof, to the Person who shall act as the Agent of such Owner in the Receipt of Rent or otherwise in respect of such Warehouse, or leaving the same at his Place of Abode, shall be deemed a sufficient Transmission of the Notice by the Occupier.

Surveyor to register Notices given by him.

XXXVII. And be it enacted, That every Surveyor under this Act shall keep a Register of all Notices given by him, which Register may be inspected at all reasonable Times without any Charge.

If Owner neglect to alter Warehouse, Occupier may make Alterations, and

XXXVIII. And be it enacted, That if the Owner of any such Warehouse shall not cause the same to be amended and repaired in manner aforesaid within One Month after such Notice shall have been transmitted to him as aforesaid, it shall be lawful for the Occupier of such Warehouse to cause the same to be amended and repaired

deduct Expences out of Rents.

repaired in manner aforesaid, and to deduct the Expence of making such Amendment and Repair out of the Rent then due or thereafter to become due by him to the Owner of such Warehouse, unless there shall be some specific Agreement between such Owner and Occupier to the contrary, or, at the Option of such Occupier, the Cost and Expence of making such Alteration or Improvement, or so much thereof as shall not be deducted as aforesaid, may be recovered by him from such Owner by Action or Suit in any of Her Majesty's Superior Courts of Record, together with all Costs and Expences incident to recovering the same.

Doors and Windows to be closed after working Hours.

XXXIX. And be it enacted, That the Doors and Window Shutters of every Room of every Warehouse shall at all Times, as well by Day as by Night, be kept closed and secured, except during the Time in which there shall be some Person employed in such Room, or except whilst such Person may be absent for temporary Purposes only, not exceeding One Hour at any One Time; and if the Occupier of any Warehouse, or of any Part thereof, shall permit or suffer any Door or Window Shutter of any Room in his Occupation to be open or unsecured at any Time, either by Day or by Night, except as aforesaid, such Occupier shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that nothing in this Enactment contained shall extend to any Room in any Warehouse, in which Room Flour or Corn, Seed or Pulse, or green or fresh Fruit only, and no other Goods, Wares, or Merchandize, shall be deposited, nor to any Room used solely as an Office, Counting-house, Sample or Sale Room, and in which no Merchandize shall be deposited, except as Samples: Provided also, that, notwithstanding any thing herein contained, it shall be lawful for the said Committee to allow such Doors and Shutters to be open for such Time as they may think reasonable, for the Purpose of drying damaged Goods, subject to such Regulations and Conditions as they may deem fit to impose.

Register of Warehouses to be kept.

XL. And be it enacted, That the Committee for the Preservation of Property from Fire shall cause a Registry to be kept in the Office of the Town Clerk of every Warehouse which shall be built or rebuilt or altered conformably to the Restrictions and Regulations of this Act, and of the said Schedules (A.) and (B.), or either of them, in which Registry the said Warehouses shall be classed in manner following; (that is to say,)

1. Fire-proof Warehouses under this Act:
2. Warehouses which shall be made conformable in every respect to the Regulations and Restrictions of this Act and Schedule (A.), save only as to the Provisions of this Act which are exclusively applicable to Fire-proof Warehouses, or Warehouses for particular Goods or Trades: And,
3. Warehouses which shall not be so conformable, but which shall be made conformable to Schedule (B.):

And the Council shall cause such Registry, at the Expiration of Three Months from the Commencement of this Act, and thereafter annually, or, if they think proper, oftener, to be published in Two or

or more of the *Liverpool* Newspapers; provided that in case any Warehouse entered upon such Registry in any of the said Classes shall not at any Time thereafter be conformable to the Restrictions and Regulations applicable to such Class, the same shall be expunged from such Class, and shall not be again placed thereon until the same shall be made conformable to the Regulations and Restrictions applicable to such Class.

Respecting existing Contracts for building.

XLI. And be it enacted, That nothing herein contained shall extend to avoid any Agreement in Writing entered into before the Commencement of this Act for erecting or altering any Warehouse, but such Agreement shall be performed, with all the Alterations of the Warehouse comprised therein which may be necessary to make such Warehouse conformable to the Provisions of this Act, in the same Manner as if such Alterations and Variations had been stipulated for in such Agreement: Provided always, that the Difference between the Costs and Expences of the Work when performed according to the Provisions of this Act and the Costs and Expences of the Work as originally contemplated by the Agreement shall be ascertained by the Parties to such Agreement, and paid for or deducted accordingly, if such Difference shall amount to or exceed the Sum of Twenty Pounds, but not otherwise; and if the Parties shall not agree upon the Amount of such Difference the same shall, on the Request of either Party (Notice being given to the other), be decided by the Surveyor to the Mayor, Aldermen, and Burgesses for the Time being, who shall adjudge the Amount of such Difference (not being less than Twenty Pounds), for which Adjudication the Party requiring the same shall pay to such Surveyor a Fee not less than One Pound or more than Five Pounds, according to the Amount of the Difference awarded and the Trouble occasioned upon the Award, the Amount of such Fee, in case of Dispute, to be settled by any Justice.

Respecting Contracts for Leases.

XLII. And be it enacted, That nothing herein contained shall extend or be deemed to alter or affect any Lease or Agreement for a Lease whereby any Person may be bound to build or rebuild a Warehouse, but that the Warehouse agreed to be built or rebuilt by such Lease or Agreement shall be built according to the Conditions which may be rendered necessary by this Act, in the same or like Manner as if this Act had been passed and in operation at the Time of making such Lease or Agreement, and without the Lessee or Tenant being entitled to any Compensation, either by Payment of Money, Reduction of Rent, or otherwise,

Power for the Council to appoint Surveyors.

XLIII. And be it enacted, That it shall be lawful for the Council, at any Time after the Commencement of this Act, and from Time to Time as Vacancies shall happen, to appoint a fit Person or so many fit Persons (not being Surveyors of the Estates of the Mayor, Aldermen, and Burgesses,) as the Council shall think fit to be Surveyors of Warehouses within the Borough for the Purposes of this Act, and to see that the several Provisions of this Act, and the Rules and Directions for the Time being of the Committee for the Preservation of

of Property from Fire, are well and truly observed therein; and each of the said Surveyors shall have in his special Charge such District of the Borough as the Council shall in that Behalf appoint, and shall hold his Office during the Pleasure of the Council, and may, if the Council shall so think fit, but not otherwise, have an Assistant or Assistants under him (such Assistants being in all Cases appointed by and holding their Situations during the Pleasure of the Council); and the Council shall have Authority to fix the Districts in which the said Surveyors are to act within the Borough, and to do all things relating in anywise to the Appointment and Direction of such Surveyors and Assistant Surveyors.

Declaration of Surveyors.

XLIV. And be it enacted, That every such Surveyor and Assistant Surveyor, upon his Appointment, shall make and subscribe before the Mayor of the Borough or his Deputy a Declaration to the Effect following; (that is to say,)

'I *A. B.*, the Surveyor [*or* Assistant Surveyor] [*or* One of the Surveyors] [*or* One of the Assistant Surveyors] under an Act of Parliament passed in the Year of the Reign of Queen *Victoria*, intituled [*here set forth the Title of this Act*], do declare that I will diligently, faithfully, and impartially perform the Duties of my Office, and, to the utmost of my Power, Skill, and Ability, endeavour to cause the several Provisions of the said Act, and the Rules and Directions for the Time being of the Committee for the Preservation of Property from Fire, to be strictly observed, and that without Favour or Affection, Prejudice or Malice, to any Person whomsoever.'

Salary of Surveyors.

XLV. And be it enacted, That each Surveyor and Assistant Surveyor shall be paid by the Mayor, Aldermen, and Burgesses out of the Borough Fund such Salary as the Council shall from Time to Time think proper.

Council to provide Offices for Surveyors.

XLVI. And be it enacted, That the Council shall provide an Office or Offices for the Use of the said Surveyors in some central and convenient Place or Places within the Borough, and shall cause due Notice thereof to be given in Two or more *Liverpool* Newspapers, and the Cost of providing such Office, and of giving Notice thereof, and all other Expences arising out of the Exercise of the Duties of such Surveyors, not herein otherwise provided for, shall be defrayed by the Council out of the Borough Fund.

Notice of building to be given to Surveyor.

XLVII. And be it enacted, That One clear Day at least before any Warehouse shall be begun to be built or rebuilt, or added to or altered, Notice thereof in Writing shall be left at the Office of the Surveyor of the District, signed by the Master Builder, Workman, or other Person who shall be employed or be about to build, rebuild, add to, or alter any such Warehouse, or by the Owner of the Warehouse, or other Person for whom or by whose Order such Work is to be done, stating in general Terms the Nature of the intended Work, and the Place where the same is to be done or carried on, and the Name and Place of Abode of the Owner of the Warehouse, or other Person for whom or by whose Order such Work is to be done, and

the Name and Place of Abode of the Master Builder, Workman, or other Person who shall be employed or shall be intended to be employed therein; and the Surveyor within whose District the same shall be shall inspect the said Work from Time to Time, and shall cause all the Rules of this Act relative to the proper Construction of Warehouses to be well and truly observed.

Surveyors to act although Notice has not been given.

XLVIII. And be it enacted, That the Surveyor of the District wherein such Warehouse may be situated shall, immediately upon the building or rebuilding thereof, or any Addition or Alteration thereto or therein, becoming known to him, cause all the Rules of this Act to be observed, whether or not any Notice thereof shall have been given to him; and if such Warehouse or any Part thereof shall not be built, rebuilt, added to or altered, according to the Provisions and Regulations of this Act, he shall give immediate Information to some Justice, who shall cause the Irregularities to be amended, or the Warehouse to be taken down, in the Manner herein-after directed.

If Surveyor of the District cannot act, another Surveyor to act for him.

XLIX. And be it enacted, That in case the Surveyor for the District within which any Warehouse is situated which ought to be inspected under this Act shall be prevented by Illness or other unavoidable Hindrance from inspecting the same, or in case such Surveyor shall be interested directly or indirectly therein, then such Surveyor shall cause Notice thereof to be given to some other Surveyor appointed under this Act, or in case of such other Surveyor being prevented by the like Hindrance, then to some Assistant Surveyor not subject to such Objection, and such last-mentioned Surveyor or Assistant Surveyor, upon the Receipt of such Notice as aforesaid from the Surveyor of the District in which such Warehouse is situated, or from any Person on his Behalf, shall inspect the Warehouse in regard to which such Notice shall have been given, and see that the Regulations of this Act are well and truly observed.

Surveyor to give Information of Warehouses or Alterations.

L. And be it enacted, That in case the several Regulations in this Act contained shall not from Time to Time be well and truly observed in regard to any Warehouse, the Surveyor within whose District the same is situated, or the Surveyor who in his Stead shall have inspected the same, shall immediately on the Discovery thereof give Notice in Writing of such Default to the Owner or Occupier thereof, or to the Master Builder, Workman, or other Person employed in or about such Warehouse, and unless such Parts of the said Warehouse as shall be contrary to the Provisions of this Act shall, within Forty-eight Hours from the Delivery of such Notice, be altered or amended, then the said Surveyor shall give immediate Information thereof to some Justice, who shall issue his Summons requiring the Party complained of to appear before Two Justices, and such Two Justices shall inquire into the Truth of such Information by the Examination of Witnesses or by such other Means as they shall think fit, and if any Breach of the Regulations in this Act contained shall be found to have been committed the said Justices shall cause such Warehouse to be taken down or amended in manner herein-after directed.

LI. And

Building or Alterations to be surveyed within One Month after finished, and Declaration made of Conformity to this Act.

LI. And be it enacted, That every Master Builder, Workman, or other Person by whom any Warehouse shall be built, rebuilt, added to, or altered, shall, within One Month after such Warehouse shall have been covered in or such Alteration completed, cause Notice thereof in Writing to be left at the Surveyor's Office, and the Surveyor within whose District the same is situated shall forthwith proceed to survey such Warehouse, or in case he shall, by Illness or otherwise, be prevented from so doing, or shall be interested therein as aforesaid, then the same shall be surveyed by any other Surveyor appointed under and by virtue of this Act, or by some Assistant Surveyor; and if upon such Survey the said Warehouse shall be found to be built, rebuilt, added to, or altered agreeably to the Regulations in this Act contained, then such Surveyor shall, on or before the First Day of *January*, the First Day of *April*, the First Day of *July*, or the First Day of *October* which shall first happen next after Fourteen Days from the Time of surveying the same, make a Declaration thereof in Writing before the Mayor or some Justice; and the said Declaration shall be entered in a Book to be provided for that Purpose, and kept in the Custody of the said Surveyors in their Offices, which Book shall be from Time to Time produced to the Mayor or any Justice, or to the Town Clerk, whenever required by any of them respectively: Provided always, that no such Declaration as aforesaid shall be made until a Certificate under the Hand of the Surveyor for the Time being of the Commissioners for the better Paving and Sewerage of the Town of *Liverpool*, in case the Warehouse shall be situate within the District of such Commissioners, has been obtained, stating that such Warehouse is upon the Level and drained in the Manner required by Law.

Penalty on Builder neglecting to give Notice.

LII. And be it enacted, That every Master Builder, Workman, or other Person by whom any Warehouse shall be built, rebuilt, added to, or altered, who shall neglect to give any Notice required by this Act respecting the same, shall for every such Neglect forfeit a Sum not exceeding Five Pounds.

Penalty on Workmen offending.

LIII. And be it enacted, That every Workman, Labourer, Servant, or other Person employed in the building, rebuilding, adding to, or altering any Warehouse, who shall wilfully or negligently, and against the Order of any Person causing such Work to be done, or superintending the same, do any thing in or about such Work contrary to the Provisions of this Act, such Person shall for every such Offence forfeit and pay a Sum not exceeding Fifty Shillings.

Penalty on Persons refusing Inspection.

LIV. And be it enacted, That every Owner or Occupier of any Warehouse, and every other Person interested therein, who shall begin to build or rebuild, add to, or make any Alteration in any Warehouse, and who shall refuse to any Surveyor under this Act Admittance from Time to Time at reasonable Hours in the Daytime, for the Purpose of inspecting the said Warehouse, or who shall in anywise interrupt or hinder any such Surveyor from surveying the same, shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds; and every Warehouse built, rebuilt, altered, or added to, or begun to be built, rebuilt, altered, or added to, as aforesaid,

said, without such Admittance as aforesaid being allowed, shall, in case such Work be not done in every respect agreeably to the Regulations of this Act, be taken down or altered, as may be directed by Order of any Justices in the Manner herein-after directed.

All Warehouses erected contrary to this Act to be altered.

LV. And be it enacted, That if any Person shall build, rebuild, add to, or alter, or begin to build, rebuild, add to, or alter any Warehouse, contrary to the Provisions of this Act, and be thereof convicted on Oath before any Justices, then the Owner of such Warehouse or other Person for whom or by whom, or by whose Order, such Work shall be done, and the Builder employed, or one of them, as the said Justices shall require, shall enter into a Recognizance, in such Sum as the said Justices shall appoint, to take down the same within such convenient Time as the said Justices shall appoint, or otherwise to amend the same according to the Regulations in this Act contained, and also to pay the Expences of laying the Information and obtaining the Conviction; and in default of entering into such Recognizance it shall be lawful for the said Justices, by Warrant under their Hands and Seals, to order any such Warehouse, or the Part thereof not conformable to this Act, to be taken down or altered, and to order the Person by them authorized to take down the same to sell the Materials thereof, and out of the Monies arising from the Sale thereof to pay himself, and all Persons by him employed for the Purposes aforesaid, the reasonable Charges of taking down such Warehouse or Part thereof, and also the Expences of laying the Information and obtaining a Conviction, and to pay the Surplus of the Monies arising by such Sale to the Owner of such Materials, or to such Person as the said Justices shall order, for such Owner; and if the Monies arising by such Sale be not sufficient to defray such Charges the Deficiency shall be levied upon and recovered from the Owner or other Person for whom or by whose Order such Warehouse shall be built, rebuilt, added to, or altered, in like Manner as Penalties are by this Act directed to be levied and recovered; or, in case such Justices shall think it more expedient, the Person so making default shall be committed to the Common Gaol, there to remain for such Time as the said Justices shall determine, not more than Three Months, such Imprisonment to cease whenever the said Warehouse or Part thereof shall be taken down or otherwise amended according to the Order of the said Justices and the Provisions of this Act: Provided always, that no Proceeding for any such Conviction shall be had after the End of Twelve Months after the said Warehouse shall have been finished, or the Additions thereto or Alterations therein completed.

For preventing Neglect or Evasion of this Act.

LVI. And be it enacted, That it shall be lawful for any Surveyor appointed by virtue of this Act, and all other Persons, to commence and prosecute Proceedings for the Recovery of any Penalty or Forfeiture, or for the pulling down or amending of any Warehouse or Part thereof, against any Owner, Occupier, Builder, Workman, or other Person, for any Default made in complying with the Provisions of this Act, at any Time within Three Months after such Default shall have been made, provided that the Person intending to commence such Proceedings, if not One of the Surveyors, shall give

Notice of his Intention at the Office of the Surveyor of the District; and that in case any Person, having duly begun to build, rebuild, add to, or alter any Warehouse requiring Compliance with the Provisions of this Act, shall suspend the Progress and Completion of the Work for any Period exceeding Two Months, and shall again go on with the same, or in case the Builder, Master Workman, or other Person employed by such Owner or other Person in such Work shall be changed during the Progress thereof, Notice in Writing thereof, and of the Name of the Person to be employed to go on with such Work as aforesaid, shall be given to the Surveyor of the District, or left at the Surveyor's Office, in like Manner as is required upon beginning any new Warehouse; and every Person making default or neglecting to give or leave such Notice shall for every Offence forfeit and pay a Sum not exceeding Twenty Pounds, to be recovered as herein-after mentioned.

As to Persons inadvertently making default in conforming to Regulations.

LVII. And whereas Persons may inadvertently make default in conforming to some of the Provisions of this Act, and by the Inattention of the Surveyor of the District within which the Warehouse may be situated such further Progress may be made in the Work that, in order to rectify such Error, considerable Expence may be incurred, which would not have been the Case had due Attention been paid by the Surveyor; be it therefore enacted, That no Proceeding shall be had against any Owner, Occupier, Builder, Workman, or Person for any Default made in complying with the Provisions of this Act where no Notice shall have been given thereof by such Surveyor as aforesaid within Ten Days after such Default shall have been made; provided that such Default do not affect the Safety of the Warehouse, and that such Warehouse shall have been open to the Inspection of the Surveyor at the usual working Hours during the said Number of Days.

Repealing Provisions in former Act as to Registry, &c. of Porters.

LVIII. And whereas it was by the said recited Act enacted, that it should be lawful for the Council to establish a general Registry of Porters, not being Errand, Message, or Luggage Porters, and of Warehousemen, Lumpers, and Stevidores, in the Borough and at the Docks thereof, and to fix and appoint some convenient Place in the Borough as an Office for the Establishment of such Registry, and also the Persons who should have the Charge of and should keep such Registry, and the Mode in which the same should from Time to Time be kept and conducted; and that from and after the Establishment of such Registry it should be lawful for any Person desirous of following the Trade or Business of such Porter, Warehouseman, Lumper, or Stevidore in the Borough to register his Name and the Place of his Abode in such Registry; and that the Person appointed to keep and conduct such Registry should give a Certificate of such Registration, printed or written, signed by such Person, containing the Christian and Surname in Words at Length and also the Place of Abode of every such Person so applying for Registration, together with the Number of his Name in the said Register, and the Date of such Registration, and for which Registration and Certificate such Sum as might be fixed by the said Council, not exceeding One Shilling, should be paid by the Party requiring

requiring the same, before the Delivery thereof; and if any Person applying to be registered as aforesaid should give any false Name or incorrect Description of his Place of Abode, or should be guilty of Felony or any indictable Misdemeanor, or of habitual Drunkenness, or of being an idle and disorderly Person, it should be lawful for any Justice, upon due Proof thereof before him upon Oath, to order and direct the Name of every such Person to be expunged from the said Registry, and thereupon the Name of every such Person so expunged should be publicly exhibited in a List to be fixed up in the Office appropriated for such Registry for the Space of Three Calendar Months; and if any Person whose Name should have been expunged from such Registry in manner therein mentioned should (after his Name should have been so expunged) falsely represent himself as still registered therein, every Person so offending should for every Offence forfeit any Sum not exceeding Forty Shillings; and that no Person should ply for Hire as such Porter, Warehouseman, Lumper, or Stevidore without being so registered; and any Person so plying should for every Offence forfeit a Sum not exceeding Forty Shillings: And whereas it is expedient that the said recited Enactments should be repealed, and other Provisions substituted in lieu thereof; be it therefore enacted, That the same shall be and are hereby declared to be repealed.

Council empowered to license Warehousemen, Porters, &c.

LIX. And be it enacted, That it shall be lawful for the Council from Time to Time to grant Licences to Persons to act as Warehousemen, Porters, Lumpers, and Stevidores within the Borough, and for every Licence there shall be paid to the Town Clerk such Sum as the Council may direct, not exceeding for a Warehouseman the Sum of Two Shillings and Sixpence, and for a Porter, Lumper, or Stevidore the Sum of One Shilling: Provided always, that it shall be lawful for the Council to license the same Person to act as a Warehouseman and also as a Porter, Lumper, and Stevidore.

Licences may be revoked for Misconduct.

LX. And be it enacted, That every such Licence may, for the Misconduct of the Person to whom it may have been granted, be revoked or suspended by the Council, as they shall deem it right.

Persons applying for Licences to sign a Requisition for the same.

LXI. And be it enacted, That before any such Licence shall be granted a Requisition for the same, in such Form as the Council shall from Time to Time provide for that Purpose, shall be made and signed by the Person applying for the same, and in every such Requisition there shall be truly specified and set forth the proper Name and Surname and Place of Abode of the Person applying for such Licence, with such further Particulars as the Council may think fit.

The Council to have a discretionary Power of granting or refusing Licences.

LXII. And be it enacted, That the Council shall have a discretionary Power of granting or refusing any Licence under this Act, in Cases where the Applicant has been convicted of Felony or a Misdemeanor, or as a Rogue and Vagaband, or of any Offence against this Act, or against any Bye Law of the Council, now or hereafter to be made, relating to Warehouses, or Goods and Merchandize

chandize therein, or about to be taken into the same; and that in every Licence granted under the Authority of this Act there shall be specified the Number of such Licence, and the proper Name and Surname and Place of Residence, and the Age and a Description of the Person to whom such Licence shall be granted; and every such Licence shall bear Date the Day on which the same shall be granted, and shall continue in force until the same shall be revoked, and except during such Time as the same shall be suspended; and that it shall be a Condition precedent to the granting every Licence to a Porter, Lumper, or Stevidore, and shall be specified in such Licence, that the Person licensed shall consent to be searched by the Warehousemen or Persons in charge of any Warehouse or Warehouse Room, previous to his Admission thereto and Departure therefrom, and while he shall be therein.

Licences to be registered.

LXIII. And be it enacted, That every Licence which may be granted under the Authority of this Act shall be made out and signed by the Town Clerk, and registered in a Book to be provided for that Purpose, with the proper Name and Surname and Place of Residence, and the Class or Employment of the Person licensed, and the Number of the Licence; and in such Book shall be contained Columns or Places for Entries to be made, as herein-after mentioned, of every Offence of which the Person licensed may be convicted; and such Book shall be kept in the Public Office of the Town Clerk, and be open to the Inspection of any Person, without Fee or Reward, during the usual Hours of Business in such Public Office.

Licensed Persons to give Notice of Change of Abode.

LXIV. And be it enacted, That so often as any Person licensed under this Act shall change his Place of Abode he shall, within Seven Days next after such Change, give Notice thereof, in Writing signed by him, to the Town Clerk, specifying in such Notice his new Place of Abode, and shall at the same Time produce his Licence at the Office of the Town Clerk, who shall, by himself or by some Person appointed by him for that Purpose, indorse thereon and sign a Memorandum of such Change; and if any licensed Person, upon changing his Abode, shall omit to give Notice thereof, and to produce his Licence as aforesaid, or shall give any false Address, either upon his first Application for a Licence or upon any Change of Abode, he shall for every Offence forfeit a Sum not exceeding Forty Shillings.

A Medal to be delivered with the Licence to every Porter, Lumper, and Stevidore.

LXV. And be it enacted, That the Council shall at the Time of granting any such Licence to any Person to act as Porter, Lumper, or Stevidore cause to be delivered to him a Certificate of his being duly licensed and registered, by giving to him a Medal, upon which shall be marked a Number corresponding with the Number which shall be inserted in his Licence; and every such Porter, Lumper, or Stevidore shall at all Times when at work, and when he shall be plying for Hire, wear such Medal conspicuously in such Manner as that the Number thereon may be distinctly visible and legible; and if any Porter, Lumper, or Stevidore shall act as such, or shall ply for Hire, without wearing such Medal in manner aforesaid, or shall when required so to do refuse to produce such Medal for Inspection, or to permit

permit any Person to note the Number thereon, he shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

Licences and Medals to be delivered up.

LXVI. And be it enacted, That upon the Expiration, Revocation, or Determination of any Licence granted under this Act the Person to whom such Licence shall have been granted shall deliver up such Licence, and, in the Case of a Porter, Lumper, or Stevidore, deliver also the Medal relating thereto, to the Town Clerk; and if after the Expiration, Revocation, or Determination of any Licence any Person shall use or wear the Medal relating thereto, or shall wilfully neglect to deliver the same to the Town Clerk, or if any Person shall use or wear any Medal without having a Licence in force relating thereto, or shall for the Purpose of Deception use or wear any Medal resembling or intended to resemble any Medal granted by the Authority of this Act, he shall for every such Offence forfeit any Sum not exceeding Five Pounds.

New Medals to be delivered in lieu of defaced or lost Medals.

LXVII. And be it enacted, That whenever the Number on any Medal shall have become obliterated or defaced, so that the same shall not be distinctly visible and legible, and also whenever any Medal shall be proved to the Satisfaction of the Town Clerk to have been lost or mislaid, the Person to whom the Licence relating to any such Medal shall have been granted shall surrender and deliver up such Medal (if he shall have the same in his Possession) and shall produce such Licence to the Town Clerk, and such Person shall be entitled to have a new Medal delivered to him in lieu of the Medal so delivered up, or lost or mislaid, upon Payment to the Town Clerk of the Sum of One Shilling for each Medal: Provided always, that if any Medal which shall have been proved as aforesaid or represented to have been lost or mislaid shall afterwards be found, the same shall forthwith be delivered up to the Town Clerk; and if any Person into whose Possession any such Medal so lost as aforesaid shall be or come shall refuse or neglect for the Space of Three Days to deliver up the same to the Town Clerk, or if any Person licensed under the Authority of this Act shall use or wear the Medal granted to him after the Number thereon shall be in any Manner obliterated, defaced, or obscured, so that the same shall not be distinctly visible and legible, he shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

Penalty for not delivering up lost Medal when found, or for wearing a Medal after it has been defaced, 40*s.*

Forgery of Licence or Medal, or knowingly uttering a forged Licence or Medal, a Misdemeanor.

LXVIII. And be it enacted, That if any Person shall forge or counterfeit, or shall cause or procure to be forged, counterfeited, or resembled, any Licence or Medal by this Act directed to be provided for Warehousemen, Porters, Lumpers, and Stevidores, or if any Person shall sell or exchange, or expose to sale or utter, any such forged or counterfeited Licence or Medal, or if any Person shall knowingly and without lawful Excuse (the Proof whereof shall be on the Person accused) have or be possessed of such forged or counterfeited Licence or Medal, knowing such Licence or Medal to be forged or counterfeited, every Person so offending, and every Person knowingly and wilfully aiding, abetting, or assisting any Person in committing any such Offence as aforesaid, shall be adjudged guilty of a Misdemeanor; and it shall be lawful for any Person to

detain any such Licence or Medal, or for any Peace Officer to seize and take away any such Licence or Medal, in order that the same may be produced in Evidence against such Offender, or be disposed of as the Town Clerk shall think proper.

Penalty on employing unlicensed Persons.

LXIX. And be it enacted, That, except as herein-after excepted, if any Person shall knowingly employ as a Warehouseman, Porter, Lumper, or Stevidore, any Person who at the Time of such Employment shall not have a Licence in force authorizing him so to act, every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Licences may be suspended or revoked.

LXX. And be it enacted, That it shall be lawful for the Court or any Justices before whom any Warehouseman, Porter, Lumper, or Stevidore shall be convicted of any Offence against this Act, or against any Bye Law for preventing or prohibiting smoking Tobacco and other Things in any Offices, Warehouses, or Buildings in the Borough, or in any Rooms or Apartments connected with such Warehouses and Buildings, used for the Deposit and Custody of Goods, Wares, and Merchandize, within the Borough, or at or near the Entrances to the same, or at or near any Goods, Wares, or Merchandize about to be taken into such Warehouses or Buildings, also upon the Dock Quays, or on board of Vessels lying and being in any of the Docks and Basins within the Borough, or for regulating and fixing the Times when and the Mode in which Fires and Lights shall be had and taken into the Warehouses and other Buildings, or into any such Rooms or Apartments, and on board Ships and Vessels as aforesaid, or the Times and Admission of Porters, Warehousemen, and other Persons into such Warehouses, Offices, and Buildings, or into any such Rooms or Apartments, to suspend, for such Period as to such Court or Justices shall seem fit, or to revoke, the Licence granted to such Person, and thereupon to require such Person to deliver up his Licence, or, as the Case may be, his Licence and Medal, forthwith, to such Court or Justices; and if such Person shall neglect or refuse so to do he shall forfeit a Sum not exceeding Five Pounds, and the Court or Justices to whom such Licence, or Licence and Medal, shall be delivered, shall forthwith transmit the same to the Town Clerk, who shall make such Entry in the proper Licence Book as by this Act required, and at the Expiration of the Period for which such Licence shall have been suspended redeliver the said Licence, or, as the Case may be, the Licence and Medal, to the Person therein named.

Conviction of Warehousemen, Porters, &c. to be entered in Register.

LXXI. And be it enacted, That in every Case of a Conviction of any Warehouseman, Porter, Lumper, or Stevidore of any Offence against this Act, or against any such Bye Law as aforesaid, the Clerk of the Peace, in the Case of a Conviction for a Misdemeanor, and the Clerk of the Justices, in the Case of a summary Conviction, shall within Twelve Hours after such Conviction transmit a Certificate thereof to the Town Clerk, stating the Nature of the Offence, and the Order of the Court or Justices thereupon, and the Town Clerk shall forthwith enter such Particulars in the proper Licence Book, opposite the Name of the Person so convicted.

LXXII. And

Porters, &c. to produce Licences to Persons in charge of Warehouses.

LXXII. And be it enacted, That it shall be lawful for the Person in charge of any Warehouse or Warehouse Room, Ship or Vessel, or of any Goods about to be removed into or from any Warehouse or Warehouse Room, Ship or Vessel, or for the Owner or Consignee of such Goods, his Clerk or Agent, or for any Police Officer of the Borough, to demand and inspect the Licence of any Warehouseman, or the Medal of any Porter, Lumper, or Stevidore, before admitting him into the Warehouse or Warehouse Room, or to work at such Goods, and to make the like Demand and Inspection at any Time during the Employment of such Warehouseman, Porter, Lumper, or Stevidore in such Warehouse, Warehouse Room, Ship or Vessel, or about such Goods; and if any Warehouseman shall neglect or refuse to produce his Licence, or if any Porter, Lumper, or Stevidore shall neglect or refuse to produce his Medal, it shall be lawful for the Person so in charge of the Warehouse or Warehouse Room, Ship or Vessel, or for such Owner, Consignee, Clerk, Agent, or Police Officer as aforesaid, forthwith to remove such Warehouseman, Porter, Lumper, or Stevidore from the same, and (if necessary) to call in the Assistance of any Police Officer of the Borough for that Purpose; and every such Warehouseman, Porter, Lumper, or Stevidore shall moreover forfeit a Sum not exceeding Forty Shillings.

Penalty on Warehousemen, Porters, &c. having Combustibles in Possession, after Search.

LXXIII. And be it enacted, That if any Warehouseman, Porter, Lumper, or Stevidore shall conceal or secrete, or, after being searched by the Person in charge of a Warehouse or Warehouse Room, or in charge of Goods about to be conveyed to or from a Warehouse or Warehouse Room, or by a Police Officer, shall have in his Custody or Possession any Tobacco, Tobacco Pipe, Match, or combustible Article or Thing, or any Matter capable of being used in producing Combustion, every Person so offending shall forfeit a Sum not exceeding Five Pounds.

Occupiers of Warehouses to keep Warehousemen.

LXXIV. And be it enacted, That the Occupier of every Warehouse shall appoint and keep a licensed Warehouseman to attend at such Warehouse at all Times when any Work is being done in any Room therein, other than a Room used solely as an Office, Countinghouse, Sample or Sale Room, in which no Merchandize other than Samples shall be deposited; and if the Occupier of any Warehouse shall permit or suffer any Work to be done therein, save as aforesaid, without having a licensed Warehouseman on the Premises at the Time, for the Purpose of superintending such Warehouse, such Occupier shall for every Offence forfeit and pay any Sum not exceeding Twenty Pounds.

Warehouseman not to absent himself from Warehouse when Work going on.

LXXV. And be it enacted, That if the Warehouseman appointed by the Occupier of any Warehouse shall be absent from such Warehouse at any Time when any Work is being done therein, except as in the preceding Enactment, without having left, with the Consent of such Occupier, some other licensed Warehouseman in charge of such Warehouse, such Warehouseman so absenting himself shall for every such Offence forfeit any Sum not exceeding Five Pounds.

LXXVI. And

Duties of licensed Warehouseman.

LXXVI. And be it enacted, That the Keys of every Warehouse and of every Room in such Warehouse, except as aforesaid, shall, whenever it shall be necessary to open the same for any Purpose, be delivered into the Charge of the Warehouseman of such Warehouse, who shall himself open such of the Doors and Windows thereof as may be necessary; and when all Work shall have ceased in any Room of such Warehouse, except as aforesaid, the Warehouseman in the Charge thereof shall see that the Windows and Window Shutters are properly closed and secured, and that there is no Light or Fire or any dangerous Article or Thing left in such Room, and that all the Doors thereof are locked and properly fastened; and when all the Work shall have ceased for the Day in the Warehouse he shall discharge the following general Duties; that is to say, he shall see that the Windows and Window Shutters (if there be any Windows in the Staircase) are properly closed and secured, and that there is no Light or Fire or any dangerous Article or Thing left in the Staircase or about the same, and that all the Doors of the Staircase (if there shall be any) are locked and properly fastened, and shall lock and secure the outer Doors of such Warehouse; and if any Warehouseman shall make default or offend in any of the Matters aforesaid he shall for each such Offence forfeit any Sum not exceeding Five Pounds.

Rooms in separate Occupations to be deemed separate Warehouses.

LXXVII. And be it enacted, That in every Case in which Rooms, Cellars, or Vaults of any Warehouse shall be in several and distinct Occupations, the Rooms, Cellars, or Vaults forming each of such Occupations, with all Doors and Windows, and Stairs and Staircases belonging thereto or used therewith, shall be deemed and taken to be a separate Warehouse for all the Purposes of this Act; provided that it shall be sufficient to have One Warehouseman to attend the said several Occupations when Work is being done in any of the said Occupations, if the Occupiers of all the Rooms, Cellars, or Vaults shall agree in such Appointment; and in case of no such Agreement existing, then it shall be incumbent on the Warehouseman of that Occupation which in any Day shall be kept open to the latest Hour to perform all such general Duties in respect to all such several Occupations as are by this Act required to be performed by the Warehouseman of any Building being a Warehouse in One Occupation, when all Work therein shall have ceased for the Day, and under or subject to the same Penalties.

Doors to be erected between Counting-houses and Warehouse Rooms.

LXXVIII. And whereas in certain Buildings used partly as Warehouses Rooms are frequently occupied as Counting-houses, Offices, Sample and Sale Rooms, and as such are kept open later than those Parts of such Buildings which are used only as Warehouses; be it therefore enacted, That the Owners of all such Buildings shall, within Six Weeks after being required so to do by the said Committee, cause a proper Door or Doors to be erected on the main Staircase thereof, at such Spot or Spots as shall allow of all Communication being thereby shut off between such Counting-houses, Offices, Sample or Sale Rooms, and the Parts of the Building so occupied as Warehouses above such Counting-houses, Offices, Sample or Sale Rooms, and, so far as Communication with the same

can be conveniently shut off, the Parts of the Building occupied as Warehouses on the same Floor as such Counting-houses, Offices, Sample or Sale Rooms; and such Door or Doors shall be provided with a proper Lock or Locks so as effectually to prevent the Passage through the same when the Business in such Warehouses shall have ceased; and with reference to the general Duties of the Warehouseman herein-before prescribed with regard to the closing of the outer Door of any Warehouse in which all Work shall have ceased for the Day, such Doors so to be erected as last aforesaid shall be considered as the outer Doors of the Warehouses so above or on the Level of such Counting-houses, Offices, Sample or Sale Rooms: Provided always, that the Occupier of any such Counting-house, Office, Sample or Sale Room, or Warehouse Room, if any, without such Doors hereby required as aforesaid, whose Business shall require the Building in which the same is situate to be longest kept open, shall thereupon be bound to cause the outer Door of such Building to be closed, under a Penalty of Five Pounds for every Default.

Warehousemen may search Porters and others employed in Warehouses.

LXXIX. And be it enacted, That it shall be lawful for any Warehouseman to search any Porter or other Person employed in any Warehouse at any Time and for any Cause which such Warehouseman shall think proper, and also to search every Porter and other Person upon coming in and going out of and whilst he shall be in such Warehouse, and to exclude from such Warehouse any Porter guilty of any Misbehaviour, and also any other Person not having any Business in such Warehouse, and to take from any Porter or other Person employed in or coming into or being in any Warehouse any Article in his Possession which in the Opinion of such Warehouseman, may be of a dangerous Nature, and likely to cause Fire: Provided always, that this Enactment shall not have reference to any Room used solely as an Office, Counting-house, Sample or Sale Room, in which no Merchandize is deposited.

Warehousemen deducting from the Wages of any Porter guilty of a Misdemeanor.

LXXX. And be it enacted, That if any Warehouseman shall deduct from the Wages of any Porter employed in any Warehouse any Sum of Money as a Premium or Inducement for so employing such Porter, or shall take from such Porter, either directly or indirectly, any Money or any Goods of any Kind, or any other Recompence for so employing such Porter, or for having employed him on any previous Occasion, or for the Promise of employing him in any future Occasion, or for procuring him Employment in any other Warehouse, every Warehouseman so offending shall be deemed guilty of a Misdemeanor.

What Persons shall be deemed Porter.

LXXXI. And be it enacted, That all Persons employed in receiving and delivering Goods, repairing Packages, including the Work of a Cooper and Joiner, stowing and arranging Goods, sampling or assisting in sampling in a Warehouse, or discharging any other ordinary Duties of Labour in Warehouses, shall be considered Porters within the Meaning of this Act.

Watch Committee authorized to appoint Warehouse Constables.

LXXXII. And be it enacted, That it shall be lawful for the Watch Committee of the Borough, if they shall think fit so to do, but not otherwise, to appoint any Number of fit Men to act as Constables for the Protection of Warehouses and the Property therein from Fire, and for the preventing of Robberies and other Felonies, and smuggling, and for apprehending Offenders against the Peace, in addition to the ordinary watching of the said Warehouses under the general Provisions for watching of the said Borough; and such Warehouse Constables shall be appointed for such Time as the Watch Committee shall think fit, and every such Constable shall be sworn in before some Justice, in like Manner as the other Constables of the Police Force of the Borough, and shall have all the Powers, Privileges, and Duties of and be liable to the same Regulations and Penalties as Constables belonging to the general Police Force of the Borough, save only and except that such Warehouse Constables shall not be employed upon any general Duty unconnected with Warehouses.

Watch Committee may appoint Special Warehouse Constables.

LXXXIII. And be it enacted, That it shall be lawful for the Watch Committee of the Borough, if they shall think fit so to do, but not otherwise, to appoint any Number of licensed Warehousemen to act as Special Constables in Warehouses; and every Warehouseman so appointed as a Special Constable shall take the same Oath, and have the same Powers and Immunities, and be liable to the same Penalties as a Warehouse Constable; but no Warehouseman appointed to act as a Special Constable shall be entitled to any Pay or to any other Remuneration for so acting, or be employed in any Duty unconnected with the Warehouse.

Warehouse Constables may enter Warehouses when Persons employed therein.

LXXXIV. And be it enacted, That it shall be lawful for any Constable to enter any Warehouse at any Time when any Person shall be employed therein, or when such Warehouse shall be open, or when he shall suspect or be informed that any Person is concealed therein, or when there shall be any Fire or any Suspicion of Fire therein; and it shall be lawful for such Constable to search any Porter or other Person employed or being in such Warehouse, and to seize and take from such Porter or other Person any Article in his Possession which in the Opinion of such Constable may be of a dangerous Nature, and likely to cause Fire.

Porters doing any Act whereby there may be Danger from Fire guilty of a Misdemeanor.

LXXXV. And be it enacted, That if any Porter, Warehouseman, or Labourer employed in any Warehouse, or in the receiving or Delivery of Goods into or from the same, shall in or near any Warehouse be guilty of any Act or Omission whereby any Warehouse, or any Goods therein, may be in danger from Fire, every such Person shall be deemed guilty of a Misdemeanor.

Punishment of Persons convicted of Misdemeanor.

LXXXVI. And be it enacted, That every Person convicted of a Misdemeanor under this Act shall be liable, in the Discretion of the Court, to be imprisoned, or imprisoned and kept to hard Labour, in the Common Gaol or House of Correction of the said Borough, for any Term not exceeding One Year.

LXXXVII. And

Extending Bye Laws under recited Act to Persons licensed under this Act.

LXXXVII. And whereas by the said recited Act the Council are empowered to make Bye Laws as therein mentioned, and to impose Penalties for securing the due Observance thereof; be it enacted, That all such Bye Laws as the said Council are thereby empowered to make, and all Penalties which they are thereby authorized to impose, with regard to Porters, Lumpers, and Stevidores, shall apply and may be made and imposed with reference to the Warehousemen, Porters, Lumpers, and Stevidores to be licensed under this Act.

Power of granting and revoking Licences may be exercised by the Committee.

LXXXVIII. And whereas by an Act of the Fifth and Sixth Years of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, it is enacted, that it shall be lawful for the Council of any Borough to appoint out of their own Body from Time to Time such and so many Committees, either of a general or special Nature, and consisting of such Number of Persons as they may think fit, for any Purposes which in the Discretion of such Council would be better regulated and managed by means of such Committees; provided always, that the Acts of every such Committee shall be submitted to the Council for their Approval; be it therefore enacted, That the said Provision of the said last-mentioned Act shall extend to the granting or revoking of all Licences hereby authorized to be granted or revoked, and the Powers for such Purposes shall and may be exercised by the Committee herein-before directed to be appointed, subject always to the same being submitted for Approval as aforesaid.

Warehouse Fire Police Rate may be levied.

LXXXIX. And in order to raise Money for defraying the Costs, Charges, and Expences of maintaining the Warehouse Fire Police, and incident thereto, be it enacted, That it shall be lawful for the Council, once in every Year after the Commencement of this Act, if they shall think it necessary, to order a Warehouse Fire Police Rate, not exceeding Two-pence in the Pound, (in addition to the Fire Police Rate authorized to be raised by virtue of the said recited Act,) to be made and levied upon all Warehouses and Warehouse Rooms, Cellars, and Vaults within the Borough, and within the Provisions of this Act, by Law rateable to the Relief of the Poor, and comprising also all Counting-houses, Offices, Sale and Sample Rooms in any Building occupied wholly or in part as a Warehouse, and of which Building some Portion is so occupied by the Occupier of such Counting-house, Office, Sale or Sample Room, and such additional Rate shall be paid by the Occupier of the Property on which the same is assessed.

Extending Provisions in former Act as to rating.

XC. And be it enacted, That all the Powers, Provisions, Remedies, Clauses, Matters, and Things in the said first-recited Act contained, with reference to the laying, raising, levying, recovering, and remitting the said Fire Police Rate, authorized to be levied by virtue of the said Act, or otherwise incident thereto, shall, so far as the same are applicable, extend to this Act, and shall be in full Force and Effect with reference to the laying, raising, levying, recovering, and remitting the Warehouse Fire Police Rate herein-before authorized, in

in as full and ample a Manner as if all such Powers, Provisions, Remedies, Clauses, Matters, and Things had been repeated and re-enacted in this Act in reference to the same.

Separate Account to be kept of Warehouse Fire Police Rate.

XCI. And be it enacted, That the Treasurer of the Borough shall keep a separate and distinct Account of the Monies received by him in respect of the Warehouse Fire Police Rate hereby authorized to be made and levied, and of the Disbursements made out of such Monies.

Application of Rate.

XCII. And be it enacted, That the Money which shall arise from the said Warehouse Fire Police Rate shall be paid over by the Collectors or other Persons receiving the same to the Treasurer of the Borough, to the Account of the Borough Fund of the Borough, by whom the same shall be applied, under the Order and Direction of the Council, in defraying the Expences of maintaining the Warehouse Fire Police of the Borough, and none other.

Penalties to be summarily recovered before Two Justices.

XCIII. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding, upon Complaint made before or upon Information in Writing made and exhibited before any Justice; and on every such Complaint or Information as aforesaid such Justice shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any Two Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for such Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties may be levied by Distress.

XCIV. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any Two Justices shall issue their Warrant of Distress accordingly.

Power to mitigate Penalties and Costs.

XCV. And be it enacted, That it shall be lawful for any Justices, in all Cases where Persons shall be convicted before them of any Offence under this Act, to mitigate the Penalty and Costs payable in all such Cases.

Imprisonment in default of Distress.

XCVI. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and

kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of such Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress, and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then such Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application of Penalties.

XCVII. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall order the same to be paid to the Treasurer of the Borough, to the Credit and on account of the Borough Fund of the Borough.

Penalties to be sued for within Six Calendar Months.

XCVIII. And be it enacted, That no Person, unless herein otherwise provided, shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein made cognizable before a Justice or Justices, unless the Complaint respecting such Offence shall have been made before such Justice or Justices within Six Months next after the Commission of such Offence.

Penalty on Witnesses making default.

XCIX. And be it enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice or Justices touching any Matter contained or involved in or affecting any Information, Order, or Complaint laid in pursuance of or for any Offence committed against this Act, or any Matter which is hereby referred to any Justice or Justices, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place mentioned in such Summons or appointed for such Reference (having been paid or tendered a reasonable Sum for his Costs and Expences), without a reasonable Excuse for his Refusal to appear, or appearing shall refuse to be examined upon Oath or to give Evidence before such Justice or Justices, then and in either of the said Cases every Person so offending shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

For securing Offenders whose Names and Residences are not known.

C. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Constable of the Borough, and all Persons called by him to his Assistance, may seize and detain any Person who shall commit any Offence against this Act, and whose Name and Residence shall be unknown to such Constable,

and may convey him with all convenient Despatch before a Justice, without any Warrant or other Authority than this Act, and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

CI. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in Schedule (C.) to this Act annexed.

Warrant for Apprehension may be issued without Summons.

CII. And be it enacted, That the Justice before whom any Complaint may be made may, without issuing any Summons, forthwith issue a Warrant for the Apprehension of any Person charged with any Offence against this Act, whenever good Grounds for so doing shall be stated on Oath before him.

General Power to administer Oaths.

CIII. And be it enacted, That in all Cases in which a Justice is authorized by this Act to examine any Person, or take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to such Person before he shall be examined by or before such Justice.

Proceedings where an Offender will not disclose his Name.

CIV. And be it enacted, That if any Person charged with any Offence against this Act shall refuse to disclose his Name all the necessary Proceedings may be had and carried on against him by the Description of his Person and of the Offence committed, without stating his Name, or if One only of his Names be known, all such necessary Proceedings may be had and carried on against him by such Name only.

Informalities.

CV. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Punishment of Persons giving false Evidence.

CVI. And be it enacted, That if any Person upon any Examination before a Justice acting in execution of this Act shall wilfully and corruptly give false Evidence touching any Matter or Thing relating to this Act, or shall wilfully or corruptly swear any Matter or Thing which shall be false or untrue, every such Person so offending, and being duly convicted thereof, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law in force and effect Persons guilty of wilful and corrupt Perjury are liable to.

Distress how to be levied.

CVII. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences

of

of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

CVIII. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information, Summons, Warrant, Apprehension, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser from the Beginning on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may appeal to Quarter Sessions, on giving Security.

CIX. And be it enacted, That if any Person shall think himself aggrieved by any Order, Determination, or Adjudication of any Justice or Justices under the Provisions of this Act, and for which no Power of Appeal is by this Act especially given, he may appeal to the General or Quarter Sessions, but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Order, Determination, or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CX. And be it enacted, That at the Quarter Sessions for which Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Order, Determination, or Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Order, Determination, and Adjudication, and of the Appeal, as they may think reasonable.

Costs of additional Evidence on Appeal.

CXI. And be it enacted, That in all Cases of Appeal under this Act where any Evidence shall be adduced or Witnesses examined other than the Evidence adduced or Witness examined before the convicting Justices, the Costs of the Respondent shall be ordered by the said Court of General or Quarter Sessions to be paid by the Appellant, although the Order or Conviction appealed against shall be set aside or quashed, unless the Appellant shall prove to the Satisfaction of the said Court that such Evidence adduced or Witness examined at the Time of hearing such Appeal could not have been adduced or examined on the hearing before the convicting Justices.

CXII. And

Plaintiff not to recover after Tender of Amends.

CXII. And be it enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in or under or by virtue of any Power or Authority hereby given, if Tender of sufficient Amends shall have been given, by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceeding, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Penalty for obstructing the Execution of this Act.

CXIII. And be it enacted, That if any Person shall obstruct, assault, hinder, or molest any Officer or Person whomsoever who is or shall be appointed or employed by virtue of this Act in the Execution or Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For the Protection of the Commissioners of Paving, &c.

CXIV. And be it enacted, That nothing in this Act contained shall extend to take away, prejudice, lessen, or affect any of the Powers or Authorities vested in or enjoyed by the Commissioners for the better Paving and Sewerage of the Town of *Liverpool*.

Saving the Rights of the Dock Trustees.

4 & 5 Vict. c. 30.

CXV. And be it enacted, That nothing herein contained shall in any Manner alter, abridge, or interfere with the Erection, Construction, or Management of the Warehouses and Transit Sheds authorized to be erected under the Powers of an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for enabling the Trustees of the* Liverpool *Docks to erect Transit Sheds on the West Quay of the* Prince's Dock, *to make a Wet Dock with Warehouses on the Quays, and to construct other Works, and to raise a further Sum of Money; and for enlarging the Powers of the Acts relating to the Docks and Harbour of* Liverpool; *and for other Purposes relating thereto*, or with the Enjoyment by the said Trustees of any Person to act as Warehouseman, Porter, Lumper, or Stevidore.

Saving the Rights of the Liverpool and Manchester Railway Company.

CXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend to abridge, alter, interfere with, or affect the *Liverpool and Manchester* Railway Company, or their Warehouses, Buildings, Stations, or Property, or the Erection, Construction, or Management thereof, or their Warehousemen, Porters, or Servants, but the same, and all the Rights, Powers, Franchises, and Authorities of or vested in the said Company (whether under the several Acts of Parliament incorporating or otherwise relating to the said Company, or otherwise), are hereby wholly exempted and excepted out of this Act, and saved and reserved to the said Company: Provided that this Enactment shall not extend to exempt any Building which, or some Vault or Cellar or Room of which, shall

shall be used for the Deposit of Merchandize, otherwise than in or incidental to the proper Business of a Common Carrier, or to exempt the said Company in respect of any such Building so used, or the Appointment of any Warehouseman or Porter on account thereof, or to exempt any Warehouseman, Porter, or Servant employed in or about any such Building, Vault, Cellar, or Room so used, or in or about any such Merchandize so deposited.

Excepting Warehouses belonging to the Leeds and Liverpool Canal Company.

CXVII. And be it enacted, That, subject to the Proviso in the last preceding Enactment contained, none of the Provisions of this Act shall be held to extend to or include any present or future Warehouse or Transit Shed belonging to the Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpool* which shall be wholly separated from Warehouses or Buildings belonging to any other Person or Company, and used only for the Purposes of the Undertaking under the Control of the said Company of Proprietors, nor to any Servants or Persons employed in any such Warehouse or Transit Shed.

Saving the Rights of the Devisees of the Duke of Bridgwater.

CXVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend to abridge, alter, interfere with, or affect the Rights and Interests of the Devisees of the Most Noble *Francis* late Duke of *Bridgewater* deceased, or of the Company of Proprietors of the *Mersey* and *Irwell* Navigation, or their respective Docks, Warehouses, Buildings, or Property, or the Erection, Construction, or Management thereof, or their Warehousemen, Porters, or Servants, but the same, and all the Rights, Powers, Franchises, and Authorities of or vested in the said Devisees, and in the said Company respectively, under their several and respective Acts of Parliament, or otherwise, are hereby wholly exempted and excepted out of this Act, and saved and reserved to the said Devisees: Provided nevertheless, that this Enactment shall not extend to exempt any Building which, either wholly or in part, shall be let to or occupied by any Person other than the said Devisees or by the said Company, or by Persons using the Canal of the said Company as Common Carriers, or which shall be used for the Deposit of Merchandize otherwise than in or necessarily arising out of the Business of the said Devisees or of the said Company, or such Persons as aforesaid, as Public or Common Carriers, or any Building which shall not be under the actual Superintendence and Control of the said Devisees or of the said Company and their Servants respectively.

Defining Application of Regulations in Schedule (B.) as regards the Exchange Buildings erected under the Powers of 42 G. 3. c. 71.

CXIX. And whereas an Act was passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enabling certain Persons in the Town and Port of* Liverpool *in the County Palatine of* Lancaster *to erect an Exchange there, for the Accommodation of themselves and the Merchants and others concerned in Trade in the said Town and Port; and for incorporating the Proprietors thereof:* And whereas under the Powers contained in the said Act an extensive Range of public Buildings called the *Exchange Buildings* was erected in the said Town of *Liverpool* by the Company of Proprietors of the *Liverpool Exchange*, incorporated

by the said Act, which Buildings are built in an ornamental Style of Architecture, on Three Sides of a large Quadrangular Area, and contain News Rooms, Counting-houses, and Offices extending over the greater Portion thereof, but some Rooms therein are used as Warehouse Rooms, opening into certain Streets at the Back of the said Buildings, and only a small Portion of the said Buildings is within Fifty Feet of any Warehouse: And whereas the said Buildings are of great Extent, and from their peculiar Construction, in order to render them applicable to the various Purposes thereof, Doubts may arise in the Construction of this Act as to their being one entire Building or several Buildings, and it will be impossible to divide them into distinct Buildings if their present Appropriation is to be preserved; be it therefore enacted, That if the said Company of Proprietors shall make, construct, case, and secure all Doors, Shutters, Heads, and Cills and other Finishings which are of Wood, now made or hereafter to be made in any Room used as a Warehouse Room in the said Buildings, which shall be distant from any Warehouse now erected or hereafter to be erected in any of the said Streets less than Fifty Feet but not less than Thirty-six Feet, in manner prescribed by Regulation numbered Seven in Schedule (B.) to this Act, and all Doors, Shutters, Heads, and Cills and other Finishings of Wood which shall be distant from any such Warehouse less than Thirty-six Feet, in manner prescribed by Regulation numbered Eight in the said Schedule, then the said Company of Proprietors shall be deemed to have sufficiently complied with the Regulations contained in the said Schedule for the Purposes of this Act, it being the Intention of this Act as regards the said *Exchange Buildings* that the Distance of the said Doors, Shutters, Heads, and Cills respectively from any such Warehouse, and not the Distance of any other Part of the said Buildings from any such Warehouse, shall regulate the Application of the said Regulations.

Interpretation of Act.

CXX. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Person" or the Word "Persons" shall include Corporation, whether aggregate or sole:

The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in case of any other Persons exempted by Law from the Necessity of taking an Oath:

The Words "Superior Courts" shall mean any of Her Majesty's Courts of Record at *Westminster*, or the Court of Common Pleas at *Lancaster*:

The Word "Council" shall mean the Council of the Borough of *Liverpool*:

The Words "the Committee" shall mean the Committee for the Preservation of Property from Fire:

The Words "Town Clerk" shall mean the Town Clerk of the Borough of *Liverpool*, and shall include the Deputy of such Town Clerk:

The Words "Mayor, Aldermen, and Burgesses" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool*:

The Word "Justice" shall mean any of Her Majesty's Justices of the Peace of the Borough of *Liverpool*:

The Words "General or Quarter Sessions" shall mean the General or Quarter Sessions of the Peace for the Borough of *Liverpool*:

The Word "Borough" shall mean the Borough of *Liverpool* as enlarged and extended by the Act for the Regulation of Municipal Corporations, and the Act for making temporary Provision for the Boundaries of certain Boroughs:

The Word "Street" shall mean any Street, Square, Court, Highway, Lane, Road, Thoroughfare, or public Passage:

The Word "Owner" shall mean the Party in Possession or Receipt of the Rents or Profits of any Tenement:

The Word "Lease" shall include any Agreement for a Term of Years under which there shall be Possession of the Warehouse at the Commencement of this Act:

The Words "Porter, Lumper, and Stevidore" shall severally mean the Person who actually performs the Duties of the Labouring Porter, Lumper, or Stevidore respectively, and not any Master Porter, Master Lumper, Master Stevidore, Master Cooper, or Master Joiner, or other Master Tradesman, unless he shall himself actually work for Hire in any of the Duties of the Labouring Porter, Lumper, or Stevidore respectively:

The Word "Surveyor" or the Word "Surveyors" shall mean the Surveyor or Surveyors to be appointed in pursuance of this Act, and shall extend to any Assistant Surveyor or Assistant Surveyors:

The Words "the Building Act" shall mean an Act passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act for the Promotion of the Health of the Inhabitants of the Borough of* Liverpool, *and the better Regulation of Buildings in the said Borough*: 5 & 6 Vict. c. 44.

And whenever any Forfeiture, Penalty, or Damage is payable to a Party aggrieved, it shall be payable to a Body Corporate in like Manner as to an Individual; and where the doing of any Act or Thing is made punishable by this Act, or by any of the Bye Laws so to be made as aforesaid, with any Penalty, Fine, or Forfeiture, the causing, permitting, or suffering such Act or Thing to be done shall be punishable in like Manner.

CXXI. And be it enacted, That this Act shall commence and come into operation on the First Day of *October* after the passing of this Act. Commencement of Act.

CXXII. And

Limits of Act. CXXII. And be it enacted, That this Act shall extend to and be in full Force and Operation throughout the whole of the said Borough of *Liverpool.*

Costs of Act. CXXIII. And be it enacted, That the Costs, Charges, and Expences attending or incident to the obtaining and passing of this Act shall be paid by the Council out of the Borough Fund of the said Borough.

Public Act. CXXIV. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.

SCHE-

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Regulations.

1. No Warehouse to be of greater Area than Four thousand superficial Feet, including its external Walls, and the proper Proportion of Party Walls, where there are any; and where the upper Rooms of a Warehouse extend over any Gateway, Passage, or Yard, such Gateway, Passage, or Yard, together with as much of the Boundary Walls thereof as the Warehouse shall occupy in any Part, shall be included in the Measurement.

2. No Warehouse to exceed Sixty Feet in Height from the lowest Level of the Footwalk along the Front of the Warehouse to the Eaves of the Roof.

3. Sheds containing a Ground Floor only, and not more than Twenty-one Feet in Height from the Ground Floor to the Eaves of the Roof, may contain but are not to exceed an Area of Seven thousand five hundred superficial Feet, including as in Regulation 1.

4. Sheds containing Two Floors, a Basement and Ground Floor, or a Ground Floor and One Floor above, and not more than Thirty Feet in Height from the lowest Level of the Footwalk to the Eaves of the Roof, may contain but are not to exceed an Area of Six thousand superficial Feet, including as in Regulation 1.

5. Sheds containing a Ground Floor only, as in Regulation 3., but which are of greater Height than Twenty-one Feet, are to be limited to an Area of Six thousand superficial Feet, as in Regulation 4.

6. Where a Shed exceeds the Height limited by Regulation 4, or has more than Two Floors, it is to be subject to the Limitations as to Area and to all the Restrictions applicable to a Warehouse.

7. Where a Warehouse or Shed has a separate Wall of its own, dividing it from any other Building adjoining to it, or from any vacant Land, such Wall is not to be less in any Part than Brick and Half or Fourteen Inches thick, nor less than required by the "Building Act;" and such Wall shall not be used at any Time as a Party Wall, but any Building thereafter to be erected adjoining thereto must, if a Warehouse or Shed, have a separate Wall of its own, at least of equal Thickness, and, if any other Description of Building, have a separate Side or End Wall not less in any Part than Nine Inches or One Brick Length thick, nor in any Case less than required by the Building Act.

8. No Party Wall between Warehouses or Sheds, or between a Warehouse or Shed and any other Building, to be less in any Part thereof, except in the Parapet Wall above the Roof, than Two Bricks Length or Eighteen Inches in Thickness, nor less than required by the "Building Act."

9. All Party Walls are to be carried up above the Slates or other external Covering of the Roof, Brick and Half or Fourteen Inches thick, and not less than Two Feet Six Inches in Height parallel to the Slope of the Roof, where the Party Wall terminates in that Direction, but where the Gutter-line runs upon the Party Wall, and the Wall terminates horizontally, or nearly so, then the Parapet Wall is to be carried up Five Feet above the highest Part of the Gutter, and to finish horizontally at the Top, and a separate Gutter is to be formed on each Side of the Parapet Wall.

10. Where there are separate Side Walls, as in Regulation 7., there shall still be Parapet Walls, as in Regulation 9.; and in all Cases where a Warehouse or Shed adjoins to any other Building, and the Roof of such Warehouse or Shed is higher than the Roof of such adjoining Building, the Roof of such Warehouse or Shed shall have a Parapet Wall on the Side next adjoining such Building; but One such Parapet Wall between Two Roofs shall be sufficient, if the Parties agree to make the same a Party Wall.

11. No Spout or Eaves-gutter of Wood to be fixed to any Warehouse or Shed, but the Gutters to be formed of Stone or other incombustible Material, or behind the Parapet Walls, where such Walls are to be built in conformity with the previous Regulations.

12. No Bond Timber or Templates of Wood whatever to be inserted in any Party Walls. Bond may be obtained by Hoop-iron, and Templates of Hardstone or the like.

13. No Timber End shall be inserted in a Party Wall which shall be nearer than Nine Inches to the End of any other Timber inserted therein, and the intervening Space shall be made good with solid Brick or Stone Work.

14. If there be any Opening in a Party Wall, or in the separate Side or End Walls of Two adjoining Buildings, so as to allow of a Communication between such adjoining Buildings, such Opening shall be protected by Two Sets of Wrought-iron Doors, One in each Face of the Wall, which Doors are to have Panels not less than One Quarter of an Inch thick, and Rails and Stiles not less than Three Inches wide, and a Quarter of an Inch thicker than the Panels, all which Doors shall be closely fitted, and be hung to Wrought-iron Frames, or by Wrought-iron Hooks let into Hanging Stones or built in the Brickwork.

15. No Window or other Opening to be allowed in any external Wall of a Warehouse or Shed above the Roof of any other Building adjoining thereto, but all Windows shall open only upon Streets, or upon Quays, Yards, or Areas.

16. Where the Front, Side, or Back of any Warehouse or Shed shall be to any open Quay or any similar open Space, such Quay or

Space being clear of any Building for Fifty Feet from any Part of the Warehouse or Shed, or the Front, Side, or Back of which shall be to any Street not being less than Fifty Feet wide, the several Doors and Windows in such Front, Side, or Back, and their respective Frames, may, so long as the Width of Fifty Feet shall remain so open as aforesaid, be of Wood, as now usually constructed, except that no Door or Window Opening in such Warehouse or Shed shall be nearer than Eight Feet to any Door or Window Opening in any other Warehouse or Shed, unless such Door or Window Opening shall have a Wrought-iron Door or Shutter and Frame; provided that the said Width of Fifty Feet shall not be deemed to be limited merely by the Wall of any Yard, Quay, or other Space, so long as there shall be no other Building than the said Wall between the Warehouse or Shed and the Termination of the Width of Fifty Feet.

17. Where the Front, Side, or Back of any Warehouse or Shed shall be to any Street which is less than Fifty Feet wide, but not less than Thirty-six Feet, all Doors, Shutters, Heads, and Cills and other Finishings in such Front, Side, or Back respectively which are of Wood shall be effectually cased with Sheet Iron not less than One Eighth of an Inch thick, except in Rooms not used as Warehouse or Forwarding Rooms, and which Rooms, if immediately under a Room used as a Warehouse or Forwarding Room, shall be covered with an Arching as required for a Cellar in a Fire-proof Warehouse, or shall have their Ceilings lined with Sheet Iron to the Satisfaction of the Committee.

18. Where the Front, Side, or Back of any Warehouse or Shed shall be to any Street which is not Thirty-six Feet wide, then the several Doors and Shutters in such Front, Side, or Back respectively shall be of Wrought Iron, and the Frames, Heads, and Cills, if of Wood, together with all other external Wood Finishings in such Front, Side, or Back respectively, shall be cased as above with Sheet Iron, except in Rooms not used as Warehouse or Forwarding Rooms, and which shall be covered with an Arching, or be lined according to the Exception in Regulation 17.

19. Where Glass Windows are desired in any Warehouse, the same may be made with Wooden Frame-work, provided the Requisites of this Schedule be complied with inside of such Windows to the Satisfaction of the Committee.

20. Where the Front, Side, or Back of any Warehouse or Shed shall be to any Street One Half at least of the entire Frontage of which is occupied by Buildings, being Dwelling Houses or Buildings of not greater Risk as to Fire than Dwelling Houses, then, provided such Street be at least Thirty Feet wide, the several Doors and Frames, Window Shutters and Frames, in such Front, Side, or Back of any Warehouse or Shed so placed as to have a clear Distance of Fifty Feet at least from any Part of a Warehouse or Shed on the opposite Side of such Street, may be of Wood, as now usually constructed; but if such Distance shall be less than Fifty Feet, but not less than Thirty-six Feet, then the several Doors and Frames, Window

Window Shutters and Frames, and other Wood Finishings in front thereto, shall be cased with Sheet Iron as directed in Regulation 17.; but if such Distance be less than Thirty-six Feet, or if the Street be less than Thirty Feet wide, then the several Doors, Frames, Windows, and Window Frames shall be secured according to Regution 18.

21. In any private Square or Court in which there are Windows, Doors, or other Openings in the Walls of the surrounding Buildings, such Windows, Doors, or other Openings shall be secured with Wrought-iron Doors or Shutters, the Frames for which respectively must also be of Wrought Iron; provided that this Regulation shall not apply to any such Square or Court so long as there shall be such Windows, Doors, or other Openings only in One Side thereof.

22. In all Cases the Penthouses shall be of Iron, Stone, or Slate, and the Cathead, or so much of it as projects before the front Line of Wall, shall be of Iron.

23. All Stair Steps and the Landings in Staircases shall be of Stone or Iron, partitioned off from the several Rooms by Brick or Stone Walls not less than Fourteen Inches thick.

The Ladder or Small Staircase from the Top Floor to the Loft, for the Jigger or other Hoisting Teagle, to be of Wrought Iron.

24. In all Cases Roofs are to be of Slate, Tile, or other incombustible Material.

SCHEDULE (B.)

1. All Party Walls are to be carried up above the Slates or other external Covering of the Roof Brick and a Half or Fourteen Inches thick, and not less than Two Feet Six Inches in Height parallel to the Slope of the Roof, where the Party Wall terminates in that Direction, but where the Gutter Line runs upon the Party Wall, and the Wall terminates horizontally, or nearly so, then the Parapet Wall is to be carried up Five Feet above the highest Part of the Gutter, and to finish horizontally at the Top, and a separate Gutter is to be formed on each Side of the Parapet Wall.

2. Where there are separate Side Walls, as in Regulation 7. in Schedule (A.), there shall still be Parapet Walls, as in Regulation 1. of this Schedule; and in all Cases where a Warehouse or Shed adjoins to any other Building, and the Roof of such Warehouse or Shed is higher than the Roof of such adjoining Building, and not so higher by Six Feet or more, the Roof of such Warehouse or Shed shall have a Parapet Wall on the Side next adjoining such Building. One such Parapet Wall between Two Roofs shall be sufficient if the Parties agree to make the same a Party Wall,

3. No Spout or Eaves-gutter of Wood to be fixed to any Warehouse or Shed, but the Gutters to be formed of Stone or other incombustible Material, or behind the Parapet Walls, where such Walls are to be built in conformity with the previous Regulations.

4. If

4. If there be any Opening in a Party Wall, or in the separate Side or End Walls of Two adjoining Buildings, so as to allow of a Communication between such adjoining Buildings, such Opening shall be protected by Two Sets of Wrought-iron Doors, One in each Face of the Wall, which Doors are to have Panels not less than Quarter Inch thick, and Rails and Stiles not less than Three Inches wide, and Quarter Inch thicker than the Panels, all which Doors shall be closely fitted, and be hung to Wrought-iron Frames, or by Wrought-iron Hooks let into Hanging Stones, or built in the Brick-work.

5. No Window or other Opening shall be allowed in any external Wall of a Warehouse or Shed above the Roof of any other Building adjoining thereto, unless such Window or Opening shall have Wrought-iron Shutters and Frames, or, at the Discretion of the Committee, shall have the Shutters and Frames cased with Sheet Iron not less than One Eighth of an Inch in Thickness, to the Satisfaction of the Committee.

6. Where the Front, Side, or Back of any Warehouse or Shed shall be to any open Quay, or any similar open Space, such Quay or Space being clear of any Building for Fifty Feet from any Part of the Warehouse or Shed, or the Front, Side, or Back of which shall be to any Street not being less than Fifty Feet wide, the several Doors and Windows in such Front, Side, or Back, and their respective Frames, so long as the Width of Fifty Feet shall remain so open as aforesaid, may be of Wood as now usually constructed, except that no Door or Window Opening in such Warehouse or Shed (save in Rooms not used as Warehouse or Forwarding Rooms) shall be nearer than Eight Feet to any Door or Window Opening in any other Warehouse or Shed, save as aforesaid, unless such Door or Window Opening shall have a Wrought-iron Door or Shutter and Frame; provided that the said Width of Fifty Feet shall not be deemed to be limited merely by the Wall of any Yard, Quay, or other Space, so long as there shall be no other Building than the said Wall between the Warehouse or Shed and the Termination of the Width of Fifty Feet.

7. Where the Front, Side, or Back of any Warehouse or Shed shall be to any Street which is less than Fifty Feet wide, but not less than Thirty-six Feet, all Doors, Shutters, Heads, and Cills and other Finishings in such Front, Side, or Back respectively which are of Wood shall be effectually cased with Sheet Iron not less than One Eighth of an Inch thick, except in Rooms not used as Warehouse or Forwarding Rooms.

8. Where the Front, Side, or Back of any Warehouse or Shed shall be to any Street which is not Thirty-six Feet wide, then the several Doors and Shutters in such Front, Side, or Back respectively shall be of Wrought Iron, and the Frames, Heads, and Cills, if of Wood, together with all other external Wood Finishings in such Front, Side, or Back respectively, shall be cased with Sheet Iron, except in Rooms not used as Warehouse or Forwarding Rooms.

9. Where Glass Windows are desired in any Warehouse, the same may be made with Wooden Frame-work, provided the Requisites of this Schedule be complied with inside of such Windows to the Satisfaction of such Committee.

10. Where the Front, Side, or Back of any Warehouse or Shed shall be to any Street One Half at least of the entire Frontage of which is occupied by Buildings being Dwelling Houses, or Buildings of not greater Risk as to Fire than Dwelling Houses, then, provided such Street be at least Thirty Feet wide, the several Doors and Frames, Window Shutters and Frames, in such Front, Side, or Back of any Warehouse or Shed so placed as to have a clear Distance of Fifty Feet at least from any Part of a Warehouse or Shed on the opposite Side of such Street, may be of Wood, as now usually constructed; but if such Distance shall be less than Fifty Feet, but not less than Thirty-six Feet, then the several Doors and Frames, Window Shutters and Frames, and other Wood Finishings in front thereto, shall be cased with Sheet Iron, as directed in Regulation 7.; but if such Distance be less than Thirty-six Feet, or if the Street be less than Thirty Feet wide, then the several Doors, Frames, Windows, and Window Frames shall be secured according to Regulation 8.

11. In any private Square or Court in which there are Windows, Doors, or other Openings in the Walls of the surrounding Buildings, such Windows, Doors, or other Openings shall be secured with Wrought-iron Doors or Shutters, the Frames for which respectively must also be of Wrought Iron; provided that this Regulation shall not apply to any such Square or Court so long as there shall only be such Windows, Doors, or other Openings in One Side or End thereof.

12. In all Cases the Penthouses shall be of Iron, Stone, or Slate, and the Cathead, or so much of it as projects before the Front Line of Wall, shall be of Iron, or shall be cased with Sheet Iron, or be enclosed within the Iron Penthouse by an Iron Drop.

13. In all Cases Roofs are to be of Slate, Tile, or other incombustible Material.

SCHEDULE (C.)

Form of Conviction.

Borough of Liverpool } BE it remembered, That on the Day
to wit. } of in the Year of our Lord
A.B. [*or, if Offender's Name be unknown, here describe his Person,*] is convicted before us *C.D.* and *E.F.*, Two of Her Majesty's Justices of the Peace of the Borough of Liverpool in the County of Lancaster, for that [*here describe the Substance of the Offence, and the Time and Place when and where committed,*] contrary to an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here set out the Title of this Act*], and we the said

said *C.D.* and *E.F.* do adjudge the said *A.B.* [*or* the Person so described as aforesaid] to forfeit and pay for such Offence the Sum of [*insert the Penalty; state of it be paid forthwith, and when*], together with the Sum of for Costs of this Conviction, *or* [*if it to be imprisoned*] do adjudge the said *A.B.* to be committed to the [*naming the Gaol*] for the Space of [*insert the Time and, if the Commitment before the Nonpayment of a Penalty, then add*] unless the said Sum of be sooner paid. Given under our Hands and Seals, the Day and Year first above written.

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